

Colorado Community Corrections Annual Report: FY21

Pursuant to House Bill 2018-1251

Prepared for the Colorado General Assembly

February 2022

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Executive Summary

This report summarizes efforts underway to address the mandates associated with H.B.18-1251. Subsequent to the passage of the bill, the Office of Community Corrections (OCC) within the Division of Criminal Justice (DCJ), the Department of Corrections (DOC), and community corrections boards and programs, increased collaborative efforts to improve the referral process associated with individuals transitioning from the DOC to a community based residential program. In FY21, all community corrections boards with a residential community corrections program were using a structured decision-making tool as part of their referral screening process. Due to the ongoing COVID-19 pandemic, training in FY21 was limited to online and virtual opportunities for DOC staff and community corrections boards and providers. Just over 40% of transition referrals were accepted in FY21. Throughout FY21, COVID-19 continued to have a significant impact on residential placements and provider vacancy rates.

Purpose of this report

The Colorado General Assembly passed House Bill 1251 in 2018. The bill mandates DCJ prepare an annual report of community corrections activities as they pertain to the transition of offenders from DOC. Specifically, the bill requires DCJ to report on the following:

- Key trends related to community corrections service providers and boards,
- Referral trends,
- Acceptance rates, and
- Progress on the implementation of structured decision-making by community corrections boards.

This report provides a brief overview of community corrections; identifies key trends within the community corrections field; updates the status of the implementation of structured decision-making; identifies training provided by DCJ; and highlights additional efforts underway pertaining to HB 1251.

Overview of Colorado community corrections

Community corrections in Colorado is a system of approximately 30 “halfway houses”, that provides a sentencing alternative for judges to divert individuals from prison (diversion community corrections) and a residential community placement for individuals referred from the prison system (transition community corrections). Eligibility for community corrections is defined in statute. Individuals participating in community corrections are expected to engage in services to address criminogenic needs and risks, and are required to pay for services plus up to \$17/day per diem. Referrals to community corrections programs are screened by the local community corrections board and the program’s administration. When individuals are accepted by both the local board and the program director, they are placed in the program as beds become available.

Key trends

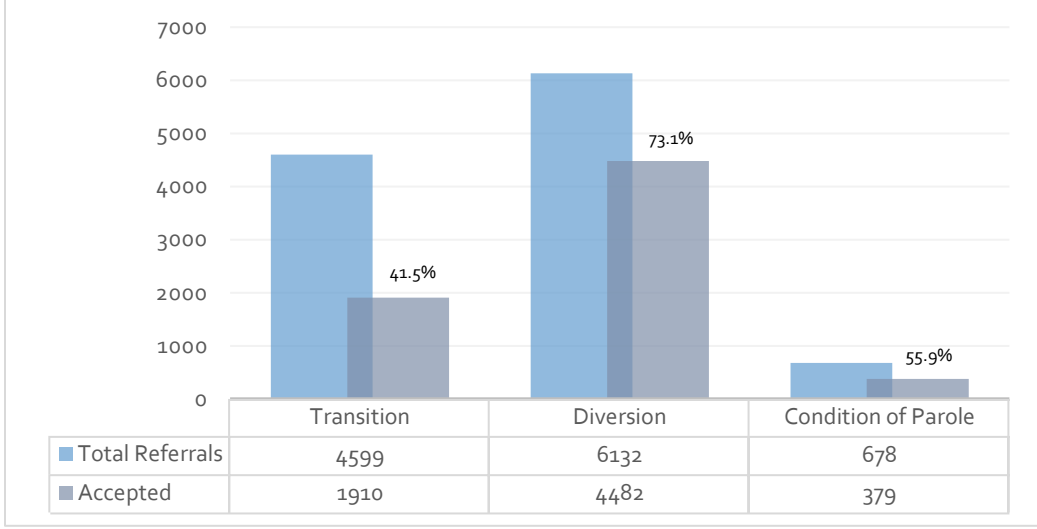
Community corrections boards, in cooperation with the Colorado Association of Community Corrections Boards and the Colorado Community Corrections Coalition, developed a survey to capture the number of referrals, board denials, and provider denials for each jurisdiction. Boards that oversee residential facilities within their jurisdiction were surveyed in order to capture bed capacity. See the *Referral and acceptance rates* section and Appendix A for details.

Referral and acceptance rates

On a quarterly basis, boards reported the number of each referral type denied by the board and those denied by the local community corrections programs.

For information about all community corrections referrals submitted to each Judicial District (JD) and the number of those referrals that were denied or accepted, please see *Appendix A Community Corrections Referral Reporting*.

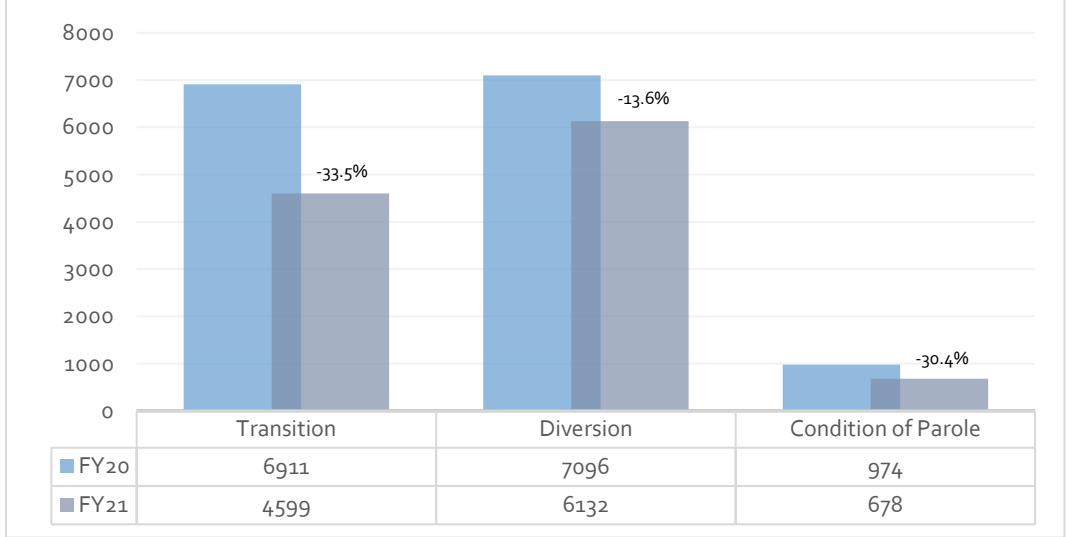
Table 1: FY21 Referral Acceptance Rates



As detailed in Appendix A and summarized in Table 1 (above), diversion and transition referral acceptance rates vary considerably across judicial districts, and over time. In general, diversion and condition of parole referrals were approved at higher rates than transition referrals. Cases with a sex offense conviction were frequently denied; in some judicial districts, these cases are automatically excluded from consideration.

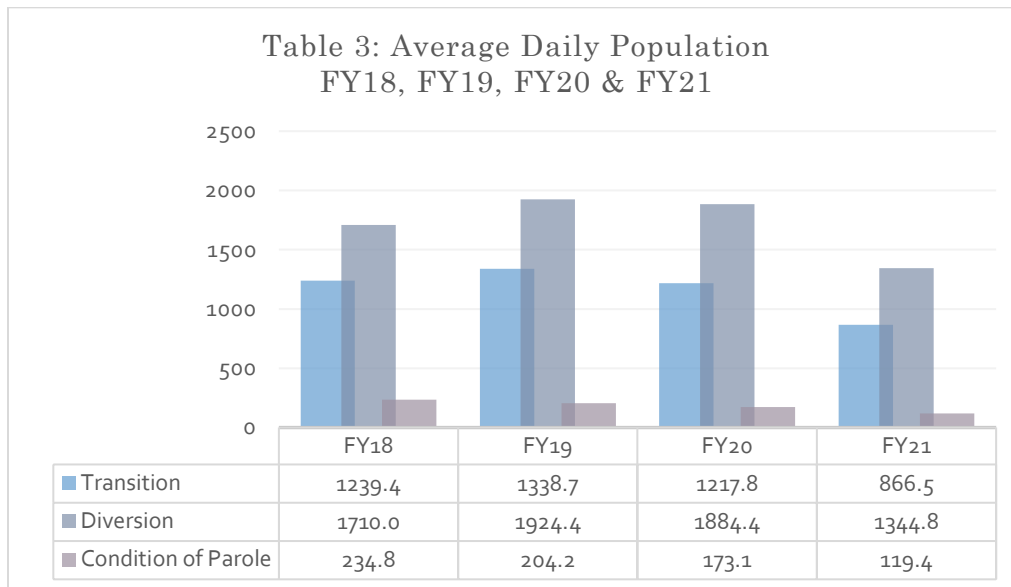
With the ongoing impact of COVID-19, the total number of referrals decreased approximately 23.8% (3,572) from FY20 (see Table 2 below), resulting in just 4 of the 22 jurisdictions' utilization rates surpassing their bed allocation, a much lower proportion when compared to FY20. For a comparison of the total residential community corrections beds allocated to each JD and the average daily residential population paid for by each JD, please see *Appendix B Allocation and Utilization Data*.

Table 2: FY20 and FY21 Referral Numbers



Average daily population

FY21, compared to FY19 and FY20, also saw a considerable decrease in the overall average daily population (ADP) for all client types as result of the COVID-19 pandemic. Many policy and practice changes have occurred to effectively and safely address the pandemic in the criminal justice system and have impacted the number of referrals to community corrections. Public health guidelines required for programs designated as outbreak sites also had an impact on ADP throughout the fiscal year.



NOTE: Diversion ADP includes Condition of Probation placements

Structured decision-making process

HB 18-1251 states that community corrections boards shall develop and use a structured, research-based decision-making process that combines professional judgment and actuarial risk and needs assessment tools. By close of FY21, 100% of the 16 community corrections boards with a residential community corrections program in their jurisdiction had developed a structured decision-making (SDM) tool. When surveyed, 6% reported they were piloting their tool (compared to 29% in FY20), 75% had a finalized tool and 19% had begun revising their tool (compared to 65% who had begun using, or continued to use, a tool in FY20). In FY21, the goal was for all boards with a residential program to use a SDM process consistently, and nearly every board reported they regularly completed their SDM tool for screening referrals and that it was used as a component of board discussions and decision-making. For FY22, several boards reported their goals for their SDM process include finalizing their tool, collecting and analyzing congruency data, and developing SDM tools for other referral types.

Also in FY21, on 2 occasions, OCC presented to the Community Corrections Governor’s Advisory Council an EDI-focused (equity, diversity and inclusion) data analysis of FY20 DOC transition referral decisions. Analysis of these data found statistical significance in 2 areas: males were significantly less likely to be accepted than females, and clients aged 46 or older were significantly less likely to be accepted than those younger than 46. There was no significant difference in rates of acceptance when looking at the client’s ethnicity. To expand the focus of EDI

and bias in decision-making, OCC will begin offering an Unconscious Bias training to community corrections boards and providers in FY22.

Community corrections training

HB 18-1251 requires that DCJ provide annual training to DOC staff involved in making community corrections transition placement referrals and ongoing annual training to community corrections boards on structured decision-making and/or other relevant issues. Due to the continuing impacts of the pandemic through FY21, all interactions were on virtual platforms, which required creativity in training events. In total, there were 10 sessions conducted for community corrections boards and program staff on topics covering structured decision-making, actuarial assessments and the referral process, including 2 presentations for the Colorado Association of Community Corrections Boards (CACCB) and 3 Board member orientations. Because community corrections boards and screening committees met through much of the year virtually or telephonically, it allowed the opportunity for DOC staff to attend. Twelve dates were offered with 10 boards and screening committees that garnered approximately 175 DOC registrations. As observers, DOC staff learned each jurisdiction's screening process, including their use of structured decision-making, with time for Q&A between board members and DOC staff. A virtual in-reach was conducted by DCJ, community corrections programs and community corrections boards staff with DOC case managers to discuss the community corrections referral and transition process. DCJ, with community corrections board and program staff, also continued to attend regularly scheduled DOC supervisor meetings to facilitate discussions or provide updates on community corrections topics. In addition, an eLearning video on the Community Corrections Progression Matrix was developed as a collaborative effort with OCC and several community corrections program staff and made available to all DOC and boards on the OCC website, with more eLearning topics in development.

COVID-19 Impact

The COVID-19 epidemic continued to shape the entire community corrections field. Adjusted business practices within the OCC, community corrections boards and providers remained in effect for most or all of the year, which included boards conducting referral screenings on virtual platforms and conference calls, the OCC maintaining virtual communication with stakeholders and training delivery moving to a virtual modality and eLearning.

As the impacts of the pandemic became longer-term, DOC referrals to community corrections remained significantly low for much of the year and community corrections intakes continued to be limited. The ongoing relationship between residential programs and their local health departments and Colorado Department of Public Health and Environment (CDPHE) was crucial to navigate and adapt procedures related to intake, quarantine and/or isolation procedures, testing practices, outbreak designation responses, guidelines for use of personal protective equipment (PPE) and increased cleaning and finally vaccination resources.

The combination of those factors continued to have a significant impact on the residential ADP, which, for FY21, was nearly 1,000 less than the residential FY20 ADP.

Ongoing efforts

The implementation of HB 18-1251 is precipitating additional accomplishments, many of which focus on increased communication and collaboration between OCC, community corrections boards, providers, and DOC case managers. Examples include the following:

- The pandemic required increased communication and coordination between DOC and community corrections programs for successful client intakes to adhere to CDC guidelines for quarantining, testing results, and vaccination status.
- Efforts continue to be underway to document the reasons that transition referrals are denied by community corrections boards and providers. Once computer programming is completed, this information will be provided via electronic transfer to DOC to inform the case manager and to provide feedback to the client.
- Regular, electronic communication between DOC, community corrections boards and providers occurs regarding pending referrals.
- Community corrections boards continued to submit formal screening procedures and acceptance criteria to DOC. By December 2020, 100% of boards had complied with this requirement and are asked to submit any revised documents annually.

Appendix A

Community Corrections Referral Reporting Quarters 1, 2, 3 and 4 and Year-to-date Cumulative FY21

Background. HB 18-1251 requires the Division of Criminal Justice to publish an annual report that includes case referral and acceptance trends. This appendix provides the number of referrals submitted to each judicial district and the percent of community corrections referrals that are accepted within a judicial district by quarter for FY21.

Data source. Several local community corrections boards, in cooperation with the Colorado Association of Community Corrections Boards and Community Corrections Coalition, developed a survey that captures the number of referrals, board denials, and provider denials for each jurisdiction. Recognizing that there are different screening processes in each jurisdiction, only the final approved/denied decision is recorded and presented here. All boards with a residential program participated in the survey/data collection process in FY21.

Transition referrals. The transition referrals, approvals, and denials include all transition referrals screened by each judicial district, including primary, secondary and tertiary. A transition primary referral is a referral that is sent to the jurisdiction that an inmate is planning to parole to. Secondary and tertiary referrals are those that have been denied by the primary jurisdiction and sent to alternate jurisdictions for screening. In some jurisdictions, the number of secondary and tertiary transition referrals exceed the number of primary referrals received.

Summary of findings. Diversion and Transition referral rates vary considerably across judicial districts, and also vary over time. In general, Diversion and Condition of Parole referrals were approved at higher rates than Transition referrals. Cases with a sex offense conviction were frequently denied; in some judicial districts, these cases are automatically excluded from consideration. The judicial district with the highest Transition acceptance rate (with an acceptance rate above 60%) in FY21 was the 4th. The judicial districts with the highest Diversion acceptance rates (with rates above 80%) were the 2nd, 4th, 8th and 18th. The judicial districts with the highest Condition of Parole acceptance rates (with rates above 80%) were the 6th, 7th, 13th and 15th.

Appendix A
Residential Community Corrections Referral Reporting
Quarter 1, FY21

Judicial District	Transition Referrals	Transition Referrals Denied by Board	Transition Referrals Denied by Facility	% of Transition Referrals Approved	Diversion Referrals	Diversion Referrals Denied by Board	Diversion Referrals Denied by Facility	% of Diversion Referrals Approved	Condition of Parole Referrals	Condition of Parole Referrals Denied by Board	Condition of Parole Referrals Denied by Facility	% of Condition of Parole Referrals Approved
1 st	162	25	112	15%	80	13	13	68%	3	0	2	33%
2 nd	260	76	36	57%	39	4	0	90%	23	3	17	13%
4 th	168	19	50	59%	174	8	42	71%	29	0	15	48%
6 th	38	23	2	34%	41	14	0	66%	3	1	0	67%
7 th	32	28	0	13%	53	8	0	85%	8	2	0	75%
8 th	62	12	38	19%	149	7	25	79%	15	0	5	67%
9 th	55	9	36	18%	35	27	0	23%	1	1	0	0%
10 th	58	10	10	66%	39	3	10	67%	5	0	1	80%
12 th	11	3	2	55%	98	20	15	64%	24	5	3	67%
13 th	16	9	0	44%	61	32	0	48%	4	0	0	100%
15 th	8	7	0	13%	27	9	0	67%	1	0	0	100%
17 th *	150	84	0	44%	153	28	0	82%	5	2	0	60%
18 th	156	38	35	53%	47	4	1	89%	5	0	5	0%
19 th	72	13	40	26%	101	11	25	64%	19	1	16	11%
20 th	103	9	64	29%	21	1	1	90%	7	0	1	86%
21 st *	78	69	0	12%	47	22	0	53%	7	2	0	71%
Totals	1429	434	425	40%	1165	211	132	71%	159	17	65	48%

*Due to the 17th JD's and 21st JD's screening processes, this is the inclusive number for both the board and facility denials. The facility and screening committee review the criteria cases at the same time.

Appendix A
Residential Community Corrections Referral Reporting
Quarter 2, FY21

Judicial District	Transition Referrals	Transition Referrals Denied by Board	Transition Referrals Denied by Facility	% of Transition Referrals Approved	Diversion Referrals	Diversion Referrals Denied by Board	Diversion Referrals Denied by Facility	% of Diversion Referrals Approved	Condition of Parole Referrals	Condition of Parole Referrals Denied by Board	Condition of Parole Referrals Denied by Facility	% of Condition of Parole Referrals Approved
1 st	126	21	87	14%	95	13	16	69%	8	0	3	63%
2 nd	176	47	36	53%	45	6	3	80%	7	0	0	100%
4 th	162	15	11	84%	293	14	16	90%	17	0	6	65%
6 th	25	16	0	36%	31	10	0	68%	4	0	0	100%
7 th	23	22	0	4%	70	28	0	60%	8	0	0	100%
8 th	60	2	33	42%	175	5	22	85%	5	0	1	80%
9 th	44	15	27	5%	36	28	0	22%	2	2	0	0%
10 th	46	9	21	35%	37	7	8	59%	6	0	1	83%
12 th	3	1	1	33%	134	21	16	72%	32	4	3	78%
13 th	14	13	0	7%	63	31	0	51%	3	0	0	100%
15 th	11	10	0	9%	31	9	0	71%	2	1	0	50%
17 th *	130	54	0	58%	201	39	0	81%	8	3	0	63%
18 th	84	29	7	57%	84	18	2	76%	3	0	3	0%
19 th	79	22	36	27%	113	18	16	70%	13	1	5	54%
20 th	85	11	52	26%	35	4	4	77%	7	2	1	57%
21 st *	48	46	0	4%	89	46	0	48%	8	2	0	75%
Totals	1116	333	311	42%	1532	297	103	74%	133	15	23	71%

*Due to the 17th JD's and 21st JD's screening processes, this is the inclusive number for both the board and facility denials. The facility and screening committee review the criteria cases at the same time.

Appendix A
Residential Community Corrections Referral Reporting
Quarter 3, FY21

Judicial District	Transition Referrals	Transition Referrals Denied by Board	Transition Referrals Denied by Facility	% of Transition Referrals Approved	Diversion Referrals	Diversion Referrals Denied by Board	Diversion Referrals Denied by Facility	% of Diversion Referrals Approved	Condition of Parole Referrals	Condition of Parole Referrals Denied by Board	Condition of Parole Referrals Denied by Facility	% of Condition of Parole Referrals Approved
1 st	94	23	49	23%	130	7	19	80%	9	0	4	56%
2 nd	152	44	9	65%	70	10	4	80%	9	1	4	44%
4 th	91	32	5	59%	294	23	18	86%	10	0	5	50%
6 th	21	14	0	33%	33	4	2	82%	2	1	0	50%
7 th	34	28	0	18%	74	28	0	62%	7	1	0	86%
8 th	82	12	26	54%	142	3	19	85%	12	0	4	67%
9 th	38	22	16	0%	31	9	0	71%	3	1	0	67%
10 th	35	5	12	51%	48	7	11	63%	4	0	1	75%
12 th	10	4	2	40%	102	24	13	64%	12	3	3	50%
13 th	14	12	0	14%	47	23	0	51%	6	1	0	83%
15 th	12	12	0	0%	22	8	0	64%	0	0	0	-
17 th *	129	57	0	56%	294	83	0	72%	14	8	0	43%
18 th	98	38	15	46%	61	8	1	85%	0	0	0	-
19 th	66	11	30	38%	100	25	4	71%	13	4	6	23%
20 th	57	10	27	35%	52	6	15	60%	14	1	10	21%
21 st *	58	53	0	9%	96	46	0	52%	10	4	0	60%
Totals	991	377	191	43%	1596	314	106	74%	125	25	37	50%

*Due to the 17th JD's and 21st JD's screening processes, this is the inclusive number for both the board and facility denials. The facility and screening committee review the criteria cases at the same time.

Appendix A
Residential Community Corrections Referral Reporting
Quarter 4, FY21

Judicial District	Transition Referrals	Transition Referrals Denied by Board	Transition Referrals Denied by Facility	% of Transition Referrals Approved	Diversion Referrals	Diversion Referrals Denied by Board	Diversion Referrals Denied by Facility	% of Diversion Referrals Approved	Condition of Parole Referrals	Condition of Parole Referrals Denied by Board	Condition of Parole Referrals Denied by Facility	% of Condition of Parole Referrals Approved
1 st	109	27	64	17%	153	9	24	78%	17	1	12	24%
2 nd	137	36	11	66%	72	5	4	88%	72	0	25	65%
4 th	129	50	6	57%	295	55	33	70%	29	3	9	59%
6 th	20	12	0	40%	34	12	0	65%	2	0	0	100%
7 th	32	30	0	6%	83	37	0	55%	10	3	0	70%
8 th	55	10	18	49%	185	4	27	83%	13	1	4	62%
9 th	38	14	23	3%	37	23	0	38%	4	1	1	50%
10 th	48	8	19	44%	54	3	13	70%	7	0	4	43%
12 th	15	3	4	53%	98	19	12	68%	18	3	2	72%
13 th	17	14	0	18%	55	14	0	75%	5	0	0	100%
15 th	13	9	0	31%	22	9	0	59%	8	1	0	88%
17 th *	155	66	0	57%	369	76	0	79%	14	8	0	43%
18 th	100	34	11	55%	89	12	1	85%	9	0	0	100%
19 th	81	21	30	37%	129	23	9	75%	16	0	12	25%
20 th	44	6	32	14%	41	6	0	85%	25	4	16	20%
21 st *	70	60	0	14%	123	57	0	54%	12	7	0	42%
Totals	1063	400	218	42%	1839	364	123	74%	261	32	85	55%

*Due to the 17th JD's and 21st JD's screening processes, this is the inclusive number for both the board and facility denials. The facility and screening committee review the criteria cases at the same time.

Appendix A

Residential Community Corrections Referral Reporting Year-to-date Cumulative FY21

Judicial District	Transition Referrals	Transition Referrals Denied by Board	Transition Referrals Denied by Facility	% of Transition Referrals Approved	Diversion Referrals	Diversion Referrals Denied by Board	Diversion Referrals Denied by Facility	% of Diversion Referrals Approved	Condition of Parole Referrals	Condition of Parole Referrals Denied by Board	Condition of Parole Referrals Denied by Facility	% of Condition of Parole Referrals Approved
1 st	491	96	312	17%	458	42	72	75%	37	1	21	41%
2 nd	725	203	92	59%	226	25	11	84%	111	4	46	55%
4 th	550	116	72	66%	1056	100	109	80%	85	3	35	55%
6 th	104	65	2	36%	139	40	2	70%	11	2	0	82%
7 th	121	108	0	11%	280	101	0	64%	33	6	0	82%
8 th	259	36	115	42%	651	19	93	83%	45	1	14	67%
9 th	175	60	102	7%	139	87	0	37%	10	5	1	40%
10 th	187	32	62	50%	178	20	42	65%	22	0	7	68%
12 th	39	11	9	49%	432	84	56	68%	86	15	11	70%
13 th	61	48	0	21%	226	100	0	56%	18	1	0	94%
15 th	44	38	0	14%	102	35	0	66%	11	2	0	82%
17 th *	564	261	0	54%	1017	226	0	78%	41	21	0	49%
18 th	438	139	68	53%	281	42	5	83%	17	0	8	53%
19 th	298	67	136	32%	443	77	54	70%	61	6	39	26%
20 th	289	36	175	27%	149	17	20	75%	53	7	28	34%
21 st *	254	228	0	10%	355	171	0	52%	37	15	0	59%
Totals	4599	1544	1145	42%	6132	1186	464	73%	678	89	210	56%

*Due to the 17th JD's and 21st JD's screening processes, this is the inclusive number for both the board and facility denials. The facility and screening committee review the criteria cases at the same time.

Appendix B

Community Corrections Allocation and Utilization: FY21

Judicial District	Total Bed Allocation ¹	Average Daily Population ²
1	235	147.86
2	505	297.56
3 ³	5	3.38
4	500	421.11
5 ³	18	16.62
6	36	36.60
7	60	54.68
8	279	231.44
9	35	19.51
10	100	70.69
11 ³	8	9.82
12	91	63.69
13	99	96.79
14	15	5.50
15	33	28.31
16 ³	14	17.59
17	387	249.61
18	337	222.66
19	157	144.95
20	71	53.34
21	178	118.15
22 ³	10	11.28
Total	3173	2321.14

¹ The number of state funded residential beds per contract per judicial district

² The Average Daily Population of occupied beds paid for by the judicial district. These beds may be within the judicial district or may be in a residential program in a different judicial district

³ These judicial districts do not have a residential program; these jurisdictions use the allocation to purchase diversion programming from providers in other jurisdictions