

COLORADO COMMISSION ON CRIMINAL & JUVENILE JUSTICE
ANNUAL REPORT 2016



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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, pursuant to C.R.S. 16-11.3-103(5)

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Acknowledgements

Fiscal Year 2016 marked the Commission's ninth year of work. Under the leadership of Chair Stan Hilkey and Vice-Chair Doug Wilson, the Commission continued its efforts to study and make recommendations to improve the state's justice system.

The Commission is grateful for its dedicated task force chairs: Peter Weir, Community Corrections Task Force chair; Jeanne Smith, Data Sharing Task Force chair; Stan Hilkey, Re-entry Task Force Chair; Sheriff Joe Pelle, Mental Health/Jails Task Force Chair; Robert Werthwein, Juvenile Continuity of Care Task Force chair; Doug Wilson, Mandatory Parole Committee chair.

The Commission could not complete its work without the dedication of dozens of task force and working group members who volunteer their time to work on topics the Commission has prioritized. The task force members attend at least monthly

meetings and undertake homework assignments in between meetings, reflecting a strong dedication to improving the administration of justice in Colorado. These professionals invest considerable time to study and discuss improvements in current processes, and the Commission is grateful for their expertise and commitment to this work.

Finally, the Commission is particularly grateful to its long-time consultant, Paul Herman, who has provided guidance, perspective, encouragement and clarity to the Commission since its inception. The Commission and its task forces and working groups significantly benefitted from the expertise and experience that Mr. Herman brought to the Commission's work. At the end of Fiscal Year 2016, Mr. Herman retired from his position as Commission Consultant. His assistance and support has been invaluable, and his presence will be deeply missed.

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July 2015 - June 2016

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Bill Delisio	Judicial Branch, Family Law Programs
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Abigail Tucker	Community Reach Centers
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Doug Wilson	Public Defender's Office

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1 Introduction



This report describes the Commission's activities for Fiscal Year 2016 (July 2015 through June 2016). Reporting on a fiscal year allows for Commission recommendations approved in the summer and fall (the time that most recommendations from Task Forces are presented to the Commission) to be ready, when applicable, for the following legislative session.

This report documents the Commission's ninth year of activities and accomplishments. The Commission focused on important issues concerning parole, re-entry, data sharing, and community corrections. During the 2016 legislative session one piece of legislation that originally began as a Commission recommendation was signed into law (see Table 1.1). House Bill 16-1215 concerning changing the statutory purposes of parole to successfully

reintegrate parolees into society by providing enhanced supportive services was sponsored by Commissioner and Legislative Representative Beth McCann and signed into law by Governor Hickenlooper. Legislative reforms are one type of systemic change the Commission promotes. It also recommends changes to operational policy, business practice, and agency philosophy.

This 2016 report is organized as follows: Section 2 provides a summary of the Commission's legislative intent and membership; Section 3 discusses Commission, Task Force and Committee activities from July 2015 through June 2016; Section 4 details the Commission's recommendations and outcomes, including a recommendation that resulted in 2016 legislation; and Section 5 describes the Commission's next steps.

Table 1.1. Commission supported bill presented to the 2016 General Assembly

Bill number	Bill title	Status
House Bill 16-1215	Concerning changing the statutory purposes of parole to successfully reintegrate parolees into society by providing enhanced supportive services.	Signed into law

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Legislative intent and membership



The Commission is comprised of 26 voting members and one ex-officio, non-voting member. Eighteen members are appointed representatives of specific stakeholder groups, and eight are identified to serve based on their official position. Terms of the appointed representatives are variable. For more information please see House Bill 07-1358, which established the Commission, available on the CCJJ website at <http://cdpsweb.state.co.us/ccjj/legislation.html>.

Commission membership remained fairly stable during Fiscal Year 2016 with little turnover. The Commission

welcomed two new members: Joe Morales was designated to fill the vacant Parole Board Chair position and Jessica Jones, a criminal defense attorney, filled a vacant At Large position. Former Parole Board Chair Brandon Shaffer resigned from his position in August 2015. Commissioner Kevin Paletta, the Chiefs of Police representative, retired during Fiscal Year 2016 as did Eric Philp, who represented Colorado State Judicial. Both of these positions remained vacant at the end of Fiscal Year 2016.

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Activities of the Commission



This section summarizes the activities and accomplishments of the Commission in Fiscal Year 2016. The topics covered in this section include the following:

- A summary of the educational presentations made to the Commission regarding local and national criminal justice initiatives and efforts,
- A description of the planning process undertaken to define the work strategy for the Commission's priority issue areas through Fiscal Year 2018, and
- A report on the work of the Commission's Task Forces and Committees.

Educational presentations

The monthly Commission meetings provide a platform for ongoing education and information sharing regarding local and national criminal justice issues and trends. During Fiscal Year 2016, experts were brought in to present on five issues discussed below.

Victims of crime

At the July 2015 Commission meeting, representatives from the victim community addressed Commissioners. Presenters were Nancy Lewis, the Executive Director of the Colorado Organization for Victim Assistance; Magistrate Robert Lung from the 18th Judicial District; and Kate Horn-Murphy, the Commission Victim's Representative from the 17th Judicial District.

The presentation by Ms. Lewis focused on the 1992 passage of the Colorado Victim's Rights Amendment (VRA). She explained that the VRA calls for victims to be treated with fairness, dignity and respect. The VRA mandates that victims have the right to be notified, present and heard at critical stages in the criminal justice process. Ms. Lewis also discussed the role of trauma as a consequence of victimization, providing Commissioners with information on the Model of Psychological Responses to Trauma and Traumatic Bereavement.

Magistrate Lung addressed Commissioners with a presentation detailing the issues of secondary trauma and self-care, the impacts of abuse, a case study of childhood abuse, and pathways to resilience. At the conclusion of his presentation he noted that the Commission’s enabling legislation specifies “ensuring public safety and respecting the rights of victims are of paramount concern for the citizens of Colorado.” He added that one possible action idea for the Commission would include a review of restitution law (specifically C.R.S. 18-1.3-601 and C.R.S. 16-18.5-104) to determine if and how it is working and if there is a better way to provide restitution to victims. Magistrate Lung also recommended developing wrap-around services for victims in the same way wrap-around services are considered for offenders.

Commissioner Kate Horn-Murphy described the issues a victim faces following a crime including navigating procedures for accessing available services and available funding, along with facing programmatic and logistical challenges. She emphasized the most important take-away in the timeline of recovery is that recovery takes place over a period of time and that currently most services for crime victims are centered around the time of the actual criminal event. In order to provide seamless services to victims, providers must work in partnership with private, for profit and non-profit agencies. She concluded that Colorado does very well with providing a fairly seamless continuum of care from one service provider to the next.

Current jail issues and trends

The August 2015 Commission meeting was held at the Boulder County Sheriff’s Office and centered on current jail issues and trends. Commissioner and Boulder County Sheriff Joseph Pelle hosted the meeting which featured presentations from Sheriff’s Office staff followed by a tour of the Boulder County Jail.

Presenters shared both struggles and success stories from the jail. Some of the challenges in Boulder County are common to other jails, including overcrowding, an increase of defendants in custody with extensive criminal histories, and a large percentage of jail inmates with mental health conditions and/or substance abuse disorders. Nevertheless, successful and innovative programs at the Boulder County Jail include the following:

- Educational programming and preparation for GED testing;
- The Transition Program for individuals leaving the jail, assisting with job placement, housing, and medications and treatment;
- The Jail Based Behavioral Services (JBBS) Program which provides behavioral health treatment;
- An alternative work release sentence;
- An agreement between Sheriff Pelle and other law enforcement chiefs in Boulder establishing standards regarding who should be admitted to jail;
- A partnership with Boulder Mental Health Partners, the local community mental health center, to provide assessments and treatment plans for inmates soon to be released; and
- The four-phased Jail Education and Transition (JET) Program that prepares individuals to reenter the community.

Sheriff Pelle emphasized that all of the programs and initiatives build upon a jail philosophy based on compassion, self-control, humanity, kindness and discernment along with a staff priority to ensure that when people come to the jail they do not leave any worse than when they arrived. Staff focuses on opportunities for people to change. There is also a “character first” philosophy at the Boulder County Jail which is focused on doing the right thing. Staff members are committed to keeping their word with inmates and following up with discussions, and this has resulted in respect and trust from the inmate population.

Colorado’s restitution interest rate / changes in collection practices

In October 2015, Commissioners were informed of an important piece of legislation that was passed in 2000, but not fully implemented until 2015. Presenters included Commissioner Eric Philp from the Division of Probation Services and Marty Galvin, the Deputy Director of Financial Services for the Judicial Department.

The statute, *The Assessment of Restitution – Corrective Orders* (C.R.S. 18-1.3-603(4) (b) (I)), addresses many different aspects of restitution including a provision that unpaid restitution incur interest at a rate of 12% per

year (only one state has a higher restitution interest rate). When this statute was enacted in 2000, The Judicial Branch began working on various plans to implement the procedure on a statewide basis. Over the next 14 years individual judicial districts implemented the policy without consistency. In 2014, the Office of the State Auditor issued a report requesting the State Court Administrator's Office implement the interest collection practice on a statewide, systematic basis as part of the case management system.

The Judicial Department's implementation plan received criticism from offender advocacy groups, the state Public Defender's Office and other stakeholders because the new system would assess interest up to 15 years in arrears. Thousands of offenders accepted plea agreements involving specific amounts of restitution, not knowing about the interest provision. Additionally, the statute also allows for a crime victim to request back interest on cases that have been closed with restitution paid in full.

At the end of the discussion, Commissioners agreed to pursue the matter further and they tasked the Re-entry Task Force with the work. However, before the Task Force could delve into the issue, Commissioner and Senator Pat Steadman announced that he planned to sponsor legislation reducing the 12% interest and adding additional amendments to the statute. Senator Steadman ultimately introduced Senate Bill 16-065 concerning criminal restitution which was signed into law and reduced the interest rate to 8% simple interest.

PEW-MacArthur Foundation's Results First initiative

In 2014, Governor Hickenlooper's Office and the General Assembly entered into a partnership with the PEW Charitable Trusts and the MacArthur Foundation to implement the Results First Initiative in Colorado. The project, implemented in 20 states, focuses on collecting and analyzing program data, allowing states to evaluate programs based on cost effectiveness. In Colorado, the Results First study focused on programs operating in criminal and juvenile justice, and child welfare.

At the May 2016 Commission meeting, representatives from the Governor's Office provided an update on the status of the initiative. They explained that the Colorado Results First team worked with the Legislative,

Judicial, and Executive Branches to collect data. The team also partnered with counties and service providers throughout the state to develop program inventories to identify services delivered in Colorado. After comparing Colorado's programs to research from national and international sources, programs were then classified into categories of Evidence-Based Practices, Promising Practices, or Theory-Based Practices. An overview of the 2015 Results First Report can be found in Appendix A.

Environment scan: Mental health concerns locally and statewide

In May 2016, an expert panel that included Chris Johnson from the County Sheriffs of Colorado, Dr. Patrick Fox from the Department of Human Services and Matt Meyer from Project EDGE in Boulder discussed the issues under consideration by the Mental Health/Point of Contact Through Jail Release Task Force. The presentation included a view, from both a state and a local perspective, of mental health issues as these relate to those in confinement.

At the local level, jails struggle with the changing nature of the incarcerated population. The number of people in jail with co-occurring substance abuse and mental health disorders has increased from approximately one-third of the population 15 years ago to nearly two-thirds of the population currently, with approximately the same amount of resources. Law enforcement officials agree that there is a critical need to divert from the system those individuals who are suffering from mental health and addiction issues. Another pressing issue concerns the lack of information sharing between jails, the Department of Corrections, and behavioral healthcare providers.

From a state perspective, one of the pressing concerns is the significant increase in the number of competency evaluations and restorations that are ordered by the court. The state also has a significant need for inpatient state beds both in the Denver area and outlying rural counties. Additionally, Colorado is one of seven states in the country where the criteria to initiate a mental health 72-hour hold is very high, requiring a person to be an imminent danger to self or others to qualify. This high standard presents significant challenges for local law enforcement officers who are typically the first responders in a mental health crisis.

In an effort to address mental health and substance abuse issues before someone penetrates into the criminal justice system, Boulder County implemented a crisis response program called *Early Diversion Get Engaged*, or EDGE. The goals of the program are to divert individuals at the time of initial law enforcement contact to the mental health system, provide on-scene crisis de-escalation and mental health resources, and connect and engage individuals in treatment. EDGE pairs a behavioral healthcare clinician with an on-duty law enforcement officer. When the two respond to a scene together, the clinician can assess for a possible emergency psychiatric hold, ongoing mental health and/or addictions treatment needs, and the need for peer support. The on-scene and follow-up care cost avoidance is estimated in the millions of dollars.

Sheriff Pelle, chair of the Commission's Mental Health/Jails Task Force, closed the presentation by explaining that the Task Force would keep the Commission apprised of the ongoing work of the group throughout the year.

Commission retreat and work plan through Fiscal Year 2018

In February 2016 the Commission held its annual retreat with the goals of revisiting Commission operational practices, reviewing the Commission's 2015 goals and status of those goals, and identifying Commission goals and desired outcomes for Fiscal Years 2017 and 2018. The rationale for planning two years in advance was due to the fact that the Commission's enabling legislation calls for reauthorization of the Commission in July 2018. During these discussions, Commissioners also took into consideration a letter submitted by Governor John Hickenlooper to the Commission, outlining his priorities for Colorado's criminal justice system. The Governor's letter can be found in Appendix B.

At the conclusion of the retreat, Commissioners produced a strategic plan for future work. That strategy included the following work plans for each of the Commission's Task Forces and Committees:

- **Community Corrections Task Force**

At the retreat, it was determined that the Community Corrections Task Force had one issue remaining on which it would continue work. The Task Force was

asked to create a small working group to develop a plan to study and potentially revise the Intensive Supervision Program-Inmate (ISP-I) designation. The Task Force was asked by the Commission to present recommendations regarding this topic by the end of summer 2016. Once this short-term work is completed, the Commission agreed the work of the Community Corrections Task Force would be suspended to allow a focus on other priorities.

- **Re-entry Task Force**

The Commission decided that this Task Force would finalize its work on Conditions of Supervision and create a small working group to study Collateral Consequences of Conviction. Commissioners also agreed that the Re-entry Task Force should then shift its focus to the issue of Housing for justice involved individuals re-entering the community.

- **Data Sharing Task Force**

Commissioners recognized the importance of data sharing and asked that this work continue. Commissioners asked the Data Sharing Task Force to continue its work identifying and prioritizing issues related to data integration in the justice system, with a focus on municipal court data standardization and access.

During the retreat, two new areas of study were identified for attention in the coming two years as follows:

- **Mental Health/Point of Contact Through Jail Release Task Force**

Commissioners called for the development of a Task Force to study early diversion, the management of acutely ill inmates in local jails, and the competency system in Colorado.

- **Juvenile Continuity of Care Task Force**

Commissioners also called for the establishment of a Task Force to study and make recommendations specifically targeted to improving the continuity of care for juveniles who have experiences in both the child welfare system and the justice system.

Commission task forces and committees¹

Commission members agreed that efforts in Fiscal Year 2016 would focus on the following areas of study: Continued work on community corrections, re-entry and data sharing along with ongoing work in the area of mandatory parole. The Commission also established two new task forces in the summer of 2016 to address work in the areas of juvenile justice and mental health in the jails. To this end, then, Commission work during Fiscal Year 2016 was undertaken by the following six groups:

- Community Corrections Task Force (Peter Weir, Chair)
- Re-entry Task Force (Stan Hilkey, Chair)
- Data Sharing Task Force (Jeanne Smith, Chair)
- Mandatory Parole Committee (Doug Wilson, Chair)
- Juvenile Continuity of Care Task Force (Robert Werthwein, Chair)
- Mental Health/Point of Contact Through Jail Release Task Force (Joe Pelle, Chair)

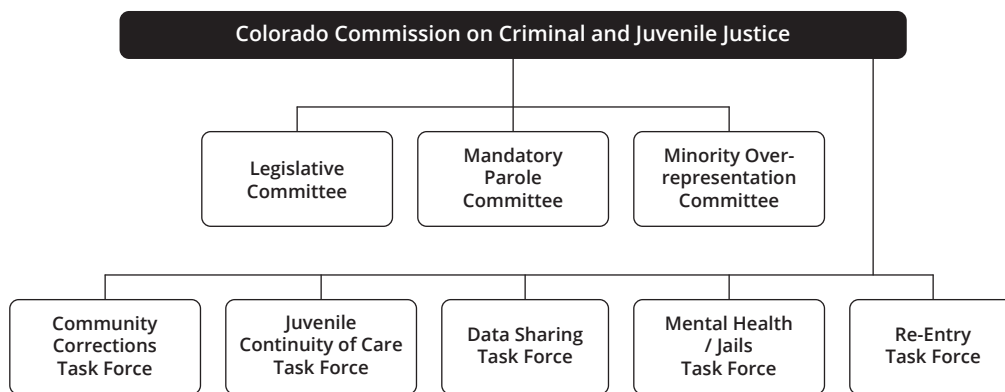
Community Corrections Task Force

Community Corrections in Colorado refers to a system of halfway houses located throughout the state that provide residential and community-based programming to individuals who are being *diverted* from prison as well as those *transitioning* from prison back to the community. The Community Corrections Task Force began meeting in April 2013 and is chaired by Commissioner Peter Weir. The following is the Task Force’s statement of the purpose of community corrections:

The purpose of community corrections is to ensure public safety and further the sentencing goals of the State of Colorado. This is accomplished by utilizing community corrections boards and the local community to identify appropriate individuals to be placed in the community, implement research-based policies, practices and programs to assist individuals so that they may successfully function in the community.

During Fiscal Year 2016, the Community Corrections Task Force had three working groups that focused their efforts on 1) the offender referral process, 2) judicial education, and 3) incentivizing communities to accept the establishment of community corrections facilities.

Figure 3.1. Commission, task force and committee organizational chart



¹ Task forces are long term working groups with multiple objectives; Committees are typically short term (usually meeting for less than one year) with focused objectives.

One recommendation from this Task Force was presented to the Commission in Fiscal Year 2016 regarding a judicial education curriculum for judges, probation staff, and other interested parties concerning local community corrections programs (FY16-CC01). This item was approved by the Commission in January 2016. Details of the recommendation can be found in Section 4 of this report.

Following the Commission retreat in February 2016, the decision was made for the Task Force to narrow its work to focus on the study of issues related to ISP-I offenders, and then conclude. Following the April 2016 Task Force meeting, the larger group went on hiatus until August, allowing the ISP-I Working Group to focus on this topic. As this report goes to press, the ISP-I Working Group is finalizing its recommendations for presentation to the Commission. Details of these recommendations and results of the outcomes will be presented in the Commission's 2017 annual report.

Re-entry Task Force

The Re-entry Task Force, chaired by Commission Chair Stan Hilkey, was established in April 2015 and continued its work in Fiscal Year 2016. When the Task Force was empaneled, it began work in these areas: technical violations and conditions of supervision, collateral consequences of a conviction, and the study of issues pertaining to access of medical and mental health care for offenders. Re-entry task force members agreed the best way to approach the work would be to focus on one priority area at a time and to begin with technical violations and conditions of supervision.

Five Working Groups were created in Fiscal Year 2016 in an effort to study technical violations and supervision conditions. Those five groups and their focus are as follows:

1. The Conditions Working Group examined the conditions of supervision used by Parole, Probation and Community Corrections;
2. The Definitions Working Group explored the possibility of finding a common definition of recidivism between the Department of Corrections, Probation and Community Corrections;
3. The Assessments Working Group studied the viability of upgrading from the statewide use of the

Level of Service Inventory (LSI) and the Level of Service Inventory-Revised (LSI-R) assessment tools to the Level of Service-Case Management Inventory (LS/CMI) tool;

4. The Race/Ethnicity/Gender Bias Working Group worked with the Assessments Working Group to determine possible bias in assessment tools; and
5. A Housing Working Group was formed to discuss how to best approach the issue of housing for those re-entering the community.

The Conditions Working Group examined the conditions of supervision across agencies in light of the recidivism reduction literature and, in the spring of 2016, the Working Group presented two recommendations to the Task Force. FY16-RE01 called for an update to the statute governing parole conditions (C.R.S. 17-22.5-102.5) giving the parole board and community parole officers discretion to select individualized conditions of parole. FY16-RE02 encouraged the Office of Community Corrections to provide model conditions of community corrections placement for implementation by programs statewide. Both the Re-entry Task Force and the Commission approved the two proposals. At the writing of this report it is anticipated that FY16-RE01 will be carried as a bill during the Fiscal Year 2017 legislative session. Details of the recommendations can be found in Section 4.

Also in the spring of 2016, the Commission revised the original Task Force charge following its retreat in February. The Commission directed the Re-entry Task Force to concentrate its work in the areas of housing and collateral consequences, while the study area of "access to medical and mental health care for offenders" was assigned to the newly created Mental Health/Jails Task Force. The Re-entry Task Force plans to continue its work through Fiscal Year 2017.

Data Sharing Task Force

The Data Sharing Task Force, chaired by Commissioner Jeanne Smith, is made up of six Commission members and one non-Commission member of the defense bar. This small Task Force was established to evaluate data sharing issues between agencies and across the criminal justice system. The Task Force first met in April 2015 and initial work centered on exploring the feasibility of a

single repository of offender data that could be accessed by all agencies resulting in more effective offender management, reduction in redundancy, and increased public safety. To begin the work, the Task Force requested that Commission staff hold focus groups with practitioners across the state to gather information about what data would be most valuable to assist their work and help reduce recidivism.

In August, 2015 the results of the focus groups were discussed and it was determined that a multi-agency data portal would be beneficial for many users. It was decided by the Task Force that the study of sharing of municipal data would be their primary goal.

In FY2016 a recommendation was presented to and passed by the Commission to support a state-led effort to create a strategic planning committee composed of municipal, county, and state representatives with expertise in data systems, governance structures, privacy laws, and related issues, and that it is supported by sufficient resources to develop a cross-agency data collection and information sharing system. Details of this recommendation can be found in Section 4.

Mandatory Parole Committee

The Mandatory Parole Committee performed the majority of its work during Fiscal Year 2016, from July 2015 through March 2016. The Committee was created in the spring of 2015 and charged with studying the efficacy of mandatory parole. The group was also tasked with exploring the ideal system to best serve the needs of offenders and to enhance public safety. The Committee was chaired by Commission Vice-Chair Doug Wilson.

In the early stages of work, Committee members agreed on five goals of an ideal parole system as follows:

1. Ensure PUBLIC SAFETY (the impulse to keep someone behind bars may not result in the outcome of public safety – except for short-term incapacitation)
2. CLARITY of sentence length / how much time actually served
3. SUCCESSFUL TRANSITION

4. INCENTIVIZE good behavior

5. Encourage positive SOCIALIZATION

With these goals in mind the Committee developed working groups to explore the viability of two different parole schemes, one with discretionary release “inside” the sentence, and one with supervised release after serving a certain percentage of a sentence, with no mandatory parole. During this process Committee members submitted multiple information requests to Commission Staff resulting in a significant amount of data analysis including:

- Average length of stay for those convicted of a Crime of Violence versus those convicted of a non-Crime of Violence.
- Recidivism crimes of prison releases by Colorado Actuarial Risk Assessment Score (CARAS) risk group.
- Percentage of sentence served by felony class.
- Average length of time on parole by felony class and CARAS risk category.

Commission staff also estimated the impact of Committee proposals on both prison and parole populations. The Mandatory Parole Committee produced and approved three recommendations for presentation to the Commission, as follows:

- FY16 – MP01: Update and Rewrite the Statutory Purposes of Parole to Reflect Contemporary and Common Evidence-Based Practices
- FY16 – MP02: Prison Release Date Determined by Crime of Violence/Non-Crime of Violence, and
- FY16 – MP03: Mandatory Parole Period Based upon Risk Score

In November 2015 the Commission approved Recommendation FY16 – MP01 calling for an update and rewrite of the statutory purposes of parole to reflect contemporary and common evidence-based practices. The recommendation became House Bill 16-1215 which was eventually signed into law by the Governor. Details of this recommendation can be found in Section 4.

Juvenile Continuity of Care Task Force

The Juvenile Continuity of Care Task Force, chaired by Commissioner Robert Werthwein, was seated in June 2016 and charged with improving the case management process for juveniles who are involved in multiple systems (probation, child welfare, Division of Youth Corrections). This Task Force is engaged in the education process to better understand this population of youth, and model practices for improving services to youth involved in child welfare and the justice system.

Mental Health/Point of Contact through Jail Release Task Force

This Task Force, also known as the Mental Health/Jails Task Force, was seated in June 2016 with the charge of exploring ways to divert individuals with mental and behavioral health problems away from the criminal justice system while recognizing that some individuals with acute mental and/or behavioral health problems will need to be incarcerated, resulting in the need for the availability of effective response options. Commission member and Boulder County Sheriff Joe Pelle is the Chair of the Task Force.

The Task Force held its first meeting in June 2016. At the end of Fiscal Year 2016, the Task Force was in the process of identifying specific focus areas. Outcomes of this activity will be reported in the 2017 annual report.

Summary

This section reviewed the work of the Commission and its Task Forces, Committees and Working Groups from July 2015 through June 2016. The Commission continued the work of previously established Task Forces and Committees (Mandatory Parole, Re-entry, Data Sharing, and Community Corrections) and created two new areas of work with the Mental Health/Jails Task Force and the Juvenile Continuity of Care Task Force. The Commission benefitted from various informational presentations, and it approved five recommendations in Fiscal Year 2016. The General Assembly passed one piece of legislation that originated as a Commission recommendation. Additional information regarding Fiscal Year 2016 recommendations and subsequent 2016 legislation is available in Section 4.



4 Recommendations and outcomes

This section presents the recommendations approved by the Commission in Fiscal Year 2016. Not all of the Commission’s recommendations are legislative in nature, and recommendations that do become bills are not always signed into law. However, the following table presents a bill that began as a Commission recommendation, passed during the 2016 legislative session and was signed by the Governor.²

Five recommendations produced by three Task Forces and one Subcommittee are presented in this section in the following order: Mandatory Parole, Re-entry, Data

Sharing and Community Corrections. Please note that while one of the Re-entry Task Force recommendations (FY16-RE01) is a legislative recommendation, it was approved in June 2016, after the 2016 legislative session had ended, and therefore will likely be presented as a bill during the 2017 legislative session.

The recommendations reported below include the original text approved by the Commission. However, in instances where recommendations were drafted into legislation and passed into law, the language may have been modified to better reflect statutory intent.

Table 4.1. 2016 Legislative Session “Commission Bill”

Bill number	Bill title (and originating Commission recommendation)
House Bill 16-1215	Concerning changing the statutory purposes of parole to successfully reintegrate parolees into society by providing enhanced supportive services <ul style="list-style-type: none"> • <i>FY16-MP1 Update and Rewrite the Statutory Purposes of Parole to Reflect Contemporary and Evidence-Based Common Practices.</i>

² The full text of each bill may be found on the Commission’s website at www.colorado.gov/ccjdir/L/Legislation.html.

Please note the following formatting guides:

- Numbering of recommendations in this report is standardized. The notation will include the fiscal year of the recommendation (for example, “FY16”), letters indicating the Task Force from which the recommendation originated (e.g., Community Corrections Task Force by a “CC”, or Data Sharing by a “DS”), and a sequence number.
- Some recommendations may appear to have been skipped or missing, but this is not the case. If a

recommendation was numbered and presented to the Commission, but not approved, it is not included in this report.

- Recommendations may include additions to existing statutory or rule language as indicated by CAPITAL letters or deletions that are represented as ~~strikethroughs~~.

Mandatory parole recommendation

FY16-MP01 Update and rewrite the statutory purposes of parole to reflect contemporary and evidence-based common practices

Update the statute that describes the purpose of parole in Colorado by amending C.R.S. 17-22.5-102.5 to incorporate the language presented below

Discussion

Colorado's Purpose of Parole statute requires updating to reflect current research that promotes offender success while making the transition from prison to the community.

Many states have revised their parole statutes to reflect evidence-based practices and policies, and to include a focus on preparation for community release along with public protection.

Proposed statutory language

Amend C.R.S. 17-22.5-102.5 as follows:

17-22.5-102.5. Purpose of parole. (1) The purposes of this article with respect to parole are:

(A) ~~(b) To assure the fair and consistent treatment of all convicted offenders by eliminating unjustified disparity in length of incarceration, and establishing fair procedures for the imposition of a period of parole supervision; TO FURTHER ALL PURPOSES OF SENTENCING AND TO IMPROVE PUBLIC SAFETY BY REDUCING THE INCIDENCE OF CRIME COMMITTED BY PEOPLE ON PAROLE;~~

~~(B) (a) To punish a convicted offender by assuring that his length of incarceration and period of parole supervision are in relation to the seriousness of his offense; TO PREPARE, SELECT, AND ASSIST PEOPLE WHO, AFTER SERVING A STATUTORILY DEFINED PERIOD OF INCARCERATION, WILL BE TRANSITIONED AND RETURNED TO THE COMMUNITY;~~

~~(C) (c) To promote rehabilitation by encouraging the successful reintegration of convicted offenders into the community while recognizing the need for public safety. TO SET INDIVIDUALIZED CONDITIONS OF PAROLE AND TO PROVIDE SUPERVISION SERVICES AND SUPPORT TO ASSIST THE PEOPLE ON PAROLE IN ADDRESSING IDENTIFIED RISKS AND NEEDS; AND~~

~~(d) TO ACHIEVE A SUCCESSFUL DISCHARGE FROM PAROLE SUPERVISION FOR PEOPLE ON PAROLE THROUGH COMPLIANCE THE TERMS AND CONDITIONS OF RELEASE WHICH ADDRESS THEIR RISKS AND NEEDS.~~

Re-entry recommendations

FY16-RE01 Update the statutory conditions of parole to reflect contemporary and evidence based common practices

Update the statute governing parole conditions, C.R.S. 17-2-201, to give the parole board and community parole officers discretion to select individualized conditions of parole.

Discussion In November 2015, the Colorado Commission on Criminal and Juvenile Justice adopted FY16-MP #01 (Update and Rewrite the Statutory Purposes of Parole to Reflect Contemporary and Common Evidence-Based Practices) to amend the statute governing the purposes of parole in Colorado (see C.R.S., §17-22.5-102.5). With the signing of House Bill 2016-1215, the purposes of parole include “reducing the incidence of technical violations[,]” setting “individualized conditions of parole[,]” and addressing parolees’ “identified risks and needs[.]” This recommendation will build upon, and give substance to, FY16-MP #01.

Colorado’s current parole board statute mandates a list of eleven conditions, many of which have multiple sub-conditions that must be imposed on every Colorado parolee. Those conditions include a mandate that every parolee be tested for drugs and alcohol at specified intervals, not associate with other people who have a criminal record, and remain within a narrowly defined geographic area.

The Re-entry Task Force, the Department of Corrections, and the Parole Board all believe that many of the statutorily mandated conditions of parole are not evidence based when applied to all parolees. Conditions such as a substance testing regimen, association restrictions, and strict geographic boundaries, may be appropriate for some or most parolees. They are not, however, appropriate for all parolees. Imposing unnecessary conditions of parole is a burden on the State’s resources, presents enforcement difficulties,³ and can be detrimental to the recidivism prospects of individual parolees.⁴

This recommendation will not prohibit the Parole Board or community parole officers from placing any condition on any parolee; it will simply eliminate the requirement that some parole conditions must apply to all parolees. It will thus give the Parole Board and parole officers discretion to determine which conditions are appropriate for which parolees, in order to better leverage limited resources and address individual offenders’ criminogenic needs.

Proposed statutory language

*(Deletions are indicated by strikethroughs and additions are indicated in **bold**.)*

§17-2-201. State board of parole – definitions

17-2-201(5)(c)(I). As a condition of every parole, the board shall order that the offender make restitution to the victim or victims of his or her conduct **if** ~~The amount of such restitution~~ **has been ordered** shall be determined by the court pursuant to article 18.5 of title 16, C.R.S. ~~The board shall~~

³ It is wholly impractical, for instance, to expect that parolees in community corrections placements will not associate with other people who have criminal records.

⁴ RKC Group & Roger Przybylski. (Feb. 2008). *What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs*, pages 30 & 37. (Report prepared for the Colorado Division of Criminal Justice).

~~fix the manner and time of payment of restitution as a condition of parole.~~ Such order shall require the offender to make restitution within the period of time that the offender is on parole as specified by the board. In the event that the defendant does not make full restitution by the date specified by the board, the restitution may be collected as provided for in article 18.5 of title 16, C.R.S.

17-2-201(5)(f)(I)(B). That the parolee shall establish a residence of record and shall not change it without **prior notification** the knowledge and consent of his or her community parole officer and that the parolee shall not leave ~~the area or~~ the state without the permission of his or her community parole officer;

17-2-201(5)(f)(I)(D). That the parolee shall make reports as directed by his or her community parole officer, permit residential visits by the community parole officer, ~~submit to urinalysis or other drug tests;~~ and allow the community parole officer to make searches of his or her person, residence, or vehicle;

17-2-201(5)(f)(I)(F) ~~That the parolee shall not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of his or her community parole officer;~~

[Re-alphabetize 17-2-201(5)(f)(I)(G) through (J) to 17-2-201(5)(f)(I) (F) through (I)]

17-2-201(5.5)(a). As a condition of parole, the board ~~may~~ **shall** require every parolee at the parolee's own expense to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol. Such testing shall take place as follows:
 (I) Immediately upon the parolee's release from incarceration in order to establish a baseline sample;
 (H) ~~Within the first thirty days from the date of parole;~~
 (III) ~~On or after sixty-one days but not later than six months from the date of parole; and~~
 (IV) ~~Annually on or after one year from the date of parole for the duration of parole.~~

17-2-201(5.5)(c)(I). **If chemical testing is required as a condition of parole, the** ~~The~~ community parole officer shall be responsible for acquiring at random, ~~but within the time requirements of paragraph (a) of this subsection (5.5);~~ a biological substance sample from a parolee.

17-2-201(5.5)(e) ~~For the purposes of section 17-2-103, a parolee who refuses to submit to chemical testing of a sample of his or her biological substance pursuant to the requirements of this subsection (5.5) is deemed to have tested positive for the presence of drugs.~~

[Re-alphabetize 17-2-201(5.5)(f) and (g) to 17-2-201(5.5)(e) and (f)]

FY16-RE02 Provide model conditions of placement in community corrections

The Office of Community Corrections should provide model conditions of community corrections placement for implementation by programs statewide.

Discussion

The Office of Community Corrections (OCC) has administrative authority over 32 community corrections programs statewide. Historically the programs have independently established their own conditions of placement and protocol for addressing violations of those conditions. In FY 2014, Colorado's programs had a successful completion rate of 48%, with 25% of terminations resulting from technical violations.

To improve the rate of successful completion, the OCC has been working under a grant since 2013 to develop and implement the Behavioral Shaping Model and Reinforcement Tool (BSMART). BSMART aims to provide programs with model conditions of placement, response protocols for condition violations, incentive implementation for residents, and software upgrades to support these practices. Although the OCC hopes to have half of Colorado's programs using BSMART when its grant terminates in July 2017, programs are currently under no statutory or regulatory obligation to implement it.

The Conditions Working Group of the Commission's Re-entry Task Force has reviewed drafts of the model conditions of placement, and model basic facility expectations, that OCC is developing as part of BSMART. The consensus of the working group was that the drafts it reviewed represent a vast improvement over current practice. The OCC is currently engaged in an ongoing review of these documents, working in conjunction with the programs it oversees.

The Commission believes providing model conditions of placement is a valuable component of helping Colorado's community corrections programs lower their rate of unsuccessful completion due to technical violations. It encourages the OCC to complete the process of refining those conditions and make them available to programs statewide. Although the Commission does not believe a statutory mandate is necessary at this time, it further encourages individual programs to adopt the OCC's model conditions once they are complete.

Data sharing recommendation

FY16-DS01 Information sharing council

Create a strategic planning committee composed of municipal, county, and state representatives with expertise in criminal justice and behavioral health data systems, governance structures, privacy laws, and related issues, and that it is supported by sufficient resources to develop a cross-agency data collection and information sharing system.

Discussion

In Colorado, criminal justice data largely exists in silos. Almost every agency and every department has a different method of collecting and storing important criminal justice planning information. Often that information is not freely shared or access is not easily obtained at the time it is most needed from other criminal justice stakeholders. As a result, evaluation for system effectiveness and planning for future effectiveness is significantly hampered. Additionally, the effectiveness of service delivery for a specific individual involved in the justice systems is diminished by the silos. Health and behavioral health information, often critical to an offender's success and well-being, cannot always be easily accessed by those responsible for a person's treatment.

Over the years, technological solutions to answer singular data and research questions have been developed by criminal justice agencies. With today's technological advancements, a long term, ultimately more cost-effective solution, can be developed that will aid Colorado in answering the difficult questions that need to be asked regarding the use and effectiveness of the criminal justice system. Information sharing efforts and models are demonstrating effectiveness both inside and outside of Colorado. Technology has advanced so that information can be shared without requiring entities to relinquish their individual data systems. The primary lesson from these successful efforts has been that in-depth planning with experts from all levels of policy, as well as research and technology, are needed to create a governance structure that considers both control and access to the data, and help determine system structure.

An adequate planning process takes years to achieve and personnel to focus full time on this effort. This investment could answer today's questions and those that arise in the future.

The Task Force has been educated on the multiple efforts occurring around the state related to data sharing. However, many of these efforts are not linked and there is a need to include non-traditional criminal justice partners (e.g., mental health). In addition, systems need to work cross-jurisdictionally, including but not limited to municipalities, in order to touch every point in the justice system.

The task force recognizes that a state-wide endeavor through a council as suggested above is a lengthy and costly process and more information is needed before creating a new body. The task force will concentrate future efforts on developing a plan for moving forward, including how such an effort could advance in a phased approach and what financial or other resources might be necessary in each phase.

Community corrections recommendation

FY16-CC01**Judicial education**

The Division of Criminal Justice shall work with local community corrections boards to develop judicial education curricula for judges, probation staff, and other interested parties on the topic of local community corrections programs. Community corrections boards shall work with stakeholders including probation staff and judges to develop local curricula and determine the frequency of training. Each training program should include tours of local programs and should be tailored to local needs. The curricula should include at a minimum the following content:

- The purpose of community corrections
 - Kinds of programs available and the target populations of each
 - Role of probation and community corrections as a condition of probation.
- Board criteria for accepting/rejecting applications; clarify eligibility criteria.
- Profile of clients in community corrections
- Use of assessments in local programs and case management
- Description of Progression Matrix
- Length of placement/earned time
- Use of non-residential placements
- Sanctions and incentives used by programs
- Revocation process
- Management of special populations (behavioral health, individuals with disabilities)
- Monitoring practices
- Address local control issues and different board practices around the state for various topics (e.g., victim issues)

Discussion

It is important for judges and other judicial entities to be aware of community corrections programs and practices in local jurisdictions. To ensure consistency and support, this education should occur in collaboration between local stakeholders and the Division of Criminal Justice's Office of Community Corrections.

5

Next steps



Task forces and committees

The Commission continues to support the ongoing work of the following five Task Forces:

- Community Corrections Task Force
(Peter Weir, Chair)
- Re-entry Task Force (Stan Hilkey, Chair)
- Data Sharing Task Force (Jeanne Smith, Chair)
- Mental Health/Point of Contact through Jail Release Task Force (Joe Pelle, Chair)
- Juvenile Continuity of Care Task Force
(Robert Werthwein, Chair)

As this report goes to press, recommendations are being prepared for presentation to the Commission

by the Community Corrections Task Force, which is expected to complete its scope of work and conclude by November 2016. The Commission looks forward to supporting the work of the remaining four Task Forces through Fiscal Year 2017 and beyond.

Summary

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 at www.colorado.gov/ccjj. The Commission expects to present its next written annual report in the fall of 2017.



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Appendix A:
Results First overview



COLORADO

Office of State Planning & Budgeting

Introduction

Colorado Results First is pleased to release its findings from the initial round of analyses of programs in the adult criminal justice, juvenile justice and child welfare fields. In summer 2014, Colorado's Executive Branch and the General Assembly partnered with the Pew-MacArthur Results First Initiative to implement Results First in Colorado. The Results First Initiative, a project of the Pew Charitable Trusts and the John D. and Catherine T. MacArthur Foundation, works with jurisdictions throughout the country to implement an innovative approach to evidence-based policymaking.

The Colorado Results First team worked with the Legislative, Judicial, and Executive Branches of government to collect data for this project. Additionally, the team partnered with counties and service providers throughout the state to develop program inventories and to populate the Results First model. A collaborative effort was made throughout the state to gather this data, with the goals of providing better information to decision-makers and improving state programs.

Included in this release are:

- **Program Inventories** that catalog the programs delivered in the state in the adult criminal justice, juvenile justice and child welfare fields. These inventories also detail the level and types of research available on these program.
- The **Results Guide** which includes the benefit-cost analyses of programs delivered in the state as projected by the Results First model.
- The **Model Documentation Guide** that includes a high-level overview of the methodology used in the Results First model.

Background on Results First

Program Inventories

The first step in the Results First process was to build inventories of programs and services delivered in the state. This process identified which programs are delivered in the state through various partners, and cataloged the level of research that supports these programs. It also provided the data necessary to build benefit-cost analysis of evidence-based programs in the state.

The Program Inventories are useful tools to help Coloradoans understand the level and types of research that support the programs delivered in Colorado. The identification of Colorado's evidence-based programs was determined through a collaborative process between Colorado's Results First staff, departments, counties and service providers. To understand what is being delivered in the state, various information was requested on programs and services from departments, counties and service providers. This included program names and descriptions; intended outcomes of the program; the frequency and duration of programs; and information on fidelity measures and/or evaluation studies on the programs.

Once received, Colorado Results First staff compared this information to studies available from the Washington State Institute for Public Policy, the Results First Evidence-Based Clearinghouse, and national research in order to determine the level of evidence behind the programs and services delivered in Colorado. Programs were ranked as either being evidence-based, promising or needing additional research.

Results Guide

The Results Guide presents the findings from Colorado's benefit-cost analyses on Colorado-specific programs in the policy areas of adult criminal justice, juvenile justice and child welfare. Benefit-cost analysis is a method used to compare policy alternatives to determine which option will generate the highest net benefit to society over time. It is a systematic approach to determining the efficiency of alternative policies by comparing total expected costs to total expected benefits. The Results First benefit-cost model is unique in that it measures costs and outcomes in the same way, which allows for an "apples to apples" comparison of otherwise disparate programs in the same policy area. The Results Guide shows the return that can be expected for every dollar invested in a program.

It is important to note that the programs analyzed through the Results First model are considered evidence-based, meaning there is a rigorous body of research on these programs and their effectiveness. All of the programs included in the Results First model have undergone a rigorous evidence-based evaluation. Programs or services that are either promising in nature or have no research available are not included in the Results First model because they have not been evaluated rigorously enough to determine their effectiveness.

Lessons Learned from Results First

The goal of implementing the Results First Initiative is to provide decision-makers with useful tools to make informed decisions about state-funded programs. It is important to understand that this initiative does not present evaluations of current program operations, but rather helps Colorado identify the programs it delivers and understand the level of research available on its programs. Additionally, it allows the state to project the benefits of delivering evidence-based practices. While Colorado Results First found that there are many programs in the state that are evidence-based and projected to have a positive return on investment, this initiative highlighted numerous areas where additional information about programs is necessary.

Limitations Exist in Identifying Data on State-Funded Programs Delivered in Colorado

As noted above, the initial phase of the project included developing program inventories of the programs delivered in Colorado in the adult criminal justice, juvenile justice and child welfare fields. Colorado, like many other states in the country, does not have a comprehensive list of the state-funded programs it delivers. In order to understand whether state dollars are being spent in an efficient and effective manner, however, the state has to be able to identify key points about the programs it funds. Given the state-supervised, county-administered nature of the Colorado government, funds are often provided to counties, local governments and/or local service providers with limited reporting requirements on how funds are spent and the outcomes achieved with those funds. Additionally, if reporting requirements are in place for these entities, such as through the child welfare field, the data systems available can be limiting.

Numerous Programs in the State Have Limited to No Research Available on Effectiveness

As identified in the Program Inventory, there are over 50 programs in the adult criminal justice, juvenile justice and child welfare systems that have little to no research available on them. When completing the program inventories, participants were asked to identify evaluations of their programs. In many cases, participants responded that their programs were audited, but that no other evaluations existed. Without this information, it is difficult to determine whether the programs in our state are being delivered in an effective and/or cost-beneficial manner. Further research on these programs is warranted.

Although Certain Programs are Evidence-Based, Issues with Fidelity Remain

In order for evidence-based programs to be effective, they need to be delivered with fidelity to the evidence-based practice in order to replicate results. Although Colorado Results First requested information on fidelity measures through the program inventories, fidelity and evaluation information was rarely available, if at all. The model calculates programs' cost-effectiveness based on programs' expected effectiveness and it assumes our state's evidence-based programs are being implemented to fidelity. Fidelity to program design is an important consideration because programs can only produce expected outcomes if they are being delivered the way they were designed and/or researched.

In order for the state to fully understand how programs are being implemented and whether or not they are achieving their intended outcomes, evaluation studies, fidelity monitoring and technical assistance needs to be provided on a more consistent basis.

Next Steps for Colorado Results First

Colorado Results First has the ability to perform benefit-cost analyses on many different programs and services in several policy areas, including behavioral health, early childhood education and prevention programs, among others. The Results First team is currently in the process of developing an inventory of behavioral health programs in the state (i.e. child mental health programs, adult mental health programs, and substance abuse intervention and prevention programs), as well as running benefit-cost analyses of evidence-based programs in these areas. Colorado Results First is working collaboratively with the Department of Public Health and Environment, the Office of Behavioral Health, the Department of Education, the Department of Higher Education and the Department of Health Care Policy and Financing to complete this portion of the project.

Additionally, Colorado Results First is looking at ways in which evaluation capacity can further be built in the state. The project in many ways highlighted the unknowns about the services delivered in the state and the need for better accountability for state dollars and evaluation of programs. The Governor's Office will work collaboratively with the Legislature in the coming months to discuss an appropriate path forward to better develop this capacity in the state.

Program-Specific Responses to Results First

Community Corrections

The Division of Community Corrections in the Department of Public Safety has completed an extensive review of its program data given the Results First findings. As demonstrated in the benefit-cost results, Community Corrections has several programs (outside of standard residential treatment) that are projected to have a negative return on investment. The Department of Public Safety has reviewed the Results First data alongside its program data and recognized that these specialized treatment programs can benefit from improvements in program delivery, quality of services, and adherence to fidelity. The Department and the community corrections industry began measures in 2012 designed to improve outcomes and performance. The Department plans to work collaboratively with the Governor's Office, Colorado Results First, service providers and the Legislature to address these concerns and increase offender success with this challenging population.

The Judicial Branch

The Judicial Branch has played a key role in providing state data for the Results First model, but providing programmatic details on services and programs has posed a unique challenge. Individuals on regular probation and those involved in problem-solving courts utilize appropriated funds to assist with the acquisition of treatment. Probationers are statutorily responsible for the cost of court ordered treatment and services; however, not every probationer is required to comply with a court order for treatment or other conditions requiring payment. Additionally, some probationers pay all their costs, some receive partial assistance and some have all costs covered by funds appropriated for this purpose. The use of funds appropriated for treatment and services avoids revocations and non-compliance with court orders. Currently, data is not captured to determine whether or not a probationer receives financial assistance, the amount of assistance provided, or the specific purposes for which a probationer receives assistance. This presented a challenge in calculating an accurate cost for probation populations, and as such Colorado Results First is not reporting on Judicial programs at this time. Colorado Results First is continuing to work with the Colorado Judicial Branch to collect probation program and problem-solving courts information and data. The Colorado Judicial Branch remains committed to the Results First project and will continue to work with Colorado Results First to develop a methodology for identifying the treatment and service expenditures for various probation programs.

Appendix B:
Governor Hickenlooper letter

STATE OF COLORADO

OFFICE OF THE GOVERNOR

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Denver, Colorado 80203
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John W. Hickenlooper
Governor

February 8, 2016

Mr. Stan Hilkey
Executive Director
Colorado Department of Public Safety
Chairman, Colorado Commission on Criminal and Juvenile Justice
700 Kipling Street
Denver, CO 80215

Dear Director Hilkey,

Issues of public safety and criminal justice touch every community in our state. These issues are layered and multifaceted and their solutions are rarely simple. But Colorado has a long history of working across party lines, branches, and levels of government to examine systemic issues and offer creative, forward-thinking, and effective solutions to our state's most pressing problems.

With the creation of the Colorado Commission on Criminal and Juvenile Justice in 2007, the Legislature recognized the need for a body to take on the challenge of studying the big problems in our justice system and making recommendations for comprehensive solutions. The expertise and experience on this commission means that no stone goes unturned as the Commission goes about its work.

Over the past eight years, the Commission has come to be regarded for its thoughtfulness in considering these complex issues: a stamp of approval from the CCJJ has become the gold standard for legislative and policy recommendations in the criminal justice arena in Colorado. Much of the Commission's exceptional work has resulted in legislation that has moved Colorado's criminal justice system in the right direction: one which justly values victims' needs and rights, and which considers responsible, evidence based approaches to providing appropriate sentencing, treatment, and rehabilitation to offenders while recognizing the need for efficiency and effectiveness in expending taxpayer dollars, all without compromising public safety. In 2013, we were pleased to see the Legislature eliminate the repeal date of the CCJJ, acknowledging the important and ongoing role that the Commission plays in improving our criminal justice system.

Our Administration knows that 95 percent of those who enter our prisons will one day be released. We also knew that at the time we took office, that over 50 percent of those released would someday return to prison. It's why, since our first days in office, we've worked hard to do everything within our power to improve outcomes for justice-involved individuals and reduce our state's recidivism rates.

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Colorado used to be a state where it was common to release inmates directly from segregation to the streets. Under the leadership of DOC Executive Directors, Tom Clements and Rick Raemisch, Colorado now leads the nation in segregation reform. We've reformed the use of administrative segregation, and it has been nearly two years since the DOC has released anyone from Restrictive Housing to the community, and we have no offenders with serious mental illness in Restrictive Housing. With the knowledge that over thirty percent of Colorado's inmate population has mental health diagnoses, we've begun to better address their needs through the creation of Residential Treatment Programs (RTP's) at three facilities. We've undertaken these and other major policy and legislative changes to reform our correctional practices to ensure that the behavioral health needs of inmates are being met, and that our prison policies don't exacerbate the very issues we're trying to address.

While we have begun to change how we address behavioral health and treatment in our prisons, we know that mental health and substance use issues occur at every level of our justice system and affect both juveniles and adults. Since the deinstitutionalization of state mental health hospitals in the 1960s, our criminal justice system has seen a huge increase in both the number and percent of individuals with behavioral health issues. Our jails and prisons are now the largest behavioral health providers in Colorado. Inmates' substance use and mental health treatment in our jail and prison facilities is expensive and could be better addressed at a lower cost to taxpayers before individuals get sentenced to lengthy prison terms.

We continue to experience limited budgets at all levels of government that require we do more with less, and demand that we offer cost-effective services that achieve successful outcomes. While we have undertaken important reforms and piloted numerous programs from drug courts to sure and swift probation, there is room for improvement at all levels of our justice system when it comes to behavioral health, but there are few easy answers or solutions. Mental health and substance use issues touch many areas and will necessitate input and feedback from diverse stakeholders and groups.

The CCJJ has always been aware of the over-representation of people with behavioral health diagnoses in the criminal justice system and has the breadth of knowledge to examine issues from a holistic level from arrest to release. It is because of the Commission's thoughtful deliberation and the critical importance in addressing these issues, that we ask the CCJJ to once again examine behavioral health issues in our justice system from initial interactions with law enforcement, to jail, to court disposition, to sentencing and offer recommendations for policy and legislative changes to meet the needs of both offenders and victims in the most effective and cost-effective way to ensure that justice-involved individuals get appropriate treatment to change behaviors to improve public safety. To that end, we request that you make the following issues priorities this year:

- **Policing and Behavioral Health Diversion and Treatment:** Law enforcement officers – who are often the first to interact with persons with behavioral health disorders – have a great deal of discretion in how they choose to respond. While arrests are infrequent, the rate of arrest for those with mental illness is much higher than when compared with those without mental illness for similar crimes. Additionally, post-arrest over the last decade,

Colorado has seen a 500 percent increase in the number of referrals for inpatient competency evaluation. We request that the CCJJ study the factors that contribute to persons with behavioral health conditions being arrested rather than referred to timely and appropriate community treatment, as well as what if any effect arrests and criminal charges have on the rise of competency evaluations in Colorado, and to propose solutions to reduce the criminalization of persons with behavioral health disorders.

- **Specialty Courts and Diversion Programs:** Many jurisdictions across the state have established evidence-based specialty courts and diversion programs to better address those in our criminal justice system with behavioral health disorders, and our prisons have programs specifically targeted toward inmates' behavioral health needs. We request that the CCJJ look into opportunities to promote these programs and other innovative, evidence-based jail diversion practices in our criminal courts statewide. Realizing that it is likely infeasible to have specialty courts in every county or judicial district, we request that the CCJJ explore how defendants in jurisdictions without evidence-based diversion programs may take advantage of appropriate programs in other jurisdictions.
- **Juvenile Justice:** The juvenile justice system in Colorado is trifurcated among judicial districts (probation, juvenile assessment centers, and diversion programs), county departments of human services (community or residential treatment services and/or out of home placements), and the Colorado Department of Human Services (youth corrections and parole); all of which operate independent of each other. We request that the CCJJ examine opportunities for the various youth-serving agencies to share information and work on a continuum rather than as disparate entities in order to achieve better outcomes for youth and families.
- **Corrections to Community:** A majority of offenders will be released back to the community, yet many of them will return to prison on a parole revocation or new arrest. We ask that the CCJJ to build on the work of the mandatory parole subcommittee and examine the current system of parole, including how and when inmates can be paroled, the role of community corrections boards, and what kind of continuity of services offenders – particularly those with behavioral health diagnoses – have from corrections to community corrections to parole and reentry, and offer recommendations for streamlining or improving Colorado's parole system to reduce recidivism, promote offender success, and improve public safety.

Thank you for your partnership and the expertise you and the Commission bring to our most pressing issues in the public safety and criminal justice arena. We look forward to working with you in the coming year, and receiving your recommendations on these important issues.

Sincerely,



John W. Hickenlooper
Governor

COLORADO COMMISSION ON CRIMINAL & JUVENILE JUSTICE
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