

Colorado Commission on Criminal and Juvenile Justice 2009 Annual Report

*Report to the Governor, the Speaker of the House of Representatives, the
President of the Senate, and the Chief Justice of the State Supreme Court,
pursuant to C.R.S. 16-11.3-103(5)*

July 2009

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July 2009

Letter from Commission Chair Peter Weir

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I am pleased to present the Commission's second annual report pursuant to C.R.S. 16-11.3-101(2). As is reflected by the contents of this report, members of the Commission, its task forces, and committees have spent countless hours studying evidence-based strategies to enhance public safety, reduce victimization, and ensure the most cost-effective use of limited resources. The Commission benefits from the multidisciplinary expertise of its many participants as it seeks to fulfill its many mandates. I am most grateful for these professionals who have contributed to the Commission's success.

In a very short period, the Commission studied reentry and promulgated 66 recommendations for reform. The status of the implementation of these recommendations is an important focus of this report. Eight bills were passed by the 2009 General Assembly that reflected the work of the Commission. The implementation of many other recommendations is underway. I am proud of the Commission's efforts to reform reentry; these recommendations are an important first step in meeting the Commission's statutory mandate to focus on evidence-based recidivism reduction.

Despite these early accomplishments, much work remains. The Commission has delegated the continued study of reentry--with the expectation of additional recommendations--to a single task force rather than the four that produced the first set of recommendations. I am grateful that the Commission's co-chair, David Kaplan, directs this task force. His leadership, along with the dedicated members of the group, will continue the focus on policies and practices related to prison release including the parole release process, supervision, and revocation. The Reentry Oversight Committee, capably chaired by Regina Huerter, will continue its focus on critical issues including minority overrepresentation, gender specific programming, training, access to data, behavioral health, and community corrections. Additional recommendations will also be forthcoming in these areas.

Last year, the National Research Council of the National Academy of Sciences published a comprehensive review of research related to recidivism reduction and public safety. The report concludes with the

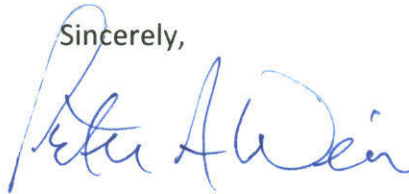
need for individualized treatment of offenders due to the “remarkable heterogeneity in criminal offending.”

As the Commission turns its attention toward the study of sentencing, per Senate Bill 09-286, it is clear that this emphasis on an individualized response to criminal behavior will remain in the spotlight. Evidence-based sentencing asks: “Is the community safer or less safe in the long term as a result of this punishment?” and “How can we use sentencing to minimize recidivism and maximize public safety?” We must bring research to bear on the complex issue of sentencing, using data as the fulcrum to balance multiple and often conflicting viewpoints. The Commission faces new challenges in this arena, and I remain committed to data to drive our decision making.

The Commission embarks on a new area of study—sentencing—with the continued able assistance of Paul Herman from the Center for Effective Public Policy. Paul’s hard work, dedicated spirit and wise counsel have been necessary and critical components of our accomplishments to date. Thank you, Paul.

I am honored to work with the committed professionals from across our state who serve on the Commission and its task forces. As we close one year and begin another, I am grateful to those who seek to improve the health and safety of Colorado communities.

Sincerely,



Peter A. Weir, Chair
Colorado Commission on Criminal and Juvenile Justice
Executive Director
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Acknowledgements

Many individuals contributed to the Commission's work between December 2008 and the publication of the current report. Since the Commission's inception, consultant Paul Herman from the Center for Effective Public Policy has provided guidance, encouragement, and clarity. The Commission has benefited from Paul's national reputation and his work in dozens of other states, as well as his own 30-year career managing parole and reentry for the Missouri Department of Corrections. Paul's assistance is funded by a grant from the Justice Assistance Grant (JAG) program and the JEHT Foundation, the latter of which ceased operations in January 2009.

The Commission is indebted to the Reentry Oversight Committee and task force chairs for their efforts these past seven months. Regina Huerter, chair of the Oversight Committee, worked closely with staff to plan and prioritize the work of the task forces. Grayson Robinson, David Kaplan, Regis Groff, and Gil Martinez, along with their co-chairs Michelle Sykes, Christie Donner, Louise Boris, and Mike Reide worked together to further the work of their task forces. Thank you, also, to those who joined the Commission's Behavioral Health Subcommittee and the Community Corrections Subcommittee. These collaborative efforts require significant time and energy, and build on work that was documented in the previous Commission report (December, 2008). The Commission is extremely grateful to the task force and subcommittee members whose work continues to shape much of the Commission accomplishments.

The Commission appreciates the detailed responses provided by the Department of Corrections to the recommendations in the December 2008 report. DOC's written response to the Commission's recommendations was helpful in the production of the current report, and the significant effort by many DOC staff to develop that document is certainly noteworthy here. Similarly, the Commission is grateful to the Probation Advisory Committee and the Division of Probation Services for its efforts to further the mission of the Commission. Likewise, thanks to the Office of Community Corrections for providing information about the status of recommendations that pertained to it, and for its assistance with the new Community Corrections Subcommittee.

Special thanks to Ann Terry for her work with the Commission's Legislative Subcommittee, and her able shepherding of the bills that were generated in response to Commission recommendations. Christie Donner, Maureen Cain and Ted Tow were particularly helpful in this effort.

Finally, thank you to those who attended special Commission meetings that focused on legislative initiatives, sentencing reform, juvenile justice system reform, and other issues. Last but far from least, thank you to Adrienne Loye whose excellent organization, planning, and meeting minutes continue to facilitate the work of the Commission.

The Commission benefits from and is grateful for the collaborative spirit of those in the juvenile and criminal justice system communities who work to improve the health and safety of our communities.



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Section 1: Introduction and Background

This report provides an overview of the activities of the Colorado Commission on Criminal and Juvenile Justice between January and July 2009. The Commission's first annual report was published in December 2008. This report, and subsequent annual reports, will be submitted mid-year so that the Commission's recommendations for reform can be available to those preparing the state budget. The annual budget must be drafted well in advance of the target year. The Commission's statutory mandate includes enhancing public safety, justice, and protection of the rights of victims "through the cost-effective use of public resources",¹ and syncing the findings of the Commission with the state budget process increases the likelihood that new budget initiatives will benefit from the Commission's work.

This report builds on the December 2008 report.² That report presents the Commission's 66 reentry recommendations for reducing recidivism and victimization by replacing traditional criminal justice practices with a wide range of strategies that promote systemic change. The focus of this report is presenting additional reentry recommendations derived during the last six months of study, and documenting the status of the original 66 reentry recommendations. *This report attempts to balance the need to avoid redundancies with the last report while providing a context for the current information presented here.*

Why focus on recidivism reduction?

The Commission's decision to focus on reducing recidivism and victimization was based both on its statutory mandate³ and on the fact that recidivism rates in Colorado and throughout the country are very high, raising questions about the effectiveness of a wide range of traditional criminal justice practices.

- In Colorado, over half (53 percent) of those released from prison return within three years.⁴ This is a sizable number: in fiscal year 2007, over 4,000 individuals were revoked from parole and returned to prison.⁵ Another approximately 2,000 offenders were revoked from probation supervision and sent to prison.⁶
- The tax revenues required to fund incarceration and costs associated with recidivism affect every Colorado household, increasing from \$371 per household in 1982 to more than \$713 in 2003 (adjusted for inflation).
- In Colorado, it costs more than \$20,000 per year to incarcerate an offender, and the average length of stay is about three years.

¹ C.R.S. 16-11.3-103(1).

² The December 2008 Commission report is available at <http://cdpsweb.state.co.us/cccj/PDF/2008%20Recommendations/12-18-2008%20FINAL%20CCJJ%20Report.pdf>.

³ Please see Appendix X for a copy of the act that creates the Colorado Commission on Criminal and Juvenile Justice.

⁴ Rosten, K. (2008). *Fiscal Year 2007 Annual Statistical Report*. Colorado Springs, CO: Colorado Department of Corrections.

⁵ Harrison, L. (2008). *The status of the parole violator population in Colorado*. Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics, presented as Appendix A, in the Colorado Commission on Criminal and Juvenile Justice (December 2008) *Annual Report*. Denver, CO: Colorado Department of Public Safety.

⁶ Division of Criminal Justice memorandum from Linda Harrison to Kim English (July 9, 2008), presented as Appendix B in the Colorado Commission on Criminal and Juvenile Justice (December 2008) *Annual Report*. Denver, CO: Colorado Department of Public Safety.

- Colorado’s incarceration rate of 506 per 100,000 is much greater than the 50-state average (462) and the average of the Western states (458).⁷
- Incarceration rates nationwide for African Americans and Latinos are six times higher than for Whites. In Colorado, African Americans account for about 3.9 percent of the state population and 19 percent of the DOC population, a difference of nearly five-fold; the proportion of Hispanics and Native Americans in prison is twice that of the state population.⁸
- Incarceration has a far greater impact and return on investment when it is used for violent and high-frequency offenders.⁹
- Crime rates in Colorado have been dropping since the early 1990s. Researchers estimate that factors *other than* incarceration are responsible for more than 70% of the drop in crime.¹⁰

Crime prevention and public safety

Concerns about costs and public safety converge at a time when knowledge abounds about effective recidivism reduction strategies. Studies summarizing what works to prevent crime and reduce recidivism have become more sophisticated, and analyses of hundreds of studies point in a specific direction: using certain intervention strategies can reduce recidivism.¹¹ The National Institute of Corrections has synthesized many research-based findings into principles and strategies called Evidence Based Correctional Practice (EBP).¹² This framework provides a bridge between research and practice, and is a fundamental strategy endorsed by the Commission (EBP is described in more detail below). It presents a roadmap that focuses on improving the likelihood that individual offenders will lead crime-free lives, consequently reducing recidivism and victimization. Many jurisdictions nationwide are implementing these new, cost-effective strategies for managing the size of the prison population; the Commission hopes to build on these successes.

⁷ Austin, J., Naro, W., & Fabelo, T. (2007). *Public safety, public spending: Forecasting America’s prison population, 2007-2011*. Pew Charitable Trusts Public Safety Performance Project, available at

<http://www.pewcenteronthestates.org/uploadedFiles/Public%20Safety%20Public%20Spending.pdf>.

⁸Lowden, K., English, K., Harrison, L., Pasini-Hill, D., & Lounders, P. (2007). *Crime and justice in Colorado: 2006*. Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

⁹ For a review of the research on this topic, see Przybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs*. Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics; available at http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf.

¹⁰ Ibid.

¹¹ Ibid. See also National Research Council (2008). *Parole, Desistance from Crime, and Community Integration*. Washington, D.C.: National Academies of Sciences, National Academies Press.

¹² See www.nicic.org.

Focus on Reentry

The Commission identified the following as its first goals:

- Develop an evidence-based plan for reducing recidivism, and
- Assess Probation, Institutions, Reentry, Parole, and Community Corrections.

The concept of reentry was broadly defined by the Commission to include probation services, since failure on probation can result in a prison sentence. Reentry is commonly defined as a process that encompasses all activities related to preparing incarcerated individuals to return safely from jail and prison to live crime-free in the community.¹³ In Colorado, 63.7 percent of inmates released from the Department of Corrections in Fiscal Year 2002 were rearrested within three years; 25.9 percent of these arrests were for violent crimes.¹⁴ Almost half of these releases, 47.2 percent, received new court filings, and most of these returned to prison with new sentences.¹⁵

The Commission's decision to focus on reentry was based in part on the research that suggests significant improvements can be made in the area of community integration for those returning from prison. This requires targeting those failing parole and probation supervision and reconsidering traditional responses to technical (noncriminal) violations to supervision.

Large caseloads for officers supervising offenders in the community, combined with the general lack of programming in prison—a problem exacerbated in difficult economic times—and the fact that many offenders have substance abuse and mental health problems, lack employment skills, and have housing difficulties, make the Commission's focus on reentry a challenging opportunity for change.¹⁶ As can be seen in Section 5 (Status of the Recommendations) progress was made to remove barriers to successful reintegration, particularly in the area of legislative modifications. Much work remains, and progress in this arena will be presented in future Commission reports.

The Commission remains committed to Evidence-Based Practice (EBP)

Evidence-based correctional practices are those that reduce recidivism. Because the research defining evidence-based practices (EBP) provides the fundamental framework for the Commission's work, it warrants a brief description here. Please refer to the December 2008 report for more information, particularly Appendix J.

¹³ Petersilia, J. (2003). *When Prisoners Come Home: Parole and Prisoner Reentry*. New York, NY: Oxford University Press.

¹⁴ Harrison, L. (2008). Special analysis conducted in October 2008 using data from the Department of Corrections, the Colorado Crime Information Center (CCIC) maintained by CBI, and data from the Judicial Branch's Information Management System (ICON). Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

¹⁵ Ibid.

¹⁶ National Research Council (2008). *Parole, Desistance from Crime, and Community Integration*. Washington, D.C.: National Academies of Sciences, National Academies Press.

Evidence-based correctional practice refers to a body of knowledge generated over the past 25 years.¹⁷ This material provides substantial direction for criminal justice reform. Carefully designed programs for offenders can reduce recidivism when they are well implemented and targeted to the proper clientele. This body of research is frequently referred to as “what works in corrections.” The principles of evidence based practice are encapsulated below:

1. **Assess offender risk and need levels using research-based actuarial instruments.** Assessing offenders for needs related to their criminal behavior, and then providing services that meet those needs is the first step toward reducing recidivism.¹⁸
2. **Enhance offender motivation.** Motivational interviewing®, for example, is a specific approach to interacting with offenders in ways that tend to enhance and maintain interest in changing their behaviors.
3. **Target interventions.** Using information obtained from the assessment process and mindful interaction techniques (#1 and #2 above), research has found the following principles to be most effective at reducing recidivism:
 - a. **Risk principle.** Prioritize supervision for higher risk offenders. Lower risk offenders have a high probability of successfully re-integrating into the community without intense prison programming.¹⁹
 - b. **Need principle.** Research shows that targeting three or fewer criminogenic needs does *not* reduce recidivism. Targeting four to six needs (at a minimum), can reduce recidivism by 31 percent.²⁰
 - c. **Responsivity principle.** Interventions must be sensitive to the learning styles and psychological needs of all program participants.
 - d. **Ensure adequate program dose and duration.** High-risk offenders should spend 40 to 70 percent of their time in highly structured activities and programming for three to nine months prior to release.²¹ These are minimum durations and are likely to be

¹⁷ The National Institute of Corrections plays an important role in distributing information on EBP, and many important documents are available on its web site at [nic.org](http://www.nic.org). See also Latessa, E.J. and Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*, 3, 521-535.

¹⁸ Please see Appendix A for a brief description of the specific needs for services of the offenders who participated in community corrections in Colorado during FY 2008. Over half have education/employment needs and three quarters have substance abuse problems, according to analyses conducted by the Colorado Division of Criminal Justice.

¹⁹ Andrews, D.A. and Bonta, J. (2003). *The Psychology of Criminal Conduct* (3rd ed.). Cincinnati, OH: Anderson Publishing Co.; Clear, T. R. “Objectives-Based Case Planning,” *NIC, Monograph 1981*; Currie, E. (1998). *Crime and Punishment in America*. New York, NY: Metropolitan Books; Palmer, T. (1995). Programmatic and non-programmatic aspects of successful intervention: New directions for research. *Crime & Delinquency*, 41, 246-266.

²⁰ Gendreau P., French S.A., & Taylor, A. (2002). *What Works (What Doesn't Work) Revised 2002*. Invited Submission to the International Community Corrections Association Monograph Series Project, available at http://www.familyimpactseminars.org/s_wifis26ppt_el.pdf; Latessa, E. (n.d.). *What Works and What Doesn't in Reducing Recidivism: The Principles of Effective Intervention*, PowerPoint presentation, Center for Criminal Justice Research. Available at www.co.travis.tx.us/community_supervision/tcis/Latessa%20Presentation.ppt.

²¹ Gendreau, P. & Goggin, C. (1995). *Principles of effective correctional programming with offenders*. Center for Criminal Justice Studies and Department of Psychology, New Brunswick, Canada: University of New Brunswick; Palmer, T. (1995). Programmatic and non-programmatic aspects of successful intervention: New directions for research. *Crime & Delinquency*, 41, 100-131; Silverman, K., Preston, K.L., Stitzer, M.L., & Schuster, C.R. (1999). Efficacy and versatility of voucher-based reinforcement in drug abuse treatment. In S.T. Higgins, K. Silverman (Eds.), *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions* (pp. 163-181). Washington, DC: American Psychological Association Books.

inadequate for both sex offender populations and serious drug addicts. Studies of both populations have found that duration and intensity are linked to positive outcomes.²²

- e. **Treatment principle.** Cognitive/behavioral treatment should be incorporated into all sentences and sanctions.²³ Interventions based on these approaches are very structured and emphasize the importance of modeling, behavior rehearsal techniques, challenge cognitive distortions, and assist offenders in developing good problem-solving and self-control skills.²⁴
4. **Provide skill training for staff and monitor their delivery of services.** Supervision and treatment services must be delivered to offenders by well trained staff. Staff must coach offenders, and staff must themselves be consistently coached by well-trained supervisors.
5. **Increase positive reinforcement.** Research has found that optimal behavior change results when the ratio of reinforcements is four positive to every one negative reinforcement.²⁵ Implementing this principle is especially challenging in the field of criminal justice treatment and supervision which traditionally spotlights negative behavior.
6. **Engage ongoing support in natural communities.** The prison-based drug and alcohol treatment communities show that the inmate code can be broken and replaced with a positive alternative and, in the process, teach offenders the skills they will need upon release. Likewise, parole and probation supervision requires attending to the pro-social supports required by inmates to keep them both sober and crime free. Building communities in prison and outside of prison for offenders who struggle to maintain personal change is a key responsibility of correctional administrators today.²⁶
7. **Measure relevant processes/practices.** Accurate and detailed documentation of case information and staff performance, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Quality control and program fidelity play a central and ongoing role to maximize service delivery. In a study at the Ohio Department of Corrections, programs that scored highest on program integrity measures reduced recidivism by 22 percent. *Programs with low integrity actually increased recidivism.*²⁷
8. **Provide measurement feedback.** Providing feedback builds accountability and maintains integrity, ultimately improving outcomes. Offenders need feedback on their behavioral changes, and program staff need feedback on program integrity.

²² Lowden, K., Hetz, N., Patrick, D., Pasini-Hill, D. Harrison, L., English, K. (2003). *Evaluation of Colorado's Prison Therapeutic Community for Sex Offenders: A Report of Findings*. July, 2003. Denver: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

²³ Latessa, E.J. (n.d.). *From theory to practice: What works in reducing recidivism?* University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. available at <http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf>.

²⁴ National Institute on Drug Abuse (2006). *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research Based Guide*. National Institutes of Health, U.S. Department of Health and Human Services.

²⁵ Gendreau, P. & Goggin, C. (1995). *Principles of effective correctional programming with offender*. New Brunswick, Canada: University of New Brunswick, Center for Criminal Justice Studies and Department of Psychology.

²⁶ For more information on the value of social supports, see Litt, M.D., & Mallon, S.D. (2003). *Federal Probation*, 67, 15-20; Naser, R.L., & La Vigne, N.G. (2006). Family support in the prisoner reentry process expectations and realities. *Journal of Offender Rehabilitation*, 43, 93-106; and Taxman, F. (2002). Supervision - Exploring the dimensions of effectiveness. *Federal Probation*, 66, 14-27.

²⁷ Latessa, E. J. & Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*, 3, 521-535.

Prison Population Growth Has Slowed: Emerging Trend or Anomaly?

Beginning in FY 2007, prison growth declined substantially. Average monthly growth declined from 109 to 42 inmates between FY 2006 and FY 2007, remained relatively stable in FY 2008, and has continued to decrease in the current fiscal year. By May 2009, the prison population had grown by an average of 12 inmates per month during FY 2009.

The prison population remains relatively stable at this writing, growing by only about 200 inmates between July and May 2009. This is a remarkable change from the annual growth rate of prior years. As shown in Figure 1 below, growth began to slow in FY 2007, growing at less than half the rate of the prior two years. An analysis of this trend by the Division of Criminal Justice²⁸ was presented in its annual report that forecasts the prison population. The findings from this analysis, based primarily on data available through FY 2008, are summarized as follows:

- A significant decline in the state crime rate was logged between 2005 and 2007 after increasing slightly between 2000 and 2005. Statewide crime rate data for 2008 is unavailable at this time, but the Denver and Aurora Police Departments both report a 9% decline between 2007 and 2008.
- The drop in the crime rate results in part from a decline in the size of the at-risk population, the 19 through 34 year old age group.²⁹
- Consistent with the significant drop in the crime rate, felony court filings declined by 13 percent between FY 2007 and FY 2008. Filings declined in nearly all judicial districts³⁰ with a corresponding decline in new commitments to prison.³¹
- Probation revocations to prison declined by 6.6 percent, from 2,338 to 2,183 between FY 2007 and FY 2008.³²
- DCJ estimates that average length of stay in prison has declined by nearly two months since FY 2007, a reduction due to serving a smaller proportion of sentences and not because of shorter sentences.³³

While new sentences declined and the prison growth slowed, the prison population does continue to grow due to the following factors:

²⁸ Harrison, L. (2008). *Correctional Population Forecasts, Pursuant to C.R.S 24-33.5-503(m)*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

²⁹ Data provided by the Colorado State Demographer's Office, Department of Labor and Employment. Statewide projections based on 2000 census, estimates updated in 2008.

³⁰ Colorado Judicial Branch Annual Statistical Report, FY 2008.

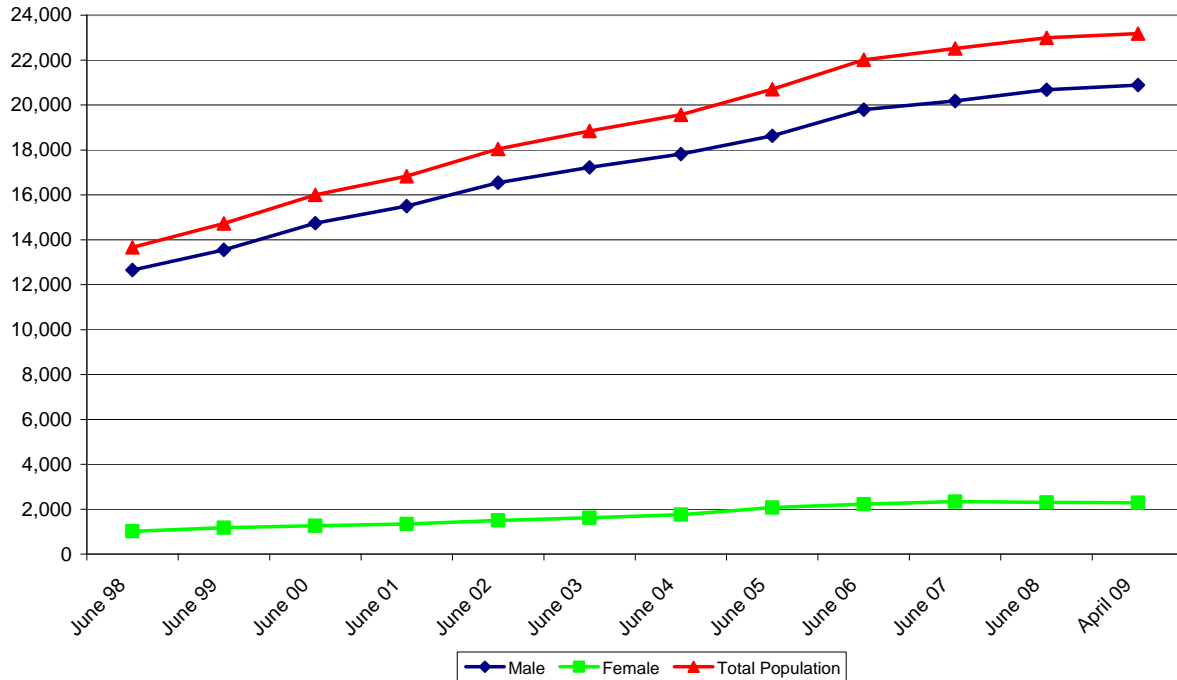
³¹ Barr, B. (2008). *Admission and Release Trends Statistical Bulletin OPA 09-06, October 31, 2008*, Colorado Springs, CO: Colorado Department of Corrections.

³² Schlessinger, K., Wilks, D., and Nash, K. (2007). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases*. Denver, CO: Colorado Judicial Branch, Division of Probation Services; Wilks, D. and Nash, K. (2008). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2007 Releases*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

³³ See Harrison, L. (2008). Even small reductions in the length of stay can have a considerable affect, and can be expressed as follows: 1 month (on average) x 7,446 inmates newly admitted to prison = 7,446 months. This translates into 620 person-years avoided (i.e., 620 inmates who would serve 1 year).

- Releases have slowed, increasing by only 4.5 percent in FY 2008 (this is the lowest increase in releases observed in the past decade).
- In FY 2008, parolees returning to prison with a new crime increased by 20.4 percent over the prior year.
- Parole technical violations increased by 10 percent in FY 2008. This figure varies considerably year to year but has consistently increased over the past five years.³⁴

Figure 1: Colorado Department of Corrections Adult Inmate Jurisdictional Population



Note: Adult inmate jurisdictional population includes on-grounds, off-grounds, out-of-state, escapees, and jail backlog and excludes offenders sentenced to the Youthful Offender System (YOS).

Source: Colorado Department of Corrections (April 30, 2009). Monthly Population and Capacity Report. Available at <https://exdoc.state.co/us>.

In conclusion, the prison population is growing at the slowest rate since 1990. Trends related to the number of people going to prison and how long they stay have temporarily slowed the growth rate. This reflects a national trend, where prison growth slowed to 1.8 percent in 2007 from an average of 2 percent between 2000 and 2006.³⁵

The significantly slower growth rate of the prison population is fortunate given the severe budget reductions forced on state agencies in the current economic climate. But it also provides an opportunity to reconsider the use of current resources and how these might be reallocated or reinvested in evidence-based practices to reduce the number of individuals returning to prison annually.

³⁴ Harrison, L. (2008). *The status of the parole violator population in Colorado*. Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics, presented as Appendix A, in the Colorado Commission on Criminal and Juvenile Justice (December 2008) *Annual Report*. Denver, CO: Colorado Department of Public Safety.

³⁵ West, H.C., and W.J. Sabol. (2008). *Prisoners in 2007*. Washington D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

Summary

The goal of recidivism reduction is explicitly stated in the statute that establishes the Commission. Specifically, C.R.S 16-11.3-103(1) states that “the work of the Commission shall focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.” Recidivism reduction includes the prevention of new crimes by convicted offenders and the reduction of technical violations, both of which improve public safety and the health of Colorado communities. Fortunately, criminology research in the past 25 years has identified empirically-based methods to facilitate an offender’s successful reentry into the community, but this requires reviewing and often reforming existing approaches. The state is currently experiencing a much slower growth rate of the prison and parole populations, making this a particularly opportune time to review and redirect criminal justice resources while improving public safety.

Organization of this report

Section 2 of this report begins by describing the enabling legislation that guided the Commission’s work. Section 3 details the activities of the Commission including its legislative accomplishments and the work of the task forces and new committees. Section 4 describes topics that are considered critical to implement systemic reform, including the intersection between the justice system and the behavioral health system, training for professionals, minority overrepresentation in the justice system, and access to data. Section 5 builds on the December 2008 report and presents a status report on each of the 66 recommendations for improvement in the reentry process for offenders in Colorado. The report concludes in Section 6 with a brief overview of the Commission’s next set of activities. The references and appendices follow the final section.



Section 2: Legislative Intent and Membership

The Commission is comprised of 26 voting members (see pages v-vi),³⁶ 17 of whom are appointed representatives of specific stakeholder groups, and 9 of whom are identified to serve based on their official position in state government. Eight appointed members are limited to serving no more than two three-year terms (in addition to any partial term) and nine appointments serve two-year terms during the first two years following the establishment of the Commission.³⁷ House bill 07-1358, which establishes the Commission, is included as Appendix B.

In 2008 the General Assembly passed House Bill 1119 modifying the duties of the Commission to include among its areas of study “the reduction of racial and ethnic disparities within the criminal and juvenile justice systems.”³⁸ In 2009, the General Assembly passed Senate Bill 286 which, given the “unprecedented budget crisis during the coming fiscal year...determine[d] that it is necessary to direct the commission to prioritize the study of sentencing reform while maintaining the public safety.”³⁹

Since the last report, the Commission lost four members, Terrance Carroll, Melissa Esquibel, Ken Gordon, and Ted Harvey. These members were replaced by Claire Levy, John Morse, and Mark Scheffel. One position remains vacant.

³⁶ The Commission has 27 members, with the director of the Division of Criminal Justice serving as a non-voting member.

³⁷ These are the two elected district attorneys, county commissioner, criminal defense attorney, representative of a victims' rights organization, representative of a community corrections provider/board member/treatment provider, and three at-large members.

³⁸ C.R.S. 16-11.3-103(2)(e).

³⁹ C.R.S. 16-11.3-103(2.5)(a).



Section 3: Activities of the Commission

This section and the next summarize the activities and accomplishments of the Commission since the publication of the December 2008 report, the Commission's first annual report. This 2009 annual report comes a short six months later to ensure that the Commission's work can be incorporated into the state budget process which begins many months prior to the beginning of the budget year. The state budget typically includes new initiatives, including the governor's annual Recidivism Reduction Plan, and the Commission's recommendations for reform are a natural fit for the funding of new projects.

Section 3 reports on the following work undertaken by the Commission between January and June, 2009:

- Additional work on the reentry recommendations provided in the December 2008 report,
- The Commission's legislative recommendations that passed the General Assembly in 2009,
- The performance measures related to those recommendations,
- The work of the Commission's reentry task forces, committees and specially convened groups,
- Efforts to obtain funding for Commission initiatives, and
- The results of a survey of Commission members about the level of collaboration they experienced working with the Commission.

Further work on the 66 reentry recommendations

Because the Commission intended to make recommendations for the Governor's Office and the General Assembly in time to plan for the legislative session that begins every January, the 66 reentry recommendations were generated in particularly short order between May and September 2008. Some of the recommendations required further study, clarification, and collaboration by the task forces, and this occurred between January and April 2009. Please see Appendix C for a graphic display and brief description of the reentry task forces. Section 5 reports the general status of each recommendation. The work efforts of groups working on behalf of the Commission are described below.

Task Forces. Eight recommendations were further studied by the Probation Task Force: 14, 32, 33, 36, 41, 42, 43 and 63. The Incarceration Task Force clarified or further studied five recommendations: 17, 24, 39, 40 and 54. The Transition Task Force continued to study the complex issues related to Recommendations 44, 48 and 52, and the Post Incarceration Supervision Task Force returned to Recommendations 11, 12, 57, 60, 64 and 65. Updates and clarifications were presented first to the Reentry Oversight Committee in April and then to the Commission at its May 2009 meeting. The Commission members voted to substantiate their support for the direction the task forces pursued when the recommendations were further studied.

At this point, the Probation, Incarceration, and Transition Task Forces terminated so the Commission could redirect its focus to its next topic. Because the topic of reentry requires ongoing work, the Commission charged the Post Incarceration Task Force to expand its membership and continue its work in this area. The Post Incarceration Task Force agreed to undertake additional duties.

The Post Incarceration Supervision Task Force was tasked originally with reviewing the parole decision making process, the structure of parole, and the policies and procedures governing parole supervision. It expanded its areas of study to include Recommendation 57, an initiative that the Commission had planned to ask for assistance from the JEHT Foundation. The Task Force developed a plan to accomplish the tasks in Recommendation 57.

A technical assistance request was submitted by the Parole Board to the National Institute of Corrections (NIC) for outside assistance in reviewing existing policies and practices. NIC approved the request for technical assistance in April 2009. Initial discussions with the NIC, the Center for Effective Public Policy and the parole board are scheduled to begin in the summer of 2009. The Post Incarceration Supervision Task Force will monitor the results of the technical assistance by the Center for Effective Public Policy, and may make recommendations for change to the Commission based on the findings.

In response to its larger role, the Post Incarceration Supervision Task Force made a work plan that includes reviewing and making recommendations to the Commission regarding the following aspects of the reentry process:

RELEASE DECISION MAKING ELEMENTS

- The use of risk assessment instruments
- The use of instruments that identify criminogenic needs
- Statutorily mandated elements
- Specific offender file material
- Written release guidelines
- Written policy and procedures (parole board manual)
- Hearings and hearing schedules, types, purpose, timing, etc.
- Types of hearing decisions
- Setting of conditions

REVOCACTION DECISION MAKING ELEMENTS

- The use of risk and need instruments in revocation decision making
- The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender
- Hearing types, schedules and the parties involved
- Types of decisions

PAROLE STRUCTURE ELEMENTS

- Define the purpose of parole
- Define the preferred structure
 - Identify current structure
 - Identify the preferred structure
 - Identify gaps between the current and preferred structure
- Legislative direction
- Performance Measures
 - Monitoring the process
 - Evaluating the impact

To accomplish this work plan, the Post Incarceration Supervision Task Force expanded its membership and will continue to focus on reentry issues. As the Task Force completes this work, it will forward

recommendations to the Reentry Oversight Committee for further review, and the Oversight Committee will forward recommendations to the Commission.

Legislation

The Commission made several recommendations in 2008 that required legislation.⁴⁰ The Commission formed a Legislative Subcommittee to review the recommendations, draft statutory language that would reflect the recommendations, and find potential legislative sponsors. Recommendations were drafted into eight bills for the FY 2009 General Assembly. The legislative actions linked to Commission recommendations and activities are summarized below.⁴¹

L-1 DRIVER'S LICENSE RETENTION

Because the loss of a driver's license is a significant barrier to employment, and because employment is linked to crime reduction, abolish those portions of a statute that require the mandatory revocation or suspension of the defendant's driver license for a conviction/adjudication of non-driving offenses. This recommendation does not apply to child support enforcement.

HB 1266: Concerning the Repeal of the Loss of Driving Privileges as a Penalty for Certain Crimes. This bill passed the House with a 51-9 vote and passed the Senate with a 33-0 vote. Please see Appendix D to review a copy of HB 09-1266.

L-2 REVISE TRUSTEE CALENDAR STATUTE

Remove the word "calendar" from C.R.S. 17-26-115 to apply the trustee statute to a 30-day period rather than a calendar month.

L-3 GOOD TIME CREDITS FOR JAIL INMATES

Clarify C.R.S. 17-26-109 to provide a standardized range of good time credits available to jail inmates.

L-4 EARNED TIME CREDITS FOR JAIL INMATES

Modify C.R.S. 17-26-109 to include the ability for jail administrators to award discretionary earned time of 3 to 5 days per 30-day period for the completion of certain programs or education, or for an unusual or extraordinary accomplishment by a jail inmate. This requires that each county sheriff develop an earned time schedule for their jail in keeping with community expectations and standards.

⁴⁰ In fact, it made 12 legislative recommendations, but one of them (L-12 concerning early termination of parole) is a business practice and does not require legislation to implement.

⁴¹ The number of bills and the number of recommendations involved are not equal because some bills incorporated more than a single recommendation.

HB 09-1263: Concerning Time Computation While an Inmate is Incarcerated in a County Jail. This bill combined three recommendations. It passed the House with a vote of 63-1 and the Senate with a vote of 35-0. Please see Appendix E for a copy of HB 09-1263.

L-5 REMOVE BARRIERS TO EDUCATION FUNDING

Any statutory impediment to inmates' access to or funding of post-secondary education should be eliminated.

HB 09-1264: Concerning the Costs Associated with College-Level Academic Programs for State Inmates. This bill removed statutory barriers allowing people in prison to receive grants or other funding to enroll in higher education classes. It passed 65-0 in the House and 31-1 in the Senate. Please see Appendix F for a copy of HB 09-1264.

L-6 SUMMONS IN LIEU OF ARREST WARRANT

The Commission encourages law enforcement agencies to enact policies that are consistent with C.R.S. 16-5-206 and 16-5-207, relative to issuing summonses rather than arrest warrants on appropriate Felony class 4, 5, and 6 crimes. Pursuant to C.R.S. 16-5-206 and 16-5-207, a summons should be issued for misdemeanors, and class 4, 5 and 6 felonies, unless law enforcement presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

HB 09-1262: Concerning the Issuance of a Summons Instead of an Arrest Warrant in Certain Circumstances. This bill passed the House with a vote of 61-3 and the Senate with a vote of 35-0. See Please see Appendix G for a copy of HB 09-1262.

The Commission's Direct File Subcommittee included representatives from the Colorado Defense Bar and local prosecutors' offices. This group gathered at the request of Commissioner Representative Ellen Roberts who requested that the group find areas of agreement regarding laws pertaining to the transfer of juveniles into criminal court. To that end, this group worked together and proposed two significant modifications related to juvenile offenders.

HB 09-1122: Concerning Increasing the Age of Persons Eligible for Sentencing to the Youthful Offender System. This bill increased the age of eligibility to 19 years for sentencing to the Department of Correction's Youthful Offender System in lieu of adult prison. This bill passed the House with a vote of 58-5 and the Senate with a vote of 34-1. Please see Appendix H for a copy of HB 09-1122.

HB 09-1044: Concerning Expungement of Records Relating to a Criminal Matter for which a Juvenile is Sentenced as a Juvenile After Being Charged by the Direct Filing of Charges in District Court. This bill clarifies that a juvenile conviction can be sealed even when it was originally filed in adult court and later transferred to juvenile court. It passed the House with a vote of 58-5 and the Senate with a vote of 34-0. Please see Appendix I for a copy of HB 09-1044.

At the end of the 2009 session, the General Assembly passed House Bill 09-1351 as a cost savings measure, pursuant to Recommendation 66. The bill increased earned time from ten to 12 days each month of incarceration and parole for certain inmates, and encourages the parole board to consider certain inmates 30-60 days prior to the mandatory release date. The bill appropriated \$867,959 and 10.8

FTE to the Department of Corrections to manage changes in time computation and increase the number of parole officers to accommodate those released under this provision.

HB 09-1351: Concerning an Increase in the Amount of Time an Inmate May Have Deducted from the Inmate's Sentence, and Making an Appropriation in Connection Therewith. Described above, this bill reflects Recommendation 66 which was a cost-savings proposal by the Commission. The bill states the savings is expected to be nearly \$3,000,000. The savings was targeted towards balancing the state budget and not reinvested in evidence-based programs. This bill passed the House with a vote of 24-11 and the Senate with a vote of 40-25. Please see Appendix J for a copy of HB 09-1351.

Although the following bill, SB 09-006, was spearheaded by the Mentally Ill Inmates Task Force of the Metro Area County Commissioners (MACC), it is included here because it directly supports the Commission's Recommendation 50 and responds to a fundamental need concerning successful reentry into the community: "Whenever feasible, ensure every offender leaving jail and prison may obtain a driver's license or verifiable state identification upon release to the community...."

SB 09-006: Concerning creation of an identification processing unit for detention facilities and making an appropriation in connection therewith. This bill creates a county jail identification processing unit in the Drivers' Licenses Division of the Department of Revenue, consisting of a mobile identification processing vehicle staffed by Revenue employees. The bill, which appropriates \$186,000 and 1.2 FTE, mandates that inmates with a medically documented mental illness be prioritized for services. Please see Appendix K for a copy of SB 09-006.

In sum, the Commission's first year of work was well received by the General Assembly. The voting record is included above to reflect the general agreement by legislators when evaluating these bills.

Performance measures for the recommendations

Assessing the impact of the Commission's reform efforts is a requirement of its enabling legislation. Staff in the Departments of Corrections and Public Safety and the Division of Probation Services devoted considerable resources to the issue of performance measures, reviewing the recommendations, drafting performance measures, and documenting the level of implementation. These responses are abbreviated and included in Section 6 which presents the current status of each recommendation. Efforts to develop a systematic method to report the Commission's accomplishments will be reported in future Commission reports.

Public education

The Commission formed a working group to begin to develop a public education strategy to inform the membership's professional constituencies and other entities, including citizen groups, of the problems that led to the formation of the Commission and what it hopes to accomplish. This group has developed a 22-slide PowerPoint presentation that describes the need for reform and requests feedback from the audience. The group plans to solicit speaking engagements, using Commission members as speakers and when they are not available, agency staff.

Specially convened groups

The Commission convened several groups for specific purposes. The first was the Direct File Subcommittee, discussed above. This group focused on contentious issues that were unresolved from the prior legislative session, and reached sufficient agreement to propose two pieces of legislation that were ultimately passed by the 2009 General Assembly. The second group was the 2009 Legislative Subcommittee

In March, the Commission's monthly meeting focused on gathering together many of the stakeholders who work in the area of behavioral health. This meeting included representatives from more than two dozen organizations in Colorado working to improve access to substance abuse and mental health services. The Commission requested that those invited to the March meeting discuss challenges and priorities concerning providing services to individuals with behavioral health problems who are involved in the criminal justice system. First Lady Jeannie Ritter, a champion for improving behavioral health services for Colorado citizens, attended the Commission meeting to hear the discussion. This meeting provided the springboard for additional meetings, sponsored by the Commission, to develop a set of recommendations for the Commission and the Governor's Office. This work is currently underway, and is further discussed in Section 5, "Critical Issues."

Early on, the Commission decided that it would first study reentry, followed by juvenile issues and then sentencing. As much of the Commission's work on reentry drew to a close, two planning meetings were convened, one with experts in juvenile justice and one with experts in sentencing. The intent of each meeting was to identify the scope of issues that the Commission would need to address. However, during this same time period, state budget concerns escalated. Ultimately the General Assembly passed SB 09-286 which directed the Commission to next study sentencing. Nevertheless, the work product from the two meetings of experts continues to guide the Commission, and are available in Appendices L and M. Please see Appendix N for a copy of SB 09-286.

Efforts to obtain funding to support the Commission

The Commission was fortunate to receive grant funding during its first year of operation from the Justice Assistance Grant (JAG) program and the JEHT Foundation to hire an executive director and assistant. Plans were underway to request additional funding from the JEHT Foundation to continue funding for the executive director and for reform initiatives that would implement several of the Commission's reentry recommendations. Unfortunately, the JEHT Foundation closed its doors unexpectedly in January 2009, eliminating the potential for future funding from this source.

Since November 2007, the Commission has benefitted from the experienced leadership of Paul Herman from the Center for Effective Public Policy, a consultant firm located in Maryland. Mr. Herman has worked closely with the Department of Public Safety and its Division of Criminal Justice (DCJ) which is mandated to staff the Commission. When it became clear that additional funding from JEHT would not be available, DCJ reorganized its Commission resources to support Mr. Herman in the expanded consultant role of a part-time executive director. Existing resources from the remaining JAG and JEHT grant funds allow this staffing arrangement to support the Commission to continue until June 2010.

Additional efforts to seek grant funding to further the work of the Commission will be pursued as opportunities become available.

Collaboration survey

In May 2009 Commission members completed a 40-item questionnaire entitled “Collaboration Survey: A Profile of Collaboration.”⁴² A copy of the survey instrument and results, which tap the context, structure, and membership of the collaboration effort, is in Appendix O. The responses to the survey questions ranged from 1 to 4, with 1 reflecting positive collaboration efforts and 4 reflecting otherwise.⁴³ The average scores were generally favorable with scores below the average (2.5) for nearly every item (note that scores *lower* than 2.5 indicate positive responses to the collaborative process). The most positive rankings were for these items: “Now is a good time to address the issue about which we are collaborating” (mean score 1.12) and “We have adequate physical facilities to support the collaborative efforts of the group and its subcommittees” (mean score 1.18). Other important positive responses included these items: “We have a method for communicating the activities and decisions of the group to all members” (mean score 1.41), “Members are effective liaisons between their home organizations and the group” (mean score 1.56), and “Members have the communication skills necessary to help the group progress.”

The most unfavorable average scores were still relatively positive; the most disapproving average score was 2.59. But these items revealed important concerns about the Commission process that require attention: “We set aside vested interests to achieve our common goal” (mean score 2.59) and “The openness and credibility of the process help members set aside doubts or skepticism” (mean score 2.41).

Reviewing the range of scores can reveal another dimension of attitudes—a lack of consensus—that the average score masks. Only nine of the 40 items reflected a lack of consensus, that is, had responses that ranged across the potential scores from 1 (true) to 4 (false). Those items reflecting a lack of consensus with the full range of responses, 1-4, included the following: “Our membership is not dominated by any one group or sector” (mean score 2.29), “There are clearly defined roles for group members” (mean score 2.19), “Members are willing to devote whatever effort is necessary to achieve the goals” (mean score 1.94), and “Those who are in positions of power or authority are willing to go along with our decisions or recommendations” (mean score 2.18). Still, the mean scores reflect that the majority of Commission members responded positively to these statements.

Three items particularly relevant for the Commission staff had less positive average scores and scored a range of 1-4, or both, and these include the following “Our group is effective in obtaining the resources it needs to accomplish its objectives” (average score 2.53), “We frequently discuss how we are working together” (2.59), and “There is an established method for monitoring performance and providing feedback on goal attainment” (average score 2.44).

In sum, the collaboration survey revealed generally positive responses regarding the context, structure and membership of the Commission. Staff intend to continue to seek resources to further the Commission’s charge, more frequently seek feedback regarding how well the Commission is working

⁴² For more information, see Chrislip, D.D. and Larson, C.E. (1994). *Collaborative Leadership: How Citizens and Civic Leaders Can Make a Difference*. San Francisco: Jossey-Bass.

⁴³ Survey instructions read as follows: “...Think about the extent to which [the statement] describes your group.” 1=True, 2= More true than false, 3=More false than true, 4=false.

together, and continue to establish methods to measure the impact of the Commission's recommendations.

Summary

This section reviewed the work of the Commission and its Oversight Committee, task forces and working groups regarding the reentry recommendations it promulgated in its December 2008 annual report. Clearly, among the Commission's early accomplishments is its success with legislative proposals covering time served in jail, juvenile offenders, and prison earned time. These initiatives improve the administration of justice and provide cost saving measures while ensuring public safety. Additional Commission activities that focused on themes that the Commission identified as overarching issues are reported in Section 4.



Section 4: Critical Issues Requiring Systemic Reform

The Commission's study of reentry in Colorado included the identification of a number of themes that require particular attention due to the complex nature of the issues, their broad scope, and the necessity for large system change. Addressing these issues requires significant leadership, commitment, and collaboration. The critical themes concerning reentry are the following:

- Behavioral health and the justice system
- Training on Evidence Based Practices (EBP) for criminal justice professionals
- Community corrections
- Minority overrepresentation in the justice system
- Gender (female) specific programming
- Access to data/information systems for analysis and planning

The Oversight Committee on Reentry met four times during the first six months of 2009 to establish an action plan to address each issue. This section summarizes the progress that was made in each of these areas by the Commission, the Oversight Committee and other working groups.

Behavioral health and the justice system

Behavioral health refers to the combination of issues related to mental health and substance abuse. A growing number of individuals with mental health problems find themselves patients in hospital emergency rooms or clients of the justice system, or both. This is an extremely expensive outcome resulting from a critical lack of resources to appropriately manage those with mental illness in our communities. Substance abuse, often co-occurring with mental illness particularly when individuals attempt to manage their symptoms by self-medicating with alcohol or illegal drugs, is extremely common in the offender population. Most experts agree that programs to divert the mentally ill and provide adequate treatment for addicts are critical to addressing the growing number of individuals with behavioral health problems in the justice system. The scope of the problem is made apparent when viewing estimates across Colorado criminal justice entities of approximately 19,000 offenders with mental illness and 77,000 offenders with substance abuse issues (See Appendix P for specific criminal justice agency information on the number of offenders with behavioral health problems). The Commission recognized the many efforts underway to address this issue and decided it could play an important role by convening stakeholders from across the state for a discussion of pressing concerns.

To that end, on March 13, 2009, the Commission's regular monthly meeting was dedicated solely to the topic of the intersection of the criminal justice and behavioral health systems. At this meeting, 26 invited stakeholders from both criminal justice and behavioral health organizations gave brief presentations to describe their top challenges and potential solutions when working with offender populations.⁴⁴

⁴⁴ Please see Appendix Q for the agenda, list of presenters, and the consensus points from the March 13 meeting.

Included was a presentation on the current study of Colorado's behavioral health system by Dr. Andrew Keller from Tri-West, Inc. Tri-West was the recipient of a grant to implement the 2009 Transformation Transfer Initiative⁴⁵ of the Governor's Behavioral Health Cabinet (BHC).⁴⁶ The following five areas of greatest concern were identified by the presenters:

1. **Treatment availability.** Police contacts are transported to hospital emergency rooms when they are perceived to be a danger to self or others and are usually released back into the community without having received any services related to the crisis that resulted in the police contact. Lack of treatment options are due to limited capacity and expertise of mental health centers to deal with the offending population, and this presents substantial difficulties in connecting offenders to the services they need.
2. **Training.** Cross-training of criminal justice, mental health, and substance abuse professionals to enhance understanding of case processing in each system to promote continuity of care and appropriate referrals.
3. **Screening and assessment.** The lack of appropriate and accurate assessments leading to targeted, individualized treatment interventions in a correctional setting is a central issue. This topic leads to many problems, including (a) a lack of standardized behavioral health screening in jails, (b) the lack of a legal mechanism to get meaningful mental evaluations of persons charged criminally early in the process, (c) case management is not sufficiently individualized and linked to assessment, and (d) pretrial release conditions could be set that do not necessarily maximize public safety.
4. **Public benefits.** Applications are complicated and difficult to complete; they are often not approved the first time individuals apply, causing major delays in accessing the necessary funding to pay for treatment and medication. Additionally, when people are incarcerated or confined, their benefits (e.g., Medicaid/Medicare, Social Security Insurance, and Social Security Disability Insurance) are terminated rather than being suspended. Consequently, the benefits cannot be immediately reinstated upon release, and these delays cause significant problems for recipients.
5. **Co-occurring disorders.** It is very common for individuals in the criminal justice system to have multiple disorders, such as substance abuse/addiction and mental illness. This complicates the diagnoses and requires additional expertise on the part of service providers. It also creates significant challenges to both the offender and the professional(s) who must navigate multiple service systems.

⁴⁵ The Colorado Transformation Transfer Initiative is a nine month project to review current efforts to streamline the behavioral health system in Colorado and develop a roadmap for continued progress that: (1) develops a process for sustained, ongoing involvement of consumers, families, and other stakeholders for an ongoing, authoritative collaborative body, (2) establishes a transformation structure to support the work of the "collaborative body" and implement at least two of the recommendations of the 1050 Task Force, and (3) secure ongoing funding, as well as staff and necessary supports, to institutionalize, sustain, and achieve true behavioral health system transformation. House Joint Resolution 07-1050 created a task force for the study of behavioral health funding and treatment services. The purpose of the group was to develop a strategic system to: coordinate state agencies, streamline public service delivery, and attain available funding in an organized, synchronized fashion. The Task Force developed 12 recommendations to achieve these objectives.

⁴⁶ The Behavioral Health Cabinet was created by Governor Ritter at the time the 1050 Task Force (see description below) recommendations were being finalized. Its mission was to outline the cross-system impacts of behavioral health issues on relevant state departments and to develop a coordinated care system that integrates funding, service provision, and administrative process across state agencies. The goal of the BHC is to provide a more streamlined, effective behavioral health service delivery system for individuals in Colorado.

At the conclusion of the Commission’s March meeting, the Commission requested that interested members, task force participants, and stakeholders continue to meet to address the concerns that were identified. The Commission asked that this behavioral health (BH) group develop a set of recommendations for its consideration that would be consistent with and contribute to the Governor’s Behavioral Health Cabinet Transformation Initiative. At this writing, stakeholders are meeting to further study and provide greater detail to the prioritized items outlined in Appendix R.

While this work on behavioral health and the criminal justice system was pursued, a funding opportunity arose in the 2009 American Recovery and Reinvestment Act via the JAG Recovery Act Program. The JAG Recovery application deadline was May 1, 2009, prompting a few members of the BH group to turn to identify viable projects with statewide impact that met the following criteria: The project (1) supported the mission and goals of the CCJJ, (2) coincided with the commonalities and priorities identified at the March Commission meeting, (3) would require very little start-up time (because the Recovery grants were limited to 24 months), and (4) addressed the goals and criteria of the JAG Recovery program and the general goals of the Recovery and Reinvestment Act. These projects are described here because they are consistent with the Commission’s effort to facilitate large-scale reform at the point where the behavioral health system and the justice system intersect and became a clear priority of the BH group by virtue of the JAG funding opportunity.

Two projects were identified by the smaller working group as critical to addressing the issues of greatest concern described on the previous page: first, the Metro Crisis and Access Line⁴⁷ and, second, a project to employ “Criminal Justice Clinical Specialists” to be located in community mental health centers across the state. The Metro Crisis and Access Line is the first step in providing community-based comprehensive response and stabilization services, a state-of-the-art method of increasing access to mental health services by individuals who may otherwise enter the criminal justice system. It is a component of the Metro Crisis Triage Project,⁴⁸ a highly collaborative regional initiative that, upon receipt of necessary funding, will create an around-the-clock, community-based crisis intervention system from which people experiencing mental health and/or substance abuse crisis can be safely stabilized and efficiently linked to appropriate, timely, recovery-oriented services. The Crisis and Access Line would eventually expand statewide, providing a nexus for emergent calls and service referral options for the public, police, 911 systems, hospitals, and criminal justice professionals. The Crisis and Access Line has the potential to provide an extensive and rich database to identify gaps in behavioral health services and contribute to a larger strategic planning process for Colorado.⁴⁹

The second project would fund 22 clinical professionals with criminal justice expertise to coordinate, manage, and provide clinical services to adult offenders with behavioral health problems transitioning from incarceration to the community. Based on existing positions located at The Jefferson Center for Mental Health and Arapahoe-Douglas Mental Health Network, these full-time criminal justice clinical specialists would be located in 22 community behavioral health agencies located across the state. The working group envisioned offering sites the flexibility to create or add a criminal justice case manager, a therapist, or a position combining both sets of tasks. Clinical specialists would coordinate with state and local criminal justice agencies (e.g., jails, probation, community corrections, prisons, and parole) and other reentry and transition specialists to deliver specialized case management and provide clinical

⁴⁷ For information, see <http://www.mhacolorado.org/page/127009/>

⁴⁸ See this website for information, <http://www.mhacolorado.org/page/127009/>

⁴⁹ See the Crisis Line vendor information at <http://www.behavioralhealthlink.com/Dashboard/>

treatment. The project includes state level program coordination, oversight and accountability, and evaluation services to assess the impact of the criminal justice clinical specialist program.

In July 2009, the JAG Board awarded partial funding for both the call center and the criminal justice clinical coordinators. The call center request was \$1.5M and was funded at \$745,000. The clinical coordinator request was \$2.9M and was funded at \$1.5M. The Recovery Act funding represents an unprecedented opportunity to significantly improve Colorado's response to those who need behavioral health interventions. The 2-year grant period for these projects begins in October 2009.

Training on Evidence-Based Practices for criminal justice professionals

The need for widespread training on Evidence Based Practices (EBP), including assessments of offenders and individualized case planning, was recognized by the Commission in the December 2008 report. It was identified by the Oversight Committee early in the study of reentry. Many of the Commission's recommendations directly mentioned training or require training for implementation. In addition, at the task force and Oversight meetings, the need for widespread training on all aspects of EBP was frequently discussed. Institutionalizing a new philosophy and corresponding business practices requires each offender-focused agency to undertake a significant training initiative. Parole, probation, and the Department of Corrections operate training academies, but current efforts lack coordination and a common language to consistently implement EBP. Further, beyond those who provide case management and supervision for offenders, implementing systemic reform requires a much broader training initiative that would include judges, prosecutors, defense attorneys, victim advocates, and those who provide services and treatment to offenders in prison and in the community. Undertaking a broad training initiative that builds on, coordinates, and expands current training efforts is necessary to meet the training expectations discussed in the 2008 Commission recommendations.

To this end, the Department of Public Safety developed a grant application in April 2009 to develop and implement a Multi-Agency Training Center on EBP. The application was submitted to the Justice Assistance Grant program under the Recovery Act funds (the American Recovery and Reinvestment Act via the Byrne/JAG Recovery Act Program, discussed above). The application was developed in collaboration with staff from the Division of Probation Services, the Department of Corrections, the Division of Behavioral Health, and Department of Public Safety. The proposed initiative places training and coordinating staff in each agency to enhance the understanding of professional communities and the public and bring a new level of skill and direction to criminal justice practitioners. The JAG Recovery funding application describes in some detail four levels of training, providing a model for the Commission's expectations regarding large scale training. The model is described below:

1. **Broad system training.** "Introduction to EBP" presentations/workshops ranging from 2-8 hours for professional groups not responsible for day-to-day offender management (judges, prosecuting and defense attorneys, victim advocates, community corrections board members, etc.). This training will raise the level of awareness of EBP in the criminal justice community, allowing professionals and decision makers to ask good questions and encourage support of case managers engaged in EBP.
2. **Case Management 100.** Fundamentals of EBP, effective communication and assessment including LSI, contingency management, Motivational Interviewing,[®] cognitive behavioral training and social networking, mental health first aid, and criminal justice systems education.

3. **Case Management 200.** Motivational Interviewing,[®] Mental Health First Aid, domestic violence, confidentiality, social networking, creative problem solving in supervision, substance abuse, victim services, gender/cultural differences, research trends.
4. **Master.** Training for trainers, Motivational Interviewing[®] mentors and coaches, strategic planning.

As with the two behavioral health projects described above, the JAG Board was most generous with its funding of this Commission initiative. The training initiative grant application requested \$3.2M, and in July 2009, the project was granted \$2.1M. Nearly two dozen “train the trainers” and over 1,000 criminal justice professionals and private service providers will receive training under this initiative. Those trained to continue to train others will continue to provide education long after the grant terminates. The two-year funding period begins October 1, 2009.

Community corrections

Community corrections in Colorado was established in 1974, and refers to a system of nearly three dozen specific halfway house facilities that provide residential and non-residential services to convicted offenders. These facilities, often referred to as programs, receive state funds⁵⁰ but are based and operated in local communities. These programs provide an intermediate residential sanction at the front end of the system between probation and prison (“diversion”) and reintegration services at the end of the system between prison and parole (“transition”). Offenders are required to pay up to \$17.00/day for room and board; on average, they pay \$13.00 per day. Approximately 1,630 beds currently exist in halfway houses across the state, serving between 5,000 and 6,000 offenders annually. The state administrative agency is the Division of Criminal Justice, which works closely with the local community corrections boards and program directors, the Department of Corrections, the State Judicial Branch and the Department of Human Services to coordinate funding, auditing, service delivery, research, and program development.⁵¹

Issues concerning community corrections surfaced early in the Commission’s discussions of reentry. The concerns are broad in scope and have been raised by all stakeholders. Among the concerns raised are the following:

- Is the community corrections system serving the most appropriate correctional population?
- Is the variation across programs reasonable?
- What is the client referral and acceptance process? Should it be more predictable and transparent?
- What is the appropriate length of stay for offenders in community corrections?
- What should the per diem rate be?

⁵⁰The state pays between \$35-52/day for each offender housed in a residential community corrections program, depending on the level of service provided.

⁵¹Please see <http://dcj.state.co.us/occ/about.htm> for more information about the state’s community corrections system.

- How much should we expect offenders to pay?
- How can staff training, turnover, and professionalism best be addressed?
- How should issues of expansion be managed?
- What are the benefits and disadvantages of privatization?

The Commission requested that Governor’s Community Corrections Advisory Council consider developing a Community Corrections Subcommittee to partner with the Commission to address the most pressing issues. In February 2009 the Advisory Council agreed to sponsor a subcommittee on behalf of the Commission. This group agreed to the following tasks: (1) Clarify and advance the Commission’s recommendations that were related to community corrections (recommendations 26, 27, 28, 29 and 45), and (2) Envision a community corrections system for Colorado for the 21st century and develop a strategy for implementation. Please see Appendix S for a description of Subcommittee’s charge, as described by the chair of the Advisory Council.

The Community Corrections Subcommittee began meeting in March 2009. It returned to the 2008 Commission recommendations, as charged, and it plans to develop recommendations for improving community corrections and presenting these to the Commission.

Minority Overrepresentation (MOR) in the justice system

House Bill 08-1119 directed the Commission to address the issue of ethnic and racial disparities in the adult and juvenile justice systems with a goal of reducing this disparity. The Reentry Oversight Committee requested that each of the four reentry task forces identify concerns in this area and forward the information to the Oversight Committee. The Oversight Committee then prioritized the task force concerns as follows:

- Increasing staff competencies as part of training
- Enhancing social supports
- Providing culturally appropriate programs and services
- Studying the distribution of race at key decision points

The Oversight Committee agreed that the next step is to obtain data on the following topics: failure rates among minority populations on probation and parole, law enforcement and policing practices. Indeed, studies by the Colorado Division of Criminal Justice have found that non-whites are more likely to fail criminal justice programs and interventions.⁵² The Oversight Committee acknowledged that minority over-representation is a much broader sociological issue that requires reliable data describing disparities by ethnicity.

⁵² For example, see Lowden, K., Hetz, N., Patrick, D., Pasini-Hill, D. Harrison, L., and English, K. (2003). *Evaluation of Colorado’s Prison Therapeutic Community for Sex Offenders: A Report of Findings*. July, 2003. Denver: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics; Harrison, L., Patrick, D., and English, K. (2001). *Evaluation of the Denver Drug Court: The Early Years, 1995-1996*. Denver: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

Representatives from the Department of Corrections and Probation agreed to form a working group to develop a plan to study and address MOR. The Oversight Committee asked the working group to explore issues of minority over-representation for both juveniles and adults.

Data analysis undertaken on behalf of the Commission will disaggregate the information by ethnicity when possible.

Gender-specific programming

The majority of individuals in the criminal justice system are men and, historically, programs and policies were generally insensitive to the special needs of women. Gender-specific programming refers to developing programs that assist women with decision making and life skills that are relevant to their relationships and social communities. Gender-specific programming teaches relationship-building skills, empowerment, women's health issues, and gender-related risks such as victimization (sexual and physical abuse, pornography, prostitution and other forms of exploitation), poverty, and sexism that leads to less power and fewer options.⁵³

In addition, women offenders are more likely to have custody of children. Two-thirds of female prisoners compared to one-half of men are parents; fifty-eight percent of children with a mother in prison are under the age of ten. Another five percent of women entering prison are pregnant.⁵⁴

Within this context, the Reentry Oversight Committee asked the task forces to identify concerns regarding gender-specific programming. The Oversight Committee then prioritized the information as follows:

- Children and parental custody
- Behavioral health programming
- Education and vocational training
- The general availability of gender-specific programming

The Oversight Committee intends to combine this critical issue with Minority Overrepresentation. As intended with ethnicity (mentioned above), data analysis undertaken on behalf of the Commission will disaggregate the information by gender when possible.

Access to data and the availability of information systems for planning and analysis

Access to data, and the quality of that data, is a constant theme in justice systems across the nation. The independence and autonomy of justice agencies results in management information systems built with

⁵³ Excellent information on gender-specific programming is available from the Office of Juvenile Justice Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. See for example, http://ojjdp.ncjrs.org/pubs/principles/ch2_6.html.

⁵⁴ Greenfeld, L. and Snell, T. (1999). *Women Offenders: Bureau of Justice Statistics Special Report*. Washington, D.C: U.S. Department of Justice, Office of Justice Programs. Available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/wo.pdf>.

different data architecture and computer languages. The systems operate with different business rules and define key events in very agency-specific ways. Some systems replace older information and some preserve older information, so availability of historical information varies. Usually dozens or hundreds of individuals enter information into a system, so completeness and accuracy is difficult to achieve. In addition to these technical and operational challenges, some of the data is protected by state or federal statutes, and these protections can change over time. The protection of health and mental health data—critical pieces of information at many decision points, affecting a growing number of offenders—is a serious challenge. Typically, individual agencies continually confront an array of data-related obstacles; sharing data with other agencies usually requires considerable resources and includes concerns that the data will be misunderstood and even misused.

Nevertheless, lack of access to local and state data that is required for basic planning and evaluation purposes impedes efforts to understand existing systems, the individuals in those systems, specific case management procedures, and agency performance. In addition, developing a single case plan that follows individuals throughout their justice system experience requires sharing information and avoiding duplication of data entry. These problems create significant problems in terms of implementing certain Commission recommendations (for example, reentry recommendations 15, 45 and 46), tracking the implementation of the recommendations, and ultimately assessing the impact of the recommendations.

The Oversight Committee worked with the task forces and identified the following four priorities:

- Exchange of Information across agencies
- Cost and complexity of integrating information systems across agencies
- Perception of a lack of respect for agency limitations
- Lack of a common individual identifier

Tackling issues related to data access requires considerable expertise and ultimately agency resources. Addressing this issue requires convening a special group of those with specific agency expertise and authority to develop both a method to share data and a set of data sharing protocols. Specific agreements exist between a few agencies; it may be possible to build on these agreements to expand access to information while ensuring it remains carefully protected.

Summary

Critical issues are those that each task force identified and are fundamentally at the core of systematic reform. The Oversight Committee agreed to ensure that the critical issues would be addressed wholly rather than from the perspective of each of the task forces which, by design, would be limited in scope. The issues are diverse and require topic-specific strategies.

The intersection of behavioral health and the justice system is the focus of many existing groups. The Commission convened the stakeholders and requested that they work together, and in concert with initiatives operating out of the Governor's office, to develop specific recommendations for reform. This effort is underway; the recommendations on behavioral health will be presented in a future Commission report.

The Oversight Committee agreed that training on Evidence Based Practices (EBP) for criminal justice professionals is fundamental to Colorado's reform efforts. Recognizing that each major agency (the Division of Probation Services, the Department of Corrections, and Parole) have independent training academies, an efficient use of resources would be to coordinate and considerably expand these efforts. The state budget does not allow for expansion at this time. In an unprecedented collaborative effort, a large grant application was developed by representatives from Probation, Corrections, Parole, Public Safety and the Division of Behavioral Health to promote the Commission's vision regarding the need for training. This grant application was approved, and progress on system-wide training and multi-agency cross training, will be presented in the Commission's next annual report.

Like behavioral health, issues concerning community corrections have been referred to a subcommittee of the Governor's Advisory Board on Community Corrections. Findings will be presented in future Commission reports. Minority overrepresentation, gender-specific programming, and data issues require information from individual agencies. Whenever possible, analysis conducted on behalf of the Commission will address these issues.



Section 5: Status of the Commission's 66 Reentry Recommendations

Background

In its December 2008 report, the Commission identified 66 recommendations for improving the offender reentry process in Colorado. Not surprisingly, many of the recommendations were directed to agencies that are responsible for offender populations: the Division of Probation Services, the community corrections system, the Department of Corrections, and the parole board. The recommendations targeted legislation, general principles, agency business practices, and ideas for immediate cost savings. Some of the recommendations were general and some were specific, but all were intended to remove barriers to offender success while enhancing public safety and reducing victimization. The ultimate goal was to reduce recidivism and make the most efficient use of public resources. Reducing recidivism will reduce costs since many offenders who otherwise would return to correctional confinement and supervision would remain in the community to lead crime-free lives.

The National Research Council of the National Academies published a comprehensive report in January 2008 that reviewed the scientific literature on recidivism reduction. The findings underscore the importance of the Commission's reentry recommendations and provide a vital empirical context for those recommendations. The National Research Council report includes the following findings:⁵⁵

- Parolees are a heterogeneous group and their rates of recidivism vary widely; there is no average parolee.
- Releasees who have just served their first prison sentence have much lower rates of recidivism than those who have been imprisoned multiple times, regardless of age, ethnicity, gender, and crime type.
- Cognitive-behavioral treatment programs can reduce recidivism significantly, especially among young people and high-risk offenders.
- Inadequate program implementation threatens the benefit these programs might provide.
- The first days and weeks out of prison are the riskiest for both the releasee and the public. Recidivism is most likely during this period, and death rates among the released population are 12 times that of the general population in the first weeks following release.
 - Concentrating supervision and services in the first days and weeks out of prison is likely to have the greatest effect on recidivism reduction.
- Strong ties to work, and good and stable marriages, appear to be particularly important in reducing recidivism.

⁵⁵ National Research Council (2008). *Parole, desistance from crime, and community integration*. Washington D.C: National Academies Press.

- Administrators of both in-prison and post release programs should redesign their activities and redirect their resources to provide major support at the time of release.
- Individuals should not leave prison without an immediately available plan for post release life, including:
 - Intensive and detailed prerelease and post release counseling;
 - Immediate enrollment in drug treatment programs;
 - Intense parole supervision;
 - Assistance finding work;
 - Short-term halfway houses;
 - Mentors who are available at the moment of release;
 - Assistance in obtaining identification, clothes, and other immediate needs.
- Intensive supervision increases recidivism unless it is combined with drug treatment, community service, and employment programs.
 - Employment and education programs must provide workers with credentials that meet private-sector demands.
- Positive incentives for supervision compliance are important complements to sanctions for behaviors that violate conditions of supervision (incentives and rewards for specific positive behaviors can include less intrusive supervision and the remission of previously collected fines).
- Greater contact with family during incarceration (by mail, phone, or in-person visits) is associated with lower recidivism rates.

Finally, the National Research Council’s report suggests that policy makers and program administrators set realistic goals in terms of punishment and rewards. The authors suggest that the goal of crime reduction programs be “less offending, and less serious offending,” rather than zero offending, particularly by high-rate offenders released from prison: “Empirical research on desistance [from crime] has consistently demonstrated that this goal can be achieved.”⁵⁶

⁵⁶ Laub, J., & Sampson, R. J. (2003). *Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70*. Cambridge, MA: Harvard University Press; Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), *Handbook of the life course*. New York, NY: Kluwer Academic/Plenum; Sampson, R. J., Laub, J.H., & Wimer, C. (2006). Does Marriage Reduce Crime? A Counterfactual Approach to Within-Individual Causal Effects. *Criminology*, 44, 465-508; Ezell, M.E., & Cohen, L.E. (2005). *Desisting From Crime: Continuity and Change in Long-term Crime Patterns of Serious Chronic Offenders*. Oxford, UK; Oxford University Press.

Performance measures

After the recommendations were published, officials and staff from these agencies worked to develop responses to the recommendations, and Commission staff worked to define performance measures that would allow the recommendations to be systematically tracked over time. This latter effort is mandated by the Commission's enabling statute, C.R.S. 316-11.3-103(2)(d): "To study and evaluate the outcomes of Commission recommendations as implemented...."

The implementation of the reentry recommendations, in most cases, involves a variety of significantly complex tasks. Many of the tasks require the identification and removal of compound barriers; some of the recommendations require resources that are difficult to obtain in stark economic times. Much has been accomplished, particularly in the legislative arena, and even more reform is underway, as the following status report demonstrates. This effort to reform reentry in Colorado has just begun.

A general status report on each recommendation follows. *Please note that performance measures are applicable only when implementation has started.* Descriptions of impact, along with the associated barriers, will become more informative and meaningful over time in future Commission reports as data become available for analysis. Efforts to track the implementation of each recommendation should not distract from the fundamental purpose of those recommendations. Ultimately, the challenge is to reduce the number of individuals who enter the criminal justice system and fail while, at the same time, carefully using available correctional resources in the most effective manner.

L-1 DRIVER’S LICENSE RETENTION

Because the loss of a driver’s license is a significant barrier to employment, and because employment is linked to crime reduction, abolish those portions of a statute that require the mandatory revocation or suspension of the defendant’s driver license for a conviction/adjudication of non-driving offenses. This recommendation does not apply to child support enforcement.

AGENCY RESPONSIBLE

General Assembly

This recommendation was successfully implemented with the passage of House Bill 09-1266 which limits the loss of driving privileges to only those crimes that are driving related. This important reform removes a significant obstacle to the successful completion of supervision by enhancing an individual’s ability to drive to work, treatment, and supervision appointments. To this end, it furthers the intent of the Commission to remove barriers to successful re-entry.

IMPACT

The Division of Criminal Justice will work with the Department of Motor Vehicles to gather information annually and this will be reported in future Commission reports.

BARRIER

Problems may occur with the impact analysis because it may be difficult to differentiate between charges that do and do not result in license suspension/revocation when a case contains multiple convictions.

L-2 REVISE TRUSTEE CALENDAR STATUTE

Remove the word “calendar” from C.R.S. 17-26-115 to apply the trustee statute to a 30-day period rather than a calendar month.

AGENCIES RESPONSIBLE

General Assembly, county jails to implement

This recommendation was successfully implemented with the passage of House Bill 09-1263 which clarifies the use of jail time credits and allows jail inmates to be awarded earned time in addition to good time.

This important reform provides for the equitable application of time credits in county jails and moderately reduces the average length of stay. The passage of HB 09-1263 is consistent with the Commission’s statutory mandates to “...ensure justice...” and enhance “the cost-effective use of public resources” [C.R.S. 16-11.3-103(1)].

IMPACT

Length of stay data from a number of local jails will be analyzed to determine if the average time served is reduced.

Note that elements from recommendations L-2, L-3, L-4 and CS-64 were combined into House Bill 09-1263.

L-3 GOOD TIME CREDITS FOR JAIL INMATES

Clarify C.R.S. 17-26-109 to provide a standardized range of good time credits available to jail inmates.

AGENCIES RESPONSIBLE

General Assembly, county jails to implement

This recommendation was successfully implemented with the passage of House Bill 09-1263 which clarifies the use of jail time credits and allows jail inmates to be awarded earned time in addition to good time.

This important reform provides for the equitable application of time credits in county jails and moderately reduces the average length of stay. The passage of HB 09-1263 is consistent with the Commission’s statutory mandates to “...ensure justice...” and enhance “the cost-effective use of public resources” [C.R.S. 16-11.3-103(1)].

IMPACT

The impact of this reform for local jails is likely to be significant. In Denver County, using data from 2008, officials estimate that this good time provision will reduce the average daily population by 80 beds. At a daily bed cost of approximately \$55, this is a savings of \$4,400 per day. In Arapahoe county, officials calculated that the average daily population in June 2009 was reduced by 25 beds. At a daily bed cost of approximately \$68, this potentially reduces costs by \$1,700 per day.

Note that elements from recommendations L-2, L-3, L-4 and CS-64 were combined into House Bill 09-1263.

L-4 EARNED TIME CREDITS FOR JAIL INMATES

Modify C.R.S. 17-26-109 to include the ability for jail administrators to award discretionary earned time of 3 to 5 days per 30-day period for the completion of certain programs or education, or for an unusual or extraordinary accomplishment by a jail inmate. This requires that each county sheriff develop an earned time schedule for their jail in keeping with community expectations and standards.

AGENCIES RESPONSIBLE

General Assembly, county jails to implement

This recommendation was successfully implemented with the passage of House Bill 09-1263 which allows individuals in jail to be awarded up to two days of earned time a month in addition to good time.

The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. The passage of HB 09-1263 is consistent with the Commission’s statutory mandate to “focus on evidence-based recidivism reduction initiatives...” [C.R.S. 16-11.3-103(1)].

IMPACT

If available, data will be obtained from a number of local jails on length of stay data, earned time awards, and program participation. These data will be analyzed to determine if the average time served is reduced.

Note that elements from recommendations L-2, L-3, L-4 and CS-64 were combined in House Bill 09-1263.

L-5 REMOVE BARRIERS TO EDUCATION FUNDING

Any statutory impediment to inmates' access to or funding of post-secondary education should be eliminated.

AGENCIES RESPONSIBLE

General Assembly, individual offender

This recommendation was successfully implemented with the passage of House Bill 09-1264 which removed a statutory barrier that disallowed individuals in prison to receive grants or other funding to enroll in college classes. When financial aid or scholarships are not available, the inmate must pay for higher education classes.

ACTION/IMPLEMENTATION

The Department of Corrections reports that approximately 450 inmates enrolled in college courses as of May 2009. HB 09-1264 enables either private pay or grant funded tuition for inmates to be paid directly to the colleges or universities, and DOC will track inmate enrollment and progress (grades). DOC anticipates that there will be an increase of offenders enrolled in colleges and universities as a result of HB 09-1264.

IMPACT

Data to determine if there is an increase of offenders enrolled in colleges and universities as a result of HB 09-1264 will be available from DOC at the end of FY 2010.

BARRIERS

The Department of Corrections reports that implementation of this recommendation requires expansion of current programs. DOC pays approximately \$30 per student for post-secondary education.

L-6 SUMMONS IN LIEU OF ARREST WARRANT

The Commission encourages law enforcement agencies to enact policies that are consistent with C.R.S. 16-5-206 and 16-5-207, relative to issuing summonses rather than arrest warrants on appropriate felony class 4, 5, and 6 crimes. Pursuant to C.R.S. 16-5-206 and 16-5-207, a summons should be issued for misdemeanors, and class 4, 5 and 6 felonies, unless law enforcement presents in writing a basis to believe there is a significant risk of flight or that the victim or public safety may be compromised.

AGENCIES RESPONSIBLE

General Assembly, local law enforcement, and State Judicial

This recommendation was successfully implemented with the passage of House Bill 09-1262 which requires that law enforcement issue a summons in lieu of an arrest for certain lower level offenses unless there is a specific finding by the court that the individual presents a flight risk or risk to public safety.

This important reform accomplishes two Commission goals. First, because confinement can result in job loss and destabilization of the individual and his or her family, this new mandate enhances the individual's ability to maintain employment. Research consistently shows that employment is a critical factor in offender success. Second, it reserves limited jail space for more serious offenders. The passage of HB 09-1262 is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

BARRIERS

Unknown data availability may prohibit ability to track impact.

L-7 BOND-TO-THE-COURT SYSTEM

Draft legislation to permit judicial districts to develop a percentage bond-to-the-court (see HB 08-1382), as is provided by the federal court system. Such percentage bond does not eliminate other types of bonds.⁵⁶

AGENCY RESPONSIBLE

State Judicial

ACTION TO DATE

No action has been taken on this recommendation.

BARRIER

Insufficient support by key stakeholders to move forward with this recommendation during the FY 2009 legislative session.

⁵⁶ This bail bond alternative would require legislation to amend C.R.S. 16-4-104 and 105 and was drafted as House Bill 08-1382.

L-8 COURT RETENTION OF BOND IN BOND-TO-THE-COURT SYSTEM

When courts use the percentage bond-to-the-court, per Recommendation L-7, and the court plays the role of the surety, it shall retain a percentage of the bond.

AGENCY RESPONSIBLE

State Judicial

ACTION TO DATE

No action has been taken on this recommendation.

BARRIER

Insufficient support by key stakeholders to move forward with this recommendation during the FY 2009 legislative session.

L-9 BOND APPLIED TO PRIORITY OF PAYMENTS

Before any refund to the defendant at the conclusion of the case, the bond held by the court shall be applied according to the priority of payments per C.R.S. 18-1.3-204(2.5).⁵⁷

AGENCY RESPONSIBLE

State Judicial

ACTION TO DATE

No action has been taken on this recommendation.

BARRIER

Insufficient support by key stakeholders to move forward with this recommendation during the FY 2009 legislative session.

⁵⁷ This statute specifies the order of priority for offender fees.

L-10 INCREASE "GATE MONEY"

Increase "gate money" for first-time parolees upon release.

AGENCIES RESPONSIBLE

General Assembly, Department of Corrections

ACTION TO DATE

No action has been taken on this recommendation.

BARRIER

The fiscal problems currently facing the state inhibit the ability to move forward on this recommendation at this time. The Department of Corrections estimates that an increase in gate money from \$100 per offender to an inflation-adjusted \$390 per offender would cost \$1,560,000 (4,000 offenders x \$390).

L-11 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITES

Encourage the General Assembly to provide funding that promotes partnerships between local and state public or private entities for the construction on publically owned lands of multi-purpose correctional supervision and re-entry facilities.

AGENCIES RESPONSIBLE

General Assembly

ACTION TO DATE

This recommendation continued to be discussed and the Commission strongly supports the increase in multi-purpose corrections beds at the local level. There is an urgent need to meet the need for correctional beds at both the local and state level, and the Commission endorses these partnerships as sound public policy. Local beds can reduce the need for additional state correctional beds, and flexibility in multi-purpose beds is needed to ensure the cost-effectiveness for both state and local corrections.

The Commission urges this recommendation to remain a priority for implementation when funding sources become available.

BARRIER

The current fiscal problem facing state and local governments inhibits the ability to move forward on this recommendation. A 200 bed facility is estimated to cost on average \$8,000,000 with \$4,000,000 to be provided by the state and \$4,000,000 to be provided by local government.

L-12 EARLY TERMINATIONS OF PAROLE

The Commission requests that the Department of Corrections develop and implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Commission further requires that such request comply with the Victim's Rights Act.⁵⁸

AGENCIES RESPONSIBLE

Department of Corrections, Parole Board

Implementation of this recommendation is underway. This effort reflects the evidence-based practice of focusing on individual needs and risk levels, and using parole resources for those most in need of supervision. It is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections developed DOC Administrative Regulation 250-29 and plans on full implementation by January 1, 2010. This regulation was endorsed by the Post Incarceration Supervision Task Force with the modification that violent offenders be included for early discharge consideration. The Department of Corrections supports this modification with the conditions that there is an avenue for victim input and a full parole board review.

IMPACT

When data become available, annual Commission reports will include the number of early discharge requests from parole officers and parole board decisions that result in early termination of parole.

BARRIERS

The potential barrier noted by the Department of Corrections is that of timing and sequencing.

DOC plans complete implementation and acknowledges the requirement of funding for the information technology program Colorado Web-Based Integrated Support Environment (C-WISE) and training of the Community Parole Officers and Parole Board members.

⁵⁸ In a focus group conducted with representatives from the victims' community, participants were comfortable with this recommendation only if this applies to nonviolent offenders, excluding offenders using the Victim Rights Amendment definition of violent crime. Also, focus group representatives wanted to ensure that the victim is informed of every request for early termination, and that these requests should be limited to one per year per offender.

GP-13 PROBATION'S RESPONSE TO TECHNICAL VIOLATIONS

The Commission supports the efforts of the Division of Probation Services and district probation offices to enhance the consistent use of appropriate incentives and intermediate sanctions, in court and out of court, particularly in response to technical violations.

AGENCY RESPONSIBLE

State Judicial

This recommendation supports existing efforts by the Division of Probation Services. The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. This effort furthers the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

This work is underway.

This recommendation supports the Division of Probation Service's current efforts to use sanctions and incentives to promote positive behavior change and reduce recidivism. In addition to current practices (e.g. training, policies and procedures, specialty court development), a contingency management work group has been created that will address further efforts in this area.

IMPACT

Efforts to implement evidence-based practices by the Division of Probation Services have already yielded significant results by reducing revocations to prison. In FY 2008, the number of probation revocations to the court remained stable, but revocations to prison declined by 155 despite an increase in the probation population. In comparison, before the changes took place probation revocations to prison between FY 2006 and FY 2007 remained unchanged. Information on probation revocations will be reported in future Commission reports.

GP-14 STANDARD CONDITIONS OF PROBATION

The 19 standard conditions of probation should be reviewed by the Probation Advisory Committee. The Probation Advisory Committee should consider requiring only those conditions that are tailored to each individual, and based on criminogenic risks/needs, and victim and community safety. The PAC should invite members of the CCJJ Re-Entry Probation Task Force to participate in this review. The condition to remain crime-free is reasonable for all offenders.

AGENCY RESPONSIBLE

State Judicial

Implementation of this recommendation is underway. Task Force recommendations for specific changes to the standard conditions of probation have been forwarded to the Probation Advisory Committee. The Commission remains committed to the use of empirically-based risk/needs assessments that would form the foundation of individualized conditions of supervision to further the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and ensure the "...cost effective use of public resources." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

According to the Judicial Branch, in May 2009 the Probation Advisory Committee (PAC) reviewed the CCJJ Probation Task Force recommendation and agreed to evaluate the existing adult standard conditions of probation for revisions. PAC members provided an indication that revising the terms and conditions would be beneficial and plans to review a draft version of the standard adult terms and conditions at the next PAC meeting in August 2009.

IMPACT

Please see Appendix T for the revised conditions of probation. Isolating the impact of probation conditions on recidivism is the ideal measure of impact; however, resources preclude this study.

BARRIERS

Judicial reports potential barriers with timing and sequencing.

NOTE: The Probation Task Force combined recommendations GP-14 and BP-32. For the purposes of this report the information is presented for both recommendations. See Appendix T for the current adult standard and special conditions of probation and the changes suggested by the Commission to the PAC.

GP-15 CASE PLAN IMPLEMENTATION

Every case plan shall be fully implemented and updated regularly to reflect treatment progress and new skills learned.

AGENCIES RESPONSIBLE

State Judicial, Department of Corrections, Department of Public Safety (Office of Community Corrections/DCJ)

Implementation of this reform is expected to take several years. An individualized case plan for each offender is a fundamental component of evidence-based practices since it describes the actions required to prepare the individual to live a productive, crime-free life in the community. Because the case plan has multiple purposes, including that it can be used to hold both case managers/supervisors and offenders accountable, it is a necessary component of reform that prioritizes public safety. The Commission remains committed to the complete implementation of individualized case plans to fulfill its statutory mandate to "focus on evidence-based recidivism reduction initiatives...." and ensure the "...cost effective use of public resources." [C.R.S. 16-11.3-103(1)].

ACTION TO DATE

The Division of Probation Services reports that for several years, case plans and case plan updates have been required in policy and measured with quality assurance tools. The Department of Corrections reports that fulfilling this recommendation would require a revision of the total case management system from the point of intake into the Department, the incarceration phase, community corrections, all the way through parole supervision. Revisions to the case management system would include a standardized offender assessment process and utilizing the LSI to identify risk factors and criminogenic needs. This will generate a case plan to address criminogenic needs and will help to place offenders in appropriate programs.

As of June 2009 neither the CCJJ Community Corrections subcommittee nor the Office of Community Corrections has addressed this recommendation.

IMPLEMENTATION PLAN

The Division of Probation Services currently has future plans to review and revise the existing case plan documents. Policy, procedure and program changes have been implemented. In addition, the necessary training is already in progress. Specifically, case plan training and training boosters currently exist.

The Department of Corrections states that a full implementation of these recommendations would be phased in over a five-year period at an estimated cost in excess of \$18 million dollars for revisions to the information system alone. In addition, DOC reports that cost factors have to be determined for additional case managers, clinical staff, community parole staff, and other related programs. Policy, procedure, training and program planning are currently underway.

IMPACT

Complete implementation would result in systemic reform. However, resources are unavailable to evaluate the cases planning and management for all offenders. Agencies will provide narrative reports of progress, as is provided here, and these will be reported in the Commission's annual report.

BARRIERS

While State Judicial does not see any barriers to this recommendation, the Department of Corrections noted that staffing, funding, a need for technical assistance, and timing/sequencing may hinder the process. Specifically, DOC states that \$20.3 million would be needed to implement this plan (this includes 47.5 FTE).

GP-16 INVEST IN EVIDENCE-BASED PROGRAMS

Invest in evidence-based programs and emerging best practice, treatment and education so that there is sufficient programming available to meet the needs of the offender population.

AGENCIES RESPONSIBLE

State Judicial, Department of Corrections, Department of Public Safety (Office of Community Corrections/DCJ)

Implementation of this recommendation would signal systemic reform. Its full implementation is critical to the reform efforts of the Commission, as specified in C.R.S. 16-11.3-103(1).

ACTION/IMPLEMENTATION

The Division of Probation Services (DPS) reports that it published a white paper on evidence-based practices (EBP) in late 2007 and soon afterward formed the EBP Committee. The EBP Committee has focused its efforts in three areas: (1) training, (2) implementation and sustainability, and (3) evaluating and enhancing the working relationship between a probation officer and the probationer. The training curriculum has been developed and training is underway. The DPS is currently evaluating two major initiatives, Intensive Supervision Probation and in-house cognitive-behavioral groups.

The Department of Corrections reports that it pursued funding for evidence-based programs through the state budget process. The Division of Adult Parole, Community Corrections and YOS collaborated with the Division of Probation Services and the Division of Criminal Justice in applying to the Justice Assistance Grant program in February 2009 to provide training for parole officers in Motivational Interviewing and cognitive-behavioral programming. DOC reports that it continues to assess evidence-based programs that are appropriate for its offender population.

The Department of Public Safety/Division of Criminal Justice (DCJ) reports that, in collaboration with Probation and DOC, it continues to be engaged in specific evidence-based programming, particularly for special offenders. For example, DCJ's Residential Mental Health Services beds are being converted into expanded Dual Diagnosis programming using EBP. Its 45-day Intensive Residential Treatment (IRT) model for substance abuse demonstrated poor evidence-based outcomes, and has been converted into a 90-day IRT program on the basis of research in Colorado and elsewhere. DCJ is also pursuing the Early, Enhanced Nonresidential Treatment (EENT) pilot, which will study the efficacy of the "early" transfer of selected low-risk offenders from residential community corrections to enhanced nonresidential programming (see GP-29). DCJ reports that, despite these initiatives, there remains a clear and worsening shortage of evidence-based treatment resources for "average" community corrections offenders.

IMPACT

Complete implementation would result in systemic reform. The rate of new crimes committed by offenders under supervision is expected to decrease as implementation expands; this information will be reported in future Commission reports.

BARRIERS

Judicial anticipates technical assistance needs as well as timing/sequencing may be a barrier to the implementation of evidence-based programs. The Departments of Corrections and Public Safety expect lack of program funding to be a barrier.

GP-17 TRANSFERABILITY OF PROGRAM AND TREATMENT PARTICIPATION

When possible, participation in programs and treatment phases by offenders in jail or prison should be transferable and accepted across agencies.

AGENCIES RESPONSIBLE

Department of Corrections, local jails, Department of Public Safety, applicable regulatory agencies

This complex reform initiative furthers the Commission’s mandates to “...ensure justice...” and enhance “the cost-effective use of public resources” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

Because this recommendation requires multiple stakeholders to resolve issues concerning data transferability, confidentiality, and standards for treatment delivery, among other concerns, two Commission members agreed to form a working group that includes representatives from the following agencies: The Domestic Violence Offender Management Board, the Sex Offender Management Board, the Division of Child Welfare, the Division of Behavioral Health, jails, Department of Corrections, and the state parole board. This group will be tasked with exploring this topic in greater detail and report back to the Commission.

IMPACT

Future Commission reports will document progress toward this recommendation.

BARRIERS

Potential barriers include the multitude of correctional and regulatory agencies involved in this recommendation and the complexity of various treatment components and treatment programs.

GP-18 MATCH INSTITUTIONAL PROGRAMS WITH OFFENDER NEEDS

To identify the gaps between available services and needs, survey the availability and capacity of all programs in the Department of Corrections, local jails, and community corrections, and compare these with the assessed needs of the corresponding populations.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Public Safety (Office of Community Corrections, DCJ), county jails

This recommendation is at the core of evidence-based practice. Implementation of the gaps analysis is underway by the Departments of Corrections and Public Safety. Ensuring the availability and provision of offender services and programs is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that documentation of offender needs and program availability is underway in each state prison, with service gaps to be identified by July 2009. DOC's Education Division plans to develop a 3-year strategy for the placement of programs in DOC facilities. Based on the knowledge gained from these efforts, DOC may request funding in the FY 2010 state budget to increase program capacity.

The Department of Public Safety (Office of Research and Statistics, DCJ) assesses, in general, the gaps between service needs and program participation for offenders in community corrections programs, and provides this information in public documents.

IMPACT

The results from DOC gaps analysis will be presented when it becomes available. Efforts to correlate needs with services will be documented and presented in future Commission reports.

BARRIERS

The Department of Corrections reports that the primary barrier to adequate programming is funding. The Department of Public Safety reports that services delivered are rarely evaluated and therefore the impact of matching needs and programming remains unknown. Further, offenders in community corrections frequently are required to pay for services, creating a barrier for indigent offenders. County jails do minimal assessments of individual programming needs.

GP-19 EVALUATION OF TREATMENT PROVIDERS

Provide resources to evaluate the assessment practices and program delivery of community-based and institutional treatment providers.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Public Safety (DCJ), Division of Probation Services

Offender assessment, service delivery, and program evaluation is a fundamental premise of evidence-based practice. If evidence-based practices are not evaluated with fidelity and if services delivered do not result in recidivism reduction, both opportunity and resources are wasted. The Commission considers evaluation of offender services necessary to its statutory mission: enhancing public safety, ensuring justice and the cost-effective use of public resources [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

These agencies evaluate programs as resources are available. The Department of Public Safety (Office of Research and Statistics/DCJ) is currently collaborating with the Division of Behavioral Health, private providers and four community corrections programs to evaluate Short Term Intensive Residential Remediation Treatment (STIRRT) program which delivers services to hundreds of offender annually. The Department of Corrections reports that it will continue to study the prison therapeutic community programs.

IMPACT

Efforts to obtain resources for the evaluation of treatment and service delivery will be documented in future Commission reports. Evaluations completed will also be reported.

BARRIERS

Hundreds of service providers deliver services to Colorado offenders. Additional resources and staff are required to evaluate treatment providers. DOC indicates the implementation of this recommendation to focus only on in-prison programs would cost \$160,332 for 3 FTE to evaluate the areas of clinical services, education, and prison operations.

GP-20 INCREASE IN MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT

The state should invest in community-based, evidence-based mental health and substance abuse treatment for all citizens to prevent the need for incarceration, and to provide such treatment as an alternative to incarceration where appropriate.

AGENCIES RESPONSIBLE

Department of Human Services, Department of Public Safety, Department of Healthcare Policy and Financing, Department of Public Health and Environment

This recommendation reflects a decisive need for systemic reform. Many entities are committed to the implementation of this recommendation. The Commission’s commitment to a collaborative approach to these issues is an effective method of maximizing resources and builds on existing expertise in the community. This collaborative undertaking, and anticipated reforms that are expected to follow, are embedded in the Commission’s statutory mandates to “...ensure justice...” and enhance “the cost-effective use of public resources” [C.R.S. 16-11.3-103(1)]. Providing needed behavioral health treatment to avoid incarceration promotes the Commission’s mandate to “focus on evidence-based recidivism reduction initiatives....”[C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Commission formed a Behavioral Health Subcommittee to prioritize areas where there exists a critical intersection of the criminal justice system and behavioral health systems. This group is working with stakeholders in the behavioral health communities, including the governor’s Behavioral Health Cabinet (cabinet members who have oversight over aspects of behavioral health and criminal justice), and a “Transformation” initiative managed by the Governor’s Office that taps local knowledge to develop a comprehensive strategy for reform. The Commission’s Subcommittee will develop recommendations for Commission discussion and approval; these will be available in future Commission reports.

IMPACT

National rankings for per capita expenditures on mental health and substance abuse treatment will be included in future Commission reports.

BARRIERS

Extensive problems exist regarding access to services and funding availability for mental health and substance abuse treatment. For example, the Department of Corrections reports a significant lack of treatment staff, stating that 45 new staff are needed to expand substance abuse treatment and 14 new positions are needed for mental health treatment.

GP-21 INCREASE FUNDING FOR SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT

The General Assembly must substantially increase state funding for evidence-based and promising practices in substance abuse and mental health treatment.

AGENCIES RESPONSIBLE

General Assembly, Department of Human Services, Department of Public Safety

This recommendation reflects a decisive need for reform. This specific reform is embedded in the Commission's statutory mandates to "...ensure justice...." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

No action has been taken on this recommendation.

The Commission formed a Behavioral Health Subcommittee to prioritize areas where there exists a critical intersection of the criminal justice system and behavioral health systems. It will not address this recommendation.

BARRIERS

Funding and access to services represent significant barriers. This broad recommendation exceeds the purview of the Commission but is an essential component to providing access to services by individuals who may face entry into the criminal justice system. Addressing the need for adequate services requires significant collaboration and reform of current practices.

GP-22 IDENTIFY AND ADDRESS RE-ENTRY SERVICE GAPS

Each judicial district should be required to conduct an inventory of the services and resources, including available housing and the capacity of those resources, to address the needs of offenders reentering the community. This information should be paired with an analysis of the risk/needs of offenders releasing from the Department of Corrections. Re-entry service gaps must be identified, along with the costs to fill those gaps. Using this information, a plan should be developed that identifies the appropriate parties to provide services and a funding scheme. Inventory reports should be provided to the Division of Criminal Justice, which will forward the information to the Commission.

AGENCIES RESPONSIBLE

Colorado Judicial Districts, Department of Corrections, Department of Human Services, Department of Public Safety (DCJ, Office of Community Corrections,)

This large-scale project assesses the state's ability to match the need for services with the availability of services and, where gaps occur, identify funding requirements. Incorporating needs assessment data into a strategic approach to building service capacity reflects the Commission's commitment to evidence-based practices as the path to recidivism reduction.

ACTION/IMPLEMENTATION

The Division of Criminal Justice, Office of Research and Statistics (ORS), is exploring the availability of program/service information and offender needs data. The ORS plans to convene a group of agency researchers to identify potential sources of information, develop an analysis plan, analyze data when feasible, and prepare a preliminary status report for the Commission.

IMPACT

Future Commission reports will document progress toward this recommendation.

BARRIERS

Lack of resources and data availability present the largest barrier. For example, DOC reports that this initiative requires four FTE at a cost of \$227,184.

GP-23 EXPAND EXISTING APPRENTICESHIP PROGRAMS

The Commission supports efforts by the Department of Corrections to expand existing apprenticeship programs.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Labor

This recommendation supports existing efforts by the Department of Corrections. Research has confirmed that employment is necessary for successful transition to the community. This effort is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports a concentrated effort to increase the number of offenders in its apprenticeship programs statewide by working with the U.S. Department of Labor. It is coordinating with the Colorado Department of Labor and Employment (Labor Market Information) to identify programs that correspond to the prevailing job market by July 2009. DOC's Education Division has set a goal to open 14 new apprentice programs in FY2010.

Additionally, the Department of Corrections will evaluate current and proposed apprenticeship programs to determine delivery practicality, demand and wait-listing of programs by October 2009.

Finally, DOC will coordinate with the Colorado Department of Labor and Employment and the U.S. Department of Labor to develop procedures that will ensure the consistent transfer of credits and hours by October 2009.

IMPACT

The availability and capacity of current programs and the number of inmates who complete these programs will be tracked to determine the impact of this recommendation. DOC's Education Division reports that it currently has more than 240 offenders enrolled in apprentice programs for approximately 50 trades, and it takes an average of 3 years for an offender to complete an entire apprentice program.

BARRIERS

The Department of Corrections reports potential barriers as funding for program expansion and timing/sequencing of program implementation.

GP-24 EDUCATIONAL OPPORTUNITIES FOR OFFENDERS AND STAFF

Post secondary educational opportunities should be expanded for both inmates and staff.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Higher Education, community college system

Implementation of this recommendation is underway. Studies of offenders have found that the higher the educational achievement, the lower the recidivism rate. Further, a well-trained and professional correctional staff is necessary to prepare offenders for successful re-entry into the community. The Department of Correction's emphasis on this recommendation is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that it is committed to the continued expansion of its current practice. Tuition is reimbursed for staff at a rate of 50 percent undergraduate costs and 40 percent for graduate studies. Additionally, DOC has agreements with the community college system and Adams State College to provide educational opportunities for offenders. These agreements describe a process that facilitates the transition of a student from one educational institution to another, and from one education level to the next with a minimal duplication of coursework. DOC intends to increase the number of these agreements by December 2009.

IMPACT

DOC intends to develop a system to record participation and course completions by December 2009, for both staff and inmates. This information will be presented in future Commission reports.

BARRIERS

The Department of Corrections notes that barriers to the expansion of educational opportunities include funding, timing, and sequencing of the expansion. The Commission suggested that a short-term, multi-disciplinary working group be developed to explore funding sources; this group has not been developed.

GP-25 EDUCATE HOUSING AUTHORITIES

Educate and encourage housing authorities to be no more restrictive than the HUD guidelines in refusing public housing to people with criminal records.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Human Services

A stable residence is a fundamental component of successful offender re-entry. A proactive effort to expand the availability of housing for individuals with criminal records is consistent with the Commission's mandate to reduce recidivism.

ACTION/IMPLEMENTATION

The Department of Corrections reports that it will identify the total capacity of existing housing resources statewide and the housing needs of the parolee population. It plans to develop a housing committee by July 1, 2009. DOC staff plan to meet with officials at the state Division of Housing (DOH) and to provide information on parolee housing needs to the U.S. Department of Housing and Urban Development (HUD) by September 1, 2009. It also plans to explore the DOH and HUD appeal processes. DOC plans to develop a database that identifies housing authorities and landlords willing to accommodate individuals with felony convictions by October 2009. DOC reports that further action will require additional staff resources.

IMPACT

DOC's progress on its implementation plan, and the impact this effort has on the availability of housing for offenders, will be reported in future Commission reports.

BARRIERS

Lack of willingness of officials and landlords to reduce current housing restrictions is the greatest potential barrier. The Department of Corrections reports that a sustained focus on housing for parolees by DOC would require an FTE to consistently update statewide housing information and attend the necessary meetings, at a cost of approximately \$57,000.

GP-26 COMMUNITY CORRECTIONS INSTEAD OF PAROLING HOMELESS

Encourage the use of discretionary parole to community corrections in lieu of homeless parole plans to provide a stable living situation prior to the offender's mandatory parole date (MRD). Six to eight months prior to the MRD, a case manager should submit an application to community corrections for individuals who are likely to parole homeless.

AGENCIES RESPONSIBLE

Department of Corrections, Parole Board, Department of Public Safety (Office of Community Corrections/DCJ), Community Corrections Boards

An innovative response to the problem of homeless parolees is the allocation of county jail work release beds, a pilot project that is underway in Denver. This effort addresses the problem identified in this recommendation by removing barriers to successful completion of parole, and is consistent with the Commission's mission to reduce recidivism.

ACTION/IMPLEMENTATION

The Office of Community Corrections has partnered with the Denver Jail's Phase I program to pilot the use of up to 12 beds for a 90-120 day stay for homeless parolees. Five offenders were in the program as of June 5, 2009. This pilot program is underway and, if it seems to adequately meet the needs of these offenders, it could be expanded to 40 beds in FY 2010.

In addition, the Department of Corrections reports that once this recommendation is implemented, it will facilitate community corrections referrals of offenders who lack stable housing resources. The Department of Corrections has offered to train parole board members, case managers, and community parole officers regarding the placement of this population in community corrections programs.

IMPACT

Data on offender homelessness is not available from the Department of Corrections or other agencies. The status of this recommendation will be presented in future Commission reports.

BARRIERS

Barriers include the inability to obtain reliable data on the homelessness of offenders, the lack of discretionary parole releases, and the lack of data on reasons for acceptance (or not) of offenders into community corrections. Expanding housing resources for homeless parolees, such as the Denver Jail Phase I pilot program, will require staffing and funding.

GP-27 SUPPORT FOR THE GOVERNOR'S COMMUNITY CORRECTIONS ADVISORY COUNCIL

The Commission supports the work of the Governor's Community Corrections Advisory Council in the following initiatives:

- The assessment techniques used to establish the treatment needs of community corrections offenders should be evidence-based and implemented as required. This requires training of community corrections staff. The accuracy and completeness of individual offender assessments should be a part of the community corrections performance auditing process.
- The development of individualized treatment plans should directly reflect the identified criminogenic needs of individual offenders. The individualized treatment plans should address offender risk/needs and should be assessed as part of the community corrections performance auditing process.
- The treatment provided to each community corrections offender should be consistent with the individualized treatment plan developed for that offender. The quality of such treatment and its fidelity to the treatment plan should be a part of the community corrections performance auditing process.
- Because criminogenic needs can change during the course of treatment, reassessment of community corrections offenders should be performed in a standardized fashion and at appropriate intervals. Such information should be used to adjust the treatment plans of community corrections offenders, as required. The quality of such reassessments and plan adjustments should be a part of the community corrections performance auditing process.
- The efficacy of community corrections treatment plans in the prevention of recidivism should undergo formal evaluation by the Office of Research and Statistics of the Division of Criminal Justice, with appropriate funding provided for the study.

AGENCY RESPONSIBLE

Department of Public Safety (Office of Community Corrections/DCJ)

This recommendation has been partially implemented. Auditing community corrections programs for adequate, individualized and dynamic case planning is a basic component of evidence-based correctional practices. Implementation of this reflects the priority the Commission has given to evidence-based practices, and is a necessary step toward meaningful correctional reform. It is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives...." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Office of Community Corrections reports that the items identified in the first four bullets of this recommendation have been incorporated into the community corrections audit requirements and are now part of every audit performed. However, measurement of the quality of treatment and its fidelity to the treatment plan (third bullet) requires evaluation resources outside the scope of current audit procedures.

BARRIERS

The impact of the implementation of this recommendation cannot be determined without a focused study, which is the subject of part of the third and the entire last bullet. Resources are unavailable at this time to conduct such a study.

GP-28 COMMUNITY CORRECTIONS GRACE PERIOD STUDY

The Commission supports an initiative by the Governor's Community Corrections Advisory Council to pilot a carefully controlled study to address the value of providing a two to four week "grace period" in which fees and subsistence payments are delayed until the offender is stabilized in the community. After appropriate data is collected and analyzed, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.

AGENCIES RESPONSIBLE

Community Corrections Advisory Committee, Department of Public Safety (DCJ, Office of Community Corrections)

Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)].

ACTION/IMPLEMENTATION

The pilot study proposed by the Governor's Community Corrections Advisory Council has not received the funding necessary for implementation. Due to the lack of funding, no implementation plan is in place.

BARRIER

The Office of Community Corrections estimates that a two week grace period on payment of fees for offenders in community corrections would cost the state \$1,585,000 per year.

GP-29 STUDY STANDARD DIVERSION COMMUNITY CORRECTIONS VS. NON-RESIDENTIAL

The Commission supports the initiative proposed by the Governor's Community Corrections Advisory Council to pilot and study the outcome of two groups of offenders: (1) a control group sentenced to standard diversion residential community corrections, and (2) a study group sentenced to nonresidential status with enhanced services. After appropriate data is collected, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.

AGENCIES RESPONSIBLE

Community Corrections Advisory Council and CCJJ Community Corrections Subcommittee

Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)].

ACTION/IMPLEMENTATION

The Office of Community Corrections reports that funding for enhanced non-residential programming in lieu of continued residential community correction stays has been secured in the FY 2010 state budget. Request for proposals to develop two 20 person non-residential programs that provide enhanced case management for low risk offenders was issued in June 2009. Policies for the program have been developed, and training and research design development is planned.

IMPACT

The study outcome, costs savings achieved, and action by the Advisory Council will be reported in future Commission reports.

GP-30 NEW INITIATIVES FISCAL IMPACT

New budget requests should include an analysis and discussion of the full fiscal and non-fiscal impact of initiatives on other agencies (for example, the impact that a state-level initiative might have on a county jail).

AGENCIES RESPONSIBLE

All state agencies

The Commission is committed to implementing this recommendation when data are available to assess the full impact of initiatives. This effort is consistent with ensuring a comprehensive understanding of "...the cost-effective expenditure of limited criminal justice funds" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

No formal action has been taken on this recommendation. However, executive branch agencies are required in budget request documents to address this issue. As the Commission begins to study sentencing reform, it is committed to including the impact of sentence modifications on local jurisdictions, including but not limited to county probation agencies and jails.

IMPACT

Future Commission reports will include these analyses when appropriate.

BARRIER

The availability of data to analyze the potential impact of proposals that impact local agencies is limited.

GP-31 SOA-R STUDY

The Commission supports the current work by the Interagency Committee on Adult and Juvenile Correctional Treatment and its study of the reliability and validity of the Standardized Offender Assessment-Revised (SOA-R).

AGENCIES RESPONSIBLE

Department of Human Services, Department of Public Safety (Office of Community Corrections, DCJ), Department of Corrections, Judicial Branch

The implementation of this recommendation is underway. The SOA-R is an excellent example of evidence-based practice that has been underway in Colorado for many years. Improvement in the systematic substance abuse assessment of every Colorado offender furthers the Commission's statutory mandates to "...ensure justice..." enhance "the cost-effective use of public resources and "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

This work is spearheaded by the Department of Human Services, Division of Behavioral Health, with the support of a Justice Assistance Grant. Representatives from the responsible agencies meet regularly to review the progress of the consultant hired by DHS. DOC has agreed to oversee additional analyses, including the development of an algorithm to enhance the client-treatment referral system. DOC plans to pilot the new SOA-R and test the reliability of the instrument. DOC reports that a final technical report will be released in September 2009.

IMPACT

The outcome of this project will be reported in the June 2010 Commission report.

BP-32 SPECIAL CONDITIONS OF PROBATION

The imposition of special conditions of probation should be based only on specific, individual needs/risk assessment information.

AGENCY RESPONSIBLE

State Judicial

Implementation of this recommendation is underway. The Commission remains committed to the use of empirically-based risk/needs assessments that would form the foundation of individualized conditions of supervision to further the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and ensure the "...cost effective use of public resources." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Division of Probation Services (DPS) in the Judicial Branch plans to create a training program for judges, emphasizing that any special conditions of probation should be directly linked to the offense and the individual's risks/needs. In addition, DPS plans to create a training program for judges on evidence-based practices and the Division's philosophy regarding the importance of tailoring supervision to each individual.

IMPACT

The number of judges trained will be reported in the June 2010 Commission report. Resources preclude the study of the extent to which this initiative is implemented and its impact on recidivism.

BARRIER

Access to judicial training opportunities to inform the court about the reform may be limited.

NOTE: The Probation Task Force combined recommendations GP-14 and BP-32. For the purposes of this report the information is presented for both recommendations.

BP-33 MANDATORY EARNED TIME ON PROBATION

As a way to provide incentives while enhancing public safety, a working group shall be formed of representatives from the Division of Probation Services, district court probation departments, prosecutors, defense attorneys, victim representatives, and judges to develop an *earned time schedule* that links specific behaviors, such as completing drug treatment and maintaining “clean” urinalysis tests, to specific reductions in the term of the probation sentence.

AGENCY RESPONSIBLE

State Judicial

This recommendation is under discussion by stakeholders. The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. The passage of HB 09-1263 is consistent with the Commission’s statutory mandate to ensure the “...cost effective use of public resources...” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

Further discussion of this recommendation by the Commission’s Probation Task Force uncovered a concern that mandatory earned time might lead to reduction in the use of early termination of probation. Consequently, the Division of Probation surveyed chief probation officers across the state to determine support for this recommendation. The survey found that 17 of 22 judicial districts regularly use early termination of probation; five districts reported obstacles related to obtaining the cooperation of the district attorney or the court. The Probation Advisory Committee has agreed to review the existing early termination policy and provide technical assistance to districts struggling to implement early termination of probation.

The Commission’s Probation Task Force asked that the Community Corrections Subcommittee determine whether or not Diversion clients can be considered for early termination, and if so, what this procedure entails. The Division of Probation Services has expressed its willingness to partner with Community Corrections to share information regarding early termination practices that are happening within probation.

The Commission further suggests that this issue be considered in addition to the use of early termination of probation, and that it be discussed during the Sentencing Reform portion of the Commission’s work.

IMPACT

Progress on the discussions among stakeholders about probation earned time will be presented in the June 2010 Commission report.

BARRIERS

All stakeholders have not been involved thus far. For example, individual victims and the victim assistance community may not endorse a statewide policy for probation earned time.

BP-34 EXPAND JUDICIAL AND PROBATION OFFICER TRAINING

Judicial and probation officer training should be expanded to develop curricula that promote a culture of successful supervision of probationers.

AGENCY RESPONSIBLE

State Judicial (Division of Probation Services)

Implementation of this recommendation would lead to systemic reform. Training is necessary when new expectations require new skills and understanding. The implementation of this recommendation is critical to the reform efforts of the Commission, as specified in C.R.S. 16-11.3-103(1). Implementation of this recommendation would signal systemic reform. Its full implementation is critical to the reform efforts of the Commission, as specified in C.R.S. 16-11.3-103(1).

ACTION/IMPLEMENTATION

In the spring of 2009 the Judicial Department collaborated with the Department of Corrections (Division of Adult Parole, Community Corrections and YOS), the Department of Public Safety and the Department of Human Services (Division of Behavioral Health) to submit a Justice Assistance Grant (JAG) application for funds that would support a multi-agency training initiative. The requested funding would enable the implementation of skill-based training for probation officers, community parole officers, and community corrections case managers. It would also allow for educating judges on evidence-based practices and best practices.

IMPACT

The JAG grant request included funding for research. Future Commission reports will include updates on the implementation of this recommendation.

BARRIER

Lack of funding will limit implementation.

BP-35 POSITIVE REINFORCEMENT AND INCENTIVES

Research shows that positive reinforcement is an important component of behavior modification. The use of incentives to facilitate successful completion of probation should be encouraged. Such incentives should be interpreted as evidence-based efforts to encourage the offender's positive performance for the purpose of enhancing public safety and preventing victimization.

AGENCY RESPONSIBLE

State Judicial (Division of Probation Services)

This recommendation has been partially implemented. The use of positive reinforcement and incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. Use of positive reinforcement and incentives is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Division of Probation Services (DPS) distributed a memorandum to staff on the use of incentives in December 2007. DPS intends to continue to increase its use of incentives and rewards to reinforce positive behavior change. To this end, it has identified a working group to review existing policy and develop a strategic plan to expand the use of positive reinforcement and incentives for offenders on probation.

IMPACT

Resources preclude the study of the extent to which this initiative is implemented and its impact on recidivism. However, the number of cases receiving technical violations, and the number of cases revoked to prison, will be reported in future Commission reports.

BARRIERS

Without a comprehensive study, it will be difficult to gauge implementation barriers.

BP-36 PROBATION TECHNICAL VIOLATIONS SANCTION GUIDELINES

To increase consistency across the state in the response to probation technical and criminal violations, the Division of Probation Services should work with district probation departments to develop a range of probation sanction guidelines that hold offenders accountable while working toward successful completion of probation. These guidelines will be adopted and consistently implemented with the assistance of the court in each jurisdiction.

AGENCY RESPONSIBLE

State Judicial (Division of Probation Services)

Implementation is underway by the Division of Probation Services. Consistency and transparency in decision making which result from guidelines furthers the Commission's mandates to "...ensure justice..." and enhance "the cost-effective use of public resources" while prioritizing public safety [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Division of Probation Services (DPS) submitted an application for a Justice Assistance Grant (JAG) to develop a pilot Technical Violations program. A DPS working group has convened to develop policies for the use of sanctions and incentives in probation. A working group, with representatives from the Commission's Probation Task Force and Probation Advisory Committee, developed a list of recommendations for probation regarding the management of technical violators and absconders. The first recommendation is the development of a statewide policy on technical violations.

IMPACT

Future Commission reports will present the outcome of the current efforts. In addition, the total number of probation technical violations, and the number of technical violations to prison, will be reported.

BARRIER

Isolating the impact of this reform on recidivism reduction would require a comprehensive study; resource limitations preclude the ability to engage in such a study.

BP-37 PRIORITIZE OFFENDER EMPLOYMENT OVER ROUTINE COURT REVIEW HEARINGS

Minimize court review hearings and appearances to reduce docket overload and interruptions to the offender’s employment. Educate judges and probation officers on the necessity of prioritizing support for the offender’s employment since research shows that stable employment is linked to recidivism reduction. This does not apply to specialty courts or dockets.

AGENCY RESPONSIBLE

State Judicial

Implementation of this recommendation requires the sensible use of review hearings. Recidivism studies show that employed offenders are more likely to remain crime-free when they return to the community. This recommendation is consistent with the Commission’s statutory mandate to “focus on evidence-based recidivism reduction initiatives...” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Division of Probation Services reports that probation officers currently request hearings only when necessary.

IMPACT

Data are not available on the frequency of review hearings. The extent to which implementation of this recommendation would reduce recidivism is unknown.

BARRIERS

Probation reports that judicial discretion determines the extent of hearings and court appearances. Also, lack of resources precludes undertaking a comprehensive study of this issue.

BP-38 RESOLVE NEW COUNTY COURT CASES QUICKLY

Resolve new county court cases as soon as possible because unresolved cases may interfere with the success of district court probation.

AGENCY RESPONSIBLE

State Judicial

This recommendation has not been implemented. Efforts to promote offender success are consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

No action has been taken on this recommendation.

BARRIER

Resolving county court cases is at the discretion of individual judges.

BP-39 DEVELOPMENT OF STATEWIDE ADVISORY BONDING GUIDELINES

A statewide committee should be formed to develop an advisory, statewide monetary bond schedule that is generally consistent across jurisdictions. Each judicial district should develop a committee of stakeholders to review the existing monetary bond schedule.

AGENCIES RESPONSIBLE

Colorado Supreme Court, State Judicial

This recommendation has not been implemented. This initiative furthers the Commission’s mandates to “...ensure justice...” and enhance “the cost-effective use of public resources” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

Since the publication of the December 2008 report, this recommendation was revised to suggest the development of statewide advisory bonding guidelines. The Commission recognizes that some existing bonding schedules are antiquated and, in the interest of justice, recommends that these be reexamined and updated. The Supreme Court and the Chief Judges Council are encouraged to create statewide advisory bonding guidelines or give directions to jurisdictions to create such guidelines. The Commission will partner with the Judicial Branch to examine best practices in the area of advisory bonding guidelines. In addition, the Commission recognizes that the Jefferson County Criminal Justice Planning Committee has undertaken a significant study in this area and requests that representatives from this organization be included in these discussions of bond reform.

BARRIER

This recommendation will return to the Commission for discussion. The Commission recognizes that the Jefferson County Criminal Justice Planning Committee has undertaken a significant study in this area and requests that representatives from this organization be included in these discussions of bond reform.

BP-40 ESTABLISH BOND COMMISSIONERS

Each judicial district should be encouraged to establish a bond commissioner and process that give authority to the specially trained commissioner or their designee to undertake an individual assessment of the accused and set bonds and/or summonses as appropriate.

AGENCY RESPONSIBLE

District and county courts

This recommendation has been partially implemented. The Commission requested a study which was completed, highlighting the success of the Larimer County bond and pretrial supervision program. This recommendation furthers the Commission's mandates to "...ensure justice..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

Subsequent to issuing this recommendation, the Commission recommended that the Division of Criminal Justice (DCJ) of the Colorado Department of Public Safety analyze the performance of the bond commission project currently operating in Larimer County, Colorado. DCJ worked with Larimer County bond commission project staff. Please see Appendix U for the complete study findings.

The study found that an extremely low proportion of individuals on bond and under pretrial supervision failed to appear for their scheduled court hearings:

In 2008, 58,132 court appearances were scheduled for defendants in Larimer County. Of these:

- 19,593 were court appearances by defendants under pretrial supervision.
 - 1.93% did not appear in court (FTA)
- 38,539 were court appearances by defendants NOT under pretrial supervision.
 - 11.5% of these did not appear in court (FTA)

In 2008, 7305 defendants were a part of the Pretrial Supervision Program. Of these:

- 5,692 terminated from the Pretrial Supervision Program.
 - Identify current structure
 - 91.9% were terminated successfully, either sentenced or dismissed.
 - 1.4% were terminated for bond revocation
 - 6.7% were terminated for failure to appear (FTA).

This recommendation will return to the Commission for discussion and action.

BP-41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS

Implement existing statutes (C.R.S. 16-5-206 and 16-5-207) encouraging the use of a summons rather than arrest for probation revocations.

AGENCY RESPONSIBLE

State Judicial

This recommendation refers to a practice that is generally implemented.

ACTION/IMPLEMENTATION

Data was collected and analyzed by the Division of Probation Services to determine the use of summons versus arrests to help the Probation Task Force decide if further steps were required to increase the use of summons in appropriate situations. The following information shows that for a random sample of 154 cases summonses are used more often than arrests when a technical violation occurs. The study found the following:

- 2% were arrested
- 54% were issued warrants (these were individuals who had absconded or committed a new crime)
- 44% were issued a summons

In addition, the study found that higher risk offenders were more likely to be the subject of arrest or warrant. The study found the following information when cases were analyzed by risk level:

- Maximum risk: 4.5% arrest, 59% warrant, 35.8% summons
- Medium risk: 0.0% arrest, 47.6% warrant, 52.4% summons
- Minimum risk: 0.0% arrest, 32.0% warrant, 68.0% summons

The Commission recognizes and appreciates the efforts of the bench to that are already underway regarding recommendation.

BARRIER

This practice may vary across jurisdictions.

BP-42 ARREST ALTERNATIVES FOR OFFENDERS ON REVOCATION STATUS

Encourage the use of “cash only” bonds rather than arrest and incarceration for offenders on revocation status for nonpayment when the total amount of fees and costs owed is minimal. The judge can convert the cash bond into costs owed should the offender fail to comply with conditions of supervision.

AGENCY

State Judicial

This recommendation has not been implemented.

ACTION/IMPLEMENTATION

This recommendation was the subject of further study and discussion. The lack of data impeded progress on this recommendation. The Commission recommends that judges be reminded of arrest alternatives for offenders on revocation status and that probation officers proactively inform attorneys and judges that this option exists.

BARRIER

Lack of data prohibits further study.

BP-43 EXPAND USE OF HOME DETENTION IN LIEU OF JAIL

When appropriate, and considering public safety and the safety of the victim, expand the use of home detention in lieu of jail, as a condition of probation or for a probation revocation.

AGENCY RESPONSIBLE

Judicial

This recommendation has not been implemented.

ACTION/IMPLEMENTATION

This recommendation was the subject of further study and discussion. Lack of data impeded progress on this recommendation. The Commission supports the use of home detention when appropriate to promote the most efficient use of correctional resources.

BARRIERS

Lack of resources to undertake a comprehensive study of the current and potential use of home detention prohibits further study. In-home detention programs may not be available in every jurisdiction. Some judges may not be willing to use this alternative to incarceration.

BP-44 OFFENDER RELEASE ASSESSMENT COUPLED WITH SERVICES

Using the Level of Supervision Inventory-Revised (LSI-R) and other tools as appropriate, DOC shall conduct a comprehensive risk/needs assessment of each offender prior to release for the development of a case plan. This plan will form the basis of providing vouchers (or other approved mechanisms) that assist the offender in accessing immediate services, including housing, medication (for example, insulin), mental health services, addiction treatment, and related programs.

AGENCY RESPONSIBLE

Department of Corrections

Research suggests that implementation of this recommendation would maximize the reduction of recidivism and signal systemic correctional reform. Its full implementation is critical to the efforts of the Commission, as specified in C.R.S. 16-11.3-103(1).

ACTION/IMPLEMENTATION

The Department of Corrections reports that fulfilling this recommendation would require a revision of the total case management system from the point of prison intake, through incarceration and community corrections, to parole supervision.

DOC submitted to the Commission a partial implementation plan that focuses specifically on the LSI-R. The Commission requests that DOC develop other possible strategies to assess offenders and provide services in the areas of medication, mental health services, addiction treatment and related programs. In addition, the Commission requests that DOC develop a plan to ensure assessed needs are matched with services in the community.

IMPACT

Updates from DOC regarding its efforts to implement the LSI-R will be included in future Commission reports.

BARRIERS

The Department of Corrections reports that barriers include staffing, funding, a need for technical assistance, and timing/sequencing. DOC states that \$20.3 million would be needed to implement this plan (this includes 47.5 FTE).

BP-45 RELEASE ASSESSMENT INFO PROVIDED TO PAROLE AND COMMUNITY CORRECTIONS BOARDS

Ensure current (within the last six months) release assessment information is provided to the parole board and community corrections boards.

AGENCIES RESPONSIBLE

Department of Public Safety (Office of Community Corrections, DCJ), and the Commission’s Subcommittee on Community Corrections

Implementation of this recommendation is underway. Using assessment information to ensure offenders receive appropriate and adequate services is a key component of using evidence-based practices for recidivism reduction. This recommendation is consistent with the Commission’s statutory mandate to “focus on evidence-based recidivism reduction initiatives...” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Commission’s Community Corrections Subcommittee decided that boards may need education on methods of accessing the pre-sentence investigation, an important synthesis of information about the offense and offender. Additionally, the Subcommittee suggests that boards may need education on incorporating evidence of progress made by the offender subsequent to the presentence investigation report, and on evidence-based practices. The Office of Community Corrections in the Division of Criminal Justice, Department of Public Safety, agreed to provide education to the board members.

BP-46 STANDARDIZED COMPREHENSIVE OFFENDER PROFILE

Determine the cost and feasibility to develop a standardized comprehensive profile for each convicted felon, to include a Pre-Sentence Information Report (PSIR) that is entered into an automated system and made accessible to authorized personnel.

AGENCIES RESPONSIBLE

State Judicial, Department of Corrections, the Department of Public Safety, the Governor’s Office of Information Technology, local jails

This recommendation has not been implemented. The Commission is committed to the transfer of information that would form the foundation of individualized, dynamic case plan. This complex reform initiative furthers the Commission’s statutory mandate to “focus on evidence-based recidivism reduction initiatives...” and ensure the “...cost effective use of public resources.” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

This recommendation requires significant funding; no action has been taken.

BARRIERS

Financial resources and insufficient support by key stakeholders to move forward with this recommendation during the FY 2009 legislative session prohibited implementation.

BP-47 OFFENDER PROFILE TO FOLLOW THROUGHOUT SYSTEM

Representatives from probation, community corrections, DOC, and local jails must work together to develop and implement a protocol whereby a standardized, comprehensive profile of an offender, the offense, and the victim impact-- which may include the PSIR--and individual empirically-based assessment information (such as the Level of Supervision Inventory, and specialized assessments), should follow all individuals convicted of a felony throughout the system, from pre-sentence to release. This assessment should be regularly updated, at a minimum prior to significant decision points in custody or during community supervision, to assure that program placement is linked to criminogenic needs and to document treatment progress and new skills obtained. A systematic quality assurance procedure must be implemented with this initiative. Protocols to share this information while protecting the privacy of the individual must be developed and implemented within and across agencies.

AGENCIES RESPONSIBLE

State Judicial, Department of Corrections, the Department of Public Safety, the Governor’s Office of Information Technology, local jails

This complex recommendation reflects fundamental reform, and has not been implemented. The Commission is committed to the transfer of information that would form the foundation of individualized, dynamic case plan. This complex reform initiative furthers the Commission’s statutory mandate to “focus on evidence-based recidivism reduction initiatives...” and ensure the “...cost effective use of public resources.” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

No action has been taken on this recommendation.

BARRIERS

Lack of financial resources prohibited implementation.

BP-48 IMPROVE DOC'S INMATE TRANSPORTATION/DROP-OFF SYSTEM

Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision.

AGENCY RESPONSIBLE

Department of Corrections

Implementation of this recommendation is underway. Removing barriers to successful offender re-entry into the community is a Commission objective. DOC's efforts to improve the offender's first experience in the transition from prison to the community further the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." and, by doing so, ensure the "...cost effective use of public resources." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that it plans to develop improved drop off procedures for all offenders, including those that discharge their sentence and have no supervision requirements. It intends to analyze the number and types inmates per location for the purpose of developing an RFP (request for proposal) by August 1, 2009 for transportation services to be performed during regular work hours to Denver's John Inmann Work and Family Center. DOC plans to develop an after hours and emergency process to deliver parolees to their community destination by September 1, 2009. DOC plans to provide re-entry brochures, RTD bus route information and bus tokens for after hours and emergency drop offs by September 1, 2009. DOC plans by December 1, 2009 to begin collaboration with faith- and community-based organizations, including CURE, to coordinate transportation and community services for discharged offenders.

IMPACT

Future Commission reports will document the progress made by DOC's response to this recommendation.

BARRIERS

The Department of Corrections reports potential barriers regarding staffing and funding. Specifically, contracted transportation services may exceed \$40,000 annually. This recommendation requires careful coordination among three DOC entities: Case Management, Pre-Release, and Central Transport.

BP-49 DEVELOP ADDITIONAL HOUSING RESOURCES FOR OFFENDERS

Form a collaborative of public and private agencies to identify and develop additional housing resources for special populations who have a criminal record (for example, the aging, those with mental illness, people with developmental disabilities, sex offenders, and those medical problems).

AGENCIES RESPONSIBLE

Department of Corrections, Department of Human Services, Department of Local Affairs

Implementation of this recommendation requires the collaboration of multiple entities. The Department of Corrections has agreed to convene a multiagency committee through October 2009. The Commission remains committed to promoting the development of housing resources for offenders since a stable living environment is a prerequisite to successful re-entry.

ACTION/IMPLEMENTATION

The Department of Corrections has agreed to convene a committee that includes representatives from the Department of Human Service's Office of Behavioral Health and Housing (Development and Supportive Housing and Homeless Programs), and the Division of Housing in the Department of Local Affairs, and CURE (Citizens United for the Reformation of Errants). This group will review information on special populations provided by DOC, and identify city and county ordinances that restrict placement of incarcerated populations. DOC plans to prepare a report of restrictive ordinances by October 1, 2009 for the purpose of facilitating greater collaboration and education on this issue.

IMPACT

Future Commission reports will document progress by DOC on the actions described above. Data obtained from stakeholders on the expansion of housing resources, if available, will be included in the June 2010 Commission report.

BARRIERS

DOC estimates that additional housing costs could exceed \$50,000 annually. Lack of dedicated staff to continue this initiative is an additional barrier.

BP-50 VERIFIABLE IDENTIFICATION FOR ALL OFFENDERS LEAVING INCARCERATION

Whenever feasible, ensure every offender leaving jail and prison may obtain a driver's license or verifiable state identification upon release to the community by implementing the following business practices:

- A. For the Department of Revenue (DOR) to issue a Colorado driver's license or state identification card to an individual incarcerated in a Department of Corrections (DOC) facility, the DOR will accept a certified state or county issued birth certificate and a DOC photo inmate identification card if the name and date of birth on DOC photo inmate identification card match the name on the birth certificate. A match is permissible if DOC card bears the date of birth and the full name of the incarcerated individual, and this name matches the first and last names on the birth certificate. The lack of a middle name or initial on one of these documents will not disallow a match.
 - If an incarcerated individual previously had a Colorado driver's license or state identification card and the DOR retains that person's image, signature, and fingerprints in electronic storage, upon submission of a certified state or county issued birth certificate the DOR may determine a match in order to issue a state identification card or driver's license.
 - The Department of Revenue will work to ensure that its database will combine and link all known driving records associated with that person so law enforcement can review the person's complete driving history during traffic stops.
- B. The Colorado Department of Corrections (DOC) will apply for birth certificates in every state (including U.S. territories) on behalf of incarcerated individuals who request this service. Legal citizens born abroad may also qualify, depending upon the funding level of DOC program.
 - a. If sufficiently funded by the state, DOC will not charge the incarcerated individual for this service. If DOC does not receive additional funding for this recommendation, DOC will apply for birth certificates if the inmate has sufficient funds in his/her inmate banking account.
 - b. The Administrative Regulation will be amended to reflect this recommendation.
 - c. All prisons in Colorado, including the private prisons, will comply with this policy.
 - d. Inmates who request a birth certificate will be provided with a standardized advisory statement written by the office of the Colorado State Public Defender.
- C. When DOC determines that the full legal name of the incarcerated individual differs from the name on that person's sentencing mittimus, DOC will include that name with the individual's file. Upon release of that individual, DOC will issue the individual a DOC photo inmate identification card bearing both the name entered on the individual's sentencing mittimus as well as the full legal name of that individual.
 - All prisons in Colorado, including the private prisons, will comply with this policy.
- D. DOC should sign the newest memorandum of understanding with the Social Security Administration and include all prisons, including the private prisons, on the MOU in order to apply for Social Security cards on behalf of incarcerated individuals whose full legal name they are able to confirm. Eligibility cannot be confined to the name on the mittimus.
 - a. The Administrative Regulation will be amended to note the changes in this recommendation.
 - b. The application for a Social Security card will be initiated at least 120 days prior to an individual's expected date of release.
- E. Arresting entities should confirm and use a person's full legal name on all documents. This may require training on how to properly identify a person upon arrest.

- F. The law enforcement community, including state patrol, local police, sheriffs, and community corrections, should develop a statewide standard regarding the retention of (and consequences for the destruction of) primary identification documents.
- G. If the district attorney's office receives information from law enforcement or the defense counsel concerning a defendant's true name and identity, the district attorney's office will review documents and, when appropriate, notify the Court so that the mittimus may reflect the defendant's true name and identity.
- H. If the defense counsel receives information concerning a defendant's true name and identity, the defense counsel will review documents and, when appropriate, notify the district attorney's office and the Court so that the mittimus may reflect the defendant's true name and identity.
- I. The importance of placing the full legal name on an individual's court record, including the mittimus, as an AKA at the request of a party, should be underscored to judges and clerks.
- J. The state court system should investigate whether the court record, if filed in a name other than the individual's full legal name, could contain a field to record the individual's full legal name in addition to listing the full legal name as an AKA, at the request of a party.
- K. The Department of Public Health and Environment's Office of Vital Records should develop a memorandum of understanding with departments of corrections in every state. This will allow departments of corrections in states other than Colorado to apply for birth certificates on behalf of inmates born in Colorado.
- L. Jail and DOC personnel should provide a one-page explanation to all individuals leaving these facilities who will need to appear at a Division of Motor Vehicle office in order to obtain a driver's license or state identification card.
 - a. The one-page information sheet, to be developed by the Department of Revenue with the purpose of preparing individuals to successfully obtain an ID at the first visit, will outline local DMV location(s), suggested "best" times to visit, map, and clear information about necessary documents.
- M. The General Assembly should provide DOC and jails with the necessary funding to accomplish the tasks explained here, including fees to purchase birth certificates, dossiers, and other required documents.
- N. The Commission supports the effort of the Legislative Oversight Committee for the Study of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System to obtain and fund a van that will travel to jails and other locations in the seven-metro county area to provide identification documents.
- O. The Commission supports DOC's pilot ID project with the DOR involving mobile units that issue identification to individuals releasing from incarceration.
- P. All parties addressed in these recommendations should report their progress back to the Commission in February 2009.

AGENCIES RESPONSIBLE

County jails, Departments of Corrections and Revenue

Parts of this comprehensive recommendation have been implemented, removing certain barriers to obtaining a verifiable state identification card.

ACTION/IMPLEMENTATION

The Departments of Corrections and Revenue continue to collaborate on a pilot project to provide a limited number of offenders with a state identification. Upon release, offenders who participated in the pilot program can receive an ID from a predetermined address in the community.

In March 2009, the DOC implemented Administrative Regulation 550-10, "Assisting Offenders Applying for Replacement Social Security Cards and Birth Certificates."

In addition, Senate Bill 09-006, spearheaded by the Metro Area County Commissioners (MACC), creates a county jail identification processing unit in the Drivers' Licenses Division of the Department of Revenue, consisting of a mobile identification processing vehicle staffed by Revenue employees. The bill, which appropriates \$186,000 and 1.2 FTE, mandates that inmates with a medically documented mental illness be prioritized for services.

IMPACT

The number of individuals who are affected by the need for a driver's license or state verifiable ID remains unknown. Future Commission reports will document progress towards removing barriers for inmates to obtain a verifiable ID.

BARRIERS

Cost to adequately expand the pilot program at DOC that provides state IDs to inmates in advance of release. In addition, it is unclear how DOC will issue a verifiable ID with the inmate's full legal name *and* the name on the mittimus when these names are not identical; this circumstance is not included in the new administrative regulation 550-10 (effective March 1, 2009). Nor does the administrative regulation attend to identification documents, such as birth certificates or social security cards, for inmates who are not incarcerated under their legal birth name. Finally, DOC does not intend to apply for birth certificates for legal citizens born abroad.

BP-51 STANDARDIZE DRIVER'S LICENSE RESTRICTIONS

Any limitation or restriction of an offender's driver's license while on parole and community corrections must be based on specific, written, and standardized criteria.

AGENCIES RESPONSIBLE

The Department of Corrections, the state board of parole, local community corrections programs

The implementation of this recommendation is underway. Its full implementation is intended to remove barriers to successful re-entry into the community while maintaining public safety, per the Commission's statutory mandate [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that they will develop and implement a policy to standardize the practice of approving driving privileges for individuals on parole and in community corrections by October 1, 2009. DOC reports that the policy will be based on statute, offender performance, and public safety. Criteria for approval will be linked to the offender's criminal history, employment opportunities, and program compliance.

The parole board typically defers decisions about driving restrictions to the supervising officer.

IMPACT

Progress made toward the development of written criteria pertaining to driving restrictions will be reported in the June 2010 Commission report. Note that it is impossible to measure the impact of restricting certain behaviors (such as driving) in order to protect the public. Lack of data to (1) assess consistency in policy implementation (variation across supervising officers), and (2) determine the extent to which the new policy removes barriers to offender success, precludes assessing this recommendation for its impact on recidivism reduction.

BARRIERS

DOC reports no barriers to implementation. Lack of information precludes determining the impact of this recommendation.

BP-52 OFFENDER EMPLOYMENT COLLABORATION

Because the research is conclusive that stable and meaningful employment is critical to recidivism reduction, the Department of Corrections should work with the Department of Labor and the Division of Vocational Rehabilitation, private businesses, trade unions, along with city, county, state and private employers to expand the number and scope of vocational programs offered in prison, and to ensure that the job skills offered by these programs are relevant and transferable to the current job market. Job placement and job readiness programs should be added in the Department of Corrections, and should be a priority for offenders approaching their release date. A focus on creating jobs for individuals coming from the Department of Corrections should be a priority for the collaborating entities.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Labor and Employment, Department of Human Services

Recidivism studies show that employed offenders are significantly more likely to remain crime-free when they return to the community. This recommendation would maximize the public safety value of time spent in prison by targeting what is arguably the most important barrier to successful re-entry. Complete implementation of this recommendation is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

In addition to the original recommendation, the Commission approved a new and distinct recommendation regarding employment and licensing barriers affecting people with criminal records. The new recommendation reads as follows:

The Commission recommends a review of all state promulgated statutes, rules, regulations and policies that create a barrier to employment or professional licensing for people with a criminal conviction. The Commission also recommends a review of written hiring policies and practices regarding people with a criminal conviction, for every state division and department. The Commission recommends interested members of the General Assembly request such a review and report from Legislative Council.

This new recommendation will be labeled BP-52A.

The Department of Corrections reports that this work is largely underway as a matter of current business practice. The Department of Corrections continues its long-term partnership with the Department of Labor and Employment and has established a statewide network of workforce centers.

New initiatives in response to this recommendation are underway and are intended to be completed by the end of this calendar year. These include the development of a method to assess the skill levels of inmates with vocational needs, the use of labor market information to inform education and vocational training, and expanding its efforts with the community college system to enhance offender employment and training. It is also expanding its staff training in this area.

IMPACT

Future Commission reports will include information on the number of offenders participating in DOC's prerelease programs and workforce centers, when available. Additional information, such as the outcome of labor market information on DOC vocation programming, will be included in future reports when available from DOC.

Future reports will track BP-52A as an additional reentry recommendation.

BARRIERS

All stakeholders have not convened to address this recommendation. Data may be unavailable to determine the extent to which this recommendation is implemented.

BP-53 JOB RECOMMENDATIONS FOR DOC INMATES

Upon request and as appropriate, job supervisors at the Department of Corrections should be encouraged to write job recommendations for individuals being released from incarceration.

AGENCY RESPONSIBLE

Department of Corrections

Implementation of this recommendation is underway. Efforts to promote successful re-entry to the community is consistent with the Commission's mandate to reduce recidivism [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Colorado Department of Corrections reports that by July 2009 it will revise policies to allow supervisors to write letters of recommendation based on an offender's job performance. In addition, DOC will identify the number of job recommendations written by July 2010.

IMPACT

Data on the number of inmates released to the community with job recommendations will be presented in future Commission reports.

BP-54 EXPLORE LONG DISTANCE LEARNING OPPORTUNITIES

Technological advances should be explored to provide long distance learning opportunities so that to individuals registered in these classes will not lose time or momentum when transferred to a different facility.

AGENCIES RESPONSIBLE

Department of Corrections, Department of Education, Department of Higher Education

Implementation of this recommendation is underway but full implementation requires significant resources. Recidivism studies show that offenders with higher levels of education are more likely to remain crime-free when they return to the community. The passage of HB 09-1264 is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

This recommendation has been the subject of further review. Formidable technological and cost challenges have been assessed by DOC. One program allows offenders the opportunity to take self-paced renewable energy courses from DVDs and upon completion, offenders are guaranteed a job interview with one of three companies participating in the project. Two facilities are operating pilot web-based programs in collaboration with local community colleges.

New DOC initiatives resulting from this recommendation include exploring the Cisco Networking Academy that provides on-line courses (by October 2009); increasing collaboration with the community college system to increase the number of inmates obtaining GEDs (by October 2009), and incorporating labor market information obtained in response to Recommendation GP-23 into distance learning strategic planning (by November 2009).

As a result of the additional information obtained since this recommendation was first issued, the Commission encourages DOC and the Department of Higher Education to further explore web-based distance learning opportunities for inmates. Progress on this recommendation should be reported to the Re-Entry Oversight Committee. In addition, the pilot programs should be evaluated for effectiveness specifically in terms of academic outcomes, compared to traditional educational delivery systems. If the findings are favorable, efforts should be undertaken to expand web-based programming to other facilities. The Commission acknowledges the associated costs, and the need for funding to promote higher educational opportunities for offenders.

IMPACT

Information, if available, on DOC's current and proposed initiatives will be presented in future Commission reports.

BARRIERS

The Department of Corrections reports multiple challenges including fiscal, staffing, and technological barriers. Specifically, DOC facilities will have to be wired to broadcast long distance learning; computers, equipment, and bandwidth will need to be purchased for offenders and proctors to participate in classroom learning centers, as well as network systems and outside connections; firewall systems require expansion. These costs could easily exceed \$1,000,000.

BP-55 TREATMENT PROVIDERS TO EXPAND THEIR HOURS OF OPERATION

As part of the contract award process, the Department of Corrections will give preference to private service vendors (for example, for treatment, drug tests, etc.) who provide extended hours of operation during the week and/or weekend hours. The Department of Corrections can waive this requirement for vendors in under-served areas of the state, or for those providers for whom this requirement would prevent the delivery of services.

AGENCY RESPONSIBLE

The Department of Corrections

Implementation of this recommendation is underway. Efforts to promote offender success are consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that they will modify the request for proposal (RFP) process for the next contract solicitation to include language that offers incentives to service providers that extend program hours of operation, including those that provide wrap-around services. DOC agrees to encourage current contractors to extend their hours of operation.

IMPACT

DOC intends to report the number of offenders receiving services during extended hours and on weekends. When this information is available, it will be included in future Commission reports.

BARRIERS

The Department of Corrections reports potential barriers that include funding, timing, and sequencing, and the state procurement process. Specifically, the parole data system will need modification to capture when an offender is provided a service during an extended hour timeframe, at a cost of approximately \$10,000.

BP-56 FUNDING FOR THE PAROLE BOARD

Provide funding to enhance the technology available to the parole board members, hearing officers, and administrative law judges so that they may obtain items such as laptop computers, other hardware, software, and video conferencing, to improve the efficiency and effectiveness of parole board hearings and operations. Allow electronic requests for modifications of conditions of parole.

AGENCY RESPONSIBLE

Department of Corrections, Board of Parole

Efforts to obtain funding and implement this recommendation are underway. Improving efficiency and data availability for parole board members furthers the Commission's mandates to "...ensure justice..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENT

The Department of Corrections reports that new laptops for parole board members were obtained in May 2009. The laptops are currently being tested for connectivity and usability by the Parole Board members.

DOC reports that electronic requests for modifications of conditions of parole require costly updates to the parole information system.

IMPACT

Efforts to obtain funding for this recommendation will be documented in future Commission reports. Travel costs for the parole board may decrease with these efficiencies.

BARRIERS

Lack of funding to expand current practices.

BP-57 OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD

The Commission requests that an independent agency with expertise in paroling authorities (in particular, the Center for Effective Public Policy) provide technical assistance to the parole board to increase efficiency and effectiveness. This assistance would involve bringing to Colorado experts in parole and release to engage in the following tasks:

- Review parole guidelines, policies, procedures, sanction grids, and training standards;
- Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;
- Review the parole board's internal capacity for data collection and reporting;
- Review forms used by the parole board;
- Conduct a work-load survey to identify inefficiencies and possible remedies; and
- Review the opportunities for inmate supporters and victims to participate in the parole hearing.

The Commission requests that the Department of Public Safety, on behalf of the Colorado Criminal and Juvenile Justice Commission, apply for funding from the JEHT Foundation to provide the aforementioned assistance.

AGENCY RESPONSIBLE

Department of Public Safety

Implementation of this recommendation is underway. This critical re-entry reform initiative furthers the Commission's mandates to "...ensure justice..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The JEHT Foundation closed in January 2009 but activity on this recommendation continued. The Post-Incarceration Supervision Task Force reviewed this recommendation and developed another strategy to implement this recommendation. A request for technical assistance was submitted by the Parole Board to the National Institute of Corrections (NIC) for outside assistance with the first bullet in the recommendation, and the request was approved in April 2009. Experts from the Center for Effective Public Policy are scheduled to begin work with the parole board in June 2009.

In addition, the Department of Public Safety (Office of Research and Statistics (ORS), DCJ) is working with DOC and the parole board to clarify the use of risk assessment, the Colorado Actuarial Risk Assessment Scale (CARAS). CDPS is also developing a database to analyze the decisions of parole board members, and will work with DOC in FY 2010 to automate a revised Parole Board Action Form.

The Department of Corrections has agreed to develop a memorandum of understanding with the parole regarding data analysis duties, and to provide consistently-defined parole release data.

The Commission's Post-Incarceration Supervision Task Force has agreed to work with the parole board to understand its current release decision making criteria including those used to make parole revocation judgments, identify current policy and practice, and identify targets of change in board practice. This task force has also agreed to study the current parole board structure and identify possible modifications; these reforms may require legislative action.

This work will be ongoing throughout FY 2010. Please see the implementation plan attached as Appendix V.

IMPACT

Progress on implementation will be reported in future Commission reports. Associated information, including parole board workload and decision making, will also be reported as information becomes available.

BP-58 PAROLE SUPERVISION POLICIES AND TRAININGS

To promote continuity of supervision, the Department of Corrections should develop consistent policies and trainings that promote uniformity in establishing and implementing discretionary conditions and privileges of parole supervision.

AGENCY RESPONSIBLE

The Department of Corrections

Implementation of the recommendation is underway. Its full implementation is critical to the reform efforts of the Commission, as specified in C.R.S. 16-11.3-103(1).

ACTION/IMPLEMENTATION

The Department of Corrections has established policies and trainings directly connected to conditions and privileges of parole supervision. DOC reports that these policies and trainings will be reviewed annually to ensure alignment with evidence-based practices. DOC also reports that by January 2010, case plans will be developed based on the criminogenic needs of offenders and updated based on offender compliance.

DOC collaborated with the Division of Probation Services and the Office of Community Corrections to submit an application to the Justice Assistance Grant program that would provide funding to train officers consistently across agencies in evidence-based practices, in Motivational Interviewing® (MI) and in MI coaching.

IMPACT

Resource constraints preclude the implementation of a comprehensive study to determine the level of consistency in the application of discretion by supervising officers, the implementation of case plans based on criminogenic needs and the extent to which the plans are regularly updated.

The training grant application includes research and evaluation resources that, if funded, will allow progress reports on some aspects of this recommendation.

BARRIERS

Barriers include lack of funding to provide adequate training and coaching in Motivational Interviewing® skills; also resource limitations regarding evaluating of this recommendation.

BP-59 FLEXIBLE REPORTING OPTIONS FOR PAROLEES

The Commission supports the Department of Corrections' effort to develop more flexibility in reporting options for parolees.

AGENCY RESPONSIBLE

Department of Corrections

Implementation of this recommendation is underway. Removing barriers to offenders' successful re-entry into the community is an essential recidivism reduction strategy and is consistent with the Commission's statutory mission per [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that it will explore the feasibility of establishing a flexible work schedule by January 2010.

IMPACT

The Department of Corrections reports that it records the amount of field activities conducted by officers in its parole data system. Future Commission reports will provide implementation information, if available.

BARRIERS

Expanded use of field supervision (versus visits to the office by the offender) may increase technical violation rates.

BP-60 DATE-CERTAIN RELEASE FOR COMMUNITY CORRECTIONS AND INTENSIVE SUPERVISION PAROLE

With limited exceptions, when someone has been transitioned out under inmate status, provide a date-certain release for offenders in community corrections while retaining the authority of the parole board to conduct a rescission hearing and extend or vacate the parole date in the event of noncompliance. Specifically, when an inmate is accepted in community corrections as a transition client, the parole board should set a parole date no later than 12 months from the date of placement in residential community corrections. Likewise, when an inmate has been placed in the Intensive Supervision Program-Inmate (ISP-I), the parole board should set a date for parole at 180 days from the placement on ISP-I.

AGENCIES RESPONSIBLE

Department of Corrections, Parole Board, Department of Public Safety (Office of Community Corrections/DCJ)

Efforts to implement this recommendation are underway, starting with a plan for a pilot program. This recommendation underscores the Commission’s statutory mandate to ensure the “...cost effective use of public resources.” [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

This recommendation received further study by the Commission’s Post Incarceration Supervision (PIS) Task Force and the Department of Corrections. DOC recommends piloting this idea in a single site to ensure working agreements with the local community corrections board and programs. DOC agrees to coordinate with the parole board, the Department of Public Safety (DCJ/Office of Community Corrections), a local community corrections board and program by September 2009 and develop a plan for a pilot program. DOC reports that it will develop a detailed project design and implementation plan that includes victim notification by September 2010. DOC further agrees to revise its policies, modify the electronic referral process, and train parole board members, case managers and supervising officers on the design and implementation of this initiative.

IMPACT

Implementation of the pilot program will be documented in future Commission reports, including the affect of this initiative on the average length of stay and offender outcomes. The impact of statewide implementation will be documented in future Commission reports as data becomes available.

BARRIERS

The Department of Corrections estimates that training costs related to full implementation approach \$114,000. Additional costs are associated with database modifications and resources related to modifying current procedures related to the publication of parole board hearings, scheduling of hearings, victim notification, prerelease planning, and the community corrections referral process.

BP-61 DEFER SUBSISTENCE PAYMENTS FOR INDIGENT OFFENDERS IN COMMUNITY CORRECTIONS

For individuals entering community corrections facilities, provide the opportunity to defer the first two to four weeks of subsistence payments for those who are indigent.

AGENCIES RESPONSIBLE

Department of Public Safety (Office of Community Corrections/DCJ), Community Corrections Advisory Committee

Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)].

ACTION/IMPLEMENTATION

There has been no action taken on this recommendation.

BARRIER

State budget limitations preclude implementing this recommendation.

BP-62 INMATE PARENTING AND BONDING PROGRAMS

The Commission supports the Department of Corrections' effort to expand parenting and bonding programs.

AGENCY RESPONSIBLE

Department of Corrections

Implementation of this recommendation is underway. Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)] and to the extent that these programs prevent future criminal behavior on the part of the child and the parent, it enhances "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

ACTION/IMPLEMENTATION

The Department of Corrections reports that it hired instructors who recently started programs at La Vista Correctional Facility for Women and the Denver Women's Correctional Facility. DOC is working with Colorado State University to develop certified courses and programs for parenting and bonding.

IMPACT

The number of inmates participating and completing parenting and bonding programs will be documented in future Commission reports, if available.

BARRIERS

The need for additional programming in other institutions has not been addressed. Data to assess the impact of these programs on recidivism are unavailable.

CS-63 TECHNICAL VIOLATIONS PROGRAM WITHIN PROBATION

To reduce the number of offenders with probation violations resulting in a prison sentence, the Division of Probation Services should implement a technical violations program that focuses on these offenders and encourages them to become compliant with probation supervision.

AGENCY RESPONSIBLE

State Judicial

Implementation of this recommendation is underway. Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)].

ACTION/IMPLEMENTATION

The Commission's Probation Task Force worked with the Probation Advisory Committee to create a list of recommendations for probation to pursue regarding technical violators and absconders. In addition, the Division of Probation Services submitted a proposal for a Justice Assistance Grant (JAG) to provide resources for focus on the issue of technical violations. The Division of Probation Services intends to pursue this program regardless of the outcome of pending the JAG request.

IMPACT

Progress on this recommendation will be presented in future Commission reports.

CS-64 CREDIT FOR TIME SERVED

Clarify the statute and mandate that parolees receive credit for the time spent in jail pending a technical parole revocation.

AGENCIES RESPONSIBLE

General Assembly, county jails

This recommendation was successfully implemented with the passage of HB 09-1263. This important reform provides for the equitable application of time credits in county jails and moderately reduces the average length of stay in prison. HB 09-1263 is consistent with the Commission's statutory mandates to "...ensure justice..." and enhance "the cost-effective use of public resources" [C.R.S. 16-11.3-103(1)].

IMPACT

Average length of time in prison for inmates revoked on parole should decrease. However, this information cannot be analyzed until those inmates are released again, and time in prison can be calculated. This information, when available, will be presented in future Commission reports.

Note that elements from recommendations L-2, L-3, L-4 and CS-64 were combined into House Bill 09-1263.

CS-65 DOC (PAROLE) TECHNICAL VIOLATIONS UNIT

The Commission supports the Department of Corrections' effort to establish a technical violations unit with the goal of enhancing consistency, preserving public safety, and reducing parole revocations for technical violations.

AGENCY RESPONSIBLE

Department of Corrections

Implementation of this recommendation is dependent upon funding of a grant application. Implementation of this recommendation is consistent with the Commission's statutory mandate "to investigate effective alternatives to incarceration [and] the factors contributing to recidivism..." [C.R.S. 16-11.3-103(2)(b)].

ACTION/IMPLEMENTATION

The Department of Corrections submitted a Justice Assistance Grant (JAG) application in February 2009 to develop a Technical Violations Unit. Implementation of a Technical Violations Unit is dependent on funding from this grant program.

IMPACT

The grant application included funding to evaluate the impact of the Technical Violations Unit.

BARRIER

If the grant is not funded, no plans are in place to pursue the Technical Violation Unit.

CS-66 GRANT 30/60 DAYS BEHAVIOR-BASED EARNED TIME CREDIT FOR NEW INTAKES AND CURRENT POPULATION (EXCLUDING TECHNICAL VIOLATIONS) SERVING TIME FOR NON-PERSON CRIMES

Since implementation of evidence-based practices requires the reallocation of existing state resources, and because research shows that incentives are a powerful and important method to modify behavior, business practices should be amended to accomplish the following:

To allow for enhanced release planning and services, DOC case managers, time computation staff, and members of the parole board should schedule for release a certain category of offenders up to 60 (class 4 and 5) or 30 days (class 6) prior to MRD. This *earned release* time is available for individuals serving a sentence for non-person conviction crimes⁵⁹ who meet the following criteria:

- No Code of Penal Discipline (COPD) violations;
- In compliance with recommended programming;
- No prior convictions for a person offense.

Those individuals released in this manner will be classified by DOC as *earned releases* (not discretionary or mandatory releases). The parole board retains discretion over the final release decision.

Note that additional earned time will move up the date that the individual becomes eligible for community corrections, and this may reduce the size of the prison population. Any savings that results from the application of earned time from these changes in practice should be placed in a designated fund for recidivism reduction programming.

AGENCY RESPONSIBLE

General Assembly

This recommendation was successfully implemented with the passage of House Bill 09-1351 which increased prison earned time based on demonstrated program progress by inmates. The bill provides for any savings generated to be applied to recidivism reduction programs beginning in FY 2013.

The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. The passage of HB 09-1351 is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

IMPACT

The Department of Corrections received resources for nearly 11 FTE in HB 09-1351 for parole officers, time computation staff, and information technology staff. Measures of impact will be reported in future Commission reports when data are available.

⁵⁹ Nonperson offenses are defined as those identified in the Victim Rights Act plus false imprisonment, violation of a custody order, enticement of a child, internet luring of a child, internet sexual exploitation of a child, wrongs to children (C.R.S 18-7-402 through 18-7-407), arson, first degree burglary, weapons/explosives/incendiary devices (C.R.S. 18-12-102 through 109).



Section 6: Next Steps

With the passage of Senate Bill 09-286, C.R.S. 16-11.3-103(2.5)(a), and a directive from the Governor and the Attorney General (see Appendix W) the Commission will begin to focus on sentencing policy. At its June 2009 monthly meeting, the Commission invited retired Judge Roger K. Warren to discuss evidence-based sentencing to reduce recidivism.⁶⁰ In July the Commission will develop a short and long term strategy to study sentencing. The goal of the short term strategy is to provide recommendations for the next legislative session which begins in January 2010. These recommendations will be provided in a report, mandated in SB 09-286, to be published on November 30, 2009. The long term strategy will develop a plan to obtain input from stakeholders both inside and outside the criminal justice system. This may include a public opinion survey. The Commission and the Judicial Branch are currently collaborating on a survey of judges to obtain their perspectives on sentencing statutes.

The Behavioral Health working group will continue its collaboration with existing initiatives from the Governor's office. The working group will finalize its recommendations for the Commission in the next several months. Likewise, the Community Corrections subcommittee will continue to study issues on behalf of the Commission, and has planned a day-long retreat to consider "Community Corrections for the 21st Century." This work will result in recommendations to the Commission.

The Commission's continued work in the area of offender reentry has been delegated to the Post Incarceration Task Force. This group meets monthly and will focus on the purpose of parole, parole decision making (release and revocation), and structure.

Tracking and documenting the status of the Commission's reentry recommendations, along with other recommendations as these are promulgated, will become a greater aspect of the Commission's work, and will continue to be presented in future Commission reports.

Work on the following critical issues discussed in Section 4 will continue: training on Evidence Based Practices (EBP), minority overrepresentation (see Appendix X for preliminary data), gender-specific programming, and access to data/information systems for analysis and planning. Progress will be discussed in future Commission reports.

The Commission will continue to meet on the second Friday of the month, and information about the meetings, documents from those meetings, and information about the work of the task forces and committees can be found on the Commission's web site, which can be accessed at <http://cdpsweb.state.co.us/ccj/>. The Commission expects to present its next written report in July 2010.

⁶⁰ See <http://nicic.org/Downloads/PDF/Library/022843.pdf>.



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Appendices

**Appendix A:
Needs vs. Services Received by
Community Correction Offenders
FY 2008**

The following tables represent the needs determined by Level of Supervision Inventory scores for community corrections offenders in Colorado in FY 2008 (Table 1) as well as the percent of services actually received (Table 2). *Diversion clients* are individuals who are sent by the court to a community corrections program instead of (“diverted from”) prison whereas *transition clients* are individuals who are returning (“transitioning”) from prison through a community corrections program. Diversion individuals are in the custody of probation whereas transition clients are in the custody of the Department of Corrections.

Table 1. Percent who needed each service based on elements included in treatment plans

	Diversion Clients (%) N = 2475	Transition Clients (%) N = 2699
Education/Employment	51.8	50.9
Financial	36.8	37.1
Family/Marital	30.9	29.2
Accommodation	13.5	10.6
Leisure/Recreation	39.0	34.5
Companions	44.8	44.0
Alcohol/Drug	77.2	76.4
Emotional/Personal	25.6	24.0
Attitude/Orientation	43.6	43.0

Source: Community Corrections residential termination data, FY 2008; analyzed by the Division of Criminal Justice, Office of Research and Statistics. Information based on Level of Supervision Inventory scores.

Table 2. Percent who received each service type

	Diversion Clients (%) N = 2475	Transition Clients (%) N = 2699
Employment/Vocational	40.2	38.1
Education	17.6	13.6
Life Skills/Financial	30.5	30.2
Mental Health	15.9	13.7
Substance Abuse	73.8	67.6
Sex Offender	3.2	1.8
Domestic Violence	7.2	6.4
Anger management	13.2	19.5
Cognitive Restructuring	52.0	47.3

Source: Community Corrections residential termination data, FY 2008; analyzed by the Division of Criminal Justice, Office of Research and Statistics

**Appendix B:
House Bill 07-1358**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 07-1358

BY REPRESENTATIVE(S) Carroll T., King, McGihon, McFadyen, Weissmann, Buescher, Carroll M., Cerbo, Kerr A., Stafford, Todd, Casso, Gallegos, Gardner B., Jahn, Levy, Madden, Marshall, Pommer, Roberts, Stephens, Borodkin, Kefalas, Labuda, and Gibbs;
also SENATOR(S) Gordon, Bacon, Groff, Isgar, Kester, Morse, Penry, Shaffer, Tapia, Tupa, Boyd, Spence, Tochtrop, and Williams.

CONCERNING THE STUDY OF THE CRIMINAL JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, CREATING THE COLORADO CRIMINAL AND JUVENILE JUSTICE COMMISSION AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Title 16, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 11.3

Colorado Commission on Criminal and Juvenile Justice

16-11.3-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) ENSURING PUBLIC SAFETY AND RESPECTING THE RIGHTS OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

VICTIMS ARE PARAMOUNT CONCERNS OF THE CITIZENS OF COLORADO;

(b) IMPROVING THE EFFECTIVE ADMINISTRATION OF JUSTICE INVOLVES A COMPREHENSIVE EXAMINATION OF, AND RECOMMENDATIONS REGARDING, THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS;

(c) CURRENT COMMITMENTS TO THE DEPARTMENT OF CORRECTIONS REQUIRE EXPENDING A SIGNIFICANT PERCENTAGE OF THE STATE BUDGET FOR INCARCERATION OF OFFENDERS;

(d) THE NUMBER OF OFFENDERS PROJECTED TO BE SENTENCED IN THE FUTURE WILL REQUIRE THAT AN EVEN GREATER PERCENTAGE OF THE STATE BUDGET BE DEDICATED TO INCARCERATION;

(e) THE RATE OF RECIDIVISM IS HIGH, RESULTING IN THE RETURN OF MANY OFFENDERS TO THE JUSTICE SYSTEM WITH ADDITIONAL SIGNIFICANT EXPENSE;

(f) IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF COLORADO TO MAINTAIN PUBLIC SAFETY THROUGH THE MOST COST-EFFECTIVE USE OF LIMITED CRIMINAL JUSTICE RESOURCES;

(g) MANY FACTORS MAY CONTRIBUTE TO AN OFFENDER'S CRIMINAL BEHAVIOR, INCLUDING BUT NOT LIMITED TO SUBSTANCE ABUSE, MENTAL ILLNESS, POVERTY, CHILD ABUSE, DOMESTIC VIOLENCE, AND EDUCATIONAL DEFICIENCIES. OFTEN TIMES, FACTORS CONTRIBUTING TO CRIMINAL CONDUCT AND RE-VICTIMIZATION ARE NOT ADDRESSED ADEQUATELY WITHIN THE JUSTICE SYSTEM.

(h) APPROPRIATE INTERVENTION IN A CHILD'S LIFE THROUGH THE JUVENILE JUSTICE SYSTEM OR PREVENTION PROGRAMS MAY LIMIT OR PREVENT FUTURE CRIMINAL CONDUCT;

(i) IT IS IN THE BEST INTEREST OF THE PUBLIC TO ENGAGE IN A COMPREHENSIVE EVIDENCE-BASED ANALYSIS OF THE CIRCUMSTANCES AND CHARACTERISTICS OF THE OFFENDERS BEING SENTENCED TO THE DEPARTMENT OF CORRECTIONS, THE ALTERNATIVES TO INCARCERATION, THE EFFECTIVENESS OF PREVENTION PROGRAMS, AND THE EFFECTIVENESS OF THE CRIMINAL CODE AND SENTENCING LAWS IN SECURING PUBLIC SAFETY.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT A COMMISSION COMPRISED OF EXPERTS IN CRIMINAL JUSTICE, CORRECTIONS, MENTAL HEALTH, DRUG ABUSE, VICTIMS' RIGHTS, HIGHER EDUCATION, JUVENILE JUSTICE, LOCAL GOVERNMENT, AND OTHER PERTINENT DISCIPLINES SHALL BE FORMED TO ENGAGE IN AN EVIDENCE-BASED ANALYSIS OF THE CRIMINAL JUSTICE SYSTEM IN COLORADO AND ANNUALLY REPORT TO THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, THE PRESIDENT OF THE SENATE, AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT.

16-11.3-102. Colorado commission on criminal and juvenile justice - creation - membership - operation. (1) (a) THERE IS HEREBY CREATED IN THE DEPARTMENT OF PUBLIC SAFETY THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, REFERRED TO IN THIS ARTICLE AS THE "COMMISSION". THE COMMISSION SHALL HAVE THE POWERS AND DUTIES SPECIFIED IN THIS ARTICLE.

(b) THE COMMISSION SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT OF PUBLIC SAFETY BY A **TYPE 2** TRANSFER, AS SUCH TRANSFER IS DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, C.R.S.

(2) (a) THE COMMISSION SHALL CONSIST OF TWENTY-SIX VOTING MEMBERS, AS FOLLOWS:

(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, OR HIS OR HER DESIGNEE;

(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS, OR HIS OR HER DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR HIS OR HER DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER EDUCATION, OR HIS OR HER DESIGNEE;

(V) THE ATTORNEY GENERAL, OR HIS OR HER DESIGNEE;

(VI) THE STATE PUBLIC DEFENDER, OR HIS OR HER DESIGNEE;

(VII) THE CHAIRPERSON OF THE STATE BOARD OF PAROLE, OR HIS OR HER DESIGNEE;

(VIII) THE CHAIRPERSON OF THE JUVENILE PAROLE BOARD, OR HIS OR HER DESIGNEE;

(IX) TWO MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT FROM THE JUDICIAL BRANCH, AT LEAST ONE OF WHOM SHALL BE A CURRENT OR RETIRED JUDGE;

(X) FOUR MEMBERS OF THE GENERAL ASSEMBLY APPOINTED AS FOLLOWS:

(A) ONE MEMBER APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

(B) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES;

(C) ONE MEMBER APPOINTED BY THE PRESIDENT OF THE SENATE;
AND

(D) ONE MEMBER APPOINTED BY THE MINORITY LEADER OF THE SENATE; AND

(XI) TWELVE MEMBERS APPOINTED BY THE GOVERNOR AS FOLLOWS:

(A) A REPRESENTATIVE OF A POLICE DEPARTMENT;

(B) A REPRESENTATIVE OF A SHERIFF'S DEPARTMENT;

(C) AN EXPERT IN JUVENILE JUSTICE ISSUES;

(D) TWO ELECTED DISTRICT ATTORNEYS;

(E) A COUNTY COMMISSIONER;

(F) A CRIMINAL DEFENSE ATTORNEY;

(G) A REPRESENTATIVE OF A VICTIMS' RIGHTS ORGANIZATION;

(H) ONE MEMBER WHO SHALL BE A REPRESENTATIVE OF A COMMUNITY CORRECTIONS PROVIDER, A COMMUNITY CORRECTIONS BOARD MEMBER, OR A MENTAL HEALTH OR SUBSTANCE ABUSE TREATMENT PROVIDER; AND

(I) THREE MEMBERS WHO SHALL BE APPOINTED AT-LARGE.

(b) THE DIRECTOR OF THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY SHALL SERVE AS A NON-VOTING MEMBER OF THE COMMISSION.

(3) (a) THE APPOINTED MEMBERS OF THE COMMISSION SHALL SERVE TERMS OF THREE YEARS; EXCEPT THAT THE MEMBERS FIRST APPOINTED PURSUANT TO SUB-SUBPARAGRAPHS (D) TO (I) OF SUBPARAGRAPH (XI) OF PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION SHALL EACH SERVE A TWO-YEAR TERM. THE MEMBERS APPOINTED AFTER THE INITIAL TWO-YEAR TERMS SHALL SERVE THREE-YEAR TERMS.

(b) EACH APPOINTING AUTHORITY SHALL APPOINT THE INITIAL APPOINTED MEMBERS OF THE COMMISSION WITHIN SIXTY DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE. AN APPOINTED MEMBER SHALL NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS, IN ADDITION TO ANY PARTIAL TERM. IN THE EVENT OF A VACANCY IN AN APPOINTED POSITION BY DEATH, RESIGNATION, REMOVAL FOR MISCONDUCT, INCOMPETENCE, NEGLECT OF DUTY, OR OTHERWISE, THE APPOINTING AUTHORITY SHALL APPOINT A MEMBER TO FILL THE POSITION FOR THE REMAINDER OF THE UNEXPIRED TERM.

(4) (a) THE GOVERNOR SHALL SELECT THE CHAIRPERSON AND VICE-CHAIRPERSON OF THE COMMISSION FROM AMONG ITS MEMBERS.

(b) THE MEMBERS OF THE COMMISSION SHALL SERVE WITHOUT COMPENSATION; EXCEPT THAT THE MEMBERS OF THE COMMISSION MAY BE REIMBURSED FOR ANY ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS ARTICLE.

(5) THE COMMISSION MAY ESTABLISH BY-LAWS AS APPROPRIATE FOR ITS EFFECTIVE OPERATION.

(6) THE COMMISSION SHALL MEET AT LEAST ONCE PER MONTH OR ON A SCHEDULE DETERMINED BY THE CHAIRPERSON TO REVIEW INFORMATION NECESSARY FOR MAKING RECOMMENDATIONS.

(7) MEMBERS OF THE COMMISSION, EMPLOYEES, AND CONSULTANTS SHALL BE IMMUNE FROM SUIT IN ANY CIVIL ACTION BASED UPON ANY OFFICIAL ACT PERFORMED IN GOOD FAITH PURSUANT TO THIS ARTICLE.

16-11.3-103. Duties of the commission - mission - staffing.

(1) THE MISSION OF THE COMMISSION IS TO ENHANCE PUBLIC SAFETY, TO ENSURE JUSTICE, AND TO ENSURE PROTECTION OF THE RIGHTS OF VICTIMS THROUGH THE COST-EFFECTIVE USE OF PUBLIC RESOURCES. THE WORK OF THE COMMISSION WILL FOCUS ON EVIDENCE-BASED RECIDIVISM REDUCTION INITIATIVES AND THE COST-EFFECTIVE EXPENDITURE OF LIMITED CRIMINAL JUSTICE FUNDS.

(2) THE COMMISSION SHALL HAVE THE FOLLOWING DUTIES:

(a) TO CONDUCT AN EMPIRICAL ANALYSIS OF AND COLLECT EVIDENCE-BASED DATA ON SENTENCING POLICIES AND PRACTICES, INCLUDING BUT NOT LIMITED TO THE EFFECTIVENESS OF THE SENTENCES IMPOSED IN MEETING THE PURPOSES OF SENTENCING AND THE NEED TO PREVENT RECIDIVISM AND RE-VICTIMIZATION;

(b) TO INVESTIGATE EFFECTIVE ALTERNATIVES TO INCARCERATION, THE FACTORS CONTRIBUTING TO RECIDIVISM, EVIDENCE-BASED RECIDIVISM REDUCTION INITIATIVES, AND COST-EFFECTIVE CRIME PREVENTION PROGRAMS;

(c) TO MAKE AN ANNUAL REPORT OF FINDINGS AND RECOMMENDATIONS, INCLUDING EVIDENCE-BASED ANALYSIS AND DATA;

(d) TO STUDY AND EVALUATE THE OUTCOMES OF COMMISSION RECOMMENDATIONS AS IMPLEMENTED;

(e) TO CONDUCT AND REVIEW STUDIES, INCLUDING BUT NOT LIMITED TO WORK AND RESOURCES COMPILED BY OTHER STATES, AND MAKE RECOMMENDATIONS CONCERNING POLICIES AND PRACTICES IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS. THE COMMISSION SHALL PRIORITIZE AREAS OF STUDY BASED ON THE POTENTIAL IMPACT ON CRIME AND CORRECTIONS

AND THE RESOURCES AVAILABLE FOR CONDUCTING THE WORK; AND

(f) TO WORK WITH OTHER STATE-ESTABLISHED BOARDS, TASK FORCES, OR COMMISSIONS THAT STUDY OR ADDRESS CRIMINAL JUSTICE ISSUES.

(3) THE COMMISSION SHALL ESTABLISH ADVISORY COMMITTEES THAT FOCUS ON SPECIFIC SUBJECT MATTERS AND MAKE RECOMMENDATIONS TO THE FULL COMMISSION. THE CHAIRPERSON OF THE COMMISSION SHALL SELECT THE CHAIRPERSONS FOR THE ADVISORY COMMITTEES AS WELL AS THE COMMISSION MEMBERS TO SERVE ON THE ADVISORY COMMITTEES. THE CHAIRPERSON OF AN ADVISORY COMMITTEE MAY SELECT NON-COMMISSION MEMBERS FROM INTERESTED MEMBERS OF THE COMMUNITY TO SERVE ON THE ADVISORY COMMITTEE. EACH ADVISORY COMMITTEE SHALL MAKE FINDINGS AND RECOMMENDATIONS FOR CONSIDERATION BY THE COMMISSION. NON-COMMISSION MEMBERS OF AN ADVISORY COMMITTEE SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(4) THE COMMISSION, AT ITS DISCRETION, MAY RESPOND TO INQUIRIES REFERRED BY MEMBERS OF THE GENERAL ASSEMBLY, THE GOVERNOR, AND THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT, AS RESOURCES ALLOW.

(5) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS, SHALL PROVIDE RESOURCES FOR DATA COLLECTION, RESEARCH, ANALYSIS, AND PUBLICATION OF THE COMMISSION'S FINDINGS AND REPORTS.

16-11.3-104. Colorado commission on criminal and juvenile justice cash fund - created - donations. (1) THE DEPARTMENT OF PUBLIC SAFETY AND THE COMMISSION ARE AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS, INCLUDING IN-KIND DONATIONS FROM PRIVATE OR PUBLIC SOURCES, FOR THE PURPOSES OF THIS ARTICLE. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS BY THE DEPARTMENT OF PUBLIC SAFETY OR BY THE COMMISSION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS ARTICLE AS THE "CASH FUND". ANY MONEYS IN THE CASH FUND NOT EXPENDED FOR

THE PURPOSES OF THIS ARTICLE SHALL BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH FUND SHALL BE CREDITED TO THE CASH FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR SHALL REMAIN IN THE CASH FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

(2) THE DEPARTMENT OF PUBLIC SAFETY SHALL NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE FOR THE PURPOSES OF THIS ARTICLE.

16-11.3-105. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 2. 24-1-128.6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

24-1-128.6. Department of public safety - creation - repeal.

(8) (a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, CREATED PURSUANT TO SECTION 16-11.3-102, C.R.S., SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 3. Appropriation - adjustments to the 2007 long bill.

(1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2007, the sum of ninety-two thousand six hundred fifty-seven dollars (\$92,657) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of corrections, for the fiscal year beginning July 1, 2007, the sum of twenty-eight thousand eighty dollars (\$28,080), or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2007, the sum of one thousand nine hundred twenty dollars (\$1,920), or so much thereof as may be necessary, for the implementation of this act.

(4) For the implementation of this act, the appropriation made in section 21 of the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The general fund appropriation to the controlled maintenance trust fund is decreased by one hundred twenty-two thousand six hundred fifty-seven dollars (\$122,657).

SECTION 4. Effective date. (1) This act shall take effect upon passage.

(2) If Senate Bill 07-109 is enacted at the First Regular Session of the Sixty-sixth General Assembly and becomes law, then, upon the following provisions being met, the net general fund savings shall be directed to fulfilling the mission of this act:

(a) The final fiscal estimate for Senate Bill 07-109, as reflected in the appropriations clause for said act, shows a net general fund savings that is equal to or greater than the final general fund fiscal estimate for this act, as reflected in section 3 of this act;

(b) The staff director of the joint budget committee files written notice with the revisor of statutes no later than July 15, 2007, that the requirement set forth in paragraph (a) of this subsection (1) has been met.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

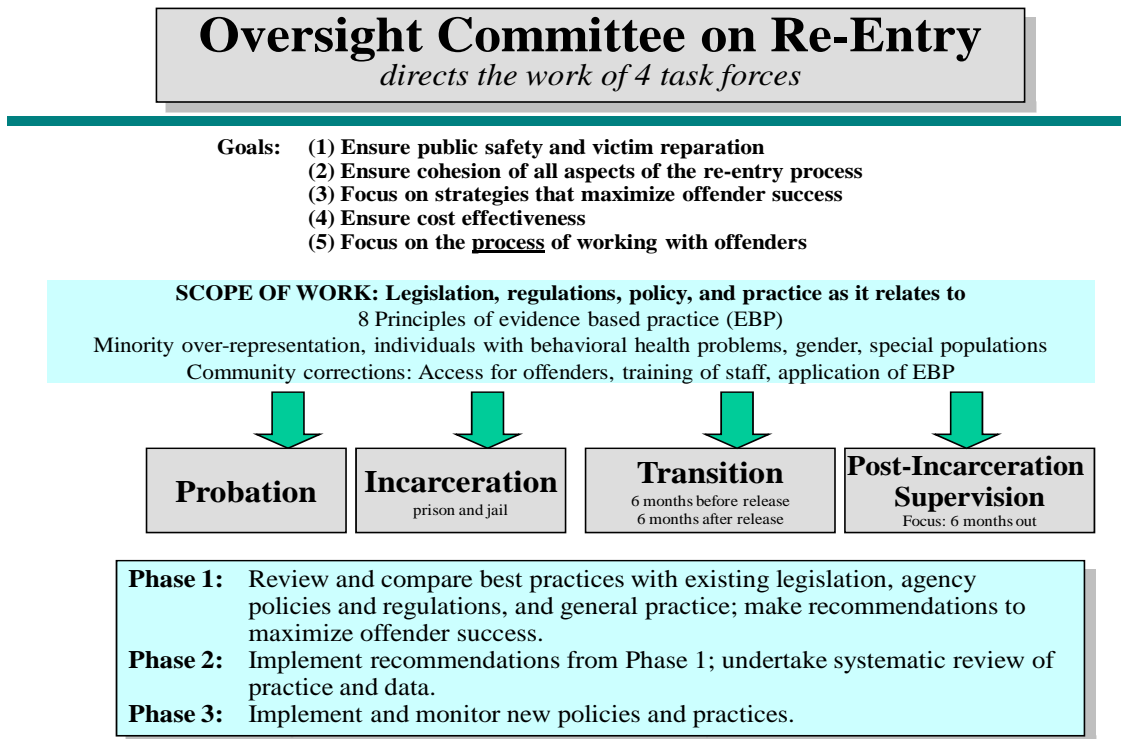
Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix C:
CCJJ Committee on Re-Entry**

Description of the Reentry Task Forces

The Re-entry **Oversight Committee** established goals and a scope of work for the task forces, seeking to incorporate the goals identified by the Commission and those stated in the enabling legislation. The Oversight Committee directed the task forces to identify problems and solutions related to the re-entry of individuals incarcerated in jail and prison.¹

Figure 4 Organization of re-entry committee and task forces



Each task force had a chairperson who was a Commission member and a co-chair with expertise in the task force area of study. Each appointed by the Commission chair and vice-chair (please see Appendix G for the list of Oversight Committee and task force participants). The 12-member Oversight Committee was composed of the chair and vice-chair of the Commission, the Director of the Division of Criminal Justice, the chair and co-chair of each task force, plus a representative from the Department of Corrections and the Division of Probation Services. The chair of the Oversight Committee was appointed by the chair and vice-chair of the Commission. The Oversight Committee held monthly meetings, bringing together the task force leadership to guard against redundancy, make specific requests for data and analysis, and identify common themes generated from the task force activity. The Oversight Committee leadership assisted in the planning and organization of task force activities. The Oversight Committee began the study of issues related to the overrepresentation of minorities, per House Bill 08-1119 (please see Appendix H for more information) and identified as priority issues the following topics: gender-specific

¹ Incarceration in jail includes pretrial confinement.

programming, professional training in evidence-based practices, community corrections, lack of access to data by stakeholders for analysis and planning, and individuals with behavioral health issues in the criminal justice system.

The **Probation Task Force** was assigned to review the following: Statutes, policies, regulations, and practices that govern probation and probation supervision; programming for offenders serving probation sentences; jail programs; intensive supervision probation and other special programs; community corrections diversion programs; and cost-effectiveness issues that might pertain to any of these.

The **Incarceration Task Force** had a broad mandate that focused on both county jails and the state prison system. Like the other task forces, this group reviewed policies and practices governing incarceration, along with offender access to residential community corrections programs; facility intake procedures; assessment and reassessment of inmate risk and needs conducted in prison and jails; programming and treatment consistent with inmate needs, provided by incarceration and confinement facilities; efficient use of in-house programming resources (e.g., avoidance of repetitive programming); preparation surrounding post-jail and post-prison placement options (e.g., probation, parole, community corrections); and post-prison program effectiveness.

The work of the **Transition Task Force** centered on the identification, review, analysis and comparison of evidence-based recidivism reduction practices (described in the following section) specifically related to the *period six months prior to and six months following an individual's release from incarceration* in jail or prison. Its scope of work included a review of pre-release preparation and parole/release plans; determining if offender assessment materials were consistently updated and available (e.g., whether the parole board or other releasing authority has all necessary information); parole board and other releasing authority decision making; completion of in-facility programming; essential release papers including driver license, social security card and other identification; preparation process for placement in a halfway house; preparation for being with pro-social peers/family; transition-related work with the family; the availability of necessary programs and services immediately upon release; efforts to ensure that the individual is stabilized within the first six months of release (prior to ongoing supervision); and payment of restitution and fees.

The **Post-Incarceration Supervision Task Force** was directed to identify, analyze, and make recommendations that promote evidence-based, success-oriented supervision and cost-effective recidivism reduction practices related to the following: The length of time served prior to parole/community eligibility, and the length of parole; the referral process to community corrections boards and programs, and the conditions of parole (both regular and intensive supervision). Additionally, this task force was charged with reviewing current practices and making recommendations regarding the use of incentives, technical violations, intermediate sanctions, supervision conditions, and "other-than-revocation" options, along with an analysis of absconsions and escapes. Preliminary analysis of the latter resulted in the White Paper on Escape prepared by the Task Force, available in Appendix I. The Post-Incarceration Supervision Task Force also began a longer-term analysis of the complex array of statutes and procedures that govern the prison release process. This assessment involved interviews with more than 50 stakeholders, most of whom expressed frustration with the current lack of clarity and certainty regarding the length of prison terms served by individual offenders.

**Appendix D:
House Bill 09-1266**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1266

BY REPRESENTATIVE(S) McCann, Benefield, Judd, Roberts, Ryden, Schafer S., Solano, Stephens, Todd, Weissmann, Gerou, Labuda, Priola, Waller;
also SENATOR(S) Carroll M., Bacon, Hudak.

CONCERNING THE REPEAL OF THE LOSS OF DRIVING PRIVILEGES AS A PENALTY FOR CERTAIN CRIMES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Repeal. 18-4-501 (2) and (3), Colorado Revised Statutes, are repealed as follows:

18-4-501. Criminal mischief. (2) ~~If the court determines on the record that the underlying factual basis for any conviction of criminal mischief pursuant to subsection (1) of this section, or adjudication as a juvenile delinquent for an act that would constitute criminal mischief pursuant to subsection (1) of this section if committed by an adult, involves defacing property as described in section 18-4-509, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.~~

(3) ~~If the court determines on the record that the underlying factual~~

~~basis for a conviction of criminal mischief pursuant to subsection (1) of this section, or adjudication as a juvenile delinquent for an act that would constitute criminal mischief pursuant to subsection (1) of this section if committed by an adult, involves damage to a motor vehicle, as defined in section 18-4-409 (1) (a), the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.~~

SECTION 2. Repeal. 18-4-509 (2) (c), Colorado Revised Statutes, is repealed as follows:

18-4-509. Defacing property - definitions. (2) (c) ~~In addition, upon each conviction for defacing property pursuant to paragraph (b) or (c) of subsection (1) of this section, or adjudication as a juvenile delinquent for an act that would constitute defacing property pursuant to paragraph (b) of subsection (1) of this section if committed by an adult, the offender's driver's license shall be revoked as provided in section 42-2-125, C.R.S.~~

SECTION 3. Repeal. 18-5-118, Colorado Revised Statutes, is repealed as follows:

18-5-118. Offenses involving forgery of a penalty assessment notice issued to a minor under the age of eighteen years - suspension of driving privilege. ~~In addition to any other penalty imposed by this part 1, upon each conviction, entry of a plea of guilty or nolo contendere, or receipt of a deferred sentence for an offense involving the forgery of a penalty assessment notice issued to a minor under the age of eighteen years pursuant to section 42-4-1707 or 42-4-1709, C.R.S., or adjudication as a delinquent for an act that would constitute such an offense if committed by an adult, any driver's permit, minor driver's license, or driver's license held by the offender shall be suspended as provided in section 42-2-127.4, C.R.S.~~

SECTION 4. Repeal. 18-18-404 (4), Colorado Revised Statutes, is repealed as follows:

18-18-404. Unlawful use of a controlled substance. (4) ~~In addition to any other penalty imposed by this section, upon each conviction, entry of plea of guilty or nolo contendere, or receipt of a deferred sentence for a nonfelony violation of this section or adjudication as a delinquent for an act that would constitute a nonfelony violation of this section if~~

~~committed by an adult, any driver's permit or minor driver's license held by the offender shall be suspended as provided in section 42-2-127.3, C.R.S.~~

SECTION 5. Repeal. 18-18-405 (6), Colorado Revised Statutes, is repealed as follows:

18-18-405. Unlawful distribution, manufacturing, dispensing, sale, or possession. (6) ~~In addition to any other penalty imposed by this section, upon each conviction, entry of plea of guilty or nolo contendere, or receipt of a deferred sentence for a nonfelony violation of this section or adjudication as a delinquent for an act that would constitute a nonfelony violation of this section if committed by an adult, any driver's permit or minor driver's license held by the offender shall be suspended as provided in section 42-2-127.3, C.R.S.~~

SECTION 6. Repeal. 18-18-406 (12), Colorado Revised Statutes, is repealed as follows:

18-18-406. Offenses relating to marihuana and marihuana concentrate. (12) ~~In addition to any other penalty imposed by this section, upon each conviction, entry of plea of guilty or nolo contendere, or receipt of a deferred sentence for a nonfelony violation of this section or adjudication as a delinquent for an act that would constitute a nonfelony violation of this section if committed by an adult, any driver's permit or minor driver's license held by the offender shall be suspended as provided in section 42-2-127.3, C.R.S.~~

SECTION 7. 10-4-628 (1) (b), Colorado Revised Statutes, is amended to read:

10-4-628. Refusal to write - changes in - cancellation - nonrenewal of policies prohibited. (1) No insurer shall cancel; fail to renew; refuse to write; reclassify an insured under; reduce coverage under, unless the reduction is part of a general reduction in coverage filed with the commissioner; or increase the premium for, unless the increase is part of a general increase in premiums filed with the commissioner, any complying policy because the applicant, insured, permissive user, or any resident of the household of the applicant or insured has:

(b) ~~Had a license revoked pursuant to section 42-2-125 (1) (n);~~

~~C.R.S.~~, Had a license suspended pursuant to section 42-2-127.5, C.R.S., or been denied a license pursuant to section 42-2-104 (3) (f), C.R.S. based upon a conviction or adjudication under section 18-4-501 (2) or 18-4-509 (2), C.R.S.

SECTION 8. 42-2-125 (1) (m), (1) (n), (1) (o) (I), (3), (6) (a), and (7), Colorado Revised Statutes, are amended to read:

42-2-125. Mandatory revocation of license and permit. (1) The department shall immediately revoke the license or permit of any driver or minor driver upon receiving a record showing that such driver has:

(m) (I) Been convicted of violating section 12-47-901 (1) (b) or (1) (c) ~~C.R.S.~~, or section 18-13-122 (2), C.R.S., or any counterpart municipal charter or ordinance offense to such sections AND HAVING FAILED TO COMPLETE AN ALCOHOL EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM ORDERED BY THE COURT IN CONNECTION WITH SUCH CONVICTION; OR

(II) BEEN CONVICTED OF VIOLATING SECTION 12-47-901 (1) (b) OR (1) (c) OR 18-13-122 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR ORDINANCE OFFENSE TO SUCH SECTIONS AND HAS A PREVIOUS CONVICTION FOR SUCH OFFENSES;

(n) ~~Been convicted of defacing property in violation of section 18-4-509, C.R.S., or convicted of criminal mischief in violation of section 18-4-501, C.R.S., where the court finds that the underlying factual basis of the offense involves defacing property as described in section 18-4-509, C.R.S., or any counterpart municipal charter or ordinance offense to either of said sections;~~

(o) Been:

(I) ~~Convicted of an offense described in section 18-4-501, C.R.S., or a comparable municipal charter or ordinance offense, if the court determines that the criminal mischief involves damage to a motor vehicle; or~~

(3) Upon revoking the license of any person as required by this section, the department shall immediately notify the licensee as provided in

section 42-2-119 (2). Where a minor driver's license is revoked under paragraph (m) ~~or (n)~~ of subsection (1) of this section, such revocation shall not run concurrently with any previous or subsequent suspension, revocation, cancellation, or denial that is provided for by law.

(6) (a) Any person who has a license revoked pursuant to paragraph (m) of subsection (1) of this section shall be subject to a THE FOLLOWING revocation ~~period that shall continue for the period of time described hereafter~~ PERIODS:

(I) After ~~one~~ A FIRST conviction AND FAILURE TO COMPLETE AN ORDERED EVALUATION, ASSESSMENT, OR PROGRAM, ~~twenty-four hours of public service if ordered by the court, or~~ three months;

(II) After a second conviction, six months;

(III) After any third or subsequent conviction, one year.

(7) ~~Any person who has a driver's license, minor driver's license, or instruction permit revoked pursuant to paragraph (n) of subsection (1) of this section shall be subject to a revocation period which shall continue for the period of six months for each conviction.~~

SECTION 9. Repeal. 42-2-127.3, Colorado Revised Statutes, is repealed as follows:

42-2-127.3. Authority to suspend license - controlled substance violations. ~~(1) (a) Whenever the department receives notice that a person has been convicted of any felony offense provided for in section 18-18-404, 18-18-405, or 18-18-406, C.R.S., or any attempt, conspiracy, or solicitation to commit any of said offenses, the department shall immediately suspend the license of the person for a period of not less than one year, unless the provisions of section 42-2-132 (2) (b) allow for a shorter period of suspension.~~

~~(b) Whenever the department receives notice that a minor driver has been convicted of or adjudicated a delinquent under title 19, C.R.S., for any offense provided for in section 18-18-404 (1) (a) (II), 18-18-405 (2) (a) (IV) (A), or 18-18-406 (1), (3) (a) (I), or (4) (a) (I), C.R.S., or any comparable municipal charter or ordinance offense, the department shall immediately~~

~~suspend the license of the person for a period of not less than one year, unless the provisions of section 42-2-132 (2) (b) allow for a shorter period of suspension.~~

~~(c) For purposes of this subsection (1), a person has been convicted when such person has been found guilty by a court or a jury, entered a plea of guilty or nolo contendere, or received a deferred sentence for an offense.~~

~~(2)(a) Upon suspending the license of any person as required by this section, the department shall immediately notify the licensee as provided in section 42-2-119 (2).~~

~~(b) Upon receipt of the notice of suspension, the licensee or the licensee's attorney may request a hearing in writing. The department, upon notice to the licensee as provided in section 42-2-119 (2), shall hold a hearing not less than thirty days after receiving such request through a hearing commissioner appointed by the executive director of the department, which hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. The hearing shall be held at the district office of the department closest to the residence of the licensee; except that all or part of the hearing may, at the discretion of the department, be conducted in real time, by telephone or other electronic means in accordance with section 42-1-218.5. After such hearing, the licensee may appeal the decision of the department to the district court as provided in section 42-2-135. Should a driver who has had a license suspended under this section be subsequently acquitted of the conviction which required the suspension by a court of record, the department shall immediately, in any event not later than ten days after the receipt of such notice of acquittal, reinstate said license to the driver affected, unless the license is under other restraint.~~

~~(3) (a) If there is no other statutory reason for denial of a probationary license, any individual who has had a license suspended by the department because of, at least in part, a conviction of an offense specified in subsection (1) of this section may be entitled to a probationary license for the purpose of driving for reasons of employment, education, health, compliance with the requirements of probation or suspended sentence, or alcohol and drug education or treatment. Such a probationary license shall:~~

~~(i) Contain any other restrictions as the department deems~~

~~reasonable and necessary;~~

~~(H) Be subject to cancellation for violation of any such restrictions, including absences from alcohol and drug education or treatment sessions or failure to complete alcohol and drug education or treatment programs; and~~

~~(HH) Be issued for the entire period of suspension.~~

~~(b) The department may refuse to issue a probationary license if the department finds that the driving record of the individual is such that the individual has sufficient points to require the suspension or revocation of a license to drive on the highways of this state pursuant to section 42-2-127, or if the department finds from the record after a hearing conducted in accordance with paragraph (b) of subsection (2) of this section that aggravating circumstances exist to indicate the individual is unsafe for driving for any purpose. In refusing to issue a probationary license, the department shall make specific findings of fact to support such refusal.~~

SECTION 10. Repeal. 42-2-127.4, Colorado Revised Statutes, is repealed as follows:

42-2-127.4. Authority to suspend license - forgery of a penalty assessment notice issued to minor under the age of eighteen years.

~~(1) (a) Whenever the department receives notice that a person has been convicted of an offense involving the forgery of a penalty assessment notice issued to a minor under the age of eighteen years or any attempt, conspiracy, or solicitation to commit said offense, the department, pursuant to section 18-5-118, C.R.S., shall immediately suspend the license of the person for a period of not less than six months:~~

~~(b) For purposes of this subsection (1), a person has been convicted when such person has been found guilty by a court or a jury, entered a plea of guilty or nolo contendere, or received a deferred sentence for an offense:~~

~~(2) (a) Upon suspension of a person's license as required by this section, the department shall immediately notify the person as provided in section 42-2-119 (2):~~

~~(b) Upon receipt of the notice of suspension, the person or the~~

~~person's attorney may request a hearing in writing. The department, upon notice to the person as provided in section 42-2-119 (2), shall hold a hearing not less than thirty days after receiving such request through a hearing commissioner appointed by the executive director of the department, which hearing shall be conducted in accordance with the provisions of section 24-4-105, C.R.S. The hearing shall be held at the district office of the department closest to the residence of the person; except that all or part of the hearing may, at the discretion of the department, be conducted in real time, by telephone or other electronic means in accordance with section 42-1-218.5. After such hearing, the person may appeal the decision of the department to the district court as provided in section 42-2-135. Should a person who has had a license suspended under this section be subsequently acquitted of the conviction which required the suspension by a court of record, the department shall immediately, in any event not later than ten days after the receipt of such notice of acquittal, reinstate said license to the person affected, unless the license is under other restraint.~~

~~(3) (a) If there is no other statutory reason for denial of a probationary license, any person who has had a license suspended by the department because of, at least in part, a conviction of an offense specified in subsection (1) of this section may be entitled to a probationary license for the purpose of driving for reasons of employment, education, health, or compliance with the requirements of probation. Such a probationary license shall:~~

~~(I) Contain any other restrictions as the department deems reasonable and necessary;~~

~~(H) Be subject to cancellation for violation of any such restrictions;~~
and

~~(HH) Be issued for the entire period of suspension.~~

~~(b) The department may refuse to issue a probationary license if the department finds that the driving record of the person is such that the person has sufficient points to require the suspension or revocation of a license to drive on the highways of this state pursuant to section 42-2-127, or if the department finds from the record after a hearing conducted in accordance with this section that aggravating circumstances exist to indicate the person is unsafe for driving for any purpose. In refusing to issue a probationary~~

~~license, the department shall make specific findings of fact to support such refusal.~~

SECTION 11. Repeal. 42-2-130, Colorado Revised Statutes, is repealed as follows:

42-2-130. Mandatory surrender of license or permit for drug convictions. ~~Immediately upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to or adjudication for an offense for which suspension of a license or permit is mandatory pursuant to section 42-2-127.3, the court shall require the offender to immediately surrender the offender's driver's, minor driver's, or temporary driver's license or instruction permit to the court. The court shall forward to the department a notice of plea or verdict on the form prescribed by the department, together with the offender's license or permit, not later than ten days after the surrender of the license or permit. Any person who does not immediately surrender such person's license or permit to the court commits a class 2 misdemeanor traffic offense, unless such person swears or affirms under oath administered by the court and subject to the penalties of perjury that the license or permit has been lost, destroyed, or is not in said person's immediate possession. Any person who swears or affirms that the license or permit is not in the immediate possession of said person shall surrender said license or permit to the court within five days of the sworn or affirmed statement, and, if not surrendered within such time, said person commits a class 2 misdemeanor traffic offense.~~

SECTION 12. 42-2-131, Colorado Revised Statutes, is amended to read:

42-2-131. Revocation of license or permit for failing to comply with a court order relating to nondriving alcohol convictions. Upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to an offense ~~for which revocation of a license or permit is mandatory pursuant to section 42-2-125 (1) (m) UNDER SECTION 12-47-901 (1) (b) OR (1) (c) OR 18-13-122 (2), C.R.S., OR ANY COUNTERPART MUNICIPAL CHARTER OR ORDINANCE OFFENSE TO SUCH SECTION AND UPON A FAILURE TO COMPLETE AN ALCOHOL EVALUATION OR ASSESSMENT, AN ALCOHOL EDUCATION PROGRAM, OR AN ALCOHOL TREATMENT PROGRAM ORDERED BY THE COURT IN CONNECTION WITH SUCH PLEA OR VERDICT,~~ the court shall forward to the department a notice of plea or verdict ~~OR SUCH FAILURE TO~~

COMPLETE on the form prescribed by the department. Any revocation pursuant to section 42-2-125 (1) (m) shall begin when the department gives notice of such THE revocation to the person in accordance with section 42-2-119 (2).

SECTION 13. Repeal. 42-2-131.5, Colorado Revised Statutes, is repealed as follows:

42-2-131.5. Revocation of license or permit for convictions involving defacing property. Upon a plea of guilty or nolo contendere or a verdict of guilty by the court or a jury to an offense for which revocation of a driver's license, minor driver's license, temporary driver's license, or permit is mandatory pursuant to section 42-2-125 (1) (n), the court shall forward to the department a notice of plea or verdict on the form prescribed by the department. Any revocation pursuant to section 42-2-125 (1) (n) shall begin when the department gives notice of such revocation to the person in accordance with section 42-2-119 (2).

SECTION 14. Repeal. 42-2-132 (2) (b), Colorado Revised Statutes, is repealed as follows:

42-2-132. Period of suspension or revocation. (2) (b) Any person whose license or privilege to drive a motor vehicle on the public highways is suspended pursuant to section 42-2-127.3 for conviction of a drug offense shall have such person's driver's license suspended for a period of one year for each such conviction; except that the period of suspension shall be three months if such person has not previously been convicted of a drug offense which is grounds for driver's license or privilege suspension pursuant to section 42-2-127.3. Any suspension of a person's driver's license for conviction of a drug offense pursuant to section 42-2-127.3 shall begin upon conviction. Each subsequent conviction for such a drug offense occurring while a person's driver's license is already revoked or suspended for such a drug offense shall extend the period of revocation or suspension for an additional year.

SECTION 15. 42-7-406 (1), Colorado Revised Statutes, is amended to read:

42-7-406. Proof required under certain conditions.
(1) Whenever the director revokes the license of any person under section

42-2-125 or 42-2-126, or cancels any license under section 42-2-122 because of the licensee's inability to operate a motor vehicle because of physical or mental incompetence, or cancels any probationary license under section 42-2-127, the director shall not issue to or continue in effect for any such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then until and unless such person files or has filed and maintains proof of financial responsibility as provided in this article; except that persons whose licenses are canceled pursuant to section 42-2-122 (2.5), revoked pursuant to section 42-2-125 (1) (m), or ~~(1) (n)~~ revoked for a first offense under section 42-2-125 (1) (g.5) or a first offense under section 42-2-126 (3) (b) or (3) (e) ~~suspended pursuant to section 42-2-127.3 or denied pursuant to section 42-2-104 (3) (f) based upon a conviction under section 18-4-509, C.R.S., or a conviction under section 18-4-501, C.R.S., where the underlying factual basis involved defacing property, or any counterpart municipal charter or ordinance offense to either of said sections,~~ shall not be required to file proof of financial responsibility in order to be relicensed.

SECTION 16. Appropriation - adjustments to the 2009 long bill.

For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows: The appropriation to the department of revenue, division of motor vehicles, driver and vehicle services, is decreased by seventeen thousand four hundred twenty-five dollars (\$17,425) cash funds and 0.4 FTE. Said sum shall be from the driver's license administrative revocation account created in section 42-2-132 (4) (b) (I) (A), Colorado Revised Statutes.

SECTION 17. Act subject to petition - effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to sentences for convictions entered on or after the applicable effective date of this act.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix E:
House Bill 09-1263**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1263

BY REPRESENTATIVE(S) Casso, Apuan, Kerr A., King S., Levy, McFadyen, Merrifield, Nikkel, Pace, Priola, Roberts, Ryden, Todd, Vigil, Waller;
also SENATOR(S) Carroll M., Groff, Morse, Newell.

CONCERNING TIME COMPUTATION WHILE AN INMATE IS INCARCERATED IN A COUNTY JAIL.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-26-109, Colorado Revised Statutes, is amended to read:

17-26-109. Deductions of time - good time - earned time.

(1) Every person who is sentenced to and imprisoned in any county jail of this state or SENTENCED to pay a fine and costs or either or all thereof and who performs faithfully the duties assigned to him OR HER during his OR HER imprisonment therein is entitled to a deduction from the time of his OR HER sentence of two days in ~~each month~~ ANY THIRTY-DAY PERIOD. If any such person escapes or attempts to escape from the county jail, he OR SHE shall forfeit all deduction from the time of his OR HER sentence which he OR SHE may have been entitled to up to the time of the escape or attempt at escape, as provided for in this section.

(2) A PERSON WHO IS SENTENCED TO AND IMPRISONED IN ANY COUNTY JAIL OF THIS STATE OR SENTENCED TO PAY A FINE AND COSTS OR EITHER OR ALL THEREOF MAY BE AWARDED EARNED TIME OF UP TO THREE DAYS IN ANY THIRTY-DAY PERIOD AT THE DISCRETION OF THE COUNTY SHERIFF FOR THE SUCCESSFUL COMPLETION OF CERTAIN DESIGNATED PROGRAMS OR EDUCATIONAL ACTIVITIES, FOR OUTSTANDING PROGRESS IN ANY ASSIGNED PROGRAM OR ACTIVITY, OR FOR UNUSUAL OR EXTRAORDINARY ACTIONS AS DETERMINED BY THE COUNTY SHERIFF. EACH COUNTY SHERIFF SHALL DEVELOP AND IMPLEMENT AN EARNED TIME PROGRAM AND SCHEDULE FOR USE IN HIS OR HER COUNTY JAIL IN ACCORDANCE WITH THE EXPECTATIONS AND STANDARDS OF THE COMMUNITY IN WHICH HE OR SHE SERVES. EARNED TIME SHALL BE IN ADDITION TO GOOD TIME AS ALLOWED IN SUBSECTION (1) OF THIS SECTION AND SECTION 17-26-115.

SECTION 2. 17-26-115, Colorado Revised Statutes, is amended to read:

17-26-115. Trusty prisoners - good time. Persons confined in the county jail, undergoing any sentence in accordance with law, who are engaged in work within or outside the walls of the jail, and who are designated by the sheriff as trusty prisoners, and who conduct themselves in accordance with the rules of the sheriff of the county and perform their work in a creditable manner, upon approval of the sheriff, may be granted such good time, in addition to that allowed in section 17-26-109, as the sheriff may order, not to exceed ten days in any ~~one calendar month~~ THIRTY-DAY PERIOD.

SECTION 3. 18-1.3-405, Colorado Revised Statutes, is amended to read:

18-1.3-405. Credit for presentence confinement. A person who is confined for an offense prior to the imposition of sentence for said offense is entitled to credit against the term of his or her sentence for the entire period of such confinement. At the time of sentencing, the court shall make a finding of the amount of presentence confinement to which the offender is entitled and shall include such finding in the mittimus. ~~Such~~ THE period of confinement shall be deducted from the sentence by the department of corrections. A PERSON WHO IS CONFINED PENDING A PAROLE

REVOCAION HEARING IS ENTITLED TO CREDIT FOR THE ENTIRE PERIOD OF SUCH CONFINEMENT AGAINST ANY PERIOD OF REINCARCERATION IMPOSED IN THE PAROLE REVOCATION PROCEEDING. THE PERIOD OF CONFINEMENT SHALL BE DEDUCTED FROM THE PERIOD OF REINCARCERATION BY THE DEPARTMENT OF CORRECTIONS. If a defendant is serving a sentence or is on parole for a previous offense when he or she commits a new offense and he or she continues to serve the sentence for the previous offense while charges on the new offense are pending, the credit given for presentence confinement under this section shall be granted against the sentence the defendant is currently serving for the previous offense and shall not be granted against the sentence for the new offense.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix F:
House Bill 09-1264**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1264

BY REPRESENTATIVE(S) Benefield, Apuan, Court, Gardner B., Kerr A., Levy, McCann, Miklosi, Pace, Roberts, Ryden, Solano, Kerr J., Massey, Merrifield, Schafer S., Summers, Todd;
also SENATOR(S) Hudak, Bacon, Boyd, Foster, Groff, Heath, Lundberg, Newell, Sandoval, Schwartz, Spence, Williams.

CONCERNING THE COSTS ASSOCIATED WITH COLLEGE-LEVEL ACADEMIC PROGRAMS FOR STATE INMATES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-32-105 (1) (g), Colorado Revised Statutes, is amended to read:

17-32-105. Development of correctional education program - goals and objectives. (1) On and after July 1, 1990, the program shall have responsibility for the provision of educational services to persons in correctional facilities under the control of the department and for the development and implementation of a comprehensive competency-based education program, which program shall conform to the goals and objectives outlined in this subsection (1). The correctional education program may be implemented in phases with the goals and objectives implemented in all facilities in the order specified in this subsection (1);

except that the goal and objective stated in paragraph (a) of this subsection (1) shall be implemented in all correctional facilities no later than July 1, 1991, and the entire program shall be completely implemented in all correctional facilities no later than July 1, 1992. The program shall continue to operate instructional services currently offered in correctional facilities until such services are incorporated in or replaced by instructional services offered under the correctional education program. The correctional education program shall encompass the following goals and objectives:

(g) Seventh, to provide every person in a correctional facility who demonstrates college-level aptitudes with the opportunity to participate in college-level academic programs ~~which~~ THAT may be offered within the correctional facility. UNLESS FINANCIAL ASSISTANCE FOR COSTS OF THE PROGRAMS IS PROVIDED THROUGH PROGRAMS DESCRIBED IN SUBSECTION (4) OF THIS SECTION OR THROUGH PRIVATE OR FEDERALLY FUNDED GRANTS OR SCHOLARSHIPS, costs associated with the college-level academic programs shall be borne entirely by the person participating in the program.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item,

section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix G:
House Bill 09-1262**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1262

BY REPRESENTATIVE(S) Casso, Apuan, King S., Looper, McFadyen, Merrifield, Nikkel, Pace, Roberts, Ryden, Schafer S., Todd, Waller; also SENATOR(S) Morse, Carroll M.

CONCERNING THE ISSUANCE OF A SUMMONS INSTEAD OF AN ARREST WARRANT IN CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 16-5-206 (1), Colorado Revised Statutes, is amended to read:

16-5-206. Summons in lieu of warrant. (1) Except in class 1, class 2, and class 3 felonies and in unclassified felonies punishable by a maximum penalty of more than ten years, if an indictment is returned or an information, felony complaint, or complaint has been filed prior to the arrest of the person named as defendant therein, the court ~~with the consent of the prosecuting attorney,~~ has power to issue a summons commanding the appearance of the defendant in lieu of a warrant for his OR HER arrest UNLESS A LAW ENFORCEMENT OFFICER PRESENTS IN WRITING A BASIS TO BELIEVE THERE IS A SIGNIFICANT RISK OF FLIGHT OR THAT THE VICTIM OR PUBLIC SAFETY MAY BE COMPROMISED.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix H:
House Bill 09-1122**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1122

BY REPRESENTATIVE(S) Roberts, Levy, Merrifield, Apuan, Court, Curry, Ferrandino, Fischer, Green, Kerr A., Labuda, Massey, McGihon, Nikkel, Pace, Priola, Ryden, Solano, Tipton, Todd, Waller;
also SENATOR(S) Morse, Bacon, Boyd, Foster, Groff, Hudak, Newell, Schwartz, Shaffer B., Williams.

CONCERNING INCREASING THE AGE OF PERSONS ELIGIBLE FOR SENTENCING
TO THE YOUTHFUL OFFENDER SYSTEM.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 4 of article 1.3 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

18-1.3-407.5. Sentences - young adult offenders - youthful offender system - repeal. (1) (a) ON OR AFTER OCTOBER 1, 2009, A YOUNG ADULT OFFENDER MAY BE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM IN THE DEPARTMENT OF CORRECTIONS IN ACCORDANCE WITH SECTION 18-1.3-407, UNDER THE FOLLOWING CIRCUMSTANCES:

(I) THE YOUNG ADULT OFFENDER IS CONVICTED OF A FELONY ENUMERATED AS A CRIME OF VIOLENCE PURSUANT TO SECTION 18-1.3-406;
OR

(II) THE YOUNG ADULT OFFENDER IS CONVICTED OF A FELONY OFFENSE DESCRIBED IN PART 1 OF ARTICLE 12 OF THIS TITLE; OR

(III) THE YOUNG ADULT OFFENDER USED, OR POSSESSED AND THREATENED THE USE OF, A DEADLY WEAPON DURING THE COMMISSION OF A FELONY OFFENSE AGAINST A PERSON, AS SET FORTH IN ARTICLE 3 OF THIS TITLE; OR

(IV) THE YOUNG ADULT OFFENDER IS CONVICTED OF VEHICULAR HOMICIDE, AS DESCRIBED IN SECTION 18-3-106, VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205, OR FELONIOUS ARSON, AS DESCRIBED IN PART 1 OF ARTICLE 4 OF THIS TITLE; OR

(V) THE YOUNG ADULT OFFENDER IS CONVICTED OF A FELONY OFFENSE DESCRIBED IN SECTION 18-1.3-401 AS A CLASS 3 FELONY, OTHER THAN THE FELONIES DESCRIBED IN SECTION 18-3-402 (1) (d) AND SECTION 18-3-403 (1) (e), AS IT EXISTED PRIOR TO JULY 1, 2000, AND HAS, WITHIN THE TWO PREVIOUS YEARS, BEEN ADJUDICATED A JUVENILE DELINQUENT FOR A DELINQUENT ACT THAT WOULD CONSTITUTE A FELONY IF COMMITTED BY AN ADULT; OR

(VI) THE YOUNG ADULT OFFENDER IS CONVICTED OF A FELONY OFFENSE, AND IS DETERMINED TO HAVE BEEN AN "HABITUAL JUVENILE OFFENDER", AS DEFINED IN SECTION 19-1-103 (61), C.R.S.

(b) THE OFFENSES DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL INCLUDE THE ATTEMPT, CONSPIRACY, OR SOLICITATION TO COMMIT SUCH OFFENSES.

(2) (a) NOTWITHSTANDING THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (1) OF THIS SECTION, A YOUNG ADULT OFFENDER SHALL BE INELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM IF THE YOUNG ADULT OFFENDER IS CONVICTED OF ANY OF THE FOLLOWING:

(I) A CLASS 1 OR CLASS 2 FELONY; OR

(II) A SEXUAL OFFENSE DESCRIBED IN SECTION 18-6-301 OR 18-6-302 OR PART 4 OF ARTICLE 3 OF THIS TITLE; OR

(III) ANY OFFENSE, IF THE YOUNG ADULT OFFENDER HAS RECEIVED A SENTENCE TO THE YOUTHFUL OFFENDER SYSTEM FOR ANY PRIOR CONVICTION.

(b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (2), A YOUNG ADULT OFFENDER WHO IS CHARGED WITH FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b) AND PLEADS GUILTY TO A CLASS 2 FELONY AS A RESULT OF A PLEA AGREEMENT IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM IF THE YOUNG ADULT OFFENDER WOULD BE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM FOR A CONVICTION OF THE FELONY UNDERLYING THE CHARGE OF FIRST DEGREE MURDER AS DESCRIBED IN SECTION 18-3-102 (1) (b).

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, A "YOUNG ADULT OFFENDER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT UNDER TWENTY YEARS OF AGE AT THE TIME THE CRIME IS COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF SENTENCING PURSUANT TO THIS SECTION.

(4) THIS SECTION IS REPEALED, EFFECTIVE OCTOBER 1, 2012.

SECTION 2. 16-11-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11-102. Presentence or probation investigation. (1.8) UPON THE REQUEST OF EITHER THE PROSECUTION OR THE DEFENSE, EACH PRESENTENCE REPORT PREPARED REGARDING A YOUTHFUL OFFENDER, AS DEFINED IN SECTION 18-1.3-407, C.R.S., WHO IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM PURSUANT TO SECTION 18-1.3-407.5, 19-2-517 (3), OR 19-2-518 (1) (d) (II) OR (1) (d.5), C.R.S., SHALL INCLUDE A DETERMINATION BY THE WARDEN OF THE YOUTHFUL OFFENDER SYSTEM WHETHER THE YOUTHFUL OFFENDER IS ACCEPTABLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM. WHEN MAKING A DETERMINATION, THE WARDEN SHALL CONSIDER THE NATURE AND CIRCUMSTANCES OF THE CRIME, THE CIRCUMSTANCES AND CRIMINAL HISTORY OF THE YOUTHFUL OFFENDER, THE AVAILABLE BED SPACE IN THE YOUTHFUL OFFENDER SYSTEM, AND ANY OTHER APPROPRIATE CONSIDERATIONS.

SECTION 3. 18-1.3-104 (1) (h) (I), Colorado Revised Statutes, is

amended to read:

18-1.3-104. Alternatives in imposition of sentence. (1) Within the limitations of the applicable statute pertaining to sentencing and subject to the provisions of this title, the trial court has the following alternatives in entering judgment imposing a sentence:

(h) (I) If the defendant is eligible pursuant to SECTION 18-1.3-407.5 OR section 19-2-517 (3), C.R.S., the defendant may be sentenced to the youthful offender system in accordance with section 18-1.3-407.

SECTION 4. 18-1.3-401, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

18-1.3-401. Felonies classified - presumptive penalties. (14) THE COURT MAY SENTENCE A DEFENDANT TO THE YOUTHFUL OFFENDER SYSTEM CREATED IN SECTION 18-1.3-407, IF THE DEFENDANT IS AN ELIGIBLE YOUNG ADULT OFFENDER PURSUANT TO SECTION 18-1.3-407.5.

SECTION 5. 18-1.3-407 (1) (b), (1) (c), (1) (d), (2) (a) (I), (2) (a) (II), (2) (a) (III), (2) (a.5), (2) (b), (3.3), (3.4) (a), (3.4) (b), and (3.5), the introductory portion to 18-1.3-407 (5) (b) (I), and 18-1.3-407 (5) (c), (11.5) (a) (I), (11.5) (c), and (12), Colorado Revised Statutes, are amended to read:

18-1.3-407. Sentences - youthful offenders - legislative declaration - powers and duties of district court - authorization for youthful offender system - powers and duties of department of corrections - definitions. (1) (b) It is the further intent of the general assembly in enacting this section that female and male offenders ~~for whom charges have been directly filed in the district court and who have been convicted in the district court~~ WHO ARE ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM PURSUANT TO SECTION 18-1.3-407.5 OR SECTION 19-2-517 (3) OR 19-2-518 (1) (d) (II) OR (1) (d.5), C.R.S., receive equitable treatment in sentencing, particularly in regard to the option of being sentenced to the youthful offender system. ~~pursuant to section 19-2-517 (3) or 19-2-518 (1) (d) (II) or (1) (d.5), C.R.S.~~ Accordingly, it is the general assembly's intent that necessary measures be taken by the department of corrections to establish separate housing for female and male offenders who are sentenced to the youthful offender system without compromising the equitable treatment of either.

(c) It is the intent of the general assembly that ~~youthful~~ offenders sentenced to the youthful offender system be housed and serve their sentences in a facility specifically designed and programmed for the youthful offender system and that ~~youthful~~ offenders so sentenced be housed separate from and not brought into daily physical contact with ~~adult~~ inmates sentenced to the department of corrections WHO HAVE NOT BEEN SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM, except as specifically provided under subsection (5) of this section. The facility that houses offenders sentenced to the youthful offender system shall be limited to two hundred fifty-six beds.

(d) It is the intent of the general assembly that ~~youthful~~ offenders sentenced to the youthful offender system be sentenced as adults and be subject to all laws and department of corrections rules, regulations, and standards pertaining to adult inmates, except as otherwise provided in this section.

(2) (a) (I) A juvenile may be sentenced to the youthful offender system created pursuant to this section under the circumstances set forth in section 19-2-517 (3) (a) (II) or (3) (a.5) or 19-2-518 (1) (d) (II) or (1) (d.5), C.R.S. A YOUNG ADULT OFFENDER MAY BE SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM CREATED PURSUANT TO THIS SECTION UNDER THE CIRCUMSTANCES SET FORTH IN SECTION 18-1.3-407.5. In order to sentence a juvenile OR YOUNG ADULT OFFENDER to the youthful offender system, the court shall first impose upon such person a sentence to the department of corrections in accordance with section 18-1.3-401. The court shall thereafter suspend such sentence conditioned on completion of a sentence to the youthful offender system, including a period of community supervision. The court shall impose any such sentence to the youthful offender system for a determinate period of not fewer than two years nor more than six years; except that a juvenile OR YOUNG ADULT OFFENDER convicted of a class 2 felony may be sentenced for a determinate period of up to seven years. In imposing such sentence, the court shall grant authority to the department of corrections to place a ~~youthful~~ THE offender under a period of community supervision for a period of not fewer than six months and up to twelve months any time after the date on which the ~~youthful~~ offender has twelve months remaining to complete the determinate sentence. The court may award a ~~juvenile~~ AN OFFENDER sentenced to the youthful offender system credit for presentence confinement; except that such credit shall not reduce the ~~juvenile's~~ OFFENDER'S actual time served in

the youthful offender system to fewer than two years. The court shall have a presentence investigation conducted before sentencing a juvenile OR YOUNG ADULT OFFENDER pursuant to this section. UPON THE REQUEST OF EITHER THE PROSECUTION OR THE DEFENSE, THE PRESENTENCE REPORT SHALL INCLUDE A DETERMINATION BY THE WARDEN OF THE YOUTHFUL OFFENDER SYSTEM WHETHER THE OFFENDER IS ACCEPTABLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM. WHEN MAKING A DETERMINATION, THE WARDEN SHALL CONSIDER THE NATURE AND CIRCUMSTANCES OF THE CRIME; THE AGE, CIRCUMSTANCES, AND CRIMINAL HISTORY OF THE OFFENDER; THE AVAILABLE BED SPACE IN THE YOUTHFUL OFFENDER SYSTEM; AND ANY OTHER APPROPRIATE CONSIDERATIONS.

(II) Upon the successful completion of the ~~programs in~~ DETERMINATE SENTENCE TO the youthful offender system, including the mandatory period of COMMUNITY supervision, the SUSPENDED sentence PURSUANT to ~~the department of corrections~~ SECTION 18-1.3-401 shall have been completed. Whenever ~~a person~~ AN OFFENDER is returned to the district court for revocation pursuant to subsection (5) of this section, the court shall impose the original sentence following the revocation of the sentence to the youthful offender system, except as otherwise provided in paragraph (b) of subsection (5) of this section.

(III) For the purposes of this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(A) "Juvenile" means a person who is under ~~the age of~~ eighteen years OF AGE when the crime is committed and under ~~the age of nineteen~~ TWENTY-ONE years OF AGE at the time of sentencing pursuant to this section.

(B) "YOUNG ADULT OFFENDER" MEANS A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT UNDER TWENTY YEARS OF AGE WHEN THE CRIME IS COMMITTED AND UNDER TWENTY-ONE YEARS OF AGE AT THE TIME OF SENTENCING PURSUANT TO THIS SECTION.

(C) "YOUTHFUL OFFENDER" OR "OFFENDER" MEANS A JUVENILE OR A YOUNG ADULT OFFENDER WHO HAS BEEN SENTENCED TO THE YOUTHFUL OFFENDER SYSTEM OR WHO IS ELIGIBLE FOR SENTENCING TO THE YOUTHFUL OFFENDER SYSTEM.

(a.5) During any period of incarceration under the youthful offender system, privileges including, but not limited to, televisions, radios, and entertainment systems, shall not be available for ~~a youthful~~ AN offender unless such privileges have been earned under a merit system.

(b) Article 22.5 of title 17, C.R.S., concerning time credits, shall not apply to any person sentenced to the youthful offender system; except that an offender whose sentence to the youthful offender system is revoked pursuant to subsection (5) of this section may receive one day of credit against ~~an adult~~ THE SUSPENDED sentence imposed by the court following revocation of the sentence to the youthful offender system for each day the offender served in the youthful offender system, excluding any period of time during which the offender was under community supervision.

(3.3) The youthful offender system consists of the following components, and the department of corrections has the authority described in paragraphs (a) to (d) of this subsection (3.3) in connection with the administration of the components:

(a) An intake, diagnostic, and orientation ~~program~~ PHASE;

(b) Phase I, during which time a range of core programs, supplementary activities, and educational and prevocational programs AND SERVICES are provided to ~~youthful~~ offenders;

(c) (I) Phase II, which may be administered during the last three months of the period of institutional confinement and during which time the department of corrections is authorized to transfer ~~a youthful~~ AN offender to a twenty-four-hour custody residential program that serves ~~youth~~ YOUTHFUL OFFENDERS.

(II) In connection with the component described in subparagraph (I) of this paragraph (c), the department of corrections is authorized to operate or to contract with a prerelease ~~youth~~ residential program for those sentenced as youthful offenders. The department of corrections or the contract provider shall provide for twenty-four-hour custody of ~~youthful~~ offenders in phase II.

(d) (I) Phase III, which is to be administered for the period of community supervision that remains after the completion of phase II and

during which the ~~youthful~~ offender is monitored ~~as the offender reintegrates~~ DURING REINTEGRATION into society.

(II) After the department determines appropriate phase III placement, the department shall notify, no later than thirty days prior to placement, the local law enforcement agency for the jurisdiction in which the offender shall be placed for phase III. The notice shall include the offender's name, the crime committed by the offender, the disposition of the offender's case, and the basis for the placement. The local law enforcement agency may appeal the placement, if the placement is in a jurisdiction other than the jurisdiction where the offender was convicted, it may appeal to the executive director OF THE DEPARTMENT at least fifteen days prior to the placement. Except that the local law enforcement agency may not appeal, if the placement is in the jurisdiction where the ~~juvenile~~ OFFENDER was residing at the time the offense was committed. If there is an appeal, after considering the department's basis for placement and the local law enforcement's basis for appeal, the executive director shall make the final determination of the placement.

(3.4) In addition to the powers granted to the department of corrections in subsection (3.3) of this section, the department of corrections may:

(a) Transfer a youthful offender to an appropriate facility for the purpose of accomplishing ~~a youthful~~ THE offender's redirection goals, as long as the transfer does not jeopardize the safety and welfare of the ~~youthful~~ offender;

(b) Operate an emancipation program and provide other support or monitoring services and residential placement for ~~youthful~~ offenders participating in phase II and phase III under the youthful offender system for whom family reintegration poses difficulties. The department of corrections shall provide reintegration support services to ~~a youthful~~ AN offender placed in an emancipation house.

(3.5) The executive director of the department of corrections shall have final approval on the hiring and transferring of staff for the youthful offender system. In staffing the youthful offender system, the executive director shall select persons who are trained in the treatment of ~~juveniles~~ YOUTHFUL OFFENDERS or will be trained in the treatment of ~~juveniles~~

YOUTHFUL OFFENDERS prior to working with such ~~juveniles~~ POPULATION, are trained to act as role models and mentors pursuant to paragraph (c) of subsection (3) of this section, and are best equipped to enable the youthful offender system to meet the principles specified in subsection (3) of this section. The executive director shall make a recommendation to the department of personnel regarding the classification of positions with the youthful offender system, taking into account the level of education and training required for such positions.

(5) (b) (I) An offender who is thought to have a mental illness or developmental disability by a mental health clinician, as defined by regulation of the department of corrections, may be transferred to another facility for a period not to exceed sixty days for diagnostic validation of said illness or disability. At the conclusion of the sixty-day period, the psychiatrists or other appropriate professionals conducting the diagnosis shall forward to the executive director of the department of corrections their findings, which at a minimum shall include a statement of whether the offender has the ability to withstand the rigors of the youthful offender system. If the diagnosis determines that the offender is incapable of completing HIS OR HER SENTENCE TO the youthful offender ~~program~~ SYSTEM due to a mental illness or developmental disability, the executive director shall forward such determination to the sentencing court. Based on the determination, the sentencing court shall review the offender's sentence to the youthful offender system and may:

(c) The department of corrections shall implement a procedure for returning offenders who cannot successfully complete the sentence to the youthful offender system, or who fail to comply with the terms or conditions of the youthful offender system, to the district court. ~~Any~~ AN offender returned to the district court pursuant to paragraph (a) of this subsection (5) or because he or she cannot successfully complete the sentence to the youthful offender system for reasons other than mental illness or a developmental disability, or because he or she fails to comply with the terms or conditions of the youthful offender system, shall receive imposition of the original sentence to the department of corrections. After the executive director OF THE DEPARTMENT upholds the department's decision, the offender may be held in any correctional facility deemed appropriate by the executive director; except that ~~any~~ AN offender who cannot successfully complete the sentence to the youthful offender system for reasons other than mental illness or a developmental disability, or

because he or she fails to comply with the terms or conditions of the youthful offender system, shall be transferred, within thirty days after the executive director upholds the department's decision, to a county jail for holding prior to resentencing. The department shall notify the district attorney of record, and the district attorney of record shall be responsible for seeking the revocation or review of the ~~youthful~~ offender's sentence and the imposition of the original sentence or modification of the original sentence pursuant to sub-subparagraph (B) of subparagraph (I) of paragraph (b) of this subsection (5). The district court shall review the offender's sentence within one hundred twenty days after notification to the district attorney of record by the department of corrections that the offender is not able to complete the sentence to the youthful offender system or fails to comply with the terms or conditions of the youthful offender ~~program~~ SYSTEM.

(11.5) (a) (I) ~~Any juvenile~~ AN OFFENDER who is sentenced to the youthful offender system shall submit to and pay for collection and a chemical testing of a biological substance sample from the ~~juvenile~~ OFFENDER to determine the genetic markers thereof.

(c) Any moneys received from ~~juveniles~~ OFFENDERS pursuant to paragraph (a) of this subsection (11.5) shall be deposited in the offender identification fund created in section 24-33.5-415.6, C.R.S.

(12) The general assembly recognizes that the increased number of violent ~~juvenile~~ crimes COMMITTED BY JUVENILES AND YOUNG ADULTS is a problem faced by all the states of this nation. By creating the youthful offender system, Colorado stands at the forefront of the states in creating a new approach to ~~solving the~~ ADDRESSING THIS problem. ~~of violent juvenile offenders.~~ The general assembly also declares that the cost of implementing and operating the youthful offender system will create a burden on the state's limited resources. Accordingly, the general assembly directs the department of corrections to seek out and accept available federal, state, and local public funds, including project demonstration funds, and private moneys and private systems for the purpose of conducting the youthful offender system.

SECTION 6. Act subject to petition - effective date - applicability. (1) This act shall take effect October 1, 2009.

(2) However, if a referendum petition is filed against this act or an

item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

(3) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix I:
House Bill 09-1044

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1044

BY REPRESENTATIVE(S) Roberts, Apuan, Court, Curry, Ferrandino, Gardner B., Green, Kerr A., Labuda, Levy, Looper, McFadyen, McGihon, Middleton, Pace, Priola, Ryden, Schafer S., Solano, Stephens, Todd, Waller;
also SENATOR(S) Morse, Boyd, Carroll M., Groff, Heath, Hodge, Isgar, Newell, Tapia, Williams.

CONCERNING EXPUNGEMENT OF RECORDS RELATING TO A CRIMINAL MATTER
FOR WHICH A JUVENILE IS SENTENCED AS A JUVENILE AFTER BEING
CHARGED BY THE DIRECT FILING OF CHARGES IN A DISTRICT COURT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 19-1-306 (7) (c), Colorado Revised Statutes, is amended to read:

19-1-306. Expungement of juvenile delinquent records. (7) The following persons are not eligible to petition for the expungement of any juvenile record:

(c) Any person who, as a juvenile, has been charged by the direct filing of an information in the district court or by indictment pursuant to section 19-2-517, UNLESS THE PERSON WAS SENTENCED AS A JUVENILE IN

THE SAME MATTER;

SECTION 2. Act subject to petition - effective date. (1) This act shall take effect September 1, 2009.

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not take effect unless approved by the people at a biennial regular general election and shall take

effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Peter C. Groff
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix J:
House Bill 09-1351

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 09-1351

BY REPRESENTATIVE(S) Pommer and Ferrandino, Marostica, Court, Fischer, Green, Hullinghorst, Judd, Labuda, McFadyen, Merrifield, Pace, Ryden, Todd, Weissmann, Carroll T., Frangas, Kagan, Levy, Priola, Solano, Vigil;
also SENATOR(S) Carroll M., Boyd, Groff, Hodge, Hudak, Morse, Sandoval, Williams.

CONCERNING AN INCREASE IN THE AMOUNT OF TIME AN INMATE MAY HAVE DEDUCTED FROM THE INMATE'S SENTENCE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 17-22.5-405 (4), Colorado Revised Statutes, is amended, and the said 17-22.5-405 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

17-22.5-405. Earned time - earned release time.
(1.5) (a) EARNED TIME, NOT TO EXCEED TWELVE DAYS FOR EACH MONTH OF INCARCERATION OR PAROLE, MAY BE DEDUCTED FROM AN INMATE'S SENTENCE IF THE INMATE:

(I) IS SERVING A SENTENCE FOR A CLASS 4, CLASS 5, OR CLASS 6

FELONY;

(II) HAS INCURRED NO CODE OF PENAL DISCIPLINE VIOLATIONS WHILE INCARCERATED;

(III) HAS BEEN PROGRAM-COMPLIANT; AND

(IV) WAS NOT CONVICTED OF, AND HAS NOT PREVIOUSLY BEEN CONVICTED OF, A CRIME IN SECTIONS 18-7-402 TO 18-7-407, C.R.S., SECTION 18-12-102, C.R.S., OR SECTION 18-12-109, C.R.S., OR A CRIME LISTED IN SECTION 24-4.1-302 (1), C.R.S.

(b) THE EARNED TIME SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5) MAY BE DEDUCTED BASED UPON A DEMONSTRATION TO THE DEPARTMENT BY THE INMATE, WHICH IS CERTIFIED BY THE INMATE'S CASE MANAGER OR COMMUNITY PAROLE OFFICER, THAT HE OR SHE HAS MADE CONSISTENT PROGRESS IN THE CATEGORIES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(c) NOTHING IN THIS SUBSECTION (1.5) SHALL PRECLUDE AN INMATE FROM RECEIVING EARNED TIME PURSUANT TO SUBSECTION (1) OF THIS SECTION IF THE INMATE DOES NOT QUALIFY FOR EARNED TIME PURSUANT TO THIS SUBSECTION (1.5).

(4) Notwithstanding any other provision of this section, earned time may not reduce the sentence of ~~any~~ AN inmate as defined in section 17-22.5-402 (1) by a period of time ~~which~~ THAT is more than ~~twenty-five~~ THIRTY percent of the sentence. THIS SUBSECTION (4) SHALL NOT APPLY TO SUBSECTION (6) OF THIS SECTION.

(6) EARNED RELEASE TIME SHALL BE SCHEDULED BY THE PAROLE BOARD AND THE TIME COMPUTATION UNIT IN THE DEPARTMENT OF CORRECTIONS FOR INMATES CONVICTED OF CLASS 4 AND CLASS 5 FELONIES UP TO SIXTY DAYS PRIOR TO THE MANDATORY RELEASE DATE AND FOR INMATES CONVICTED OF CLASS 6 FELONIES UP TO THIRTY DAYS PRIOR TO THE MANDATORY RELEASE DATE FOR INMATES WHO MEET THE FOLLOWING CRITERIA:

(a) THE INMATE HAS NO CODE OF PENAL DISCIPLINE VIOLATIONS;

(b) THE INMATE IS PROGRAM-COMPLIANT; AND

(c) THE INMATE WAS NOT CONVICTED OF, AND HAS NOT PREVIOUSLY BEEN CONVICTED OF, A CRIME IN SECTIONS 18-7-402 TO 18-7-407, C.R.S., SECTION 18-12-102, C.R.S., OR SECTION 18-12-109, C.R.S., OR A CRIME LISTED IN SECTION 24-4.1-302 (1), C.R.S.

(7) BEGINNING IN THE FISCAL YEAR 2012-13, THE GENERAL ASSEMBLY MAY APPROPRIATE THE SAVINGS GENERATED BY SUBSECTIONS (1.5) AND (6) OF THIS SECTION TO RECIDIVISM-REDUCTION PROGRAMS.

SECTION 2. 17-22.5-402 (2), Colorado Revised Statutes, is amended to read:

17-22.5-402. Discharge from custody. (2) Notwithstanding subsection (1) of this section, the full term for which an inmate is sentenced shall be reduced by any EARNED RELEASE TIME AND earned time granted pursuant to section 17-22.5-405, except as provided in section 17-22.5-403 (3) and (3.5).

SECTION 3. Appropriation - adjustments to the 2009 long bill.

(1) In addition to any other appropriation, there is hereby appropriated, to the department of corrections, for the fiscal year beginning July 1, 2009, the sum of eight hundred sixty-seven thousand nine hundred fifty-nine dollars (\$867,959) and 10.8 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from the general fund.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2009, shall be adjusted as follows:

(a) The appropriation to the department of corrections is decreased by two million nine hundred ninety-seven thousand nine hundred seventy-five dollars (\$2,997,975). Said sum shall be from the general fund.

SECTION 4. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix K:
Senate Bill 09-006**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 09-006

BY SENATOR(S) Boyd, Keller, Newell;
also REPRESENTATIVE(S) Solano, Casso, Fischer, Kerr J., Labuda,
Merrifield, Pace, Ryden, Todd.

CONCERNING CREATION OF AN IDENTIFICATION PROCESSING UNIT FOR
DETENTION FACILITIES, AND MAKING AN APPROPRIATION IN
CONNECTION THEREWITH.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Successful offender reentry into society is critical to the criminal justice system;

(b) One of the barriers to successful reentry into society for a person convicted of a crime is the lack of an acceptable form of identification;

(c) Identification cards are necessary for most aspects of everyday life, including receiving health care and mental health services, securing employment, and finding housing;

(d) Many prisoners in county jails lack acceptable identification cards, and obtaining identification cards may be difficult, particularly for prisoners who have mental illness;

(e) The need to access available mental health services is particularly important for successful reentry by a prisoner with a mental illness; and

(f) Ensuring that every prisoner in a county jail leaves with a proper identification card can be the first step to the prisoner's successful reentry into society.

(2) Therefore, the general assembly finds and declares that a mobile identification processing unit that can travel to metropolitan-area county jails to process identification cards for prisoners is an appropriate first phase in providing identification cards to prisoners in the state.

SECTION 2. Part 3 of article 2 of title 42, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

42-2-311. County jail identification processing unit - report - repeal. (1) (a) THERE IS HEREBY CREATED THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT, REFERRED TO IN THIS SECTION AS THE "UNIT", IN THE DIVISION THAT ISSUES DRIVERS' LICENSES WITHIN THE DEPARTMENT.

(b) THE UNIT SHALL CONSIST OF A MOBILE IDENTIFICATION PROCESSING VEHICLE STAFFED BY THE DEPARTMENT. THE UNIT SHALL TRAVEL TO THE COUNTY JAILS IN ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND JEFFERSON COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD ON A REGULAR BASIS TO PROCESS IDENTIFICATION CARDS FOR EACH PRISONER WHO IS A LEGAL RESIDENT OF THIS STATE AND WHO DOES NOT POSSESS AN IDENTIFICATION CARD ISSUED PURSUANT TO THIS PART 3 OR A DRIVER'S LICENSE ISSUED PURSUANT TO PART 1 OF THIS ARTICLE. EACH PRISONER SHALL BEAR THE COST OF THE IDENTIFICATION CARD; EXCEPT THAT A COUNTY OR JAIL MAY CHOOSE TO BEAR THE COST OF THE IDENTIFICATION CARD. THE UNIT SHALL, UPON THE PRISONER MEETING ALL OF THE REQUIREMENTS FOR OBTAINING AN IDENTIFICATION CARD, PROCESS AN IDENTIFICATION CARD FOR EACH

PRISONER WHO IS SCHEDULED TO BE RELEASED PRIOR TO THE UNIT'S SCHEDULED RETURN DATE TO THAT COUNTY JAIL. THE UNIT SHALL GIVE PRIORITY TO A PRISONER WHO HAS A MEDICALLY DOCUMENTED MENTAL ILLNESS.

(c) THE DEPARTMENT PERSONNEL ARE AUTHORIZED TO WORK WITH COUNTY JAIL PERSONNEL AND VOLUNTEERS TO ASSIST PRISONERS IN THE PROCESS OF OBTAINING THE IDENTIFICATION CARDS. COUNTY JAIL PERSONNEL MAY ASSIST A PRISONER WITH OBTAINING THE NECESSARY DOCUMENTATION FOR THE IDENTIFICATION CARD.

(d) THE DEPARTMENT SHALL DEVELOP A SCHEDULE WITH THE SHERIFF OF EACH OF THE COUNTIES PURSUANT TO WHICH THE UNIT WILL VISIT EACH OF THE PARTICIPATING COUNTY JAILS. THE UNIT SHALL VISIT THE PARTICIPATING COUNTY JAILS SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1). AFTER ESTABLISHING THE SCHEDULE FOR VISITING THE COUNTIES SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1), THE DEPARTMENT SHALL DETERMINE WHETHER IT HAS THE RESOURCES TO EXPAND THE NUMBER OF COUNTY JAILS OR OTHER FACILITIES THAT THE UNIT MAY SERVE, WHICH FACILITIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, CORRECTIONAL FACILITIES, YOUTH DETENTION FACILITIES, AND MENTAL HEALTH INSTITUTIONS.

(2) BEGINNING JULY 1, 2011, AND BY JULY 1 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT REGARDING THE UNIT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) THE NUMBER OF IDENTIFICATION CARDS ISSUED BY THE UNIT;

(b) THE NUMBER OF IDENTIFICATION CARD REQUESTS DENIED BY THE UNIT AND THE REASONS FOR THE DENIALS;

(c) THE LEVEL OF IN-KIND CONTRIBUTIONS MADE BY THE PARTICIPATING COUNTIES;

(d) THE SUCCESSES THE UNIT ACHIEVED AND THE CHALLENGES FACED BY THE UNIT; AND

(e) AN ACCOUNT OF THE COSTS AND EMPLOYEE TIME ASSOCIATED WITH THE OPERATION OF THE UNIT FOR:

(I) THE UNIT;

(II) THE PARTICIPATING COUNTIES SPECIFIED IN PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION; AND

(III) THE RESPECTIVE SHERIFF'S DEPARTMENTS.

(3) (a) THE PROVISIONS OF THIS SECTION SHALL ONLY TAKE EFFECT IF BY JUNE 15, 2012, THE DEPARTMENT OF REVENUE RECEIVES AN AMOUNT THROUGH GIFTS, GRANTS, AND DONATIONS THAT IS EQUAL TO OR GREATER THAN THE FINAL FISCAL ESTIMATE FOR SENATE BILL 09-006, AS ENACTED AT THE FIRST REGULAR SESSION OF THE SIXTY-SEVENTH GENERAL ASSEMBLY, TO COVER THE ESTIMATED COSTS OF IMPLEMENTING THIS SECTION. ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE STATE DEPARTMENT PURSUANT TO THIS SUBSECTION (3) SHALL BE DEPOSITED INTO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND CREATED PURSUANT TO SECTION 42-2-312.

(b) ON OR BEFORE JUNE 30, 2012, THE EXECUTIVE DIRECTOR SHALL FILE A WRITTEN NOTICE WITH THE REVISOR OF STATUTES INDICATING THAT THE ESTIMATED AMOUNT OF MONEYS WAS RECEIVED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (3). IF THE NOTICE IS NOT RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2012, THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012. IF THE NOTICE IS RECEIVED BY THE REVISOR OF STATUTES BY JUNE 30, 2012, THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2012.

42-2-312. County jail identification processing unit fund. THE DEPARTMENT OF REVENUE IS AUTHORIZED TO ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF IMPLEMENTING SECTION 42-2-311; EXCEPT THAT NO GIFT, GRANT, OR DONATION MAY BE ACCEPTED BY THE STATE TREASURER IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE

"FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF SECTION 42-2-311. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

42-2-313. Department consult with counties on county jail identification processing unit. THE DEPARTMENT SHALL MEET WITH REPRESENTATIVES OF ADAMS, ARAPAHOE, BOULDER, DOUGLAS, AND JEFFERSON COUNTIES, THE CITY AND COUNTY OF DENVER, AND THE CITY AND COUNTY OF BROOMFIELD ON A REGULAR BASIS TO DISCUSS FUTURE IMPLEMENTATION OF A COUNTY JAIL IDENTIFICATION PROCESSING UNIT THAT WOULD TRAVEL TO COUNTY JAILS TO PROCESS IDENTIFICATION CARDS FOR PRISONERS, AS WELL AS TO DISCUSS INTERGOVERNMENTAL AGREEMENTS FOR COST-SHARING SOLUTIONS TO FUND THE UNIT, SOLUTIONS TO TECHNICAL AND EQUIPMENT ISSUES THAT THE DEPARTMENT HAS IDENTIFIED, AND IMPLEMENTATION OF PROGRAM TIMELINES.

SECTION 3. Part 1 of article 26 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

17-26-139. County jail identification processing unit - personnel authority - repeal. (1) COUNTY JAIL PERSONNEL AND VOLUNTEERS ARE AUTHORIZED TO WORK WITH THE COUNTY JAIL IDENTIFICATION PROCESSING UNIT CREATED IN SECTION 42-2-311, C.R.S.

(2) THIS SECTION SHALL ONLY BECOME EFFECTIVE IF SECTION 42-2-311, C.R.S., BECOMES EFFECTIVE ON OR BEFORE JULY 1, 2012. IF SECTION 42-2-311, C.R.S., DOES NOT BECOME EFFECTIVE BY JULY 1, 2012, THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 4. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the county jail identification processing unit fund created in section 42-2-312, Colorado Revised Statutes, not otherwise appropriated, to the department

of revenue, for allocation to the division of motor vehicles, driver and vehicle services, for the fiscal year beginning July 1, 2009 , the sum of one hundred eighty-six thousand one hundred sixty dollars (\$186,160) cash funds and 1.2 FTE, or so much thereof as may be necessary, for the implementation of this act.

SECTION 5. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Peter C. Groff
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

**Appendix L:
Juvenile Issues in Colorado
PowerPoint Presentation**

Juvenile Issues in Colorado

Regina Huerter

Juvenile Meeting April 10, 2009

Purpose:
**To provide information to the
Commission on Criminal and Juvenile
Justice on the critical issues, and most
pressing needs in the juvenile justice
system.**

Participants

- Peter Weir
- Meg Williams
- Donia Amick
- Katie Wells
- Susan Colling
- Anna Lopez
- Bill Kilpatrick
- Regi Huerter
- Diane Pasini-Hill
- Kim English
- Brian Boatright
- Kathy Sasak
- Karen Ashby
- Dean Conder
- Jeff McDonald
- Germaine Miera
- Paul Herman
- Caren Leaf
- Bob Coulson

Issues

- Big Picture
 - Lack of a shared vision, mission, and strategic plan for juvenile justice
 - The intersect of Juvenile Justice and Human Services
 - Complexity of the system
 - Kids are in multiple systems with multiple system requirements
 - Families are in multiple systems with multiple system requirements
 - Frequently the family systems and juvenile systems do not integrate case management goals and strategies

Issues

- Big Picture
 - Lack of family involvement and support
 - Minority over representation in the juvenile justice system
 - Truancy and school success
 - Seeing juveniles as a priority in the face of the adult system needs
 - Long-term strategic prevention initiatives
 - The unfortunate need for youth to enter the juvenile justice system to receive necessary services
 - Lack of appropriate services and support for 18 -24 yr olds

Issues

- Services
 - Consistent screening and assessment and matching of appropriate services
 - There is a need for early identification of service need with appropriate application of those services
 - Identification of need and application of services should occur without youth having to penetrate the juvenile justice system
 - Services driven by funding source versus client need
 - Need for unified holistic services for families
 - Gaps in behavioral health services
 - Sustainability of evidence based programs

Issues

- Services
 - There is a need for developmentally and culturally appropriate services for youth
 - Lack of transition services by age (under 18) and between systems
 - Availability of medication for youth with mental health problems
 - Understanding of brain development and functional age
 - Creating employable youth
 - Resources in communities vary – thus a need for community involvement

Issues

- Consequences/Process
 - Early identification of youth to manage and divert from the system
 - Lack of immediate consequences
 - Complexity of the system
 - Criminalization of immature behavior – to obtain services – or via legislation
 - Continuity of care varies across the state and damages treatment progress and ability to sustain changes
 - Lengthy stays in jails or detention facilities

Issues

- Consequences/Process
 - Criteria for who decides on direct file cases – lack of statewide consistency
 - Truancy
 - Parts of the children's code is archaic

Issues

- Training
 - Lack of training/capacity to promote evidence based and best practice to obtain the best outcomes for youth
 - Lack of training emphasis and capacity on trauma for youth, families, and professionals
 - Understanding the continuum of youth behaviors

Issues

- Information Sharing
 - Taking advantage of technology to effectively share information among system entities
 - Resolving system and “turf” barriers to the effective exchange of information
 - Understanding how technology is used today by youth and how that impacts the justice and human services systems

Agencies and Major Groups Working on Juvenile Issues in Colorado

- Juvenile Justice Delinquency Prevention Council *
- SB94 Advisory Board (22 counties) *
- HB1451 – Collaborative Management (24 counties) *
- MISJ Task Force Subcommittee
- Models for Change
- McArthur Foundation Core Team
- Prevention Leadership Council *
- Metro Denver Gang Coalition
- DYC Provider Council *
- Child Care (CAFCA)
- Children and Youth Info sharing (CYIS) *
- IAC (mix)
- SOMB (mix)
- Adolescent Providers Group
- Data sharing and utilization group
- LINKS (for mental health and co-occurring disorders) *
- Violence Prevention Advisory (VPAC)

* Organizations that have strategic plans

Importance and Urgency

- From local law enforcement it is a big issue. It is so complex we don't want to deal with it. We are seeing more violent crimes and younger offenders. It is building to a crisis.
- If we don't want to build 22 more prisons we have to start on the front end – the juvenile issues
- Very few police agencies have a juvenile unit. The same is true with prosecutors and those that have juvenile units – prosecutors fly through the juvenile unit quickly
- No one wants to deal with juveniles – they are not a priority
- From the substance abuse perspective, the use is up at an incredible rate.

Importance and Urgency

- There is a high probability on the return on investment. If you spend dollars on early intervention and treatment, the research shows that juveniles are more amenable to treatment than adults
- Our system is in trouble when a youth asks the question “Why do I have to get knocked up or locked up to get the services I need?”
- More families are asking for their kids to get arrested so their child can get the services they need.
- These are children and we owe a responsibility to our children

Conclusions

- The Commission should look at this in a systemic way. There is no one group that looks at all of these issues
- We should identify our strengths and build upon those strengths
- We should identify our gaps and address those gaps in a systemic way
- There is a need for a shared vision, mission and comprehensive strategic plan to deal with juvenile issues
- There are many agencies and organizations that have devoted their lives to the juvenile issue and the Commission should enlist and engage them in the efforts to establish a Colorado shared vision, mission and strategic plan

**Appendix M:
Sentencing Issues in Colorado
PowerPoint Presentation**

Sentencing Issues in Colorado

Peter Weir

Sentencing Meeting March 12, 2009

Purpose: To provide information to the Commission on Criminal and Juvenile Justice on a definition of sentencing reform and critical issues that should be addressed

Participants

- Peter Weir
- Kathy Sasak,
- Doug Wilson
- Ted Tow
- Dan Brennan
- Miles Madorin
- Gil Martinez
- Jeanne Smith
- Cathy Adkisson
- Pete Hautzinger
- Ty Gee for David Kaplan
- Paris Lumb for Rep. Claire Levy
- Paul Herman
- Kim English
- Karen Taylor
- Christie Donner
- Bill Kilpatrick

Discussion On How You Define Sentencing Reform

- Reflects the public expectation of sentencing goals
- Simpler and clearer
- Identifies the sentencing goals
- Reorganization of both sentencing type and length
- Provide for clarity, consistency and fairness
- Sentencing should maximize deterrence as well as reduce recidivism

Discussion On How You Define Sentencing Reform

- Sentencing reform needs to be global, transparent, and comprehensive
- Reform will address the risk, need and responsivity of the individual and their situation
- Reform means change that improves sentencing
- Reform should change sentencing in some significant way that makes sentencing more effective

Discussion On How You Define Sentencing Reform

- Reform should provide a structure to guide what sentencing should be – setting goals – so the public understands why the penalty is attached to the charge and why someone is being paroled at a certain time
- Top to bottom re-evaluation of the entire criminal code and parole statutes
- Similar crimes will be treated similarly
- The criminal code should be relatively simple so that the average person can go to the books and understand the crime and the sentence

Discussion On How You Define Sentencing Reform

- Careful analysis across the whole continuum of sentencing

Five Definitions of Sentencing Reform

- Clearly define the goals of sentencing from a defendant, victim and a systemic perspective.
- Top to bottom re-evaluation of the entire criminal code, parole and related statutes.
- Examination of the direct and collateral consequences of the conviction.
- Improved clarity and ability to determine and communicate the legal consequences of the conviction.
- Develop a model of statutory drafting and construction that promotes consistency and can be replicated.

Discussion on the Most Significant Problems and Issues With Sentencing

- Juvenile justice, mandatory minimums
- Complexity of entire sentencing process
- There is an element of politics that end up affecting sentencing in the legislature
- The issue of the day drives the legislation
- Mandatory minimums – Complexity
- Balance between consistency and adequate discretion

Discussion on the Most Significant Problems and Issues With Sentencing

- Blending the multiple purposes of sentencing
- How do you reconcile the theoretical basis for sentences with evidence-based practices
- Referencing what are the expected outcomes from our sentences
- We have lost sight of what are we trying to do
- Sentences are longer than they should be
- Mandatory parole – is it doing what it was intended to do

Discussion on the Most Significant Problems and Issues With Sentencing

- We have gotten away from looking at the individual and determining what sentence is appropriate for that individual for that offense
- We want to look at the individual, the offense and the circumstances
- What is the rational basis for setting the length of sentence
- Lack of integration of sentence with other releasing issues (parole, earned time)

Discussion on the Most Significant Problems and Issues With Sentencing

- Transparency - The system is incoherent - Mixed messages by the legislature
- The public does not understand the reasons and factors that went into sentencing
- Whatever reform we look at is a balance between reform and public safety
- Two specific areas that are addressed in all the issues brought forth are mandatory minimums and sex offenses

Discussion on the Most Significant Problems and Issues With Sentencing

- Truth in sentencing
- Sentencing structure gives a false idea to the community how long a person will serve and it also makes it difficult for the inmate to plan for his release
- How can anyone quickly, readily and with certainty ascertain the consequences of a conviction
- The inconsistency on how they draft legislation. Inconsistent terms contained in the legislation causes confusion
- Greater clarity of definition

Discussion on the Most Significant Problems and Issues With Sentencing

- What the person ends up pleading to frequently does not resemble what they were originally charged with
- What does public safety mean
- Combination of the complexity and lack of internal logic
- The lack of focus on treatment - whatever treatment is effective to reduce the criminogenic factors - there is a need to fund treatment

Five Critical Issues

- The sentencing structure is too complex and too confusing.
- The sentencing structure does not allow for individualized sentencing while maintaining accountability.
- Ensure the predictability, consistency and rationality of sentencing laws.
- Too many laws are based on antidotes not evidence.
- Sentencing laws have lost sight of the goal to enhance public safety through rehabilitation, deterrence and punishment.

Consensus on the Approach to Sentencing Reform

The group determined that sentencing reform needs to be done in a comprehensive form.

Suggestions for the Commission If We Look At Targeted Areas Vs. Comprehensive Analysis

- We got here piecemeal. We don't have the two years that it took New York took to do this. We are now in an economic crunch and have to do something now.
- The danger of just doing something now because of money is bad. The public will focus not on that sentencing reform needs to happen because it is too confusing but on the fact that it is being done to reduce the number of individuals in prison and save money.

Suggestions for the Commission If We Look At Targeted Areas Vs. Comprehensive Analysis

- Can we focus on felonies?
- Can we focus on drug laws? If we do a review of drug laws, it would be more effective if it came out of a broader review of all laws. Maybe there are other areas that should be split out and focused on as well. Can this be the first bite?

Suggestions for the Commission If We Look
At Targeted Areas Vs. Comprehensive
Analysis

- The low-hanging fruit is the non-violent crimes, both in misdemeanor and felony level crimes. This would include the drug laws. To work on the low-hanging fruit you have to realize there will be an increase in treatment costs.
- If we are going analyze this, should we focus on the realities? If we do it quickly to save money, we ultimately won't save money.
- Does the Commission want to delve into the particulars? OR does the Commission want to set up a framework for someone else to delve into the particulars?

Suggestions for the Commission If We Look
At Targeted Areas Vs. Comprehensive
Analysis

- The working group had consensus that a comprehensive review is needed. There was no consensus on analyzing sections of the law.
- One of the things you can do is look at a comprehensive review of everything we have. The other way is to take it from the other perspective of what are we trying to achieve and build it.
- Part of the message is a comprehensive approach. The other part of the message, that may be true, but in today's world we should tackle some singular issues that the Commission deems to be important.

**Appendix N:
Senate Bill 09-286**

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 09-286

BY SENATOR(S) Morse and Carroll M., Bacon, Boyd, Foster, Groff, Heath, Hodge, Hudak, Isgar, Newell, Romer, Shaffer B., Tapia, Tochtrop, Veiga, Williams;
also REPRESENTATIVE(S) Levy and Merrifield, Ferrandino, Kagan, Miklosi, Pommer, Pace, Benefield, Carroll T., Court, Fischer, Green, Hullinghorst, Judd, Kerr A., Labuda, McFadyen, Middleton, Rice, Ryden, Schafer S., Solano, Todd, Kefalas, McCann.

CONCERNING CRIMINAL LAW, AND, IN CONNECTION THEREWITH, CHANGING THE PROVISIONS RELATED TO LEGAL REPRESENTATION OF INDIGENT DEFENDANTS FOR CERTAIN MISDEMEANOR CASES; CHANGING THE OFFENSE LEVEL OR SENTENCING OPTIONS FOR SELECT NONVIOLENT OFFENSES, PROPERTY OFFENSES, AND DRUG OFFENSES; CHANGING THE PRESUMPTIVE SENTENCING RANGES FOR CERTAIN FELONY OFFENSES; REPEALING CERTAIN EXTRAORDINARY RISK SENTENCING PROVISIONS; MAKING CHANGES TO THE HABITUAL OFFENDER STATUTE; AND ALLOWING FOR CERTAIN SENTENCING TIME CREDITS FOR CERTAIN OFFENDERS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(a) In 2007, it created the Colorado commission on criminal and juvenile justice, referred to in this section as the "commission", in House Bill 07-1358;

(b) The commission was tasked with enhancing public safety, ensuring justice, and ensuring protection of the rights of victims through the cost-effective use of public resources by studying evidence-based, recidivism reduction initiatives that ensure the cost-effective expenditure of limited criminal justice funds;

(c) Based on that study and consistent with its mission, the commission developed sixty-six recommendations, including six bills referred to the general assembly during the 2009 legislative session; and

(d) The state of Colorado faces an unprecedented budget crisis during the coming fiscal year, and it is imperative that the general assembly consider cost-saving measures in the criminal justice system during the second regular session of the sixty-seventh general assembly.

(2) Therefore, the general assembly determines that it is necessary to direct the commission to prioritize the study of sentencing reform while maintaining the public safety.

SECTION 2. 16-11.3-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

16-11.3-103. Duties of the commission - mission - staffing - repeal. (2.5) (a) USING EMPIRICAL ANALYSIS AND EVIDENCE-BASED DATA, THE COMMISSION SHALL STUDY SENTENCES IN COLORADO.

(b) IN ADDITION TO ANY OTHER AREAS DEEMED APPROPRIATE BY THE COMMISSION, THE COMMISSION MAY STUDY THE FOLLOWING AREAS:

(I) A STATEWIDE DEPARTMENT OF CORRECTIONS CORRECTIONAL FACILITY MANAGEMENT PLAN AND POTENTIAL DEPARTMENT OF CORRECTIONS CORRECTIONAL FACILITY BED LIMITATION;

(II) SENTENCES RELATED TO THE OFFENSE OF DRIVING UNDER RESTRAINT DESCRIBED IN SECTION 42-2-138, C.R.S., AND WHETHER TO

CHANGE THOSE SENTENCES;

(III) SENTENCES RELATED TO DRUG CRIMES DESCRIBED IN ARTICLE 18 OF TITLE 18, C.R.S., AND WHETHER TO CHANGE THOSE SENTENCES;

(IV) WHETHER PAROLE SHOULD BE INCLUDED IN THE SENTENCE OR OUTSIDE THE SENTENCE; AND

(V) ALTERNATIVES TO INCARCERATION FOR NONVIOLENT FIRST-TIME OFFENDERS; AND

(VI) THE CONSEQUENCES AND EFFICACY OF MANDATORY MINIMUM SENTENCES AND OTHER PROVISIONS THAT LIMIT JUDICIAL DISCRETION IN THE SENTENCING PROCESS.

(c) IN ADDITION, THE COMMISSION MAY STUDY THE IMPACT OF INCARCERATION ON CRIME RATES.

(d) (I) BY NOVEMBER 30, 2009, THE COMMISSION SHALL UPDATE THE GOVERNOR, THE ATTORNEY GENERAL, THE CHIEF JUSTICE OF THE SUPREME COURT, THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY REGARDING THE COMMISSION'S FINDINGS, RECOMMENDATIONS, AND PROPOSED PLAN FOR THE ONGOING STUDY OF SENTENCING REFORM. ADDITIONALLY, BY FEBRUARY 1, 2010, THE COMMISSION SHALL PROVIDE THE EXECUTIVE COMMITTEE OF THE GENERAL ASSEMBLY WITH RECOMMENDATIONS REGARDING WHETHER TO MODIFY ANY SENTENCES OR SENTENCE LAWS.

(II) THIS PARAGRAPH (d) AND PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2.5) ARE REPEALED, EFFECTIVE JULY 1, 2010.

SECTION 3. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix O:
CCJJ Collaboration Survey Instrument and Results

WORKING TOGETHER: A PROFILE OF COLLABORATION

THE INSTRUMENT

The research underlying this instrument has been published in:

Collaborative Leadership: How Citizens and Civic Leaders Can Make a Difference, 1st ed., by David D. Chrislip and Carl E. Larson, San Francisco: Jossey-Bass, 1994.

WORKING TOGETHER: A PROFILE OF COLLABORATION

The purpose of this survey is to record your opinions about items that measure collaboration effectiveness. Your honest responses to these items will be extremely helpful. Your responses will be statistically summarized and displayed, along with the responses of others, without identifying you individually.

Collaboration Identification:

You are a member of a group. The group may be called a partnership, consortium, coalition, or team. The group exists to deal with one or more concerns, issues, or goals. The name of the group is below. You will be asked to report the extent to which certain items are true or not true of your group. As you respond to each of the items in this booklet, please keep in mind the group you are describing.

NAME OF THE GROUP: _____

Instructions:

Items are grouped into five categories. To the left of each item is a scale for recording your responses. Read the item, think about the extent to which it describes your group, and fill in or check the appropriate circle.

True	More True Than False	More False Than True	False
(1)	(2)	(3)	(4)

The Context of the Collaboration

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 1. Now is a good time to address the issue about which we are collaborating. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 2. Our collaborative effort was started because certain individuals wanted to do something about this issue. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 3. The situation is so critical, we must act now. |

True	More True Than False	More False Than True	False
(1)	(2)	(3)	(4)

The Structure of the Collaboration

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 4. Our collaboration has access to credible information that supports problem solving and decisionmaking. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 5. Our group has access to the expertise necessary for effective meetings. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 6. We have adequate physical facilities to support the collaborative efforts of the group and its subcommittees. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 7. We have adequate staff assistance to plan and administer the collaborative effort. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 8. The membership of our group includes those stakeholders affected by the issue. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 9. Our membership is not dominated by any one group or sector. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 10. Stakeholders have agreed to work together on this issue. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 11. Stakeholders have agreed on what decisions will be made by the group. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 12. Our group has set ground rules and norms about how we will work together. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 13. We have a method for communicating the activities and decisions of the group to all members. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 14. Our collaboration is organized in working subgroups when necessary to attend to key performance areas. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 15. There are clearly defined roles for group members. |

True	More True Than False	More False Than True	False
(1)	(2)	(3)	(4)

Collaboration Members

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 16. Members are more interested in getting a good group decision than improving the position of their home organization. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 17. Members are willing to let go of an idea for one that appears to have more merit. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 18. Members have the communication skills necessary to help the group progress. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 19. Members of the collaboration balance task and social needs so that the group can work comfortably and productively. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 20. Members are effective liaisons between their home organizations and the group. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 21. Members are willing to devote whatever effort is necessary to achieve the goals. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 22. Members monitor the effectiveness of the process. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 23. Members trust one another sufficiently to honestly and accurately share information, perceptions, and feedback. |

True	More True Than False	More False Than True	False
(1)	(2)	(3)	(4)

The Collaboration Process

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 24. We frequently discuss how we are working together. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 25. Divergent opinions are expressed and listened to. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 26. The process we are engaged in is likely to have a real impact on the problem. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 27. We have an effective decisionmaking process. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 28. The openness and credibility of the process help members set aside doubts or skepticism. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 29. There are strong, recognized leaders who support this collaborative effort. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 30. Those who are in positions of power or authority are willing to go along with our decisions or recommendations. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 31. We set aside vested interests to achieve our common goal. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 32. We have a strong concern for preserving a credible, open process. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 33. We are inspired to be action oriented. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 34. We celebrate our group's successes as we move toward achieving the final goal. |

True	More True Than False	More False Than True	False
(1)	(2)	(3)	(4)

The Results of the Collaboration

- | | | | | |
|-----------------------|-----------------------|-----------------------|-----------------------|---|
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 35. We have concrete measurable goals to judge the success of our collaboration. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 36. We have identified interim goals to maintain the group's momentum. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 37. There is an established method for monitoring performance and providing feedback on goal attainment. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 38. Our group is effective in obtaining the resources it needs to accomplish its objectives. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 39. Our group is willing to confront and resolve performance issues. |
| <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | 40. The time and effort of the collaboration is directed at obtaining the goals rather than keeping itself in business. |

What one change would most improve the effectiveness of this collaborative effort?

1 means true, 4 means false

Question	Average Response	Lo	Hi	Range
1 Now is a good time to address the issue about which we are collaborating.	1.12	2	1	1
2 Our collaborative effort was started because certain individuals wanted to do something about this issue.	1.24	2	1	1
3 The situation is so critical, we must act now.	1.44	3	1	2
4 Our collaboration has access to credible information that supports problem solving and decisionmaking.	1.24	2	1	1
5 Our group has access to the expertise necessary for effective meetings.	1.29	3	1	2
6 We have adequate physical facilities to support the collaborative efforts of the group and its subcommittees.	1.18	2	1	1
7 We have adequate staff assistance to plan and administer the collaborative effort.	2.06	3	1	2
8 The membership of our group includes those stakeholders affected by the issue.	1.59	3	1	2
9 Our membership is not dominated by any one group or sector.	2.29	4	1	3
10 Stakeholders have agreed to work together on this issue.	1.82	3	1	2
11 Stakeholders have agreed on what decisions will be made by the group.	2.29	3	1	2
12 Our group has set ground rules and norms about how we will work together.	1.59	2	1	1
13 We have a method for communicating the activities and decisions of the group to all members.	1.41	3	1	2
14 Our collaboration is organized in working subgroups when necessary to attend to key performance areas.	1.29	2	1	1
15 There are clearly defined roles for group members.	2.19	4	1	3
16 Members are more interested in getting a good group decision than improving the position of their home organization.	2.31	3	1	2
17 Members are willing to let go of an idea for one that appears to have more merit.	2.35	3	2	1
18 Members have the communication skills necessary to help the group progress.	1.59	2	1	1
19 Members of the collaboration balance task and social needs so that the group can work comfortably and productively.	2.00	3	1	2
20 Members are effective liaisons between their home organizations and the group.	1.56	3	1	2
21 Members are willing to devote whatever effort is necessary to achieve the goals.	1.94	4	1	3
22 Members monitor the effectiveness of the process.	2.00	3	1	2
23 Members trust one another sufficiently to honestly and accurately share information, perceptions, and feedback.	2.24	3	1	2

24	We frequently discuss how we are working together.	2.59	4	1	3
25	Divergent opinions are expressed and listened to.	1.82	2	1	1
26	The process we are engaged in is likely to have a real impact on the problem.	1.71	3	1	2
27	We have an effective decisionmaking process.	1.82	3	1	2
28	The openness and credibility of the process help members set aside doubts or skepticism.	2.41	4	1	3
29	There are strong, recognized leaders who support this collaborative effort.	1.65	3	1	2
30	Those who are in positions of power or authority are willing to go along with our decisions or recommendations.	2.18	4	1	3
31	We set aside vested interests to achieve our common goal.	2.59	4	1	3
32	We have a strong concern for preserving a credible, open process.	1.88	3	1	2
33	We are inspired to be action oriented.	2.06	3	1	2
34	We celebrate our group's successes as we move toward achieving the final goal.	2.29	3	1	2
35	We have concrete measurable goals to judge the success of our collaboration.	2.35	3	1	2
36	We have identified interim goals to maintain the group's momentum.	2.12	3	1	2
37	There is an established method for monitoring performance and providing feedback on goal attainment.	2.44	4	1	3
38	Our group is effective in obtaining the resources it needs to accomplish its objectives.	2.53	4	1	3
39	Our group is willing to confront and resolve performance issues.	1.94	3	1	2
40	The time and effort of the collaboration is directed at obtaining the goals rather than keeping itself in business.	1.41	3	1	2

**Appendix P:
Extent of Behavioral Health Problems
Among Offenders**

Extent of Behavioral Health Problems among Offenders

[See also Appendix A]

- **Jails.** The 2007 and 2008 reports by the Mentally Ill Inmates Task Force of the seven-county Denver Metro County Commissioners indicated that, on average, 20 percent of current jail inmates had a serious mental illness (SMI) and the jail stay of these inmates was approximately 5.5 times longer than the general jail population costing approximately \$36 million.¹ This metro area percentage corresponds with a study published June 2009 indicating that 16.9 percent of jail inmates suffer from SMI (increasing to 19.6 percent when including post traumatic stress disorder).² Applying a 20 percent estimate to the 2007 Pew jail population total for Colorado (13, 871),³ there are approximately 2,441 jail inmates with serious mental illness.
- **Department of Corrections.** In 1998, the Colorado Department of Corrections (DOC) reported that 10 percent of the correctional population had serious mental illness (SMI)⁴ growing to 25 percent in 2006⁵ This proportion, applied to the March 2009 Colorado prison population (23,152), yields more than 5,788 inmates with serious mental illness.

In 2006, James and Glaze reported that 76 percent of jail and 74 percent of state inmates had some form of substance dependence.⁶

- **Probation Services.** The Colorado Division of Probation Services conservatively estimates that, of the entire population of 81,556 supervised offenders, 60 percent (or 48,933) have substance abuse problems, 13 percent (or 10,602) suffer from mental illness, and 7 percent (or 5,709) exhibit co-occurring disorders (substance abuse and mental illness).⁷

Along with the need for increased treatment is the corresponding necessity to increase service capacity in the state of Colorado to accommodate roughly 19,000 offenders with mental illness and 77,000 offenders with substance abuse issues (derived from the estimates above). Consequently, the Colorado Commission on Criminal and Juvenile Justice considers imperative the need to address, in a concerted manner, the growing number of offenders with behavioral health issues.

¹ Metro Area County Commissioners: Mentally Ill Inmates Task Force. 2007 and 2008 Annual Reports.

² Steadman, H. H., Osher, F. C., Robbins, P. C., Case, B., Samuels, S. (2009). Prevalence of serious mental illness among jail inmates. *Psychiatric Services*, 60, 761-765.

³ Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, DC: The Pew Charitable Trusts, March 2009).

⁴ See *Offenders With Serious Mental Illness: A Multi-Agency Task Group Report to the Colorado Legislative Joint Budget Committee* (CDOC, 1998).

⁵ Schnell, M. and O'Keefe Leipold, M. (2006). *Offenders with mental illness in Colorado*. Colorado Department of Corrections, Office of Planning and Analysis.

⁶ James, D. J., and Glaze, L. E. (2006). *Mental health problems of prison and jail inmates*. Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics.

⁷ Personal communication, Sherri Hufford (Management Analyst, Div. of Probation Services) May 13, 2009.

**Appendix Q:
Agenda, Presenters and Presentation Summary
for March 2009 CCJJ Meeting**



Commission on Criminal and Juvenile Justice

Agenda

March 13, 2008

The State Patrol Academy
Bldg. 100, 15055 S. Golden Road
Golden, CO

- 1:00 Welcome
Peter Weir, CCJJ Chair
- 1:15 Meeting Structure and Goals
Regina Huerter, Oversight Re-Entry Chair
- 1:30 Panel One
See Participants handout in packet
- 2:30 Break
- 2:45 Panel Two
See Participants handout in packet
- 3:40 Transformation Grant
Leslie Herod, Governor's Office
Andy Keller, Tri-West, Inc.
- 4:00 Discussion
Regina Huerter &
Paul Herman, CCJJ Consultant
Clarifying questions
Commonalities & Gaps
Next Steps
- 5:00 Closing Comments and Adjournment
Peter Weir

Purpose/ Goals of Meeting:

- *Inform Commission members and participants of challenges presented by persons with behavioral health issues in the criminal justice system*
- *Identify system needs*
- *Determine criminal justice priorities set by behavioral health groups*
- *Create strategies to develop unified, focused approach to compliment current efforts and address gap areas*

Next Meeting:

April 10, 2009, 12:30 to 4:30 pm
National Enforcement Training Institute
12345 W. Alameda Parkway

COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
Commission Meeting: March 13, 2009
Behavioral Health and Adult Criminal Justice: Presentation Panelists

Panel One: Criminal Justice (affected entities)

Those impacted by the mentally ill in the criminal justice system.

<u>Entity (in presentation order)</u>	<u>Representative</u>
Police	Bill Kilpatrick (Golden Police Chief)
Jail (County)	Grayson Robinson (Arapahoe County Sheriff)
Jail Diversion/ Pre-Trial	Mike Jones (Manager, CJ Planning, Jefferson Co.)
Courts	Gil Martinez (Chief Presiding Judge, 4th JD - Co Springs)
Prosecutors	Don Quick (DA, 17th JD)
Defenders	Doug Wilson (State Public Defender)
Probation	Tom Quinn (Dir.)
DOC	David Stephens (Chief of Behavioral Health, Clinical Services)
Parole	Todd Helvig (Manager, Community Mental Health Services)
Parole Board	David Michaud (Chair)
Community Corrections	Glen Tapia (Dir.)
Victims	Steven Siegel (Victim Rep, 2nd JD)
Dept. of Human Services	Charlie Smith (Div. Deputy Dir.)

Panel Two: Behavioral Health Advocacy and Providers

Those advocating on behalf of, offering solutions for, or with priorities to address the mentally ill in the criminal justice system.

<u>Entity (in presentation order)</u>	<u>Representative</u>
CO Division of Beh. Health	Janet Wood (Div. Dir.)
Mental Health Planning and Advisory Council Advisory Council	Harriet Hall (Co-Chair, Pres./CEO Jefferson Ctr.)
Mental health treatment providers	Reo Leslie, Jr. (CO School for Family Therapy)
Mental Health Roundtable ("Mighty 8")	George DelGrosso (Exec. Dir., CBHC)
CO Coalition for the Homeless	Louise Boris (V.P. of Programs)
CO Assoc. of Alcohol & Drug Service Providers	Carmelita Muniz (Executive Dir.)
CO Behavioral Healthcare Council	Doyle Forrestal (CBHC Dir. of Public Policy)
National Alliance for the Mentally Ill	Nita Brown (Pres., Arapahoe/Douglas Co.) [Future contact: Lacey Berumen (Exec.Dir)]
Mental Health America-Colorado	Jeanne Rohner (Executive Dir.)
Metro Area County Commissioners: Mentally Ill Inmates TF	Paul Siska (Co-Chair, Adams Co. Undersheriff)
Mentally Ill in the Justice System TF	Harriet Hall (Co-Chair, Pres./CEO Jefferson Ctr.)

Transformation Grant Group

Behavioral Health Cabinet (& Working Group)	Leslie Herod (Governor's Office) and/or Joscelyn Gay (DHS Deputy Dir.)
Transformation Grant	Andy Keller (Tri-West, Inc.)

PRESENTER CONSENSUS POINTS

1. Treatment Availability

- *Revolving Door*
- *Medication Management and Monitoring*
- *Continuity of Care*
- *Treatment Availability/Affordability*
- *Resources for Treatment*

2. Training

3. Screening and Assessment

4. Co-occurring Disorder Issues

5. Access to Public Benefits

**Appendix R:
Draft Behavioral Health Recommendations**

DRAFT BEHAVIORAL HEALTH RECOMMENDATIONS

Prepared by the CCJJ Behavioral Health Stakeholder Group

- 1. Treatment Availability** Police contacts taken to the hospital emergency rooms because they are a danger to self or others are usually released back into the community without having received any services related to the crisis that put them there. The lack of treatment options due to limited capacity and expertise of mental health centers to deal with the offending population presents substantial difficulties in connecting offenders to the services they need.

Access to Services: The existence of silos leads to inefficient use of resources. These silos also lead to enormous confusion for offenders and professionals of available resources.

Need clearly articulated system for accessing services.

- Utilize the Intercept Model to capture the resources statewide and enumerate all the major players/parts of the system.¹
- Fund and support peer mentors and family advocates to help with system navigation.
- Fund a crisis call center.
- Create integrated funding for substance abuse and mental health treatment.

Continuity of Care: Inconsistent coordination between criminal/juvenile justice systems and community-based behavioral health treatment systems leads to a “revolving door.”

Integrate re-entry strategies between DOC and community to enhance the transition process for offenders released from prison and jails.

- Need for simple referral and access to care and coordinated discharge planning.
- Information and data sharing between systems, i.e. developing common release forms.

(See Screening and Assessment)

[Identified as a critical issue by the CCJJ]

[Overlaps with 2008 CCJJ Recommendations BP-46 Standardized Comprehensive Offender Profile and BP-47 Offender Profile to Follow through the System]

- Collaborative transition planning for individuals who have completed their sentences so that mental health treatment and medication can be sustained.

Medication Management/Monitoring: Individuals end up in court for having committed felony, misdemeanor or petty offenses because they have quit taking their meds. When individuals with mental illnesses are properly diagnosed, stabilized and receive services, they are far less likely to commit subsequent crimes.

¹ The Sequential Intercept Model provides a conceptual framework and strategic planning process for communities to use when considering the interface between the criminal justice and behavioral health systems. . The interception points are law enforcement and emergency services; initial detention and initial hearings; jail, courts, forensic evaluations, and forensic commitments; reentry from jails, state prisons, and forensic hospitalization; and community corrections and community support. The model provides an organizing tool for a discussion of diversion and linkage alternatives and for systematically addressing criminalization. See Munetz, M. R., & Griffin, P. A. (2006). Use of the Sequential Intercept Model as an approach to decriminalization of people with serious mental illness. *Psychiatric Services*, 57, 544-549. The GAINS Center has facilitated the use of this model throughout the Denver metro region and would be contacted to conduct a similar process for this endeavor.

Given that psychotropic medications are some of the costliest types of medication, treat the access to psychotropic medications as a priority, resulting in a change in the way medication and treatment costs and coverage for the indigent is addressed.

- a. Create a common medication formulary statewide.² Too many systems are using their own "pharmaceutical contracts" to dictate medication use/management and can cause more harm to the patient than good.
- b. Provide a funding stream to continue medication(s) for individuals leaving jail or prison until they have benefits or other funding streams to pay for those medications.

2. **Training** Criminal justice, mental health, and substance abuse professionals are often unaware of what happens in respective systems. Agency personnel need to be educated about other systems allowing for continuity of care and appropriate referrals.

Determine training needs and develop a comprehensive training model to create a cohesive approach to the behavioral health and criminal justice systems.

- a. Conduct a needs assessment employing a strategic Intercept Model (or similar mapping model) to define the current system and develop strategic plan to address identified gaps. The effort should include local jurisdictions and information.
- b. Increase public education regarding behavioral health in order to reduce stigma by creating toolkits, using town hall meetings, and utilizing the local public education television stations.
- c. Expand Mental Health First Aid / Behavioral Health First Aid in Colorado.³
- d. Develop a steering committee to be responsible for creating, maintaining, and tracking the training. They would also ensure training evaluation is conducted.
- e. Provide training on system navigation to those who deliver and receive clinical training.
- f. Provide cross training opportunities to both mental health and substance abuse providers who treat offenders.
- g. Provide cross training opportunities to criminal justice professionals on issues related to offenders with behavioral health issues.

3. **Screening and Assessment** Myriad issues exist because of the lack of appropriate and accurate assessments leading to targeted, individualized treatment interventions in a correctional setting: a lack of standardized behavioral health screening in jails; the lack of a legal mechanism to get meaningful mental evaluations of persons charged criminally early in the process; case management is not sufficiently individualized, linked to assessment; and pretrial release conditions could be set that do not necessarily maximize public safety.

- a. Identify or create a common brief screening instrument to be used throughout justice system. Develop protocols and policies to allow for the sharing of data collected from the screening instrument in order to improve continuity of care for offenders, i.e. creating common scoring profiles.

² A formulary is a list of prescription drugs. Formularies are based on evaluations of efficacy, safety, and cost-effectiveness of drugs, personal clinical experience, research-demonstrated effectiveness, FDA approved indications, and exposure through continuing education or professional meetings.

³ Mental Health First Aid is a 12-hour training course designed to increase mental health literacy so trainees can obtain key skills to help someone who is developing a mental health problem or experiencing a mental health crisis. Like CPR training helps a non-medical professional assist an individual following a heart attack, Mental Health First Aid training helps an individual who doesn't have clinical training assist someone experiencing a mental health crisis. In both situations, the goal is to help support an individual until appropriate professional help arrives, with the added underlying intention to promote health literacy. (Excerpted from http://www.thenationalcouncil.org/cs/about_the_program.)

4. **Public Benefits** Applications are confusing and are often not approved the first time individuals apply, causing major delays in accessing the necessary funding to pay for treatment and medication. Additionally, when people are incarcerated or confined, their benefits (e.g., Medicaid/Medicare, SSI, SSDI) are closed, rather than being suspended. Thus they cannot be immediately reinstated upon release.

Address barriers to benefits suspension and acquisition.

- a. Expand Benefits Acquisition Teams and Specialists.⁴
- b. Hospital Provider Fee Bill-waiver for childless adults to receive comprehensive benefits.⁵
- c. Implement SB08-006 concerning the suspension rather than termination of medical benefits during periods of incarceration.
- d. Because housing is necessary component of treatment, address the difficulties treatment providers encounter providing and/or finding housing for offenders.
 - a. Address housing needs for offenders who do not qualify for HUD/Section 8 by addressing zoning issues.

[Consistent with 2008 CCJJ Recommendations BP-49 and GP-25]

- e. Seek indefinite suspension at the national level for social security benefits.
- f. Eliminate barriers for offenders to apply for benefits prior to release.

⁴ Using evidence-based practices, benefit acquisition teams assist those with disabilities to expedite acquisition of federal benefits and entitlements (SSI/DI and Medicaid/Medicare). With those benefits, they may then access the comprehensive and specialized health and behavioral healthcare, supported housing and other services they need to stabilize their conditions and become more self-sufficient.” (Excerpted from http://www.centralcityconcern.org/_pdf/BEST.pdf).

⁵ A provision of the Colorado Healthcare Affordability Act would provide for Medicaid expansions for parents and childless adults up to 100 percent FPL-\$22,050 for a family of four.

Appendix S:
Community Corrections Subcommittee Letter

Twelfth Judicial District

Alamosa
Conejos
Costilla
Rio Grande
Saguache
Mineral

Alamosa District Court

Alamosa County Courthouse
702 Fourth Street
Alamosa, CO 81101
(719) 589-4996
FAX: (719) 589-2518

e-mail: ojohn.kuenhold@judicial.state.co.us

Ms. Kim English
Research Director
Division of Criminal Justice
700 Kipling St., Suite 3000
Lakewood, CO 80215

Dear Ms. English:

Thank you for your recent visit to the Governor's Community Corrections Advisory Council. The Council greatly appreciated your invitation to join the work of the Colorado Criminal and Juvenile Justice Commission as the Commission studies the future of community corrections.

I'm pleased to report that a number of Governor's Advisory Council members have expressed an interest in service on the subcommittee created to assist the Commission. The Council members appointed to this subcommittee are representative of the Governor's Advisory Council and of community corrections as a whole; collectively, they represent many decades of community corrections experience.

They are:

- Mr. Tom Giacinti, local community corrections board
- Dr. Harriet Hall, local community corrections board and mental health center director
- Dr. Charles Smith, representing the Division of Behavioral Health in the Department of Human Services
- Ms. Dianne Tramutola-Lawson, representing prisoner advocacy agencies
- Ms. Jeaneene Miller, Director of the Division of Parole, Community Corrections and Youthful Offender Services in the Department of Corrections
- Mr. Paul Isenstadt, community corrections program director and current Chairman of the Colorado Community Corrections Coalition, a provider organization
- Mr. Jeff Mannix, a citizen member of the Council
- Ms. Cecilia Mascarenas, a former probation officer and former parole executive, now serving as a citizen member of the Council
- The Hon. Christopher Cross, District Judge, 18th Judicial District
- Charles Garcia

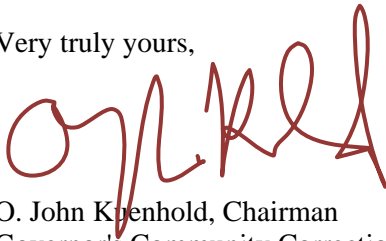
It is our understanding that Mr. Blesch will represent Director Jeanne Smith of the Division of Criminal Justice. With your consent, I will also attend the subcommittee meetings as I can. Under separate cover, Mr. Blesch will provide you with contact information for all of the appointees.

The Governor's Advisory Council recommends that the subcommittee include a member of Probation Services in the Judicial Branch. We understand that Mr. Tom Quinn currently serves on the Commission; Mr. Quinn or his designate would be an appropriate addition to this subcommittee.

Chairman David Michaud of the Parole Board is an appointed member of the Governor's Advisory Council, but is prevented by his professional travel schedule from routine attendance. Perhaps you could extend an invitation to participate on this subcommittee to Chairman Michaud or his designate.

Please let me know if further assistance is required. The Council looks forward to working with you in this important endeavor.

Very truly yours,

A handwritten signature in red ink, appearing to read "O. John Kienhold". The signature is written in a cursive style with a large initial "O" and a prominent "K".

O. John Kienhold, Chairman
Governor's Community Corrections Advisory Council

**Appendix T:
Revised Conditions of Probation**

Note: The numbers preceding the original conditions correspond to their numbers on the actual “Standard Conditions” form. In addition, not every condition has been suggested for change. However, some discussion seemed relevant to pass on even though an official recommendation was not made. It is noted when no change was suggested. All suggestions for change as well as the corresponding discussion points are to be further considered by the PAC work group for implementation.

Original Condition

1. You shall not violate any local, state or federal law.
2. You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.
3. You are required to register as a sex offender if you are convicted of an offense involving unlawful sexual behavior, pursuant to §16-22-101, et.seq.
4. You shall maintain a permanent residence and shall report any change of address, as directed by the probation officer.
5. You shall not leave the State of Colorado without written permission from the probation officer or the court.
6. You shall report to the probation officer at reasonable times, as directed by the court or the probation officer, and permit the probation officer to visit you at reasonable times at home or elsewhere.
7. You shall answer all reasonable inquiries by the probation officer.
8. You shall report any law enforcement contacts to the probation officer.

Recommendation:

No changes have been recommended in regard to Conditions 1 through 8.

Original Condition:

9. You may be required to notify third parties of your criminal record, as directed by the probation officer.

Recommendation:

The work group discussed a probation officers’ duty to warn obligations vs. the more discretionary use of third party disclosures. The example that was presented was that some probation officers require all domestic violence offenders who embark in a new relationship to inform their partner that they have been convicted of a domestic violence crime. It was suggested that rather than instituting a blanket practice, Condition #9 should only be used on a case-by-case basis and should be limited to those circumstances where it serves a legitimate purpose related to the supervision of the client. The work group suggested making sure that training for Probation Officers is clear regarding this condition.

- Therefore, the recommendation is that this condition be worded to clearly note that third parties need only be notified of one’s criminal record on a case-by-case basis.
- Furthermore, case managers should be trained to recognize when such notification is appropriate.

Original Condition:

10. You shall not harass, molest, intimidate, retaliate against, or tamper with any victims of or any prosecution witnesses to the crime.

Recommendation:

No change has been recommended in regard to this condition.

Original Condition:

11. You shall support your dependents and meet your other family responsibilities, including any obligations for child support or spousal maintenance.

Recommendation:

It is suggested by the PAC/PTF work group that “meet other family responsibilities” be removed to tighten and simplify the language of the condition to focus on the intent of the condition (e.g., child support and spousal maintenance).

Original Condition:

12. You shall not possess any firearm, explosive or other destructive device, or any other dangerous weapon, unless you obtain written permission from the Court. Surveillance

Recommendation:

The Task Force recommends that this condition should be sent to PAC for further consideration. There is concern on the part of the Task Force that approval of a firearm by the judge would be in violation of Federal and state law. Therefore, this may not be the most appropriate wording. Other issues discussed include:

- Whether or not the Second Amendment of the Constitution (the right to bear arms) conflicts with some probationers who do not fall under federal or state restrictions (e.g. non-felon, non-domestic violence offenders with a conviction of a misdemeanor 2 or below).
- Probation officer safety.
- Victim and public safety.

Original Condition:

13. You shall not use alcohol (to excess) or use unlawfully any controlled substance or other dangerous or abusable drug or substance.

Recommendation:

The Task Force recommends that this condition be sent to PAC for further discussion, keeping in mind the following issues:

- Consideration of removing “NO alcohol” as a part of the standard condition and moving it Additional Conditions.
- Is there a need to define the term “to excess?”
- Is there a reason to prohibit someone convicted of a non-alcohol related crime from drinking if they are over the age of 21?

Original Condition:

14. You shall report to the probation officer at reasonable times, as directed by the court or the probation officer, and permit the probation officer to visit you at reasonable times at home or elsewhere.

Recommendation:

No change has been recommended in regard to condition 14.

Original Condition:

15. You shall obtain counseling or treatment for drug abuse, alcohol abuse, or a mental condition and shall remain in a specified residential facility if necessary for that purpose, as required by the court or the probation officer. You may be responsible for the costs of the program.

Recommendation:

The Task Force recommends this condition be further discussed by PAC, keeping in mind the following Task Force concerns:

- This may be repetitive of the substance abuse and mental health evaluation check boxes on the front of the form.
- Terms and conditions of probation should be imposed by the judge, not the probation officer.

Original Condition:

16. You shall not act as a confidential informant. This can only be waived by the Court, pursuant to State Court Administrator Memorandum OPS-00-04 dated August 10, 1999.

Recommendation:

The Commission did not approve the suggested changes to this condition.

Original Condition:

17. If convicted of a Felony, you shall sign a written prior waiver of extradition indicating you waive all formal proceedings in the event you are arrested in another state and you agree to be returned to Colorado.

18. You shall comply with any other requirements of the probation officer in order to meet the conditions imposed by the Court.

19. If you are convicted of 1) any Felony, 2) any Misdemeanor offense involving unlawful sexual behavior or 3) if you receive a deferred sentence for an offense involving unlawful sexual behavior you shall be required to submit to and pay for a test of your biological substance to determine genetic markers (DNA) in accordance with §16-11-102.4, C.R.S.

Recommendation:

No changes have been recommended in regard to Conditions 17 through 19.

General Recommendations

In addition to the specific recommendations discussed above, the following suggestions have been made by the PAC/PTF work group as well as the Probation Task Force:

- Categorize the existing conditions (e.g. combine the conditions that are cited in statute under #1 “You shall not violate any local, state or federal law” (Conditions #2, #3, #19).
- Reword the conditions so that they are understandable to the average person (e.g., 6th grade reading level). It is intended that this will help probationers comprehend and recommend the conditions they are supposed to follow.

**Appendix U:
Larimer County Bond Commission
Study Findings**



**COLORADO
DEPARTMENT
OF PUBLIC SAFETY**

Division of Criminal Justice
Jeanne M. Smith, Director
700 Kipling St.
Suite 1000
Denver, CO 80215-5865
(303) 239-4442
FAX (303) 239-4491

Date: June 8, 2009

To: Kim English, Research Director

From: Christine Adams, Statistical Analyst

Re: Larimer County Bond Commissioners and Pretrial Supervision Program

This memo is in response to the request of the Colorado Commission on Criminal and Juvenile Justice for DCJ to analyze Larimer County data regarding their Pretrial Release Services Program (as explained below, this program includes the use of bond commissioners as well as pretrial supervision). This information was gathered with the help of Sharon Winfree, from Larimer County Pretrial Release Services.

The Larimer County Pretrial Release Services Program (which falls under the control of Larimer County Community Corrections) uses four main types of bond:

- **Personal Recognizance (PR)** does not require a deposit of money. The defendant can be released upon his/her promise that he/she will appear in court. Although no money is required to secure the release of the defendant, a dollar amount is assigned to the bond. If the defendant fails to appear in court, that amount may be forfeited by the defendant and a warrant for the defendant's arrest will be ordered.
- **Personal Recognizance Co-Signed (PRCO)** occurs when the defendant is released upon the signature of a co-obligor (co-signer), who accepts responsibility for the defendant's return for all court proceedings. As with the PR bond, no money is required up however, a dollar amount is assigned to the bond and the co-signer may be ordered to forfeit the assigned bond amount if the defendant fails to appear in court. Co-signers must be adult Colorado residents.
- **CASH, PROPERTY, or SURETY (CPS)** bonds may be posted by any one of the following methods:
 - **CASH** bond are posted by depositing cash in the full amount of the bond with the Clerk of the Combined Clerk's office or through the jail Booking Office. A fee is not charged and the money can be returned when the Court case is closed unless the defendant fails to appear. If this occurs, the money would be forfeited. If the defendant attends all court appearances and the cash was posted by the defendant, the money posted can be used to pay the defendant's fees and fines upon conviction, OR if posted by another individual, they will have indicated (at the time of signing) if the bond money is to be returned to them or applied to the account of the defendant.
 - A **PROPERTY** bond is posted by putting up Colorado real estate that is owned by the defendant or any other person acting as surety on the bond, This equity must be worth at least one and a half times the amount of the bond.

Bill Ritter, Jr.
GOVERNOR

Peter A. Weir
EXECUTIVE DIRECTOR

Colorado State
Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Office of Preparedness,
Security, and Fire Safety



- A **SURETY** bond is posted by contracting with a commercial bondsman who will collect a non-refundable fee (usually 10%-15%) of the total bond amount. Usually, the defendant will also need to provide collateral to the surety for the full bond amount. The surety may also require that friends and family of the defendant co-sign the contract and/or provide collateral that will cover the whole bond amount. In turn, the bondsman promises the court that they will produce the bond amount if the defendant fails to appear for court, or if the bond is forfeited. The collateral that is put up with the surety should be returned to the rightful owner upon closure of the case and the defendant's appearance at all court hearings.
- **Cash Only** bonds meant that the court will accept cash only (see above)

The Pretrial Release Services Program has two primary functions, represented by the following:

1. Intake Unit: New warrantless arrestees as well as arrestees without bond already are interviewed and complete an application for pretrial services. This information is provided to the Court at defendant's first appearance when the appropriate bond is determined as well as the degree of supervision, if any, that will be needed during the pretrial process. The Intake Unit has two offices in the booking area at the jail used for interviews and staff work. This unit is available for arrestees 24 hours a day, seven days a week, including holidays. Upon completion of training and demonstration of proficiency in application of bonding criteria, staff will become bond commissioners and be sworn in as a Deputy Court Clerk by the Chief Judge of the 8th Judicial District. The bond commissioner has the authority to authorize bonds on certain traffic and misdemeanor offenses as well as class 3 through 6 felonies prior to the defendant's first court appearance. This allows some defendants to bond directly from the jail booking area and therefore not enter into the jail population at all. Pretrial staff also initiate the application for court appointed counsel and verify criminal histories from law enforcement and court records. Domestic violence screening instruments are completed for all newly arrested domestic violence cases for the court to have at the defendant's first appearance. A mental health screening questionnaire is also completed. The individual can be released prior to receiving the judge's signature. However, release authorizations are signed by a judge within 24 hours. If the judge modifies any of the conditions of bond, the individual would be notified and given a copy of the new bond contract. However, this occurs very rarely since the bond commissioner follows the criteria of the Administrative Order very closely. In calendar year (CY) 2008, an average of 557 arrestees were interviewed each month for a total of 6688 in that year. Approximately 2500 individuals are released each year on pre-advisement release (with or without pretrial supervision). The bond commissioner recommends bond type and amount for everyone, even if the individual is determined to be ineligible for pre-advisement release.

2. Pretrial Supervision Unit: Pre-trial supervision case managers monitor the conditions of bond set by the court, remind the defendant of upcoming court appearances, give direction for the defendant to remain compliant with their conditions of bond, and notify the court of non-compliance issues. Affidavits and other correspondence with the courts and ancillary agencies must meet professional standards and contain accurate information. Pre-trial supervision may be standard or enhanced, and may include substance use monitoring and several forms of electronic monitoring. Additionally, court services specialists may complete the criminal history portion of presentence reports for those offenders in custody. There are currently 1653 cases ordered to pretrial supervision, with entry and termination of approximately 480 cases each month (480 in and 480 out).

The results of this study show that individuals under pretrial supervision were much less likely to fail to appear than their counterparts who were not under supervision.

- 58,132 *TOTAL court appearances* were scheduled for all defendants in Larimer county in CY 2008
 - 19,593 were *court appearances* by defendants under pretrial supervision.

- 1.93% of these failed to appear in court
 - 38,539 were court appearances by defendants NOT under pretrial supervision.
 - 11.5% of these failed to appear in court
- In 2008, 7305 cases were part of the Pretrial Supervision Program
 - Of these cases, 5692 terminated from the Pretrial Supervision Program in CY 2008.
 - 91.9% terminated successfully (cases were closed due to sentencing or case dismissal).
 - 1.4% terminated for bond revocation.
 - 6.7% terminated for failure to appear
 - 9.5% of failures were on PR bonds
 - 9.2% were on PRCO bonds
 - 47.4% were on CSP bonds
 - 33.9% were on Cash Only bonds

The official Larimer County Administrative Order (No. 2009-001) as signed by the Chief Judge of the 8th Judicial District on January 5, 2009 gives the bond commissioner the authority to authorize bond for specific offenses as well as specifies the following information, pursuant to the indicated Colorado statutes:

- Those excluded from bond eligibility include, but are not limited to violent offenders (C.R.S. 18-1.3-406(2)) and victim's rights cases (C.R.S. 24-4.1-302)
- Bond amounts per the Larimer County bond schedule
- Who qualifies for a PR bond per C.R.S. 16-4-104(1)(a)
- What type of bond is appropriate (per C.R.S. 16-4-105)
- The bond schedule for misdemeanor, traffic, and petty offenses (pursuant to C.R.S. 16-2-111)
- Bond conditions to be followed (C.R.S. 16-4-103), and
- The scoring system used to determine if a PR bond is an option.

In addition, the amendment added on February 19, 2009 follows the administrative order.

**Appendix V:
Post-Incarceration Supervision Task Force
Parole Work Plan 2009**

BP-57

“OUTSIDE AGENCY ANALYSIS AND ASSISTANCE FOR THE PAROLE BOARD”

WORK PLAN

POST-INCARCERATION SUPERVISION TASK FORCE

The Commission requests that an independent agency with expertise in paroling authorities (in particular, the Center for Effective Public Policy) provide technical assistance to the parole board to increase efficiency and effectiveness. This assistance would involve bringing to Colorado experts in parole and release to engage in the following tasks:

- *Review parole guidelines, policies, procedures, sanction grids, and training standards;*
 - *Review the use of assessments, the decision making process, and how parole decisions are communicated to interested parties;*
 - *Review the parole board’s internal capacity for data collection and reporting;*
 - *Review forms used by the parole board;*
 - *Conduct a work-load survey to identify inefficiencies and possible remedies; and*
 - *Review the opportunities for inmate supporters and victims to participate in the parole hearing.*
-

Due to the closing of the JEHT Foundation we have developed a plan to accomplish the tasks set out in BP-57 through a variety of sources. A technical assistance report has been submitted by the Parole Board to the National Institute of Corrections for outside assistance. As a result of the recent audit, the Board, DCJ and DOC have a number of responsibilities and tasks to accomplish. Finally, the PIS Task Force will play a major role during this calendar year in pulling all of these components together to forward recommendations to the CCJJ.

A brief explanation of the tasks and responsible parties is outlined below:

1. NIC Technical Assistance Providers would primarily focus on:
 - Working with the Board to identify sanctioning goals (Philosophical, Normative and System).
 - Assisting the Board in defining policy objectives for structured decision-making.
 - System mapping of key decision making points in the release and return process.
2. The Colorado Division of Criminal Justice would primarily focus on:
 - Analyzing Colorado Actuarial Risk Assessment Scale (CARAS) data and Parole Board Action Form data and report the information in a quarterly memorandum to Parole Board members.
 - Working with the Colorado Department of Corrections to obtain return-to-prison outcome data and thereby provide stakeholders with the most comprehensive recidivism information.
 - Working with the Parole Board to discuss the results of the analysis of the Parole Board data and how that information can be used to improve decision-making.
 - Requesting additional resources from the General Assembly for the Fiscal Year 2011 budget cycle to ensure the ability to comply with audit recommendations.

3. The Colorado Department of Corrections would primarily focus on:
 - Working with the Board to ensure that accurate and meaningful data are collected and reported on parole decisions by the Board and parole releases by the Department.
 - Working with the Board to ensure mutual understanding of their duties related to the reporting of parole decisions and formalize the process in a memorandum of agreement.
4. The Colorado Commission on Criminal and Juvenile Justice and its Reentry Oversight Committee and Post Incarceration Task Force would primarily focus on:
 - Working with the parole board to clearly understand its current release decision making elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Working with the parole board to understand the current parole revocation decision elements; to identify the current policy and practice; to identify targets of change in that policy and practice to bring it more into line with the Board's goals and objectives.
 - Studying the current parole board structure and identify possible improvement recommendations.

During the rest of this calendar year, the PIS Task Force will work with the various parties outlined above to address BP-57. Our proposed work plan strategy is in two phases:

Phase I: January – June, 2009

RELEASE DECISION MAKING ELEMENTS

- The use of risk assessment instruments
- The use of instruments that identify criminogenic needs
- Statutorily mandated elements
- Specific offender file material
- Written release guidelines
- Written Policy & Procedure (parole board manual)
- Hearings and hearing schedules, types, purpose, timing, etc.
- Types of hearing decisions
- Setting of conditions

REVOCATION DECISION MAKING ELEMENTS-

- The use of risk and need instruments in revocation decision making
- The use of parole revocation guidelines, based on the severity of the violation and the risk posed by the offender
- Hearing types, schedules and the parties involved
- Types of decisions

Phase II: July – December, 2009

PAROLE STRUCTURE ELEMENTS

- Define the purpose of parole
- Define the preferred structure
 - Identify current structure
 - Identify the preferred structure
 - Identify gaps between the current and preferred structure

- Written policy and procedure
- Performance Measures
 - Monitoring the process
 - Evaluating the impact

In addition to the aforementioned issues we will look at Board membership, qualifications and the appointment process. Further, we will engage in a discussion on initial and ongoing training for board members and for other key stakeholders in board policy and practice.

Finally, there are a number of key disciplines involved in the parole decision and revocation process, thus we will need to look at their practice related to the abovementioned issues and to the best of our ability align policy and practice for all concerned.

Appendix W:
Letter from the Governor and Attorney General

STATE OF COLORADO

OFFICE OF THE GOVERNOR

136 State Capitol Building
Denver, Colorado 80203
(303) 866 - 2471
(303) 866 - 2003 fax



Bill Ritter, Jr.
Governor

May 12, 2009

Mr. Peter A. Weir
Executive Director
Colorado Department of Public Safety
Chairman, Colorado Commission on Criminal and Juvenile Justice
700 Kipling Street
Denver, CO 80215

Re: Colorado Commission on Criminal and Juvenile Justice ("Commission")

Dear Director Weir:

The challenges facing the criminal justice system in Colorado are myriad and complex. Recognizing the absolute necessity of addressing these issues, and recognizing that these issues affect all Coloradoans regardless of political affiliation, I have joined with Attorney General John Suthers to help focus the sentencing reform efforts of the Colorado Commission on Criminal and Juvenile Justice ("Commission").

Attorney General Suthers and I share a history of many years of experience in the criminal justice system. I have closely monitored the work of the Commission since its inception, and Attorney General Suthers has been a vital member of the Commission for the past eighteen months. It is appropriate that we partner to work on behalf of the citizens of Colorado to identify areas of pressing concern and devise concrete solutions. Therefore, Attorney General Suthers and I offer the following observations to the Commission:

During the past eighteen months, the Commission has done some exceptional work in analyzing and suggesting changes in the criminal justice system that will have a positive impact on reducing the rate that offenders recidivate and re-enter the system. A number of these suggestions resulted in legislative changes during the 2009 session. We encourage the Commission to continue on its successful course so we can work toward developing a criminal justice system that is tough on those who commit violent and sexual offenses; smart with our responses to individuals who can be rehabilitated; effective and efficient with our expenditures of public funds; and responsive to the needs of victims. Most importantly, we need to be mindful that reform must be accomplished without jeopardizing or compromising public safety. While it is clear that the Commission has had some significant accomplishments, there is still much work to be done.

Since we are convinced that collaboration will maximize the efforts of the Commission, we feel compelled to outline some areas of sentencing reform to prioritize for study. We recognize that these areas may be difficult and do not lend themselves to easy solutions. We welcome the recommendations that will not only preserve public safety but enhance public safety, while allowing us to be thoughtful stewards of limited criminal justice dollars. Because this work is of critical importance to the citizens of Colorado, we reconfirm our mutual commitment that reform must be based upon data and evidence-based practices and that public safety must be maintained. We believe there are some specific areas for reform consideration, and we would ask that the Commission examine these areas and provide recommendations:

- Realizing that a high percentage of offenders return to prison without successfully completing parole, what systemic and statutory reforms to the Parole Board and parole would assist the offenders, protect the citizens from revictimization and maximize the expenditure of public funds?
- Review drug offenses in Article 18 of Title 18. Within these statutes, is there evidence-based data to support changes in the length of sentence for those who use controlled substances, and should there be a focus on substituting treatment for punishment? Does this data apply to all types of controlled substances? Understanding there is a distinction between a drug dealer's impact on society and public safety vs. a user, are there changes that would be meaningful and appropriate? A comprehensive review of the variety of sentences included in Article 18 (deferred judgments with treatment to long mandatory minimum sentences) would be helpful.
- Review whether there should be a reclassification or simplification of all felony offenses – with the application of aggravators, such as for extraordinary risk crimes, crimes of violence and minimum mandatory sentences, we have a very complex sentencing structure. Is there a better way to identify and structure sentencing aggravators?
- Review of the statutory requirements for probation eligibility (number and type of prior felony convictions that would limit an offender's eligibility for probation).
- Review the escape statutes, particularly the distinctions between the application of these laws to escapes from secure settings (jail and prison) vs. community corrections (residential and non-residential settings)
- There is significant concern, both within the criminal justice community and the public, regarding the incidence of repeated traffic offenses committed by individuals with a history of chronic alcohol and substance abuse. Examine the current statutes and practices directed toward habitual traffic offenders and offer recommendations to more effectively address this offender population.

- Data suggests that as age increases, costs associated with incarceration also increase, while the risk of recidivism and danger to the public decreases. Excluding sex offenders, review possible criminal justice system responses to this risk for this population.
- Review the fine schedule and the imposition of fines on non-indigent offenders.
- There's an inherent tension between consistency of sentences and appropriate opportunity for judicial discretion in evaluating the unique circumstances of each case. This tension is particularly apparent in the areas of mandatory sentences and habitual offender sentencing. We would urge the Commission to study, discuss and perhaps offer recommendations in these areas.

Please thank the members of the Commission and all who have participated in the Commission's work thus far. We look forward to receiving the results of your future studies.

Sincerely,



Bill Ritter, Jr.
Governor



John Suthers
Attorney General

Appendix X: Race across the Systems

FY 2008

	N	American Indian, non-hispanic	Asian, non-hispanic	Black, non-hispanic	Hispanic	White, non-hispanic	Other	Unknown	Total
Population									
Colorado Adult Population	4,110,017	1.1%	2.7%	5.0%	24.1%	67.1%			100%
Arrests									
Colorado Adult Arrests*	158,062	0.8%	0.9%	11.8%		86.1%		0.6%	100%
Filings**									
Filings	44,292	0.7%	0.8%	12.1%	10.1%	75.0%	1.3%		100%
Findings**									
No Conviction	6810	0.7%	0.7%	12.3%	8.0%	75.1%	3.1%		100%
Deferred	5,663	0.4%	1.1%	8.6%	7.3%	81.7%	0.9%		100%
Convicted	31,819	0.7%	0.8%	12.7%	11.1%	73.8%	0.9%		100%
Placement**									
None	2,907	0.7%	0.8%	8.0%	9.2%	79.7%	1.6%		100%
Probation	18,894	0.6%	0.9%	10.8%	9.8%	76.9%	0.9%		100%
ISP	1,164	0.3%	0.7%	16.0%	10.5%	71.7%	0.8%		100%
Jail	2,548	0.8%	0.4%	10.9%	12.8%	74.0%	1.1%		100%
Probation and Jail	3,423	0.6%	1.0%	9.1%	13.5%	75.3%	0.5%		100%
Community Corrections	1,545	0.6%	0.3%	13.7%	8.0%	76.7%	0.6%		100%
DOC	6,931	0.9%	0.6%	18.1%	11.1%	68.2%	1.0%		100%
Probation Terminations									
Successful	23,106	0.8%	1.1%	5.8%	12.0%	79.7%	0.5%		100%
Technical Violator	3,784	2.3%	0.7%	12.2%	17.1%	67.5%	0.3%		100%
New Crime	2,724	1.1%	0.6%	11.9%	17.7%	68.5%	0.2%		100%
Absconder	4,481	2.1%	0.8%	11.5%	20.4%	64.7%	0.5%		100%
Department of Corrections									
Admits	10,853	2.9%	0.6%	19.8%	32.1%	44.6%			100%
Stock Population***	23,329	2.5%	1.0%	19.7%	31.5%	45.2%			100%
YOS admits	59	0.0%	0.0%	24.0%	49.0%	27.0%			100%
COPD violations	19,785	2.9%	0.7%	22.0%	34.1%	40.4%			100%
Parole									
Parole Population	10,738	1.9%	0.9%	16.3%	32.9%	47.9%			100%
Technical Violator (no new crime)	3,456	3.6%	0.8%	23.4%	31.2%	41.0%			100%
Parole Violator (new crime)	1,277	3.8%	0.7%	23.3%	31.2%	41.0%			100%

Notes:

*Hispanic is included in white in Colorado adult arrest data.

**Data represents cases closed in CY 2008.

***The stock population is from October 2008.

Sources:

Population data was provided by the Demographer's Office at the Colorado Department of Local Affairs.

Arrest data was from the Uniform Crime Report data provided by the Colorado Bureau of Investigation of the Colorado Department of Public Safety.

Filing data was extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

Findings data was extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

Placement data was extracted from ICON via the Colorado Justice Analytics Support System (CJASS).

Probation termination data was provided by Probation Services at the State Court Administrator's Office.

DOC admit data came from the Admission and Release Trends Statistical Bulletin OPA 09-06. Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections.

DOC stock population data was provided by the Colorado Department of Corrections October, 2008 (Data are considered preliminary, and may vary from that published by DOC).

YOS admit data came from the FY 2008 YOS annual report available at https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder_30/OPYOSRPT08.pdf.

COPD violations data was provided by the Colorado Department of Corrections Office of Planning and Analysis.

Parole data was provided by the Colorado Department of Corrections Office of Planning and Analysis.