Colorado Commission on Criminal and Juvenile Justice 2008 Annual Report

Report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the Chief Justice of the State Supreme Court pursuant to C.R.S. 16-11.3-101(2)

December 2008

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Letter from Commission Chair Peter Weir

The creation of the Colorado Commission on Criminal and Juvenile Justice is an acknowledgement of the need for fundamental public policy changes in Colorado's juvenile and criminal justice systems. Establishing the Commission to focus on this need for change, while ensuring public safety, reflects the vision and the expectations of Governor Ritter and the General Assembly.

The challenges facing Colorado are not unique. Many states are addressing similar issues. In particular, recidivism rates continue to increase the size of our jail and prison populations. We must reduce these rates without compromising public safety. Research shows that the "return on investment" of each public safety dollar directed to incarceration decreases in effectiveness as the prison population expands unless the focus of incarceration is frequent and violent criminals.

Today, being tough on crime means we must be smarter about crime. The judicious use of resources requires evidence-based data to drive decision-making. In this way, criminal justice funds will be directed to programs and systems interventions that are proven to work. For many offenders, this will result in breaking the revolving door of our penitentiaries. This will also ensure adequate funding to appropriately target frequent and violent offenders.

There are a myriad of challenges that experts contend contribute to criminal behavior. Mental health issues, drug and alcohol abuse, lack of education, poor employment skills, homelessness, transportation obstacles, and inadequate family support are but a few of the factors that feed the criminal justice system. The Commission was formed with the recognition that multidisciplinary approaches to these issues are essential. Because of this, the Commission consists of experts with wide and varied backgrounds.

This multidisciplinary approach is necessary because the mission for the Commission is, by design, sweeping and encompassing. Crime prevention, probation, incarceration and parole, sentencing, and the juvenile justice system will all be addressed during the course of the Commission's work. In the first year, the emphasis was on the re-entry process. As this report reflects, experts engaged in many hours of meetings, discussions and study that resulted in 66 recommendations to improve the community transition process in Colorado. These recommendations reflect the Commission's broad mandate and the many problems that contribute to criminal behavior.

Bill Ritter, Jr.
GOVERNOR

Peter A. Weir
EXECUTIVE DIRECTOR

Colorado State Patrol

Colorado Bureau of Investigation

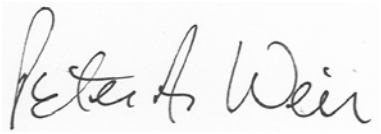
Division of Criminal Justice

Office of Preparedness, Security, and Fire Safety

The Commission would not have accomplished many of its first year achievements without the beneficence of the JEHT Foundation and the tireless work of Mr. Paul Herman. I would also like to extend my thanks to each Commissioner, and the task force chairs, leaders, and members. I am also grateful to my vice-chair David Kaplan and the outstanding professionals in the Office of Research and Statistics within the Colorado Division of Criminal Justice. The citizens of Colorado owe a deep measure of thanks to all of the committed individuals who have contributed to the initial success of the Commission.

While the challenges facing the Commission are significant, a spirit of collaboration and cooperation among diverse stakeholders has been forged. I am confident that the many talented individuals who have contributed to the initial success of the Commission will continue to rise to the challenges ahead. The result will be reduced victimization, effective intervention for those offenders who seek assistance, and enhanced and cost-effective public safety for the citizens of Colorado.

It is a distinct honor to be associated with all those committed to ensuring the success of the Colorado Commission on Criminal and Juvenile Justice.



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

Many individuals contributed to the Commission's work during its inaugural year. However, among the most important was consultant Paul Herman, Center for Effective Public Policy, whose guidance, encouragement, and clarity provided the foundation for the Commission's activities in 2008. Paul endeavored to understand the vision that each Commission member brought to the table, and he combined those visions with his experience with similar entities in many other states, providing the Commission the enormous benefit of his national perspective. Paul's assistance in improving correctional practice in Colorado was funded by the JEHT Foundation, and the Commission is grateful to Scott Matson and Peggy McGarry of the JEHT Foundation, and the JEHT Board of Directors. This support ensured that the Commission was able to set and accomplish its early objectives.

The Commission is indebted to the Re-Entry Oversight Committee and Task Force chairs for their work and commitment. These Commission members volunteered to shepherd the goals of the full Commission in its first year: the identification of specific methods to reduce recidivism and remove barriers to the successful re-entry of those leaving jail and prison. Regina Huerter, in particular, as chair of the Oversight Committee, worked closely with staff to plan and prioritize the work of the task forces, ensuring that the voices of task force members were heard. Grayson Robinson, David Kaplan, Regis Groff, and Gil Martinez, along with their co-chairs Michelle Sykes, Christie Donner, Louise Boris, and Mike Reide, worked tirelessly to further the work of their task forces.

Nearly fifty individuals became members of the Commission's task forces to study and make recommendations to improve the processes of re-entry into the community from jail and prison. Task force members devoted significant time and energy to task force activities, including reading material in advance of meetings, polling colleagues about ideas and issues, gathering information to respond to questions, and participating in discussions about complex barriers and potential solutions to successful re-entry. The Commission is extremely grateful to the task force members whose work forms the central component of this report.

Carol Peeples of the Colorado Criminal Justice Reform Coalition agreed to chair a working group on providing state identification cards to individuals leaving jails and prisons. On November 10, 2008 new identification requirements were issued by the Department of Revenue. Many individuals had been working toward this end, but Carol took the baton over the proverbial finish line, along with Veronica "Roni" White at the Department of Revenue and Bill Zalman at the Department of Corrections. Linda Olson, Mike Horner, Carol Haller, Craig Welling, Doyle Forrestal, and Regina Huerter were also instrumental in moving the issue forward.

Finally, special thanks to Adrienne Loye, assistant to the Executive Director of the Department of Public Safety. Adrienne's excellent planning and her meeting notes facilitated the work of the Commission and provided an important resource for staff.

Colorado Commission on Criminal and Juvenile Justice 2008

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Section 1: Introduction

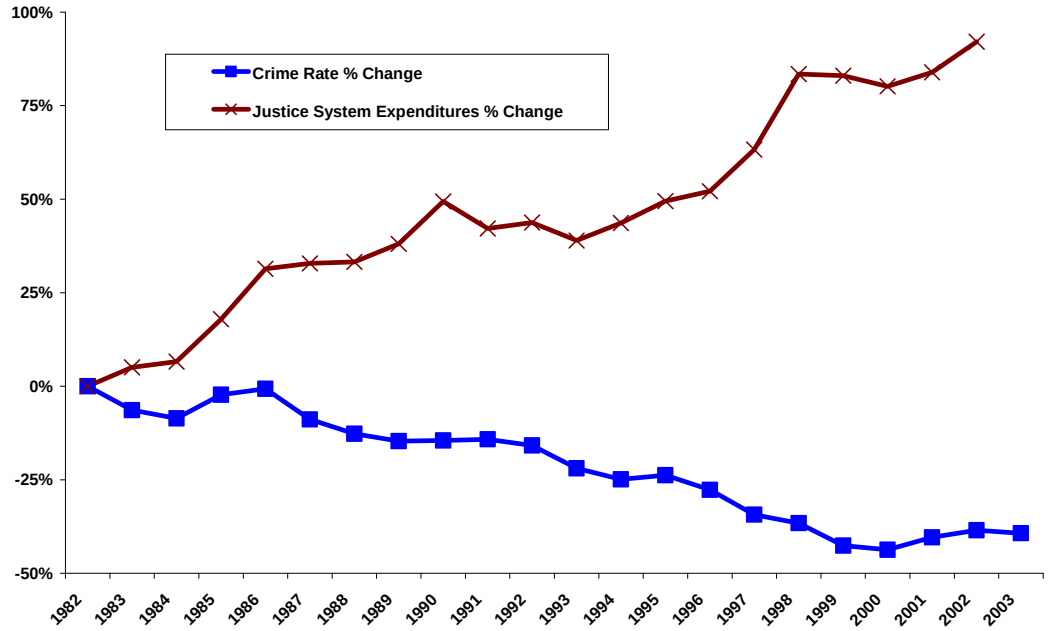
This report provides an overview of the first year of activities of the Colorado Commission on Criminal and Juvenile Justice. In organizing its work, the Commission prioritized public safety and the use of correctional interventions that are cost-effective and evidence-based. The Commission's first year of activities focused on reducing recidivism and curbing correctional costs while enhancing public safety.

Why focus on recidivism reduction?

The Commission's decision to focus on reducing recidivism and victimization was based on the fact that recidivism rates in Colorado and throughout the country are very high, raising questions about the effectiveness of a wide range of traditional criminal justice practices. In Colorado, over half (53 percent) of those released from prison return within three years.[1] This is a sizable number: in fiscal year 2007, over 4,000 individuals were revoked from parole and returned to prison.[2] Another 2,000 offenders were revoked from probation supervision and sent to prison.[3] Note that this recidivism rate does not always reflect new criminal activity. One-quarter of the parolees and about one-third of the probationers committed a new criminal offense—the remainder violated the conditions of correctional supervision.[4] Identification of this no-new-crime group of prison admissions may represent an opportunity for new correctional strategies. At least five states have implemented changes that do not allow the use of prison for technical violations, reserving the use of confinement for violent or seriously repetitive offenders.[5]

[1] Rosten, K. (2008). *Fiscal Year 2007 annual statistical report.* Colorado Department of Corrections, Colorado Springs, CO.
[2] Harrison, L. (2008). *The status of the parole violator population in Colorado.* Colorado Department of Public safety, Division of Criminal Justice, Office of Research and Statistics. Denver, CO; see Appendix A.
[3] Division of Criminal Justice memorandum from Linda Harrison to Kim English (July 9, 2008), see Appendix B.
[4] In FY2007, 1014 of 4,055 parolees returning to prison were charged with a new crime, the remainder (3,041) were charged with a technical violation (see DOC Statistical Report for FY07, page 32). An analysis conducted by the Division of Criminal Justice on those released in FY 2002 found that 24 percent of those returned on technical violation "only" had been arrested but not charged for a new crime. Most of the crimes were misdemeanors. The Division of Probation Services released a report on October 15, 2008 indicating a total of 2,183 probationers failed supervision and received sentences to prison within a 12 month period; 34 percent had committed a new crime and the remainder was revoked for technical violations (see Wilks & Nash, 2008, Table 17).
[5] Administrative regulations limit the use of prison for technical violations in Michigan, Oregon, South Dakota, and Texas. Washington State passed legislation more than 20 years ago that prohibits state imprisonment for technical parole violators with no negative impact on the state crime rate (however, in Washington, technical violators can spend up to 60 days in the county jail; see Austin, et al. (2007). *Unlocking America: Why and how to reduce America's prison population*. Washington, D.C: The JFA Institute; available at http://www.jfa-associates.com/publications/srs/UnlockingAmerica.pdf.

Figure 1: Colorado crime rate and justice system expenditures per household, percentage change 1982 – 2003 (adjusted for inflation)



Notes: 2001 figures used were estimated using average of 2000 and 2002 due to aberrant results. Justice expenditure data are not available for 2003 as the Finance survey did not support state by type estimates. For 2004 and beyond, these data will return. However, these data were not yet available at the time of this report. Household data (1985-2003 only). Colorado Department of Local Affairs, Colorado Economic and Demographic Information System. Available: http://dola.colorado.gov/cedis/cedishom.htm [Accessed 2/15/2007]; 1982-1984 estimated using 3-yr average (1985-1987) population/household; state offense totals are based on data from all reporting agencies and estimates for unreported areas. Rates are per 100,000 population.

Sources: Expenditure data for 1982-1991, 1995, 1998, 2001: U.S. Dept. of Justice, Bureau of Justice Statistics. *Expenditure and employment data for the criminal justice system [United States*]: CJEE EXTRACTS FILES [Computer files]. Survey conducted by U.S. Dept. of Commerce, Bureau of the Census. ICPSR ed. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor]. Expenditure Data 1992-1994, 1996, 1997, 1999, 2000, 2002, 2003: *Sourcebook of Criminal Justice Statistics Online.* Available at: http://www.albany.edu/sourcebook/ [Accessed February 13, 2007]. Crime rate data from FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data available at the Bureau of Justice Statistics Data Online http://www.ojp.usdoj.gov/bjs.

The cost of doing business as usual

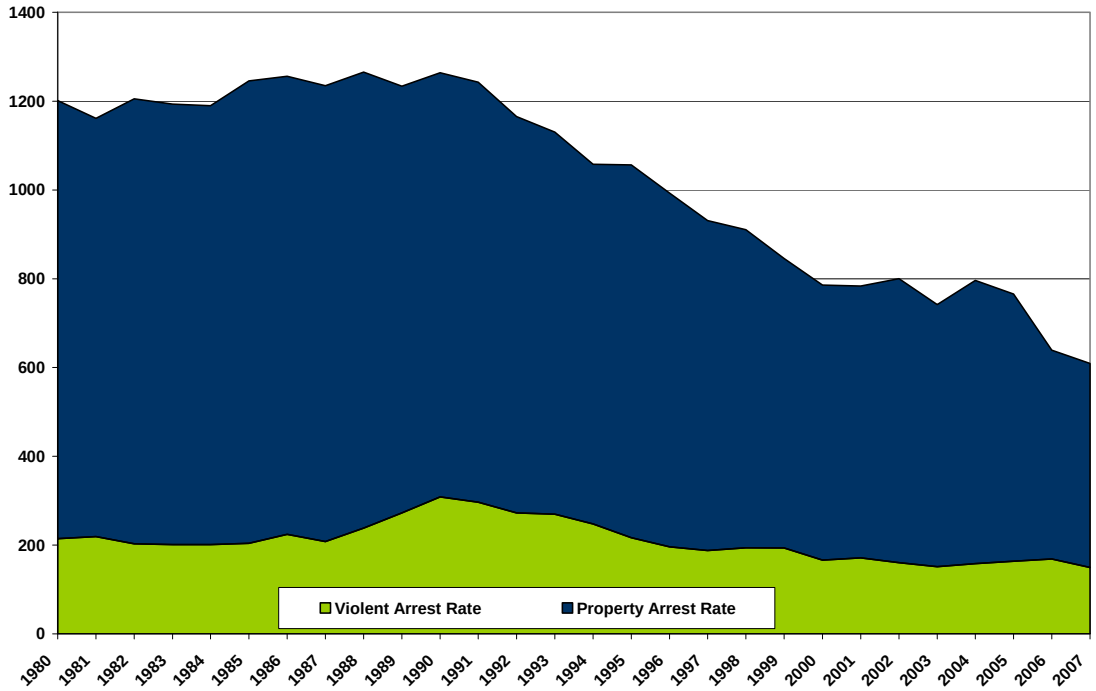
The tax revenues required to fund incarceration and costs associated with recidivism affect every Colorado household (see Figure 1), increasing from $371 in 1982 to more than $713 since 1982 (adjusted for inflation). At the national level, spending on corrections jumped from $9 billion in 1980 to $60 billion in 2006. Funding for incarceration represents the fourth largest item for all state budgets, following health, education and transportation. In Colorado, it costs more than $20,000 per year to incarcerate an offender, and the average length of stay is about three years. The size of Colorado's prison population has increased four-fold in the past 20 years and is expected to grow from 23,000 to over 27,000 by 2013.[6] Colorado's incarceration rate of 506 per 100,000 is much greater than the 50-state average (462) and the average of the Western states (458).[7] Further, incarceration rates nationwide for blacks and Latinos are six times higher than for whites. In Colorado, African Americans account for about 3.9 percent of the state population and 19 percent of the Department of Corrections (DOC)

[6] The parole population is expected to increase by 34 percent by 2013, from 8,800 to 13,400. See Harrison, L. & English, K. (2008). *Interim adult prison and parole population projections: Pursuant to C.R.S. 24-33.5-503(m).* Denver, CO: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics; available at http://dcj.state.co.us/ors/pdf/PPP/Aug08DCJ%20InterimPrisonProj_final2.pdf

[7] Austin, J., Naro, W., & Fabelo, T. (2007). *Public safety, public spending: Forecasting America's prison population, 2007-2011.* Washington, D.C.: Pew Charitable Trusts Public Safety Performance Project, available at http://www.pewcenteronthestates.org/uploadedFiles/Public%20Safety%20Public%20Spending.pdf

population, a difference of nearly five-fold; the proportion of Hispanics and Native Americans in prison is twice that of the state population. [8]

Figure 2: Colorado adult violent and property arrest rates, 1980-2007



Note: Rates are per 100,000 adults. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.
Source: Arrest data from the Colorado Bureau of Investigations Annual Reports, 1980-2007. Population data from the Colorado State Demographer Office, Department of Local Affairs.

The impact of incarceration on crime depends on who goes to prison. Incarceration has a far greater impact and return on investment when it is used for violent and high-rate offenders.[9] Although, crime rates in Colorado have been dropping since the early 1990s (see Figure 2), during this same period, incarceration rates have continued to grow. Experts agree that changes in sentencing policy in the last two decades, which (1) increased the proportion of felony convictions resulting in a prison sentence and (2) increased sentence lengths, combined to significantly expand the size of the prison population.[10] Research in the field suggests that imprisonment is one factor contributing to lower crime rates and that factors other than incarceration play an even greater role.[11]

Cost-effective crime prevention and public safety

Concerns about costs and public safety converge at a time when knowledge abounds about effective recidivism reduction strategies. Studies summarizing what works to prevent crime and reduce recidivism have become more

[8] Lowden, K., English, K., Harrison, L., Pasini-Hill, D., & Lounders, P. (2007). *Crime and justice in Colorado: 2006.* Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.
[9] For a complete and objective review of the research on this topic, see Przybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs.* Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics; available at http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf.
[10] For an excellent discussion, see Austin, et al. (2007). *Unlocking America: Why and how to reduce America's prison population*. Washington, D.C.: The JFA Institute; available at http://www.jfa-associates.com/publications/srs/UnlockingAmerica.pdf.
[11] Spelman, W. (2000). What recent studies do (and don't) tell us about imprisonment and crime. *Crime and Justice, 27*, 419-429.

sophisticated, and analyses of hundreds of studies point in a specific direction.[12] The National Institute of Corrections has synthesized the principles and strategies into a philosophy and method called Evidence-Based Correctional Practice (EBP).[13] This framework provides a bridge between research and practice and presents a roadmap that focuses on improving the likelihood that individual offenders will lead crime-free lives, consequently reducing recidivism and victimization.

Many jurisdictions are implementing these new, cost-effective strategies for managing the size of the prison population. These strategies include improving parole release practices, holding probation and parole violators accountable with graduated sanctions, and implementing proven programs to reduce recidivism such as comprehensive re-entry programs. Some states are using new technologies, such as instant-result drug tests and risk-assessment instruments that help officials match offenders with the right levels and types of supervision and services.[14] This knowledge, along with a commitment that public safety remains paramount in any recommendation made, guided the Commission in its first year of activity.

Organization of this report

Section 2 of this report begins by describing the enabling legislation that guided the Commission's work. Section 3 details the activities of the Commission including guiding principles and goals. Section 4 describes the context of the Commission's focus on re-entry for offenders leaving prisons and jails[15] and its incorporation of evidence-based practices. The Commission empanelled a Re-Entry Oversight Committee and four task forces that made recommendations for the Commission to review and approve, and this process is described in Section 4. Section 5 presents the 66 recommendations for improvement in the re-entry process for offenders in Colorado. The report concludes in Section 6 with a brief overview of the Commission's next set of activities to improve the process of re-entry. The references and appendices follow the final section.

[12] Przybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs.* Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Research an Statistics; available at http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf. See also National Research Council (2008). *Parole, desistance from crime, and community integration.* Washington, D.C.: National Academies of Sciences, National Academies Press.

[13] See www.nicic.org.

[14] Austin, et al. (2007). *Unlocking America: Why and how to reduce America's prison population*. Washington, D.C.: The JFA Institute; available at http://www.jfa-associates.com/publications/srs/UnlockingAmerica.pdf.

[15] The Commission recognized probation as part of the re-entry process.

Section 2: Legislative Intent

House Bill 07-1358, passed by the General Assembly and signed by the Governor in the spring of 2007, was titled "Concerning the study of the criminal justice system and, in connection therewith, creating the Colorado Criminal and Juvenile Justice Commission…." The legislative declaration began by stating that "ensuring public safety and respecting the rights of victims are paramount concerns" along with improving the administration of justice, reducing recidivism, and using limited correctional resources in the most cost-effective manner. The declaration also identified the need to address prevention programs, alternatives to incarceration, and factors that contribute to criminal behavior. It required engagement in a comprehensive analysis of evidence-based practices, the cost of recidivism, and the effectiveness of the criminal code and sentencing laws in enhancing public safety.[16] Finally, the legislation emphasized the role of research in accomplishing its tasks. The Division of Criminal Justice was mandated in statute to provide research support to the Commission.

The 2007 legislation identified 26 voting members (see Appendix C for a copy of House Bill 07-1358 legislation),[17] 17 of whom are appointed representatives of specific stakeholder groups, and 9 of whom are identified to serve based on their official position in state government. Eight appointed members are limited to serving no more than two three-year terms (in addition to any partial term) and nine appointments serve two-year terms during the first two years following the establishment of the Commission.[18] The legislation requires the Commission to meet at least monthly (or as determined by the Chairperson) to "review information necessary for making recommendations."[19]

The legislation specifically directs the Commission to "focus on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds,"[20] to collect data, investigate effective programs and initiatives, and to make an "annual report of findings and recommendations" based on analysis and data. The legislation mandates the Commission to prioritize areas of study based on the potential impact on crime and corrections.

Additionally, in 2008 the General Assembly passed House Bill 08-1119 modifying the duties of the Commission to include among its areas of study "the reduction of racial and ethnic disparities within the criminal and juvenile justice systems."

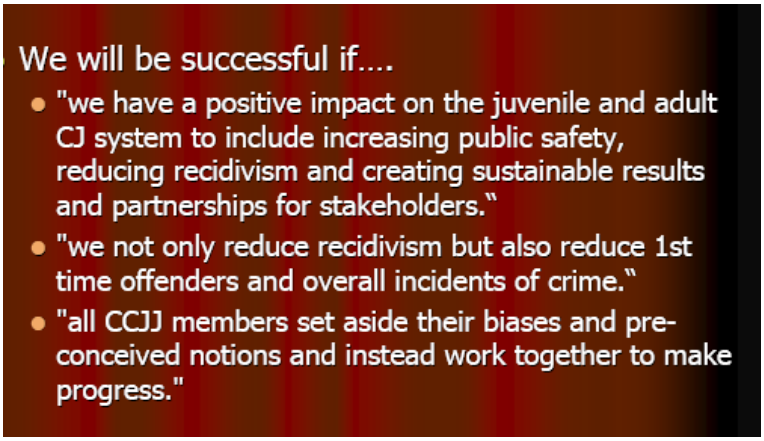
[16] House Bill 07-1358, pages 1 and 2; see Appendix C.
[17] The Commission has 27 members, with the director of the Division of Criminal Justice serving as a non-voting member.
[18] These are the two elected district attorneys, county commissioner, criminal defense attorney, representative of a victims' rights organization, representative of a community corrections provider/board member/treatment provider, and three at-large members.
[19] House Bill 07-1358, page 6.
[20] House Bill 07-1358, page 6.

Section 3: Activities of the Commission

Goals of the Commissioners

In November 2007, Commission members completed a questionnaire designed to obtain their perspectives on the role of the Commission, its potential goals and objectives, and the most pressing problems facing the criminal and juvenile justice systems. The need to reduce the recidivism rate was the most frequent survey response regarding the objective of the Commission. Other responses included concerns about technical violators returning to prison and the need for better transition-to-community planning for inmates released from institutions. The group also identified the need to reform sentencing and parole laws; evaluate the effectiveness of probation, parole and community corrections; and prioritize the importance of crime prevention. Data from the questionnaire also revealed fiscal concerns about unfunded mandates, lack of resources, and the need to evaluate the outcomes of funded programs. [21] The following illustration presents examples of the most frequent responses to the question, "We will be successful if…."

Figure 3: Response of Commission members to questionnaire about their expectations



In December 2007, Commission members were interviewed individually by an independent consultant for the purpose of developing a plan for the Commission's initial meetings. The data collected from the November questionnaire and the interviews clarified the type of information Commission members wanted in order to undertake the mandates required in the enabling legislation. These requests for information formed the "educational" components of the Commission meetings, which were scheduled monthly beginning in January 2008. A summary of some of the educational material presented to the Commission may be found in Appendix E.

Guiding principles and goals of the Commission

In April 2008 the Commission reflected on the discussions and presentations from the prior three monthly meetings. For example, presentations provided summaries of efforts underway by the Department of Corrections to provide programming to inmates and initiatives by local probation departments to apply evidence-based practices to reduce recidivism and implement restorative justice programs. Other presentations offered details on state crime trends and criminal case processing and the description of inmates sentenced to the Department of

[21] See Appendix D.

Corrections. In March the Commission was presented with a comprehensive research report to assist its work, entitled *What Works in Preventing Crime and Reducing Recidivism,*[22] and the author of the report summarized the findings for the group.

After discussion of this material and a review of information obtained from the questionnaires and interviews, in April 2008, the Commission agreed on the following guiding principles:

- Public safety should always be paramount in our thoughts.
- It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to non-partisanship.
- We must question our own assumptions and trust each other to do the right thing.
- We should seek outside help for areas where we are lacking in knowledge.
- The impact our decisions will have on all of Colorado should be carefully considered, keeping in mind both large and small counties, as well as offenders *and* victims.
- To the best of our ability our decisions should be simple, and made with a sense of urgency.
- Any and all decisions are data-driven and should be aimed at slowing penetration into the juvenile and criminal justice systems.
- We should be mindful that a need for treatment is not an adequate reason to incarcerate someone (other options should be available).

In addition to the Guiding Principles, the Commission agreed on its primary goals in April, described below.

- **Develop an evidence-based plan for reducing recidivism.**
  - Compare our recidivism rates to those of other similar states.
  - Reduce the number of new crimes committed by offenders under correctional control (probationers and parolees).
  - Reduce the number of offenders that return to the Department of Corrections.
- **Assess probation, institutions, re-entry, parole, and community corrections.**
  - Define success for these components of the system.
    - Are these components helping to reduce recidivism? If so, how?
    - Are these components employing evidence-based practices?
  - Increase success (as defined) in all of these areas.
  - Provide adequate funding for these system components to be successful.

[22] Available upon request from the Colorado Division of Criminal Justice, or on-line at http://dcj.state.co.us/ors/pdf/docs/WW08_022808.pdf.

- **Focus on juvenile programs and policies.**
    - Make services available for juveniles without putting them in the juvenile justice system.
    - Provide early valid assessments for juveniles.
    - Evaluate Juvenile Assessment Centers.
    - Prioritize programs for at-risk youth.
    - Front load treatment for juveniles.
    - Involve schools in the prevention process, but be mindful of the limitations that schools face.
    - Increase the high school graduation rate.
    - Reduce truancy, crime and youth violence.
    - Decriminalize minor crimes that tend to start the revolving door process for involving youth in the criminal justice system.
    - Promote early prevention programs.
- **Focus on crime prevention programming.**
    - Retain public support of the Commission – thus, we must keep them informed.
    - Coordinate mental health treatment with crime prevention.
    - Create police-citizen partnerships to help prevent crime.
    - Focus on healthy families, risk reduction, with a strength-based focus.
- **Review sentencing and parole Laws.**
    - Develop a system that is simple, fair, constitutional, evidence-based, that will reduce crime and future victimization.
    - Define and assess the difference between mandatory sentences and judicial discretion.
    - Define what is considered a status offense and why.
    - Describe relevant sanctions in lay terms.

Section 4: Focus on Re-Entry

The development of the Commission's goals provided the foundation for identifying its first area of significant focus and study: Re-entry into the community by adults convicted of criminal behavior. Studying re-entry allowed the Commission to immediately address its first two goals (presented in the previous section):

- **Develop an evidence-based plan for reducing recidivism, and**
- **Assess probation, institutions, re-entry, parole, and community corrections.**

The concept of re-entry was broadly defined by the Commission to include probation services, because failure on probation can result in a prison sentence. Re-entry is commonly defined as a *process* that encompasses all activities related to preparing incarcerated individuals to return safely from jail and prison to live crime-free in the community.[23] Nationwide, two-thirds of prisoners were rearrested for a new offense within three years of leaving prison.[24] In Colorado, 63.7 percent of inmates released from the Department of Corrections in Fiscal Year 2002 were rearrested within 3 years; 25.9 percent of all arrests were for violent crimes.[25] Nearly half, 47.2 percent, received new court filings, and most returned to prison.[26]

Policy makers, criminologists, and correctional program administrators recognize the challenges resulting from the fact that every year the number of offenders returning to the community increases over the prior year (nationwide, over 600,000 individuals were released from prison last year[27]). When, on average across the states, half of those released return to prison within three years, the costs associated with the new criminal behaviors are substantial to victims, law enforcement, the courts, and taxpayers who must underwrite another incarceration period. The growing number of Colorado inmates and their associated costs of incarceration,[28] particularly at a time of reduced revenues, provided an impetus for the Commission to begin its work by identifying methods that would reduce the recidivism of adult correctional populations.

The Commission's decision to focus on re-entry happened to be concordant with the efforts by many other states where major re-entry initiatives are under way. One successful example, the Kansas Sentencing Commission, reported that FY 2006 parole technical violators returned to prison at half the rate of those in FY 2003.[29] While releases have exceeded admissions to prison in Kansas for four consecutive years new commitments in FY 2008 also decreased by five percent. The prison population in Kansas has declined steadily since FY 2004 and is not expected to return to the FY 2004 population size until after 2015 (a new law was passed last year increasing penalties for a number of crimes, and analysts expect this law to substantially increase prison commitments).[30] Multiple initiatives account for these changes in Kansas, including training of management and line staff,

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[23] Petersilia, J. (2003). *When prisoners come home: Parole and prisoner re-entry.* New York, NY: Oxford University Press.
[24] The most recent national data is from a study of prisoners in 15 states released in 1994. See Langan, P. & Levin D. (2002). *Recidivism of prisoners released in 1994*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at http://www.ojp.usdoj.gov/bjs/re-entry/recidivism.htm.
[25] Harrison, L. (2008). Special analysis conducted in October 2008 using data from the Department of Corrections and the Colorado Crime Information Center (CCIC) maintained by CBI. Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.
[26] Ibid.
[27] National Research Council. (2008). *Parole, desistance from crime, and community integration.* Washington, D.C.: National Academies Press.
[28] On Sept 30, 2008, the Department of Corrections had almost 23,000 offenders under its control, according to its Monthly Population and Capacity Report (see https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder_15/Current.pdf) with FY 2008 costs ranging from $60.87 per day for contract facilities and $83.25 for state facilities. Local jail costs vary between facilities. Among Metro Area jails, the costs in 2007 ranged from $22,013 to $33,499 in Douglas and Boulder Counties, respectively.
[29] Kansas Sentencing Commission. (2007). *Kansas Sentencing Commission FY 2007 annual report.* Topeka, KS: Kansas Sentencing Commission; see page 68; available at http://www.kansas.gov/ksc/2007Annual.shtml.
[30] Ibid.

stakeholder commitment, expansion of treatment-oriented alternatives to incarceration, and consistent study and policy analysis.[31]

The recidivism reduction achieved in Kansas, combined with the size (23,000) and cost of the Colorado prison population[32] and research that supports comprehensive efforts to reduce recidivism,[33] underscored the value of the Commission's decision to start with a review and analysis of re-entry from jails and prisons in Colorado. Increasing the likelihood that individuals are successful during their re-entry from incarceration enhances public safety and reduces the costs associated with failure and reincarceration. To concentrate its efforts on re-entry, the Commission established a Re-entry Oversight Committee and four Re-entry Task Forces (see Figure 4) that organized and focused the activities of the task forces. Each of the four task forces had charters directing their work (see Appendix F for an example of the Incarceration Task Force Charter). The charters emphasized evidence-based practices (defined below) and served as tools to clarify important components of a comprehensive recidivism reduction strategy.

As can be seen in Figure 4, the Re-entry Oversight Committee established goals and a scope of work for the task forces, seeking to incorporate the goals identified by the Commission and those stated in the enabling legislation. The Oversight Committee directed the task forces to identify problems and solutions related to the re-entry of individuals incarcerated in jail and prison.[34]

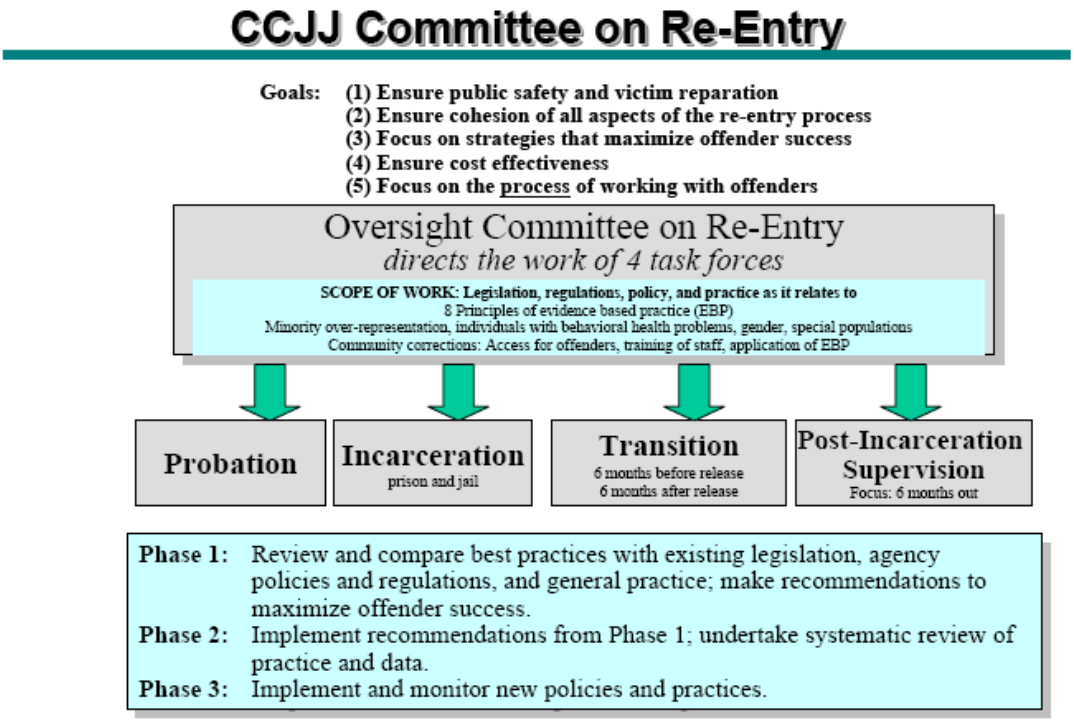
[31] Pedigo, H. (2008, October). *A heartland response to crime - Kansas SB 123 treatment program.* Presentation at the annual conference of the Justice Research and Statistics Association, Portland, OR.

[32] As previously stated, the FY 2008 inmate confinement cost per day of state facilities is $83.25 and the cost for contract facilities is $60.87, according to the Colorado Department of Corrections Office of Planning and Analysis.

[33] One important study conducted on Ohio's community corrections system included an evaluation of EBP in 38 residential programs for more than 3,200 individuals on probation and parole. See Lowenkamp, C.T., Latessa, E.J., & Smith, P. (2006). Does correctional program quality really matter? The impact of adhering to the principles of effective intervention. *Criminology and Public Policy, 5,* 575-594.

[34] Incarceration in jail includes pretrial confinement.

Figure 4: Organization of re-entry committee and task forces



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

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

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

avoidance of repetitive programming); preparation surrounding post-jail and post-prison placement options (e.g., probation, parole, community corrections); and post-prison program effectiveness.

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

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

Re-entry focus: Evidence-based practices

Consistent with its enabling statute, Commission members repeatedly expressed the importance of using data to drive its decision making process. Consequently, a core task force theme became incorporating the principles of Evidence-Based Practice (EBP) into the systematic review of existing practices and policies. The use of EBP reduces recidivism and victimization by incorporating offender management strategies that have been proven to increase the likelihood that offenders complete necessary programming and remain crime free. It requires reviewing traditional agency practices and philosophies to consider the extent to which EBP is implemented. EBP focuses on improving the likelihood that every offender successfully completes supervision. This reduces costs associated with recidivism and improves public safety.

Because EBP provides the fundamental framework for correctional reform, it warrants a description here. Evidence-based correctional practice does not refer to a single program or intervention but rather a body of knowledge generated over the past 25 years.[35] This material provides substantial direction for implementing prison and community-based programs for offenders that can reduce recidivism when they are well implemented and

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

targeted to the proper clientele. This work has been summarized by criminologists who are committed to conducting and reporting policy-relevant research studies. This body of material is frequently referred to as "what works in corrections." Because this work guided the Re-entry Oversight Committee and the task forces, it is summarized in Appendix J. The principles of evidence-based practice are encapsulated below:

1. **Assess offender risk and need levels using research-based actuarial instruments.** In Colorado, the Level of Supervision Inventory (LSI) is consistently used in probation, community corrections and prison, identifying individual risks and needs in 11 separate life areas. The Colorado Actuarial Risk Assessment Scale (CARAS) is an actuarial risk instrument for parole-eligible inmates and post-prison, community-based offenders. For those who have addiction problems, instruments that objectively assess the extent of substance abuse and addiction are also used across probation, community corrections and parole.

2. **Enhance offender motivation.** Motivational interviewing, for example, is a specific approach to interacting with offenders in ways that tend to enhance and maintain interest in changing their behaviors. Many probation departments across Colorado have invested in training in this specific technique.

3. **Target interventions.** Using information obtained from the assessment process and mindful interaction techniques (#1 and #2 above), research has found the following principles to be most effective at reducing recidivism:

    a. **Risk principle.** Prioritize supervision for higher risk offenders. Some studies have shown that lower risk offenders have a high probability of successfully re-integrating into the community without intense prison programming.[36]

    b. **Need principle.** Research shows that targeting three or fewer criminogenic needs does *not* reduce recidivism. Targeting four to six needs (at a minimum) has been found to reduce recidivism by 31 percent, as shown in Figure 5.[37]

    c. **Responsively principle.** Recidivism reduction requires developing interventions that are sensitive to the learning styles and psychological needs of all program participants.

    d. **Ensure adequate program dose and duration.** Many efficacy studies have found that high-risk offenders should spend 40 to 70 percent of their time in highly structured activities and programming for 3 to 9 months prior to release.[38] These are minimum durations and are likely to be inadequate for both sex offender populations and serious drug addicts. Studies of both populations have found that duration and intensity are linked to positive outcomes.

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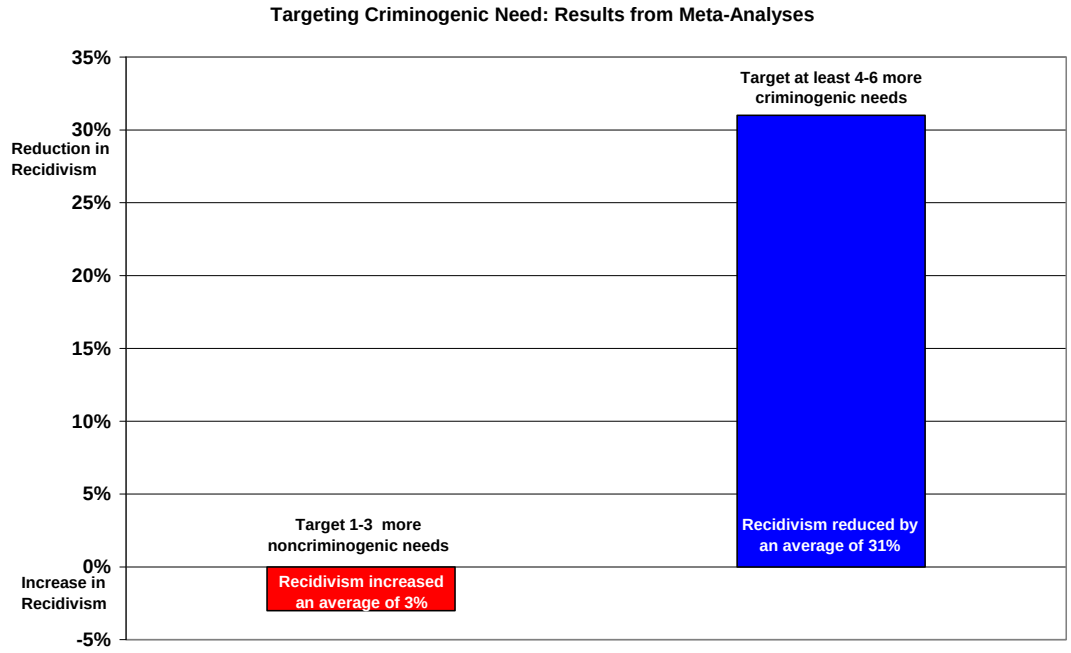
[36] Andrews, D. A. & Bonta, J. (2003). *The psychology of criminal conduct* (3rd ed.). Cincinnati, OH: Anderson Publishing Co.; Clear, T. R. (1981). Objectives-based case planning. Washington D.C.: National Institute of Corrections. Currie, E. (1998). *Crime and punishment in America.* New York, NY: Metropolitan Books; Palmer, T. (1995). Programmatic and non-programmatic aspects of successful intervention: New directions for research. *Crime & Delinquency, 41,* 246-266.

[37] Gendreau P., French S.A., & Taylor, A. (2002). *What works (what doesn't work) revised 2002.* Invited Submission to the International Community Corrections Association Monograph Series Project, available at http://www.familyimpactseminars.org/s_wifis26ppt_el.pdf; Latessa, E. (2006, June). *What Works and What Doesn't in Reducing Recidivism: The Principles of Effective Intervention,* PowerPoint presentation, Center for Criminal Justice Research. Available at *www.co.travis.tx.us/community_supervision/tcis/Latessa%20Presentation.ppt.*

[38] Gendreau, P., & Goggin, C. (1995). *Principles of effective correctional programming with offenders.* Center for Criminal Justice Studies and Department of Psychology, New Brunswick, Canada: University of New Brunswick; Palmer, T. (1995). Programmatic and non-programmatic aspects of successful intervention: New directions for research. *Crime & Delinquency, 41,* 100-131; Silverman, K., Preston, K.L., Stitzer, M.L., & Schuster, C.R. (1999). Efficacy and versatility of voucher-based reinforcement in drug abuse treatment. In S.T. Higgins, K. Silverman (Eds.), *Motivating behavior change among illicit-drug abusers: Research on contingency management interventions* (pp. 163-181). Washington, DC: American Psychological Association Books.

e. **Treatment principle.** Cognitive/behavioral treatment should be incorporated into all sentences and sanctions.[39] Interventions based on these approaches are very structured and emphasize the importance of modeling and behavioral rehearsal techniques that engender self-efficacy, challenge cognitive distortions, and assist offenders in developing good problem-solving and self-control skills.

Figure 5: Research reflects the need to provide multiple services



Source: Gendreau, P., French, S.A., and A. Taylor (2002). What Works (What Doesn't Work) Revised 2002. Invited Submission to the International Community Corrections Association Monograph Series Project.

4. **Provide skill training for staff and monitor their delivery of services.** Supervision and treatment services must be delivered to offenders by well-trained staff**.** Staff must coach offenders, and staff must themselves be consistently coached by well-trained supervisors.

5. **Increase positive reinforcement.** Research has found that optimal behavior change results when the ratio of reinforcements is four positive to every negative reinforcement.[40] Implementing this principle is especially challenging in the field of criminal justice treatment and supervision that traditionally spotlights negative behavior.

6. **Engage ongoing support in natural communities.** The prison-based drug and alcohol treatment communities show that the inmate code can be broken and replaced with a positive alternative and, in the process, teach offenders the skills they will need upon release. Likewise, parole supervision requires attending to the pro-social supports required by inmates to keep them both sober and crime free.

[39] Latessa, E.J. (2004). *From theory to practice: What works in reducing recidivism?* University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. available at http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf.
[40] Gendreau, P., & Goggin, C. (1995). *Principles of effective correctional programming with offender.* New Brunswick, Canada: University of New Brunswick, Center for Criminal Justice Studies and Department of Psychology.

Building communities in prison and outside of prison for offenders who struggle to maintain personal change is a key responsibility of correctional administrators today.

7. **Measure relevant processes/practices.** Accurate and detailed documentation of case information and staff performance, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Quality control and program fidelity play a central and ongoing role to maximize service delivery. In a study at the Ohio Department of Corrections, programs that scored highest on program integrity measures reduced recidivism by 22 percent. *Programs with low integrity actually increased recidivism*.[41]

8. **Provide measurement feedback.** Providing feedback builds accountability and maintains integrity, ultimately improving outcomes. Offenders need feedback on their behavioral changes, and program staff need feedback on program integrity.

Task force members then considered EBP and other relevant research as they identified barriers to successful offender re-entry into the community. Each task force also considered problems and solutions in terms of immediate, short-term and long-term implementation and desired outcome.

Three phases of task force work

As can be seen in Figure 4, the work of the Oversight Committee and the task forces was planned to occur in three stages. Undertaking Phase 1 (in italics below), the Re-entry Task Forces embarked on an aggressive meeting schedule throughout the summer of 2008 to prepare recommendations that could be reviewed and forwarded by the full Commission prior to the 2009 legislative session.

> ***Phase 1:*** *Review and compare best practices with existing legislation, agency policies and regulations, and general practice; make recommendations to maximize offender success.*

Between May and August 2008 each task force met a minimum of seven times, with meetings lasting an average of three hours each. During the initial meetings members assessed current policy and practice, reviewed gaps, and explored potential solutions to issues identified during this process. During the final few meetings task force members clarified specific potential solutions to pressing issues and developed recommendations for the Oversight Committee to review and forward to the full Commission for discussion and potential approval.

Each of the four task forces ranked all its recommendations in order of priority using the following decision making criteria: Which were most likely to

- Reduce recidivism and victimization
- Promote successful offender re-entry
- Result in a cost reduction or reallocation

Over a two-day period, the Oversight Committee reviewed and discussed each set of recommendations provided by the four task forces. The Oversight Committee combined similar and redundant recommendations, added clarifying language, and then weighted each recommendation according to two sets of criteria:

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

(1) The level of *support* each individual Oversight Committee member gave the recommendation (on a scale of 1-3, which was averaged across the members), and

(2) On a similar scale of 1-3, the *impact* of each recommendation based on a combined assessment of these factors:

- Number of people the recommendation affects,
- Cost savings or re-allocation, and
- Furthers the mission of the Commission as it relates to system change and recidivism reduction.

Focus groups with crime victims

After the recommendations were approved by the Oversight Committee on Re-Entry, and before they were presented to the full Commission, three focus groups of victims were convened to obtain feedback from victims and representatives of crime victim organizations. The Division of Criminal Justice's Office of Research and Statistics and the Office of Victims of Crime identified 18 recommendations expected to be of interest to the victim community and which also received a high level of support from the Oversight Committee. To obtain input from across the state, focus groups were held in Denver, Glenwood Springs and Pueblo. Each focus group was asked to review and discuss different recommendations. To quantify the feedback, focus group participants were asked to vote on each recommendation, reflecting whether they "could live with the recommendation or not." These scores, including the number who abstained from voting, along with individual comments about each recommendation were summarized in a report to Commission members. This report is available in Appendix K.

Commission recommendation review and voting protocol

The Commission held a two-day meeting to fully discuss and vote on the 74 task force recommendations. On the first day, Commission members provided an initial vote of their degree of support for each of the recommendations. Voting options were:

- I support it,
- I can live with it,
- I do not support it, and
- I need additional information/time to discuss it later in the meeting

Day 1 approval thresholds. On the first day, recommendations with "I support" votes from 70 percent or more of the members were approved "as is" with little or no modification. Any recommendation with approximately 50 percent or more indicating "do not support" were tabled without further consideration. Recommendations not approved or rejected in this meeting were held for further discussion and a re-vote on the second day of the Commission meeting. Thresholds were only "approximate" when rounding was necessary (e.g., a threshold of 15.4 members was rounded to 15 members, resulting in slightly less than 70 percent).

On the first day of recommendation deliberation, the Commission members approved 49 recommendations "as is," rejected one recommendation, and held back 24 recommendations for a second day of deliberation.

Day 2 approval thresholds. As planned, on Day 2 of the meeting, the 24 pending recommendations were reviewed and discussed by Commission members. Several of the recommendations were reworded for clarity and a few were combined. Commission members voted again to determine the degree of support for these recommendations. The vote alternatives on Day 2 were:

- I support it,
- I can live with it, or
- I do not support it

The approval and disapproval thresholds were modified from the first day of voting. Approval was reached when at least 75 percent of the members voted either "I support" or "I can live with" a recommendation. A recommendation was rejected when 30 percent or more of members' votes fell in the "I do not support" category. As in Day 1, thresholds were only "approximate" when rounding was necessary (e.g., a threshold of 16.5 members was rounded to 16 members, resulting in slightly less than 75%).

Of the 24 pending recommendations, the Commission members approved 16 and rejected 6. Including the recommendations reviewed on the first day of voting, a total of 66 recommendations were approved, and six recommendations were rejected. [42]

[42] The record of both the first and second day of voting may be found at the Commission's website (http://cdpsweb.state.co.us/cccjj/2008meetings/september/september%20documents.html).

Section 5: Recommendations for Improvements in the Re-Entry Process

Background

Just over half of the men and women released from the Colorado Department of Corrections in FY 2004 returned to DOC within three years.[43] In FY 2007, 4,055 individuals entered the Department of Corrections (35 percent of total admissions) due to failure while on parole; about 25 percent (1,008 individuals) had been convicted of new criminal behavior and returned to prison with a new sentence.

Among the 3,047 in FY 2007 who returned for noncompliance of their parole supervision conditions,[44] some portion of these will also have committed new criminal acts that ultimately were not prosecuted.[45]

It is not only former DOC inmates who fail community supervision. In FY 2008, of the 5,222 individuals placed in community corrections residential facilities in Colorado, 2,333 were transitioning from prison into the community and 2,880 were sentenced by the court to halfway house programs.[46] Just over one-third of these offenders failed this placement, many of whom were then sent to prison.[47]

According to a recent report from the Division of Probation Services, on June 30, 2007, 49,448 adults were serving probation sentences in Colorado, and 19,717 terminated their probation sentence. Of those who terminated their sentence, seven percent committed a new crime (1,395) and 32 percent (6,269) failed for noncompliance with supervision conditions. Just over half of those arrested for a new crime were sentenced to DOC (747) and another 1,433 were sentenced to DOC for failing supervision conditions. Rather than receiving a DOC sentence, many more from probation were sentenced to county jails: 704 received jail sentences for new crimes committed while on probation, and 4,153 received jail sentences for failure while on supervision. [48]

The costs of criminal justice placements are significant. Table 1 presents the FY 2007 annual costs to supervise and incarcerate offenders in Colorado. The costs vary by intensity of the supervision and the prison security level.

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[43] Rosten, K. (2008). *Fiscal Year 2007 annual statistical report (*Table 57, page 72). Colorado Springs, CO: Colorado Department of Corrections.
[44] Harrison, L. (2008). *The status of the parole violator population in Colorado (*see Appendix A). Denver, CO: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.
[45] An analysis of the rearrest rates of Colorado DOC inmates released on parole in FY 2002 found that 24.4 percent (491 individuals) returned to prison on a technical violation had been arrested but not charged with a new crime. Six percent (121 individuals) of those returned as a technical violator had been arrested but not charged for a violent crime. The most frequent arrest charges were misdemeanor assault, drug-related offenses including DUI, theft/fraud/larceny, escape, and resisting/obstructing an officer. (Information obtained from a special analysis conducted in August 2008 by Linda Harrison, Division of Criminal Justice memorandum from Linda Harrison to Kim English (July 9, 2008), see Appendix B).
[46] In Colorado, the community corrections system consists of 32 locally-operated halfway houses across the state. The halfway house system serves two distinct populations, those who are transitioning from prison ("halfway out" of prison) and those receiving a sentence from the court with greater sanctions and structure than probation supervision ("halfway into" prison). See http://dcj.state.co.us/occ/ for more information.
[47] In FY 2008, approximately 20 percent of community corrections placements failed with technical violations, 12 percent absconded from the program, and two committed new crimes. The exact number of offenders consequently placed in prison was unavailable. Special analysis conducted using the Office of Community Correction client termination database by Christine Adams (November 2008), Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.
[48] Wilks, D., & Nash, K. (2008). *Pre-Release termination and post-release recidivism rates of Colorado's probationers: FY 2007 releases.* Denver, CO: Evaluation Unit, Division of Probation Services, Colorado Judicial Branch.

Table 1: Annual adult criminal justice placement costs in Colorado in FY 2007

	Annual Cost
COMMUNITY	
Regular probation	$1,121
Special supervision probation program for women	$2,505
Intensive supervision probation	$3,275
Intensive supervision probation/sex offender	$5,038
Diversion -- Residential Community Corrections	$12,457*
INCARCERATION	
County Jails	$22,000**
Department of Corrections (DOC)	$27,558 state facility $19,231 private facility
DOC Reception and Diagnostic Center	$54,790
Youthful Offender Center	$68,818
San Carlos Psychiatric Facility	$65,818
Colorado State Penitentiary	$39,400
Denver Women's Correctional Facility	$33,445
Medium security facilities	$27,302
Restricted minimum security facilities	$23,397
Minimum security facilities	$22,578
COMMUNITY, POST PRISON	
Transition -- Residential Community Corrections	$12,457*
Regular parole	$3,401
Intensive supervision parole	$8,319

Notes: *In community corrections, offenders are expected to pay an additional $17/day. The current average collection rate is $14/day.
**County jail costs vary depending on size and programming available.
Source: Information obtained from the Division of Probation Services, DOC, and DCJ's Office of Community Corrections, and compiled by DCJ researchers for presentation to the Colorado Criminal and Juvenile Justice Commission, February 8, 2008.

National Research Council

Because the United States has the highest incarceration rate in the industrialized world and has the highest number of former prisoners returning to communities, the National Research Council of the National Academies, Division of Behavior and Social Sciences and Education, requested that its Committee on Law and Justice compile research on models of community supervision designed to reduce recidivism. It published its comprehensive report in January 2008, which served as one of several timely educational materials for the deliberation of the Oversight Committee and the Re-entry Task Forces. The National Research Council report includes the following findings:[49]

- Parolees are a heterogeneous group and their rates of recidivism vary widely; there is no average parolee.
- Releasees who have just served their first prison sentence have much lower rates of recidivism than those who have been imprisoned multiple times, regardless of age, ethnicity, gender, and crime type.
- Cognitive-behavioral treatment programs can reduce recidivism significantly, especially among young people and high-risk offenders.
- Inadequate program implementation threatens the benefit these programs might provide.
- The first days and weeks out of prison are the riskiest for both the releasee and the public. Recidivism is most likely during this period, and death rates among the released population are 12 times that of the general population in the first weeks following release.
    - Concentrating supervision and services in the first days and weeks out of prison is likely to have the greatest effect on recidivism reduction.
- Strong ties to work, and stable marriages, appear to be particularly important in reducing recidivism.
- Administrators of both in-prison and post-release programs should redesign their activities and redirect their resources to provide major support at the time of release.
- Individuals should not leave prison without an immediately available plan for post-release life.
    - Intensive and detailed prerelease and post-release counseling;
    - Immediate enrollment in drug treatment programs;
    - Intense parole supervision;
    - Assistance finding work;
    - Short-term halfway houses;
    - Mentors who are available at the moment of release; and
    - Assistance in obtaining identification, clothes, and other immediate needs.

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

- Intensive supervision increases recidivism unless it is combined with drug treatment, community service and employment programs.
    - Employment and education programs must provide workers with credentials that meet private-sector demands.
- Positive incentives for supervision compliance are important complements to sanctions for behaviors that violate conditions of supervision (incentives and rewards for specific positive behaviors can include less intrusive supervision and the remission of previously collected fines).
- Greater contact with family during incarceration (by mail, phone or in-person visits) is associated with lower recidivism rates.

Finally, the National Research Council's report included a discussion of research pertaining to individual change, and suggested that policy makers and program administrators set realistic goals in terms of punishment and rewards. The authors suggest that the goal of crime reduction programs be "less offending, and less serious offending," rather than zero offending, particularly by high-rate offenders released from prison: "Empirical research on desistance [from crime] has consistently demonstrated that this goal can be achieved."[50]

CCJJ 2008 recommendations

The 66 recommendations below are organized into the following four categories: (1) Those that require legislative action; (2) General principles about improving work processes to ensure that efforts to reduce recidivism are consistent with research, justice, and the overall philosophy the Commission intends to promote; (3) Changes to business practices that are consistent with research-based recidivism reduction strategies; and (4) cost savings. The latter category provides only a few examples of recommendations that, if properly implemented, could lead to substantial cost savings.

For those interested in reviewing the recommendations by agency and by topic, please see Appendix L.

LEGISLATIVE RECOMMENDATIONS

L-1 DRIVER'S LICENSE RETENTION

Because the loss of a driver's license is a significant barrier to employment, and because employment is linked to crime reduction, abolish those portions of a statute that require the mandatory revocation or suspension of the defendant's driver license for a conviction/adjudication of non-driving offenses.[51] This recommendation does not apply to child support enforcement.

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[50] Laub, J., & Sampson, R. J. (2003). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Cambridge, MA: Harvard University Press; Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), *Handbook of the life course.* New York, NY: Kluwer Academic/Plenum; Sampson, R. J., Laub, J.H., & Wimer, C. (2006). Does marriage reduce crime? A counterfactual approach to within individual causal effects. *Criminology, 44*, 465-508; Ezell, M.E., & Cohen, L.E. (2005). *Desisting from crime: Continuity and change in long-term crime patterns of serious chronic offenders.* Oxford, UK; Oxford University Press.

[51] The relevant statutes are as follows: C.R.S. 18-4-409 Aggravated motor vehicle theft; 18-4-501 Criminal Mischief; 18-4-509 Defacing Property (definitions); 18-5-118 Offenses involving forgery of a penalty assessment notice issued to a minor under the age of eighteen years – suspension of driving privilege; 18-18-404 unlawful use of controlled substance; 18-18-405 Unlawful distribution, manufacturing, dispensing, sale, or possession (this includes buying alcohol for a minor); and 18-18-406 Offenses relating to marihuana and marihuana concentrate.

DISCUSSION

Although loss of a driver's license may be intended to serve as a deterrent, many defendants are not aware that this is a possible sanction for their crime. In addition, the mandatory driver's license revocation creates an obstacle to the successful completion of supervision for a variety of reasons. Driver's license revocation inhibits one's ability to work, receive or attend treatment or other appointments in a timely manner, provide useful public service, or even meet with supervising officers. Public transportation is often inadequate and can create barriers to the successful completion of supervision for individuals who are prohibited from driving. The theory that the removal of a driver's license for non-driving offenses is a deterrent to specific criminal behaviors is not supported by research.[52] *This recommendation excludes the loss of one's driver's license for failure to pay child support as good leverage to encourage payment.*

L-2 REVISE TRUSTEE CALENDAR STATUTE

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

DISCUSSION

This modification allows for the equitable application of time credits in county jails and will moderately reduce the average length of stay.

L-3 GOOD TIME CREDITS FOR JAIL INMATES

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

DISCUSSION

"Good time" is time subtracted from one's sentence as a result of positive behavior and is awarded by the institutional administrator. This differs from "earned time" that is time awarded for program or work participation.

Jail administrators have few opportunities to provide incentives for extraordinary, positive behavior by inmates in county jails. This incentive for good behavior encourages offenders not to simply wait out their sentences.[53] *Furthermore, it is believed by Commission members that the awarding of good time will have an immediate impact on the cost associated with burgeoning jail populations.*

In 2006, a lawsuit was filed against the Denver County Jail that challenged the awarding of good time as discretionary departures from the strict wording of the existing good time statute. The consequence of this lawsuit, which removed community variations, increased the Denver County and Arapahoe County jail populations by ten percent. Other county jail populations may have increased as well. Consequently, case law interpretation is currently guiding good time practices in jails statewide. This recommendation is intended to make clear the intent and purpose of good time awards.

[52] Andrews, D.A., Zinger, I., Hoge, R.D., Bonta, J., Gendreau, P., & Cullen, F.T. (1990). A human science approach or more punishment and pessimism – rejoinder. *Criminology, 28,* 419-429; Lipsey, M.W. (1989, November). *The efficacy of intervention for juvenile delinquency: Results from 400 studies.* Paper presented at the annual meeting of the American Society of Criminology, Reno, NV.

[53] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community.* New York, NY: Re-entry Policy Council.

L-4 EARNED TIME CREDITS FOR JAIL INMATES

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

DISCUSSION

C.R.S. 17-26-109 currently states that, with the exception of those that escape or attempt to escape from a county jail, any person "who performs faithfully the duties assigned to him during his imprisonment therein is entitled to a deduction from the time of his sentence of two days in each month." It is the intention of this recommendation to allow sheriffs the discretion to vary the amount of earned time awarded to an inmate based on performance in programs as well as the demonstration of behaviors that are above and beyond requirements. This discretion will provide incentives to the inmates to behave in a positive manner as well as participate in programs. Furthermore, it can be developed such that this discretion is not in violation of a standardized range recommended in L-3.

L-5 REMOVE BARRIERS TO EDUCATION FUNDING

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

DISCUSSION

Currently, most education programs in DOC facilities are administered and funded by the DOC. With the realization that increased educational attainment has a direct positive correlation with reduced levels of recidivism, the DOC and Department of Higher Education, through the Colorado Community College System (CCCS), are exploring (and currently piloting at one community college) a new approach to inmate education. Specifically, under this program inmates can enroll directly in a community college while still in prison and thus receive community college credit and a community college transcript upon completing a course.

While DOC has been able to fund this pilot project with CCCS using its own education program funding, a significant expansion to add community colleges for all interested inmates is not feasible at current funding levels.

Colorado provides funding for higher education institutions in part through the College Opportunity Fund (COF). The COF is not a loan, nor is it financial aid. Rather, COF vouchers are applied to a student's bill, irrespective of that student's age, income, or financial aid eligibility. Thus, inmates who are enrolled at a participating institution of higher education should be eligible for COF. Inmates should also have access to educational programs funded through other sources, for example, grants to DOC or to the state. However, current statutory language makes unclear an inmate's ability to have his/her higher education courses paid for by any state or other sources. Moreover, inmates are by federal law not eligible for federal financial aid, and often state financial aid follows federal guidelines. Colorado statute [C.R.S. 17-32-105] states that "Costs associated with the college-level academic programs shall be borne entirely by the person participating in the program." This statute, while referring to "academic" programs and not career technical education (the primary focus of the programs included in the DOC-CCCS partnership) impedes an inmate's access to post secondary education even though it should not impact an inmate's eligibility for COF.

The following four recommendations concern bonding practices. Responding to the problems associated with bond requires addressing four distinct areas of concern: the use of summonses, establishing a bond-to-the-court system, creating bond commissioners, and developing bond schedules. Recommendations L-6, L-7, L-8 and L-9 address the various issues regarding bonding.

L-6 SUMMONS IN LIEU OF ARREST WARRANT

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

DISCUSSION

The implementation of this recommendation would result in a reduction in the number of pretrial detainees without compromising public safety. Poor offenders are disproportionately unlikely to bond out of jail. In those cases, bonding becomes punitive and often results in loss of job, income, housing, and child custody.

This recommendation requires local law enforcement agencies to review current policies and practices in light of reserving the use of jail cells for the most serious incarceration population. Issuing a summons in lieu of arrest has been a recommended practice for decades. Incarceration is costly and may interfere with the individual's employment and family commitments.

L-7 BOND-TO-THE-COURT SYSTEM

Draft legislation to permit judicial districts to develop a percentage bond-to-the-court (see HB 08-1382), as is provided by the federal court system. Such percentage bond does not eliminate other types of bonds.[54]

DISCUSSION

The current bonding process creates a variety of difficult challenges for the inmate, the inmate's family, and the community. Specifically, there are disproportionate and punitive consequences simply from the inability to make bond (e.g., loss of job, income, housing, children, etc.). By allowing judicial districts to develop a percentage bond-to-the-court system, bond amounts could be made more reasonable and attainable for the individual.

National data show that two-thirds of criminal defendants are required to post bond in order to be released pre-trial and 87 percent of felony defendants are sufficiently indigent as to receive either a court-appointed attorney or a public-defender.[55] *Thus, it is not surprising that 56 percent of the inmates being held in local jails have not been convicted of any crime but are instead simply awaiting adjudication of their case.*[56] *It is reasonable then to understand that financial bond requests should be attainable to the individual. This corresponds with bail standards set by the American Bar Association (ABA) and the National District Attorney's Association (NDAA). Specifically, it is stated that financial bail/bond should be used minimally or as a last resort (American Bar Association, 2003, Standard 10-5.3(a)). In addition, "there should be a presumption that the defendant is entitled to be released on*

[54] This bail bond alternative, which would require legislation by amendments to C.R.S. 16-4-104 and 105, is already in potential draft form in House Bill 08-1382 from the last legislative session.
[55] Cohen, T.H., & Reaves, B.A. (2006). *Felony defendants in large urban counties.* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.
[56] Sabol, W.J., Minton, T.D., & Harrison, P.M. (2007). *Prison and jail inmates at midyear 2006.* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

order to appear or on personal recognizance" and that financial guarantees should only be applied when absolutely necessary (National District Attorney's Association, 1991, Standard 45.5(a)(1)). National Prosecution Standards: Second Edition Standard 45.5(a)(1)).[57]

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

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

DISCUSSION

Just as a bondsman keeps a set percentage of a bond for profit, this legislation would allow the court to retain a predetermined percentage of the bond to pay for programs, including the bonding program and other pretrial services.

L-9 BOND APPLIED TO PRIORITY OF PAYMENTS

Before any refund to the defendant at the conclusion of the case, the bond held by the court shall be applied according to the priority of payments per C.R.S. 18-1.3-204(2.5).[58]

DISCUSSION

The implementation of this recommendation will increase the collection of fees. The expansion of the practice described in this recommendation, in combination with implementing a statute that permits cash bond-to-the-court (see Recommendation L-7), has the potential to reduce violations and recidivism related to failure to pay fines, fees, costs, and restitution.

L-10 INCREASE "GATE MONEY"

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

DISCUSSION

*It is known that offenders often have limited funds when released from prison. More specifically, an offender leaving the Department of Corrections currently receives $100 upon their release in "gate money" for immediate essentials such as transportation, clothing, hygiene items, food, and sometimes even short-term housing. The $100 gate money amount has not increased since 1972 and has not kept up with the rise of inflation. According to inflation calculations, items that cost $*100 *in 1972 would cost $*490.53 *in 2007. While an increase in gate money is supported by the Commission, it is important to note that this support is specifically for first-time parolees. Community corrections beds used for return-to-custody are excluded from this recommendation.*

[57] Jefferson County Justice Services, Criminal Justice Planning has been reviewing state and national research and practices on bonding for the past year and will be issuing a comprehensive report of findings and recommendations in early 2009. The Jefferson County report may identify other areas of reform that the working group on the statewide bonding schedule may want to consider. Representatives from Jefferson County who have been working on the bond project have been invited to participate in CCJJ task force discussions of this issue.

[58] This statute specifies the order of priority for offender fees.

L-11 PROMOTE PARTNERSHIPS FOR CORRECTIONAL FACILITES

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

DISCUSSION

Between May and July, 2008, Post-Incarceration Supervision Task Force Leader Christie Donner conducted interviews with more than 50 professionals and lay people involved in the Colorado criminal justice system. The intended scope of the project was to capture people's vision for an ideal parole structure. An issue that was consistently raised was the need to expand the inventory of transition beds, and to include a work-release option.

Capital construction costs for prisons create a significant drain on state resources. A lengthy waiting list exists for DOC inmates who are eligible (but have not been accepted by local community corrections boards) yet for whom there is no transition bed space available. These community-eligible inmates remain in the custody of the Department of Corrections.

Local communities frequently resist the expansion of community corrections facilities. However, some local officials are willing to share construction costs and the management of facilities built on property adjacent to county jails. Under these circumstances, both zoning and the potential for greater public acceptance of the facility could permit construction.

These facilities also could provide a local resource for intermediate sanctions including work release for technical parole violations allowing the parolee to maintain employment with greater structure and allowing a period of stabilization.

L-12 EARLY TERMINATIONS OF PAROLE

The Commission requests that the Department of Corrections develop and implement a standardized policy regarding early terminations of parole and require parole officers to submit such requests to the parole board when a parolee has served at least half of the parole period and has met other risk reduction benchmarks. In addition, the Department of Corrections should provide data on the numbers and decisions of early termination requests to the Division of Criminal Justice. The Commission further requires that such request comply with the Victim's Rights Act.[59]

DISCUSSION

There is no meaningful or statistical connection between the length of time required on parole and successful completion of parole. In fact, researchers assert that discretionary parole release should be reinstituted where it has been abolished as a way to reverse the trend toward automatic mandatory release.[60] *Petersilia (2003) has found that prisoners released through discretionary parole have higher rates of success than those released automatically when their sentences expire, even when controlling for the type of crime, criminal history, and personal characteristics.*[61] *Furthermore, Latessa and Lowenkamp (2006) have found that continuing supervision beyond the point where someone has met the goals of supervision can be counterproductive.*[62] *With that in mind, a*

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

mechanism should be available for the early termination of parole for those who have met the specific goals of supervision.

GENERAL PRINCIPLES

GP-13 PROBATION'S RESPONSE TO TECHNICAL VIOLATIONS

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

DISCUSSION

The systematic use of evidence-based practices increases the likelihood that offenders will successfully reintegrate into the community. Evidence-based programs and practices rely on sound theory and are considered to be effective according to rigorous scientific evaluation.[63] *However, the key term here is "systematic." Petersilia (1999) has found in a nationwide study that planned treatments are often not delivered.*[64] *Offenders who did receive their planned treatment in addition to surveillance had lower (10-20 percent) recidivism rates than those that did not receive this ideal combination.*

Research shows that the systematic use of evidence-based practices can reduce recidivism and improve public safety.[65] *Significant efforts are underway to improve district court probation services in Colorado by applying the principles of evidence-based practices in case management and the response to technical violations. The Commission supports these efforts.*

GP-14 STANDARD CONDITIONS OF PROBATION

The 19 standard conditions of probation should be reviewed by the Probation Advisory Committee.[66] **The Probation Advisory Committee should consider requiring only those conditions that are tailored to each individual, and based on criminogenic risks/needs, and victim and community safety. The PAC should invite members of the CCJJ Re-Entry Probation Task Force to participate in this review. The condition to remain crime-free is reasonable for all offenders.**

DISCUSSION

Currently there are 19 standard conditions of probation that are applied to every probationer across the state. However, all of these conditions may not be appropriate for every individual on probation, and may be counterproductive to the offender's successful completion of probation.

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[60] Petersilia, J. (2003). *When prisoners come home: Parole and prisoner reentry.* New York, NY: Oxford University Press.
[61] Ibid.
[62] Latessa, E.J., & Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal, 3*, 521-535.
[63] Center for Substance Abuse Treatment. (2007). *Understanding evidence-based practices for co-occurring disorders. COCE Overview Paper 5.* DHHS Publication No. (SMA) 07-4278. Rockville, MD: Substance Abuse and Mental Health Services Administration, and Center for Mental Health Services.
[64] Petersilia, J. (1999). A decade of experimenting with intermediate sanctions: What have we learned? *Corrections Management Quarterly, 3*, 19-27, also available at http://www.seweb.uci.edu/users/joan/Images/A_Decade.pdf.
[65] Latessa, E.J., & Lowenkamp, C.T. (2006). What works in reducing recidivism? *St. Thomas Law Journal*, *3,* 521 - 535.
[66] The national average number of supervision conditions is eleven, according to probation researcher and Professor Faye Taxman at Virginia Commonwealth University.

Empirically-based risk/needs assessment instruments should direct the development of individual conditions of supervision. Research shows that supervision resources should be targeted to high-risk probationers who require a structured environment, intensive supervision, and firm accountability for program participation.[67] *For instance, minimal resources should be devoted to the lowest risk offenders. The development of meaningful and individualized conditions of probation will make efficient use of resources, provide offender accountability, and enhance public safety.*

GP-15 CASE PLAN IMPLEMENTATION

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

DISCUSSION

The individualized case plan is a fundamental component of evidence-based practice. It must focus on the individual's deficits and strengths in education, employment, family ties and responsibilities, positive peer associates, financial situation, and needs for services and treatment. The case plan should describe the actions required to prepare the individual for release from incarceration. Latessa and Lowenkamp (2006) have found that targeting services and programming to a minimum of four criminogenic need domains is critical to reducing recidivism.[68]

GP-16 INVEST IN EVIDENCE-BASED PROGRAMS

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

DISCUSSION

Regarding programming, the Commission finds that there are significant weaknesses in the following:

- *Conformity of supervision and treatment practices with established case plans;*
- *Conformity of treatment programs with evidence-based models and theories;*
- *Continuity of care in education and treatment as offenders move throughout incarcerated placement;*
- *Exchange of treatment and education records within and across agencies; and*
- *Availability of treatment and education programs in facilities.*

The criminology research has clearly identified the types of programs and practices that reduce recidivism.[69] *It has been found that individuals who receive substance abuse treatment immediately after being released from prison have a reduced risk of frequently using drugs.*[70]

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[67] Gendreau, P., & Little, T. (1993). *A meta-analysis of the effectiveness of sanctions on offender recidivism.* Unpublished manuscript, University of New Brunswick, Saint John.
[68] Latessa, E.J., & Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal, 3*, 521-535.
[69] For a comprehensive review of the literature, see Pryzybylski, R. (2008). *What works, effective recidivism reduction and risk-focused prevention programs*. Denver, CO: Division of Criminal Justice, Office of Research and Statistics.
[70] Visher, C.A. & Courtney, S.M.E. (2007). *One year out: Experiences of prisoners returning to Cleveland.* Washington, D.C.: The Urban Institute.

GP-17 TRANSFERABILITY OF PROGRAM AND TREATMENT PARTICIPATION

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

DISCUSSION

This recommendation is intended to address the efficient use of resources. Programs offered to offenders and completed in one agency are not always transferable and accepted in another agency. For example, an offender in the Department of Corrections may complete a course in domestic violence; however, when that same offender is transferred to parole or community corrections he may be required to take that agency's specific course on domestic violence. When treatment has been completed and the offender's behavior has been modified, mandating redundant treatment is an inefficient use of resources. However, when an offender's performance indicates the need for additional or further treatment, it is sensible to continue or require additional treatment. This includes, but is not be limited to, treatment related to domestic violence, sex offenses, substance abuse, parenting and mental health.

GP-18 MATCH INSTITUTIONAL PROGRAMS WITH OFFENDER NEEDS

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

DISCUSSION

This recommendation is based on the observation by the CCJJ Incarceration Task Force members that offender needs are not always met by the available resources. Thus, it is important to identify what services currently exist and then compare this availability to the needs of the corresponding offenders.

GP-19 EVALUATION OF TREATMENT PROVIDERS

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

DISCUSSION

The practices of treatment providers remain relatively unknown, with the exception of a handful of program evaluations. For example, The Division of Criminal Justice, Office of Research and Statistics, evaluated the Department of Corrections' Youthful Offender System[71] *and its sex offender therapeutic community.*[72] *However, the findings from these evaluations can be generalized only to the time period of each study. This lack of knowledge about the range of treatment assessments and service delivery makes it difficult to assess the value of any single program. Also, understanding the specific information about services delivered provides the first step toward continuity of correctional treatment so that programming in the community can build on institutional programming.*

[71] Trolio, E.D., Rodriguez, J.M., English, K., & Patrick, D.C. (2002). *Evaluation of the youth offender system (YOS) in Colorado: A report of findings per C.R.S. 18-1.3-407.* Denver, CO: Division of Criminal Justice, Office of Research and Statistics; Rosky, J.W., Pasini-Hill, D., Lowden, K., Harrison, L., & English, K. (2004). *Evaluation of the youthful offender system (YOS) in Colorado: A report of findings per 18-1.3-407, C.R.S.* Denver, CO: Division of Criminal Justice, Office of Research and Statistics.

[72] Lowden, K., Hetz, N., Harrison, L., P., D., English, K., & Pasini-Hill, D. (2003). *Evaluation of Colorado's prison therapeutic community for sex offenders: A report of findings.* Denver, CO: Division of Criminal Justice, Office of Research and Statistics.

GP-20 INCREASE IN MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT

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

DISCUSSION

Significant deficits exist in the availability of substance abuse and mental health treatment options for people in Colorado (including, but not limited to offenders in the criminal justice system). In 2001, Colorado ranked 31 among the 50 states in state expenditures for mental health services, spending $64.00 per capita.[73]*According to the National Research Council (2008), in the 1960s and 1970s, hospitals for people with mental illness were closed mainly because of the belief that providing medications and case management could occur in the community in a more "normalized" environment.*[74] *However, the community-based mental health system was never fully funded. The lack of community facilities for mentally ill people has had the unintended consequence of making the criminal justice system the primary public response to problem behaviors associated with severe mental illness. Colorado Department of Corrections statistics show that in 2005, 25 percent of Colorado inmates were found to have significant mental health needs.*[75] *The symptoms of mental illness often contribute to individuals becoming involved with the criminal justice system and also keep them incarcerated longer than other people.*[76] *The Commission believes increased funding for both substance abuse and mental health treatment for all of Colorado's citizens will have a significant impact on offenders in the criminal justice system as well as those at risk of becoming involved in the criminal justice system.*

Skeem and Louden (2006) found that a link between mental illness and supervision failure is indirect and complex.[77] *These researchers also found that officers who blended the dual role of therapist/supervisor, compared to those using traditional supervision approaches, were more effective at reducing short-term risk for re-arrest due to technical violations for both probationers and parolees with mental illness. In addition, these agencies were found to be better at connecting the offender with the treatment they needed as well as at improving the individuals' emotional and physical well-being. Although this type of specialized supervision for mentally ill offenders may not be feasible in all jurisdictions, it is important for the state to provide the needed mental health and substance abuse services. The discussion in GP-20 also addresses the issues raised in GP-21.*

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

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

[73] www.statemaster.com, accessed September 3, 2008.
[74] National Research Council. (2008). *Parole, desistance from crime, and community integration*. Washington, D.C.: National Academies Press.
[75] Schnell, M.J., & Leipold, M.O. (2006). *Offenders with mental illness in Colorado.* Colorado Springs, CO: Colorado Department of Corrections.
[76] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community.* New York, NY: Re-entry Policy Council.
[77] Skeem, J.L., & Louden, J.E. (2006). Toward evidence-based practice for probationers and parolees mandated to mental health. *Psychiatric Services, 57,* 333-342.

GP-22 IDENTIFY AND ADDRESS RE-ENTRY SERVICE GAPS

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

DISCUSSION

Sound discharge planning is a critical component to ensure continued care for offenders as they transition from incarceration to the community. Currently there are inadequate assessments and case plans completed on offenders prior to release from incarceration. Also, there are no standards requiring this practice.

At the same time there is also a need to inventory resources and the capacity for release across Colorado communities. Research suggests that "front-loading" the available services upon release from incarceration will provide the most optimistic outcome.[78] *In most jurisdictions, however, no single entity or agency has the clear responsibility to connect released prisoners to health care systems and other support systems. Consequently, efforts to ensure continuity of care after release from prison and jail are often inadequate.*

GP-23 EXPAND EXISTING APPRENTICESHIP PROGRAMS

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

DISCUSSION

Offenders transitioning out of the Department of Corrections may not have had the opportunity to develop market-relevant job skills while incarcerated. Most people in prison have low levels of educational achievement, limited job skills and also report low earnings prior to their incarceration. About one-third of prisoners participate in vocational programs at some point during their incarceration. However, according to the Council of State Governments (2003)[79] *and Travis, Keegan and Cadora (2003)*[80]*, demand for programming often exceeds supply, resulting in waiting lists for many programs. Researchers show that offenders who have participated in work programs are more likely to be employed following release and tend to earn more than nonparticipants.*[81] *To ensure that the education and training provided to inmates in prison and jail corresponds with the prevailing job market, it is critical that corrections officials work closely with community-based workforce and employment services providers.*

[78] Grattet, R., Petersilia, J., & Lin, J. (2008). *Parole violations and revocations in California.* Irvine, CA: Center for Evidence Based Corrections.
[79] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community.* New York, NY: Re-entry Policy Council.
[80] Travis, J., Keegan, S., & Cadora, E. (2003). *A portrait of prisoner re-entry in New Jersey*. Washington D.C.: The Urban Institute.
[81] Adams, K., et al. (1994). A large-scale multidimensional test of the effect of prison education on prisoners' behavior. *The Prison Journal, 74,* 433-449; Steurer, L.S., Smith, L., & Tracy, A. (2001). *Three-state recidivism study.* Lanham, MD: Correctional Educational Association.

GP-24 EDUCATIONAL OPPORTUNITIES FOR OFFENDERS AND STAFF

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

DISCUSSION

The Commission believes the Departments of Corrections and Higher Education should collaboratively develop more educational opportunities for inmates and staff. Research from the Council of State Governments (2003) shows that individuals who have the ability to meet the requirements for postsecondary education that prevail in today's labor market are more likely to obtain and maintain employment, which in turn has been shown to reduce recidivism.[82] *The Council of State Governments further recommends that given the increasing number of jobs that require postsecondary education, correctional institutions, educational institutions and state governments should study the feasibility of establishing agreements with in-state colleges and universities.*

GP-25 EDUCATE HOUSING AUTHORITIES

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

DISCUSSION

Access to affordable housing can be challenging for the majority of offenders released from incarceration. It is often difficult for offenders to work with landlords and the housing authority and housing issues are even more complex for special populations (e.g., sex offenders). More than 10 percent of people leaving prisons and jails are homeless in the months before and after their incarceration, with rates higher for those in urban areas.[83] *One year after release many offenders are living with family; however, they are often living in very unstable housing situations or in less-than-desirable neighborhoods.*[84]

Due to a combination of federal and local policies, many people with criminal histories are excluded from federally subsidized housing. Furthermore, the Council of State Governments (2003) finds that Public Housing Authorities have substantial local discretion and can use their authority to make wholesale rejections of applications by people with criminal histories.[85]

To help with this problem, some communities have launched community development corporations (CDCs) and nonprofit housing providers have stepped into the role of proactively creating housing for people leaving incarceration. For example, in Maryland the Druid Heights CDC partnered with the Maryland Department of Corrections and dozens of other community-based service providers to establish the Re-Entry Partnership initiative. By working together these organizations develop strategies to successfully reintegrate individuals being released from Baltimore's Metropolitan Transition Center.

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[82] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community.* New York, NY: Re-entry Policy Council.
[83] Langan, P. & Levin D. (2002). *Recidivism of prisoners released in 1994*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Available at http://www.ojp.usdoj.gov/bjs/re-entry/recidivism.htm.
[84] Visher, C.A., & Courtney, S.M.E. (2007). *One year out: Experiences of prisoners returning to Cleveland.* Washington, D.C.: The Urban Institute.
[85] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community*. New York, NY: Re-entry Policy Council.

GP-26 COMMUNITY CORRECTIONS INSTEAD OF PAROLING HOMELESS

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

DISCUSSION

As stated in the discussion for the previous recommendation, access to affordable housing is a major obstacle for many offenders released from incarceration. Offenders released from the Department of Corrections without a place to live are often released to a "homeless parole plan." The Commission recognizes the limitations and challenges of local community corrections boards, but the large amount of individuals who leave DOC homeless pose a significant problem. Currently in the metropolitan area, some shelters have refused to accept individuals from prison. The intent of this recommendation is to proactively limit the number of individuals who leave prison without a place to live—this instability is a public safety concern.

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

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

- **The assessment techniques used to establish the treatment needs of community corrections offenders should be evidence-based and implemented as required. This requires training of community corrections staff. The accuracy and completeness of individual offender assessments should be a part of the community corrections performance auditing process.**

- **The development of individualized treatment plans should directly reflect the identified criminogenic needs of individual offenders. The individualized treatment plans should address offender risk/needs and should be assessed as part of the community corrections performance auditing process.**

- **The treatment provided to each community corrections offender should be consistent with the individualized treatment plan developed for that offender. The quality of such treatment and its fidelity to the treatment plan should be a part of the community corrections performance auditing process.**

- **Because criminogenic needs can change during the course of treatment, reassessment of community corrections offenders should be performed in a standardized fashion and at appropriate intervals. Such information should be used to adjust the treatment plans of community corrections offenders, as required. The quality of such reassessments and plan adjustments should be a part of the community corrections performance auditing process.**

- **The efficacy of community corrections treatment plans in the prevention of recidivism should undergo formal evaluation by the Office of Research and Statistics of the Division of Criminal Justice, with appropriate funding provided for the study.**

GP-28 COMMUNITY CORRECTIONS GRACE PERIOD STUDY

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

DISCUSSION

Research shows the time period immediately following release from prison is the riskiest for the offender and the public. The National Research Council (2008) reports the peak rates for reoffending occurs in the first days and weeks out of prison.[86] *Similarly, in most community corrections programs, the time period at greatest risk for re-offense is often the first few weeks of residential treatment, during which many offenders abscond or commit technical violations. Despite this early risk, offenders are expected to find employment immediately upon arrival at the program in order to pay the required subsistence fee of $17 per day. Furthermore, Pearson and Davis (2001) found that the average Colorado parolee owes approximately $16,600 in child support when they are released from prison.*[87] *Furthermore, national research shows that most individuals returning to the community have difficulty finding employment immediately.*[88] *These financial pressures and paycheck garnishment that result from unpaid debt can increase the likelihood that an offender will participate in illegal activities and in turn discourage legitimate employment.*[89] *The Commission believes this recommendation would give the offender a stabilization period before starting to pay subsistence.*

Subject matter experts report that offenders would experience fewer failures if they underwent a period of stabilization lasting between two to four weeks after arrival at a community corrections program. The period of stabilization would include careful assessment of criminogenic needs, life skills training, stabilization with medication, and other individually appropriate treatment.

In FY 2001, the Office of Community Corrections of the Division of Criminal Justice, collaborated with Peer 1 and The Haven, two community corrections programs that provide therapeutic community services to high level drug offenders, to use Drug Offender Surcharge Funds to provide an enhanced per diem rate for offenders during the first six months of residential placement. The enhanced per diem offset the costs that would otherwise be levied against offenders for subsistence fees. This allowed offenders to delay seeking employment and thus avoided trips into the community to job-seek early in their placement, allowing them to focus on treatment instead. Escape rates declined from 25.4 percent in FY 2000 to 15.28 percent in FY 2001.[90]

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[86] National District Attorney's Association. (1991). *National prosecution standards: Second edition standard 45.5(a)(1).* Alexandria, VA: National District Attorney's Association.

[87] Pearson, J., & Davis, L. (2001). *Serving parents who leave prison: Final report on the work and family life center.* Denver, CO: Center for Policy Research.

[88] Steurer, L.S., Smith, L., & Tracy, A. (2001). *Three-state recidivism study.* Lanham, MD: Correctional Educational Association. ; *Dietrich, S.M. (2002).* Criminal records and employment: Ex-offenders thwarted in attempts to earn a living for their families. In A.E. Hirsch, S. M. Dietrich, R. Landau, P. D. Schneider, I. Ackelsberg, J.Bernstein-Baker, and J. Hohenstein (Eds.), *Every door closed: Barriers facing parents with criminal records.* Washington, D.C.: Center for Law and Social Policy and Community Legal Services; La Vigne, N., Visher, C., & Castro, J. (2004). *Chicago prisoners' reflections on returning home.* Washington, D.C.: The Urban Institute.

[89] Holzer, H.J., Offner, P., & Sorensen, E. (2004). *Declining employment among young, black, less-educated men.* Washington, D.C.: The Urban Institute.

[90] Personal communication with K. Gaipa at Peer 1 in 2001.

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

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

DISCUSSION

Most community corrections offenders remain in residential treatment for six to eight months, even though there is no clear connection between this length of stay and such performance measures as failure to successfully complete the program or recidivism. There is sufficient data to support the contention that a subset of offenders is both more likely to successfully complete a community corrections program and to avoid subsequent recidivism, especially when enhanced nonresidential services are provided. The characteristics of such offenders include: age 30 or more years, nonviolent criminal history, and stable employment and stability in the community through marriage or a committed relationship. If that subset of offenders could safely be placed in nonresidential community corrections before the completion of six to eight months of residential treatment, substantial resources could be saved.

GP-30 NEW INITIATIVES FISCAL IMPACT

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

DISCUSSION

The Commission and Re-entry Oversight Committee raised the issue of agencies seeking resources for new initiatives in a way that documents the full fiscal and non-fiscal impact of those initiatives on other entities. Carefully analyzing and quantifying the full range of expected consequences reflects the systematic and unified approach that is at the core of the Commission's recidivism reduction efforts. This documentation can be revisited in the future for review and discussion, should unintended consequences surface.

GP-31 SOA-R STUDY

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

DISCUSSION

The Division of Behavioral Health, in the Department Human Services, is undertaking a study on behalf of the Interagency Committee on Adult and Juvenile Correctional Treatment to improve the Standardized Offender Assessment of those with substance abuse problems. The Division has received a Justice Assistance Grant (JAG) and has contracted with the National Drug Research Institute to work with stakeholders to develop a "next generation" standardized assessment protocol.

BUSINESS PRACTICES

BP-32 SPECIAL CONDITIONS OF PROBATION CRITERIA

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

DISCUSSION

Judges sometimes impose special conditions of community service and treatment mandates as a matter of course rather than considering the risk/need level of the offender. Research shows that low risk offenders do not benefit from interventions,[91] *and victims often prefer that community service be related to the nature of the crime (to encourage reparation). Recommendations provided in the presentence investigation report can promote the use of such conditions. Judicial and probation officer education about evidence-based correctional practices are important components in the implementation of this recommendation.*

BP-33 MANDATORY EARNED TIME ON PROBATION

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

DISCUSSION

The decision to consider and grant early termination of probation is inconsistent across judicial districts. Mandatory earned time—in the sense that time off the sentence is mandatory and not discretionary when the offender meets specific behavioral expectations—can be an important tool to encourage the successful completion of supervision and can help make the implementation of early termination policies more consistent.

Research has found that incentives such as these result in higher success rates than do punishments. For instance, behavioral psychologists such as B.F. Skinner found that positive reinforcement is the most effective way to increase the likelihood of a desired behavior. This recommendation builds on the research that positive reinforcement is a powerful tool in supporting functional and adaptive behavior change, a concept that is widely supported by probation officers.[92] *An example might be that offenders who, through formal assessment, have been found to be in need of substance abuse treatment and who then complete drug treatment might earn a number of days off their probation sentence. The working group must ensure that the protocol for implementation of an earned time schedule comports with the Victim Rights Act.*

[91] Latessa and Lowenkamp (2006) conducted two large-scale studies of 26,000 offenders in over 100 correctional programs, including both residential and nonresidential. All of the offenders in the study had one of the following risk scores: low, low moderate, moderate, or high. Placing low risk offenders in high risk interventions actually increased recidivism by 29 percent. In fact, Latessa and Lowenkamp found that low-risk offenders placed in residential facilities had a four percent higher recidivism rate than their low-risk counterparts in the comparison group who were not placed in residential placements. Latessa, E.J., & Lowenkamp, C.T. (2006). What works in reducing recidivism? *St. Thomas Law Journal,* 3, 521-535.

[92] Chance, P. (2003). *Learning and behavior* (5th Ed.). Toronto, ON: Thomson-Wadsworth.

Petersilia (2007) points out that the process of combining behavioral contracting and accelerated parole discharge will produce tangible benefits for public safety as well as recidivism reduction and resource allocation.[93,94]

BP-34 EXPAND JUDICIAL AND PROBATION OFFICER TRAINING

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

DISCUSSION

Research suggests that a high-quality, positive relationship between the officer and offender is beneficial to a successful outcome on the part of the offender. Specifically, Skeem, Encandela, and Louden (2003) found that relationships described as respectful, personal, and approachable were found to be more effective in achieving the desired successful outcome than were more authoritarian relationships that are often the norm.[95] *Thus, it is important for probation officers to be trained in such a way that the general probation culture is designed to promote positive thinking as well as positive and respectful relationships with offender clients.*

BP-35 POSITIVE REINFORCEMENT AND INCENTIVES

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

DISCUSSION

The use of incentives is a way to respond to behavior that is clear to the offender. Evidence-based research strongly suggests that positive incentives, along with techniques such as motivational interviewing, effectively enhance motivation for initiating and maintaining behavior changes.[96] *The Commission believes this recommendation will emphasize a change and significant shift in the treatment of offenders and in turn positively affect recidivism reduction.*

BP-36 PROBATION TECHNICAL VIOLATIONS SANCTION GUIDELINES

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

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[93] Petersilia, J. (2007). Employ behavioral contracting for "earned discharge" parole. *Criminology and Public Policy, 6,* 807-814.

[94] Cox, Bantley and Roscoe (2005) found in their evaluation of Court Support Services Division's Probation Transition Program and Technical Violations Unit for the state of Connecticut, that criminal justice tends to be dominated by negative outcomes, such as violations or revocations of probation, and may thus inadvertently set up a mind-set of failure on the part of line officers. Focusing on positive outcomes, such as successful program completion and demonstrated attitude change can help to ameliorate this negative orientation and provide both concrete and positive markers to direct probation activities.

[95] Skeem, J.L., Encandela, J., & Louden, J.E. (2003). Perspectives on probation and mandated mental health treatment in specialized and traditional probation departments. *Behavioral Sciences and the Law, 21,* 429-458.

[96] Miller, W., & S. Rollnick. (2002). *Motivational interviewing: Preparing people for change.* New York, NY: Guilford Press.

DISCUSSION

Responses to probation technical and criminal violations appear to be inconsistent across the state. However, it is known that the positive reinforcement to punishment ratio should be 4:1.[97] *Positive incentives for compliance have been found to be important complements to sanctions for violations. Andrews and Bonta (2003) discuss rewards in the corrections process as a means of encouraging compliance with program requirements.*[98] *One way of giving positive reinforcement in behavior modification is by providing compliments, approval, encouragement, and affirmation. This is generally seen as being effective in altering behavior in a desired manner.*[99]

The National Institute of Corrections promotes a "new generation" of policy to guide officer decision making regarding technical violations.[100] *Administrative violations are inevitable, particularly given that the issues that led an individual into the justice system will most likely continue until they learn new skills. The violation severity and offender's risk to the community should direct the development of these guidelines. The development of guidelines should include the identification of a range of local sanctions that prioritize offender accountability.*[101]*Note that violation of a no-contact condition is a special condition of probation and should be considered a serious behavior.*

BP-37 PRIORITIZE OFFENDER EMPLOYMENT OVER ROUTINE COURT REVIEW HEARINGS

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

DISCUSSION

Some judges favor the use of court hearings during the course of probation so that offenders can "check in" with the judge. This practice varies considerably across jurisdictions and amongst judges. These meetings can increase docket schedules and may, for some offenders, create transportation and employment hardships that may lead to unsuccessful probation outcomes.

BP-38 RESOLVE NEW COUNTY COURT CASES QUICKLY

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

BP-39 DEVELOPMENT OF STATEWIDE BOND SCHEDULE

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

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[97] Andrews, D.A., & Bonta, J. (2003). *Psychology of criminal conduct* (3rd Ed.). Cincinnati, OH: Anderson Publishing Co.
[98] Ibid.
[99] Gendreau, P. (1996). The principles of effective intervention with offenders. In A. T. Harland (Ed.) *Choosing correctional options that work: Defining the demand and evaluating the supply*. Thousand Oaks, CA: Sage Publications.
[100] Carter, M. (Ed.). (2001). *Responding to parole and probation violations: A handbook to guide local policy development*. Silver Spring, MD: Center for Effective Public Policy.
[101] This statement reflects a sentiment expressed during the CCJJ victim focus group conducted on September 2, 2008.

DISCUSSION

A survey of monetary bond schedules undertaken on behalf of the Commission found extraordinary variation across judicial districts. Furthermore, while one county had no monetary bond schedule another's schedule was dated February 1963. The Commission seeks clarity in the use of bonding decisions even as it prioritizes the use of summons rather than arrest and bond.

BP-40 ESTABLISH BOND COMMISSIONERS

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

DISCUSSION

This recommendation prioritizes the use of individual-level assessments that consider public risk, ties to the community, employment, and the offender's ability to pay when setting bond, rather than setting bond according to a schedule. Larimer County currently uses a process consistent with this recommendation.

BP-41 SUMMONS IN LIEU OF ARREST FOR PROBATION REVOCATIONS

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

DISCUSSION

In a survey conducted by a Commission and Task Force member, judges identified barriers that prevent successful completion of probation which result in more frequent and longer periods of incarceration.[102] *The judges also voiced concern about victim and community reparation. In addition, imposing jail as a condition of probation was felt to possibly inhibit long-term success, especially when an individual loses his or her job as a result of incarceration. This is consistent with the criminology literature which links unemployment and recidivism,*[103] *and research by the Division of Criminal Justice consistently finds unemployment related to failure under supervision.*[104]

Judicial review hearings are sometimes used by the judge as a "check in" with the probationer. These hearings can significantly burden an offender who must find transportation to court and be released from employment, creating barriers to successful completion of supervision.

Frequently judges may briefly incarcerate offenders facing a probation revocation. However, even short-term incarceration is expensive for the community and does little to enhance public safety and may lead to the offender's job loss, cause family hardships, and result in other destabilization events that ultimately increase the offender's risk for recidivism. Research by the National Research Council (2008) shows that employment and stable family

[102] This information was gathered from a survey distributed to district court judges via Judge Gil Martinez, Commission member.
[103] Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), *Handbook of the life course.* New York, NY: Kluwer Academic/Plenum.
[104] Burrell, N.H., & English, K. (2006) *Community corrections in Colorado: A study of program outcomes and recidivism, FY00-04.* Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics; Constatino, M., Harrison, L., & English, K. (in progress). *2008 Colorado actuarial risk assessment scale.* Denver, CO: Colorado Division of Criminal Justice.

relationships are factors associated with reductions in recidivism.[105] *In addition, in FY 2007 the Colorado Division of Probation Services (2008) found that 4 out of 5 of offenders facing revocation remained in the community, meaning that every effort should be made by the court to support the offender's employment by avoiding arrest and incarceration when possible.*[106]

Furthermore, significant variation exists across the state in the use of jails for offenders facing probation revocation. Each local judicial district should develop and implement guidelines for the use of summonses, arrest, and incarceration. According to the Mentally Ill Inmates Task Force of the Metropolitan Area County Commissioners (County Commissioners, Inc., 2008), the average daily cost of incarceration in 2007 within the seven metropolitan area jails was $59.27.[107] *On the other hand, offenders with Axis 1 mental disorders cost an average of $76.57 to house and treat*[108]*. Efforts to reduce the use of jail for offenders pending probation revocation hearings will result in local cost savings and in many cases will allow offenders to continue to work and pay taxes, restitution, and court-related fees.*

BP-42 ARREST ALTERNATIVES FOR OFFENDERS ON REVOCATION STATUS

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

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

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

DISCUSSION

Judges should be encouraged to use home detention, when appropriate, rather than jail time as a condition of probation. This minor change in practice would allow offenders to maintain their jobs which in turn will help to reduce recidivism.

BP-44 OFFENDER RELEASE ASSESSMENT COUPLED WITH SERVICES

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

[105] National Research Council. (2008). *Parole, desistance from crime, and community integration*. Committee on Community Supervision and Desistance from Crime. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. The National Academies Press, Washington, D.C.
[106] Division of Probation Services (2008). *Technical violations work group report.* Denver, CO: Colorado Judicial Department.
[107] Mentally Ill Inmates Task Force for the Metropolitan Area County Commissioners Mentally Ill Inmates Task Force (2008, June). *Axis I January quarterly impact report third snapshot.* Paper presented at the meeting of the Metro Area County Commissioners, Northglenn, CO.
[108] County Commissioner, Inc. (2008). *2007 mentally ill inmates in metro counties data.* Denver, CO.

DISCUSSION

The National Research Council (2008) has found that prisoners face enormous challenges when they are released, including finding jobs and housing as well as staying sober and avoiding high-risk persons and places.[109] *One key to successful re-entry is identifying the challenges prior to release and developing individualized re-entry plans that identify appropriate services.*

These findings emphasize the importance of conducting detailed needs assessments shortly before release and periodically after release to develop appropriate individualized services. However, comprehensive risk/needs assessments and case plans are not completed consistently on offenders prior to release from incarceration and the extent to which appropriate services are available to offenders across the state remains unknown.

This recommendation builds on similar recommendations that call for the system-wide implementation of a comprehensive needs/risk assessment that is updated regularly and completed prior to release from incarceration (see GP-15). Presently, the LSI is conducted prior to release only at DOC's Cheyenne Mountain Correctional Re-Entry Center.

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

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

DISCUSSION

This recommendation is meant to complement and support recommendations GP27 and BP44. As stated in the discussion for those recommendations, access to appropriate housing is a major obstacle for many offenders reentering the community. Offenders released from the Department of Corrections without a place to live are often released to a "homeless parole plan" which poses a significant problem for the offender and the community. The intent of this recommendation is to ensure that accurate and current assessment information is not only gathered from the inmate prior to their release from prison, but that it is also furnished to the parole board and community corrections boards in a timely manner to assist them in making sound release decisions. Community corrections boards often reject a homeless parolee on the grounds that they may be "high risk"; however, an accurate risk assessment tool would take the guess work out of decision making.

BP-46 STANDARDIZED COMPREHENSIVE OFFENDER PROFILE

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

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

BP-47 OFFENDER PROFILE TO FOLLOW THROUGHOUT SYSTEM

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

DISCUSSION

It is important that comprehensive assessments be conducted for each individual whose previous screenings have identified psychological and mental health issues, physical health problems, and substance abuse and dependence.[110] *According to Taxman, et al in a 2004 National Institute of Corrections report, the guiding principles for assessment and case management are as follows: (1) Supervision staff should consider the offender's current stage of change in assigning supervision and/or treatment services; (2) The key to identifying supervision and/or treatment services is to match the offender's dynamic factors with appropriate services. For offenders with multiple criminogenic needs, programs that address four or more of the factors will yield better results; (3) The offender's risk factors should determine the supervision services. The higher the risk, the more external controls such as curfews, drug testing, face-to-face contacts, etc.; (4) The supervision plan should be a behavioral contract. The offender should be part of the team to develop the plan to ensure ownership and acceptance of the quarterly progress measures. The offender should sign this contract; (5) The behavioral contract should prioritize the accomplishments that an offender should achieve on a quarterly basis. Progress should be tied to clear behavioral objectives (e.g., obtain weekly drug testing, obtain an assessment, etc.). Prioritization should first address areas of interest to the offender as a tool to facilitate change; (6) The behavioral contract should encompass supervision requirements, court and/or parole mandated conditions, treatment services, and expected sanctions and incentives. Included should be the requirements and expected consequences for positive and negative progress; and (7) Supervision staff should use problem-solving techniques with the offender to assist the offender in learning alternative behaviors and reactions to triggers (e.g., people, places, and things) that contribute to criminal behavior and/or substance abuse .*[111]

Based on surveys completed by 73 public agencies representing 44 states, 24 localities or regional/district entities, and a variety of community corrections functions, the National Institute of Corrections (2003) found that approximately half of the agencies that recently changed their general population instrument had adopted the Level of Service Inventory–Revised (LSI-R) instrument whereas the other half implemented new, in-house instruments.[112]

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[110] Council of State Governments, The. (2003). Charting the safe and successful return of prisoners to the community. New York, NY: Re-entry Policy Council.

[111] Taxman, F.S., Shepardson, E.S., Delano, J., Mitchell, S., Byrne, J.M., Gelb, A., & Gornik, M. (2004). *Tools of the trade: A guide to incorporating science into practice.* Washington, D.C.: U.S. Department of Justice: National Institute of Corrections.

[112] National Institute of Corrections. (2003). *Topics in community corrections: Offender assessment.* Washington, D.C.: U.S. Department of Justice.

Because conducting empirically-based assessments is the first step in the implementation of evidence-based correctional practice, this recommendation is intended to hold all entities in the criminal justice system responsible for doing assessments, from pretrial services through parole. In addition, the Commission encourages the exchange of empirically-based assessment information as well as objective, third-party information (e.g., pre-sentence information report, or the PSIR) within and across agencies. Quality assurance and training related to the proper implementation of empirically-based risk/needs assessments and the development of case management plans are also needed.

A commitment to quality assurance can be highly beneficial to an organization, but the creation and implementation of a quality assurance plan requires effort and attention to detail. Because the process of quality assurance requires a great deal of collaborative effort to succeed, it is necessary that all stakeholders be committed to ongoing quality assurance, with the ultimate goal of creating a "culture of quality." Furthermore, specific measurable outcomes and their precise indicators should be well defined. Proper data management systems should be in place, should allow for data sharing, and should be used appropriately.[113]

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

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

DISCUSSION

The Department of Corrections routinely drops off released inmates at a predetermined location on Smith Road in Denver. The drop-off times vary and offenders can be dropped off in a variety of weather conditions. There are no services available at the Smith Road drop-off location and an offender is often left on his or her own to find their way from the drop-off site to a required location (e.g. parole office and/or place of residence). The Commission feels there should be a more methodical drop-off procedure that would maximize the offender's ability to immediately access available re-entry services.

BP-49 DEVELOP ADDITIONAL HOUSING RESOURCES FOR OFFENDERS

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

DISCUSSION

It has been found that securing long-term housing is a predictor of successful re-entry into the community for individuals released from prison.[114] *Thus, if fulfilled, this recommendation will help individuals maintain stable housing in more positive neighborhoods which in turn will help to keep them from recidivating.*

[113] Howe, M., & Joplin, L. (2005). *Implementing evidence-based practice in community corrections: Quality assurance manual.* U.S. Department of Justice, National Institute of Corrections, Community Corrections Division.
[114] Visher, C.A. & Courtney, S.M.E. (2007). *One year out: Experiences of prisoners returning to Cleveland.* Washington, D.C.: The Urban Institute.

BP-50 VERIFIABLE IDENTIFICATION FOR ALL OFFENDERS LEAVING INCARCERATION

Whenever feasible, ensure every offender leaving jail and prison may obtain a driver's license or verifiable state identification upon release to the community by implementing the following business practices: [115]

A. For the Department of Revenue (DOR) to issue a Colorado driver's license or state identification card to an individual incarcerated in a Department of Corrections (DOC) facility, the DOR will accept a certified state or county issued birth certificate and a DOC photo inmate identification card if the name and date of birth on the DOC photo inmate identification card match the name on the birth certificate. A match is permissible if the DOC card bears the date of birth and the full name of the incarcerated individual, and this name matches the first and last names on the birth certificate. The lack of a middle name or initial on one of these documents will not disallow a match.

- **If an incarcerated individual previously had a Colorado driver's license or state identification card and the DOR retains that person's image, signature, and fingerprints in electronic storage, upon submission of a certified state or county issued birth certificate the DOR may determine a match in order to issue a state identification card or driver's license.**

- **The Department of Revenue will work to ensure that its database will combine and link all known driving records associated with that person so law enforcement can review the person's complete driving history during traffic stops.**

B. The Colorado Department of Corrections (DOC) will apply for birth certificates in *every* state (including U.S. territories) on behalf of incarcerated individuals who request this service. Legal citizens born abroad may also qualify, depending upon the funding level of the DOC program.

a. If sufficiently funded by the state, the DOC will not charge the incarcerated individual for this service. If the DOC does not receive additional funding for this recommendation, the DOC will apply for birth certificates if the inmate has sufficient funds in his/her inmate banking account.

b. The Administrative Regulation will be amended to reflect this recommendation.

c. All prisons in Colorado, including the private prisons, will comply with this policy.

d. Inmates who request a birth certificate will be provided with a standardized advisory statement written by the office of the Colorado State Public Defender.

C. When the DOC determines that the full legal name of the incarcerated individual differs from the name on that person's sentencing mittimus, the DOC will include that name with the individual's file. Upon release of that individual, the DOC will issue the individual a DOC photo inmate identification card bearing both the name entered on the individual's sentencing mittimus as well as the full legal name of that individual.

- **All prisons in Colorado, including the private prisons, will comply with this policy.**

[115] On behalf of the Commission, an Identification Working Group met with stakeholders to develop an implementation plan for BP-50. The working group convened stakeholders who were involved in efforts to address this re-entry barrier. The specific recommendations stated in A-P were prepared by the Working Group and approved by the Commission.

D. **The DOC should sign the newest memorandum of understanding with the Social Security Administration and include all prisons, including the private prisons, on the MOU in order to apply for Social Security cards on behalf of incarcerated individuals whose full legal name they are able to confirm. Eligibility cannot be confined to the name on the mittimus.**

    a. **The Administrative Regulation will be amended to note the changes in this recommendation.**

    b. **The application for a Social Security card will be initiated at least 120 days prior to an individual's expected date of release.**

E. **Arresting entities should confirm and use a person's full legal name on all documents. This may require training on how to properly identify a person upon arrest.**

F. **The law enforcement community, including state patrol, local police, sheriffs, and community corrections, should develop a statewide standard regarding the retention of (and consequences for the destruction of) primary identification documents.**

G. **If the district attorney's office receives information from law enforcement or the defense counsel concerning a defendant's true name and identity, the district attorney's office will review the documents and, when appropriate, notify the Court so that the mittimus may reflect the defendant's true name and identity.**

H. **If the defense counsel receives information concerning a defendant's true name and identity, the defense counsel will review the documents and, when appropriate, notify the district attorney's office and the Court so that the mittimus may reflect the defendant's true name and identity.**

I. **The importance of placing the full legal name on an individual's court record, including the mittimus, as an AKA at the request of a party, should be underscored to judges and clerks.**

J. **The state court system should investigate whether the court record, if filed in a name other than the individual's full legal name, could contain a field to record the individual's full legal name in addition to listing the full legal name as an AKA, at the request of a party.**

K. **The Department of Public Health and Environment's Office of Vital Records should develop a memorandum of understanding with departments of corrections in every state. This will allow departments of corrections in states other than Colorado to apply for birth certificates on behalf of inmates born in Colorado.**

L. **Jail and DOC personnel should provide a one-page explanation to all individuals leaving these facilities who will need to appear at a Division of Motor Vehicle office in order to obtain a driver's license or state identification card.**

    a. **The one-page information sheet, to be developed by the Department of Revenue with the purpose of preparing individuals to successfully obtain an ID at the first visit, will outline local DMV location(s), suggested "best" times to visit, map, and clear information about necessary documents.**

M. The General Assembly should provide the DOC and jails with the necessary funding to accomplish the tasks explained here, including fees to purchase birth certificates, dossiers, and other required documents.

N. The Commission supports the effort of the Legislative Oversight Committee for the Study of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System to obtain and fund a van that will travel to jails and other locations in the seven-metro county area to provide identification documents.

O. The Commission supports the DOC's pilot ID project with the DOR involving mobile units that issue identification to individuals releasing from incarceration.

P. All parties addressed in these recommendations should report their progress back to the Commission in February 2009.

DISCUSSION

Many prisoners no longer have their birth certificates and social security cards and are thus unable to obtain legal identification.[116] This lack of valid identification is an impediment to the successful re-entry of an offender because these barriers to identification prohibit access to public services as well as employment and housing (e.g., homeless shelters will not accept an individual without identification). Promoting access to services through this action is a step towards ensuring continuity of care.[117] On November 10, 2008 the Colorado Department of Revenue promulgated new rules that will facilitate offenders obtaining identification. Please see Appendix M for further information.

BP-51 STANDARDIZE DRIVER'S LICENSE RESTRICTIONS

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

DISCUSSION

The DOC does not currently have a written policy that addresses this recommendation. A policy should be developed to standardize driver's license restrictions.

BP-52 OFFENDER EMPLOYMENT COLLABORATION

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

[116] National H.I.R.E. Network. (2003). *Nationwide survey of identification requirements for newly released prisoners.* www.hirenetwork.ord/ID_survey_summary.htm.
[117] Council of State Governments, The. (2003). *Charting the safe and successful return of prisoners to the community.* New York, NY: Re-entry Policy Council.

DISCUSSION

Research shows that a strong tie to work can lead to desistance from crime.[118] However, offenders released from the Department of Corrections often have not developed market-relevant job skills while incarcerated[119] and have a difficult time finding employment.[120] There are significant weaknesses in job training and placement that impede meaningful and sustainable employment and career opportunities for released inmates. [121] Kuehn (2008) explains that even when jobs are obtained they are often in low-skill industries that may or may not lead to long-term progress (e.g., food services, maintenance and repair, construction) and they are often for much lower wages than the individual was earning prior to incarceration.[122]

In 2000, MacKenzie conducted a meta-analysis of 26 studies to evaluate the overall effectiveness of vocational and work programs in increasing employment and reducing recidivism.[123] It was found that vocational training increased an offender's likelihood of finding post-release employment while decreasing the offender's likelihood of recidivating. Correctional Industries and other work programs did not have the same positive effect. A more recent study in 2006 had similar findings. [124]

Taxman (1998) also found that correctional education programs are most successful when they are part of a systematic approach that includes employment programs as well as training in social skills and other specialized programs.[125] In addition, participation in various prison programs including education, job training and placement are associated with improved outcomes, including reduced recidivism.[126] More specifically, Bushway (2003) and Hull (2000) have found that those who participate in prison education, vocational, and work programs may have recidivism rates that are 20-60 percent lower than those who have not participated.[127]

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[118] Sampson, R.J., & Laub, J.H. (2003). Desistance from crime over the life course. In J.T. Mortimer and M.J. Shanahan (Eds.), *Handbook of the life course.* New York, NY: Kluwer Academic/Plenum.; Visher, C.A. & Courtney, S.M.E. (2007). *One year out: Experiences of prisoners returning to Cleveland.* Washington, D.C.: The Urban Institute.

[119] Holzer, H.J., & Martinson, K. (2005). *Can we improve job retention and advancement among low-income working parents?* Washington, D.C.: The Urban Institute.

[120] Kuehn, D. (2008). *The challenges of prisoner reentry: Fact and figures.* Washington, D.C.: The Urban Institute, also available at www.urban.org/url.cfm?ID=411683.

[121] The Re-Entry Police Council (2003) has made recommendations similar to those presented here. Specifically, it has been recommended that 1) programs be developed to enable inmates to be functionally literate and capable of receiving high school or postsecondary credits; 2) the job market be analyzed and examined in the areas to which offenders will be returning; 3) ensure that vocational and educational classes target the needs of the job market; 4) offenders should be encouraged to participate in educational and job training programs; 5) community-based agencies should be encouraged to provide institutional job-skills programs; and 6) when appropriate, offenders should be given the opportunity to gain occupational competence through postsecondary education.

[122] Kuehn, D. (2008). *The challenges of prisoner reentry: Fact and figures.* Washington, D.C.: The Urban Institute. www.urban.org/url.cfm?ID=411683.

[123] MacKenzie, D.L. (2000). What works in corrections: Reducing the criminal activities of offenders and delinquents. New York, NY: Cambridge University Press.

[124] Wilson, D.B., Gallagher, C.S., & MacKenzie, D.L. (2006). A meta-analysis of corrections-based education, vocation, and work programs for adult offenders. *Journal of Research in Crime and Delinquency, 37,* 347-368.

[125] Taxman, F.S. (1998). *Reducing recidivism through a seamless system of care: Components of effective treatment, supervision, and transition services in the community.* College Park, MD: University of Maryland.

[126] Adams, K., et al. (1994). A large-scale multidimensional test of the effect of prison education on prisoners' behavior. *The Prison Journal, 74,* 433-449; Gaes, G.G., Flanagan, T.J., Motiuk, L.L., & Stewart, L. (1999). Adult correctional treatment. *Crime and Justice: A Review of Research, 26,* 361-426; Hull K.A., Forrester, S., Brown, J., Jobe, D., & McCullen, C. (2000). Analysis of recidivism rates for participants of the academic/vocational/transition education programs offered by the Virginia Department of Corrections Education. *Journal of Correctional Education, 51,* 256-261; Steurer, L.S., Smith, L., & Tracy, A. (2001). *Three-state recidivism study.* Lanham, MD: Correctional Educational Association.

[127] Bushway, S. (2003, May). *Reentry and prison work groups.* Paper presented at the Urban Institute's Reentry Roundtable; Hull K.A., Forrester, S., Brown, J., Jobe, D., & McCullen, C. (2000). Analysis of recidivism rates for participants of the academic/vocational/transition education programs offered by the Virginia Department of Corrections Education. *Journal of Correctional Education, 51,* 256-261.

The recommended vocational development effort should include matching skills and educational needs with the requirements of licensure exams. For example, entrance into many trades requires math and reading skills. Offenders in vocational programs therefore must be assessed for the necessary educational requirements, and directed into programs accordingly. Furthermore, this recommendation should incorporate community organizations, including faith-based initiatives, whenever possible.

BP-53 JOB RECOMMENDATIONS FOR DOC INMATES

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

BP-54 EXPLORE LONG DISTANCE LEARNING OPPORTUNITIES

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

BP-55 TREATMENT PROVIDERS TO EXPAND THEIR HOURS OF OPERATION

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

DISCUSSION

A condition of parole supervision often includes drug and alcohol testing. However, the testing locations vary and hours of operation are often during traditional work hours which can create problems with employment for the offender. Extended hours of operation on the part of the test facilities would allow the offender to meet the requirements of their parole without risking their employment.

BP-56 FUNDING FOR THE PAROLE BOARD

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

DISCUSSION

The data gathered from interviews undertaken on behalf of the Post-Supervision Task Force regarding the structure of the parole process in Colorado found that interviewees were concerned that the parole board has been overburdened and under resourced for many years. Specific concerns included that the board is not adequately resourced, is technologically isolated and is removed from the rest of the criminal justice system. At present, the parole board does not have the necessary funding to purchase adequate technology to support its operations.

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

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

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

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

DISCUSSION

In the above-mentioned interview conducted by Christie Donner between May and July, 2008 (see BP-56), professionals and lay people involved in the Colorado criminal justice system provided their view of an ideal parole system. Specific concerns raised included the following:

- *Lack of guidelines in decision-making by parole board members and administrative hearing officers;*
- *Lack of sanction guidelines to guide parole revocation decisions;*
- *Not using the correct assessment tool(s) in decision-making either for release or for setting appropriate conditions of release (i.e. "cookie-cutter" conditions);*
- *Lack of evaluation of parole board members; and*
- *Lack of performance measures.*

Significant advancements in the field have been made in evidence-based practice and structured parole release decision making. The parole board members can promote public safety and successful offender reintegration by using evidence-based practice in their decision making. For instance, it is possible to predict the risk of recidivism of groups of offenders by using well-researched assessment tools that are capable of identifying a wide range of criminogenic needs. The use of comprehensive, reliable, and valid assessment instruments offer significant improvements and advantages over guessing about future risk and recidivism. But perhaps more importantly, it also provides information pertaining to offender needs.[128]

[128] Przybylski, R. (2008). *What works, effective recidivism reduction and risk-focused prevention programs*. Denver, CO: Division of Criminal Justice.

BP-58 PAROLE SUPERVISION POLICIES AND TRAININGS

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

DISCUSSION

Supervising officers can have a powerful influence on offenders' attitudes and behaviors throughout the course of supervision. For this reason, it is essential that officers positively encourage the successful completion of supervision. Understanding this influence and the importance of a positive relationship between the offender and the supervising officer is one of the key distinctions between the surveillance-oriented and the success-driven approaches to supervision.[129]

During the course of supervision, many parolees are assigned a number of different parole officers. Different supervision styles and philosophies sometimes result in changes in the conditions of supervision, simply by virtue of the assignment to a new officer. Bonta, Rugge, Scott, Bourgon, and Yessine (2008) examined interviews between 62 probation officers and offenders and found very little adherence to the basic principles of effective intervention on the part of the officer.[130] *Specifically, the researchers found that the majority of meeting time was spent on the enforcement aspect of supervision and very little time was spent on service delivery. In fact, antisocial attitudes held by the offenders, as well as needed social supports, were fundamentally ignored and the probation officers displayed very few of the skills that, if modeled, may influence a positive behavioral change in their clients (e.g., pro-social modeling, differential reinforcement). However, the study found that increased time spent discussing a few of the offender's specific criminogenic needs was associated with significantly lower recidivism rates. This study speaks to the variation across supervising officers and how officer style can affect recidivism.*

To ensure consistency and promote successful re-entry into the community, changes in supervision conditions (particularly in transportation, housing, and employment) should be reviewed and approved by a supervisor. Limiting the number of parole officers assigned to each offender may help promote both a better working relationship and continuity of supervision and may also help to reduce recidivism.

BP-59 FLEXIBLE REPORTING OPTIONS FOR PAROLEES

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

DISCUSSION

This recommendation refers to efforts by DOC to provide evening and weekend parole office hours, the elimination of single reporting days, and an emphasis on placing more officers in the field to replace office visits. The Commission also supports further exploration of the use of reporting kiosks for lower risk offenders.

[129] Center for Effective Public Policy. (2007). *Increasing public safety through successful offender reentry: Evidence-based and emerging practices in corrections*. Silver Spring, MD: Center for Effective Public Policy.
[130] Bonta, J., Rugge, T., Scott, T., Bourgon, G., & Yessine, A.K. (2008). Exploring the black box of community supervision. *Journal of Offender Rehabilitation, 47,* 248-270.

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

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

DISCUSSION

The lack of a "date-certain" parole date for inmates transitioning through community corrections impedes the ability of offenders, victims, and other stakeholders to prepare for release. Release planning would be improved by a step-down transition process where the offender's structure status is gradually reduced (i.e., from prison, to community corrections, to intensive supervision parole and, finally, parole) based on a transparent, pre-determined time frame. Such a process can provide incentives to offenders who successfully complete the residential phase of community corrections.

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

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

DISCUSSION

Many individuals leave prison without means, yet must make payments to a host of agencies upon release, including victim restitution, criminal justice agencies, and child support. One study of offenders released on parole in Colorado found that they owed an average of $16,000 in child support.[131] *Financial pressures and paycheck garnishment resulting from unpaid debt can increase participation in the underground economy and discourage legitimate employment.*[132] *The stress and even hopelessness that can result from these obligations can undermine efforts to remain sober and compliant with supervision conditions.*

In Colorado in FY 2003, state budget cuts to community corrections programs were offset by a 25 percent increase in the offenders' daily subsistence fee to providers. As illustrated in a recidivism study by DCJ's Office of Research and Statistics, escape rates increased significantly.[133]*In FY 2000, DCJ's Office of Community Corrections collaborated with two community corrections programs that provide therapeutic community services to high risk drug offenders, to provide an enhanced per diem rate to address the needs of this population. The enhanced rate relieved offenders from paying subsistence fees and allowed them to focus on treatment during their first six months, avoiding trips into the community to seek work. Escape rates declined from 25.4 percent to 15.3 percent during this period.*[134]

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[131] Pearson, J. & Davis, L. (2001). *Serving parents who leave prison: Final report on the work and family center*. Denver, CO: Center for Policy Research.
[132] Holzer, H.J., Offner, P., & Sorensen, E. (2004). *Declining employment among young, black, less-educated men*. Urban Institute, Washington, D.C.
[133] Burrell, N.H. & English, K. (2006). C*ommunity corrections in Colorado: A study of program outcomes and recidivism, FY00-FY04.* Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Department of Public Safety.
[134] Ibid.

BP-62 INMATE PARENTING AND BONDING PROGRAMS

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

DISCUSSION

The incarceration of parents has been found to have significant adverse effects on children.[135] *Latessa and his colleagues (2004, 2006) have found that family programs can reduce the cycle of criminal culture and that these programs can reduce recidivism.*[136] *Moreover, Dowden and Andrews (1999) found in a meta-analysis of 220 program evaluations that human service programs and programs that focused on family interactions decreased recidivism among women offenders.*[137]

Stern (2004) reports that many states offer mothers a chance to keep their babies with them in prison for a predetermined amount of time.[138] *Specifically, Illinois has one residential program in which 15 qualified inmates can keep their babies for up to 24 months. South Dakota allows incarcerated mothers to keep their baby for 30 days whereas Nebraska, Washington, Massachusetts and New York allow infants to stay with their mothers for 12-18 months. In addition, in the state of New York there are two prison nursery programs, both of which address concrete needs and parenting skills.*

COST SAVINGS

CS-63 TECHNICAL VIOLATIONS PROGRAM WITHIN PROBATION

To reduce the number of offenders with probation violations resulting in a prison sentence, the Division of Probation Services should implement a technical violations program[139] **that focuses on these offenders and encourages them to become compliant with probation supervision.**

DISCUSSION

The Division of Probation Services convened a working group to examine probation technical violations resulting in a prison sentence. According to this working group, in FY 2006 over 1,578 adult offenders were revoked from probation for technical violations and sentenced to the Department of Corrections; another 4,217 were sentenced to county jails. That same year, 760 probationers were sentenced to DOC for a new crime, and another 574 were sentenced to county jails. DCJ court data[140] *further shows that the original crime for those returned to prison was*

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[135] Gabel, S. & Shindledecker, R. (1993). Characteristics of children whose parents have been incarcerated. *Hospital and Community Psychiatry, 44,* 656-660; Parke, R., & Clarke-Stewart, K.A. (2002, January). *Effects of parental incarceration on young children*. Paper presented at the National Policy Conference, Washington, D.C.

[136] Latessa, E.J. (2004). From theory into practice: What works in reducing recidivism. *State of crime and justice in Ohio*. Columbus, OH: Office of Criminal Justice Services; Latessa, E.J., & Lowenkamp, C.T. (2006). What works in reducing recidivism. *St. Thomas Law Journal*, *3,* 521-535.

[137] Dowden, C., & Andrew, D.A. (1999). What works for female offenders: A meta-analytic review. *Crime and Delinquency, 4,* 438-452.

[138] Stern, A.H. (2004). *Information packet: Babies born to incarcerated mothers*. New York, NY: National Resource for Foster Care and Permanency Planning.

[139] For example, the Technical Violation Unit (TVU) in Connecticut targets people who are failing under standard probation supervision (Justice Strategies, 2006). These individuals are referred by their probation officer and unit chief for intensive, 30 to 60 days of supervision. Caseloads in the TVU are capped at 25, and TVU participants receive specific services under tightened supervision requirements. Once the person's progress is stabilized, he or she is transferred back to a standard probation caseload. The project was evaluated by a research team at Central Connecticut State University (Cox & Bantley, 2006). In the 12 months following program participation, technical violations were 14 percent compared to 26 percent for the comparison group.

[140] In 2007, a team of DCJ researchers collected criminal court data from 10 Judicial Districts (JD) throughout Colorado (i.e., districts 1, 2, 4, 8, 10, 17, 18, 19, 20, and 21). These 10 JD's were selected because they had the largest number of adult criminal case (CR) filings in calendar year (CY) 2005. A 10 percent sample of cases was then identified within these 10 JDs that were sentenced in CY 2006 and had a filing date that was no earlier than 2 years prior to the sentencing date (2004, 2005, and 2006). Finally, this sample was stratified by placement (DOC and

nonviolent for 56 percent, drug or alcohol related for 26 percent, violent for 17 percent and an escape crime for less than one percent. Furthermore, 68 percent had a violent criminal history whereas 18 percent had a drug crime history, two percent had an escape criminal history, and nine percent had a nonviolent criminal history.

The group recommended that consequences should be delivered closer in time to the violation, and the use of intermediate sanctions and incentives should be increased. These recommendations would be accomplished by improving communication between the probation officer and the court, training officers on the appropriate use of intermediate sanctions and incentives, as well as increasing the use of sanctions that do not require a court order. The Probation Services group also recommended an increase in intensive supervision capacity. Research in other states (e.g., California) has suggested the creation of a technical violation matrix.[141] *Specifically, it was recommended that a decision-making matrix and graduated community-based sanctions be used when addressing individual violations. This system would allow for consistent and effective responses to technical violations.*

Costs averted assuming 10 percent reduction in technical violations to prison:

- *Year 2 savings 136 Beds $ 2.7 M*
- *Year 3 savings 376 Beds $ 7.6 M*
- *Year 4 savings 611 Beds $12.3M*[142]

CS-64 CREDIT FOR TIME SERVED

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

DISCUSSION

Current statutes are unclear and time is credited inconsistently regarding credit for jail time served for parolees detained due to a pending parole revocation hearing. A person who is confined in jail pending a hearing for a violation of parole should be given credit for that period of confinement. This recommendation targets technical violators who have not been convicted of a new crime.

CS-65 DOC (PAROLE) TECHNICAL VIOLATIONS UNIT

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

DISCUSSION

In FY 2007, 28.6 percent of those entering prison in Colorado were parole violators, accounting for over 3,000 offenders; another 9.6 percent returned to prison with a new criminal conviction.[143] *Technical violation programs used in others states can provide a helpful example of how Colorado might reduce violations that result in incarceration without reducing public safety. For example, the Technical Violation Unit (TVU) in Connecticut targets*

Probation), technical violations (TV), as well as an oversampling of escape cases. Offense, arrest, filing, sentencing, demographic, and criminal history information was ultimately collected for 3254 district court criminal cases.

[141] Grattet, R., Petersilia, J., & Lin, J. (2008). *Parole violations and revocations in California.* Irvine, CA: Center for Evidence Based Corrections.

[142] Analysis conducted by the Division of Criminal Justice, Office of Research and Statistics using Department of Corrections' data and DCJ's population projection methodology. The method assumes that the revocation-to-prison rate decreases *every* year by 10 percent from the previous year. These costs are projected and subject to error.

[143] Harrison, L. (2008). *The status of the parole violator population in Colorado.* Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics.

people who are failing standard probation supervision. These individuals are referred by their probation officer and unit chief for intensive 30 to 60 days of supervision by the special TVU. Caseloads in the TVU are restricted to 25, and TVU participants receive specific services under tightened supervision requirements. Once the person's progress is stabilized, he or she is transferred back to a standard probation caseload. The project was evaluated by a research team at Central Connecticut State University.[144] In the 12 months following program participation, Cox and Bantley (2006) found that technical violations were at 14 percent compared to 26 percent for those who had not participated in the special TVU.[145] A similar program would likely work for parolees.

Costs averted assuming parole technical violations (no new crime) reduced by 15 percent each year over the previous year.

- *Year 2 savings 228 Beds $ 4.6 M*
- *Year 3 savings 431 Beds $ 8.7 M*
- *Year 4 savings 517 Beds $ 10.4 M*[146]

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

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

- **To allow for enhanced release planning and services, DOC case managers, time computation staff, and members of the parole board should schedule for release a certain category of offenders up to 60 (class 4 and 5) or 30 days (class 6) prior to MRD. This *earned release* time is available for individuals serving a sentence for a non-person offenses[147] conviction crime who meet the following criteria:**
  - **No Code of Penal Discipline (COPD) violations;**
  - **In compliance with recommended programming;**
  - **No prior convictions for a person offense.**

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

Note that additional earned time will move up the date that the individual becomes eligible for community corrections, and this may reduce the size of the prison population.

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[144] Cox, S.M. & Bantley, K. (2006). *Addendum to the final report of the Court Support Services Division's Probation Transition Program and Technical Violation Unit.* Central Connecticut State University, Department of Criminology and Criminal Justice.

[145] Ibid.

[146] Analysis by Division of Criminal Justice, Office of Research and Statistics using Department of Corrections' data and DCJ's population projection methodology. The scenario makes an ambitious assumption that the revocation-to-prison rate decreases *every year* by 15 percent from the previous year.

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

Any savings that results from the application of earned time from these changes in practice should be placed in a designated fund for recidivism reduction programming.

DISCUSSION

Positively reinforcing appropriate behavior is at the center of evidence-based programming. The primary reason to choose to implement evidence-based programming is to increase the likelihood of the reduction of crime and victimization. This recommendation is intended to provide additional incentives for in-prison program participation with the intention to reduce recidivism and prevent victimization.

Rigorous research has found that longer periods of incarceration (compared with shorter periods) were associated with higher recidivism rates.[148]This information, combined with the emphasis on using earned time as an incentive for positive behavioral change, emphasizes the Commission's commitment to enhance public safety. But there is a need to expand both in-prison and community-based programs and services and to provide those services to individuals who have been objectively assessed to need them. Incarceration costs averted by the implementation of this recommendation should be placed in a specific fund to expand offender services and implement additional recidivism reduction initiatives.

60 Days good time for non-violent new intakes and current population class 4 and 5 felons, excluding technical violations:

- *Year 2 savings 498 Beds $ 10.1 M*
- *Year 3 savings 602 Beds $ 12.2 M*
- *Year 4 savings 622 Beds $ 12.6 M*[149]

30 Days good time for non-violent new intakes and current population class 6 felons, excluding technical violations:

- *Year 2 savings 250 Beds $ 5.1 M*
- *Year 3 savings 299 Beds $ 6.0 M*
- *Year 4 savings 305 Beds $ 6.2 M*[150]

[148] Lipsey,M.W., & Cullen, F.T. (2007). The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science, 3,* 297-320; Przybylski, R. (2008), *What works: Effective recidivism reduction and risk-focused prevention programs.* Denver, CO: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

[149] Analysis conducted by the Division of Criminal Justice, Office of Research and Statistics assumes that the revocation-to-prison rate decreases *every* year by 10% from the previous year.

[150] Analysis conducted by the Division of Criminal Justice, Office of Research and Statistics assumes that the revocation-to-prison rate decreases *every* year by 10% from the previous year.

Section 6: Next Steps

The Commission focused its first year of activities on developing goals, objectives, priorities, and a structure for its work. Its foundational task focused on offender re-entry from prison and jail, as the recommendations in the previous section reflect. Late in 2008, the Commission formed a subcommittee to discuss specific issues surrounding the transfer of juvenile cases to adult court. This subcommittee has already drafted two recommendations regarding the issue, but the meetings and discussions of the subcommittee are continuing. Please see Appendix N for more information. Additional study, analysis and discussion on several issues related to re-entry will continue to be undertaken by the Task Forces in monthly meetings through June 2009.

In addition, during the Commission's study of re-entry in Colorado, a number of themes were identified by the Commission as requiring particular attention due to the broad scope and the necessity for larger system change. Addressing these issues requires significant study and collaboration. During the first six months of 2009 it is expected that the Commission will establish working groups to develop an action plan for each area of interest, impanel task forces to address topics requiring long-term attention, and collaborate with existing initiatives underway to address these themes. Among the themes the Commission will begin to address in the first half of 2009 are the following:

- Minority overrepresentation in the justice system
- Access to data/information systems for analysis and planning
- Community corrections
- Training on evidence-based practices for criminal justice professionals
- Behavioral health and the justice system
- Female-specific programming

The Commission will continue to meet on the second Friday of the month, and information about the meetings can be found on the Commission's web site, http://cdpsweb.state.co.us/cccjj. The Commission expects to present its next written report in July 2009.

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Appendices

Appendix A:
The Status of the Parole Returns to Prison in Colorado

Colorado Division of Criminal Justice

The Status of Parole Returns To Prison in Colorado

May 2008

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Executive Summary

This report presents data compiled in statistical reports issued by DOC and a special analysis of DOC data obtained annually by DCJ's Office of Research and Statistics (ORS). These data are used in the annual prison and parole population projections prepared by the ORS. This analysis presents data on those incarcerated in Colorado prisons between FY 2000 and FY 2007, with special focus on the parole revocation population.

- In FY 2007, approximately 8,500 offenders were released on parole in Colorado.
- In FY 2007, almost 40% of admissions to prison in Colorado were parole returns; this totaled about 4,000 offenders.
    - One quarter of the parolees who were returned to prison returned with a new crime; the remainder was returned for technical violations of their parole (just over 3,000 people).
        - Of those returning with a new crime, about 15% had a violent crime as their most serious offense, compared to 28% of new court commitments.*
        - In FY 2007, a third, or approximately 330 parolees who returned to prison with a new crime had escape as their most serious offense. This proportion is much higher than that found in other admission types, indicating that the escape charge was incurred while on parole. Only 7% of all other admissions have escape as their most serious offense.
    - Women were less likely than men to return to prison with a new crime while on parole.
- In FY 2007, approximately 20% of the DOC population was comprised of individuals who failed parole due to either technical violations or convictions for new crimes.
- In FY 2007, nearly 2,100 individuals were in prison for technical parole violations only (without a new crime).
- In FY 2007, Blacks were more likely to return to prison for both technical violations alone and for parole returns associated with a new crime than were Hispanics and Whites.

*Note: The 'most serious offense" is the most serious crime for which they are currently incarcerated, and is not necessarily the crime for which they were returned to prison.

The Status of Parole Returns to Prison in Colorado

In Colorado, parole returns increased by 58.5 percent between July 1999 and June 2007 (fiscal years 2000-2007). During the same time period, new court commitments increased by 51.5 percent. However, parole returns on a technical violation alone increased by only 41.5 percent, while parole returns with a new felony conviction increased 147.0 percent.[1] Colorado prison admissions by admission type over these years can be seen in Table 1. The variation in these percentages is graphically displayed below in Figures 1 and 2.

In the case of female admissions to prison, new court commitments increased by 121.4 percent, while parole returns increased by 107.4 percent. Female admission overall increased by 117.3 percent.[2] Admissions of women to prison between FY 2000 and FY 2007 by type are shown in Table 2. The trends in female admissions are displayed in Figure 3.

Table 1: Colorado Prison Admissions by Type FY 2000 through FY 2007

Fiscal Year (FY)	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	Total	Total N Admissions
2000	61.46%	6.03%	31.33%	1.18%	100%	6853
2001	64.37%	5.78%	28.75%	1.09%	100%	6952
2002	61.46%	6.03%	31.33%	1.18%	100%	7802
2003	67.74%	5.55%	26.05%	0.65%	100%	7799
2004	61.46%	6.03%	31.33%	1.18%	100%	8165
2005	61.37%	8.85%	28.91%	0.87%	100%	9433
2006	60.47%	10.17%	28.35%	1.00%	100%	10168
2007	60.03%	9.60%	28.59%	1.78%	100%	10626

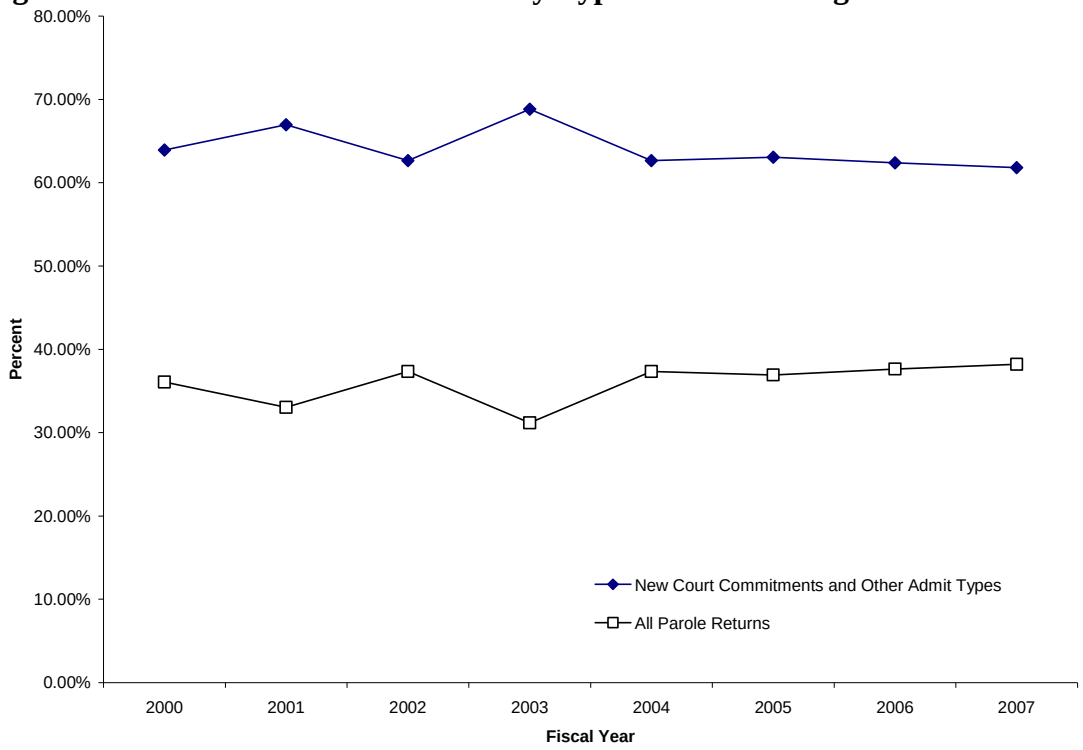
Sources: Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm
'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

The increase observed in parole returns with a new crime beginning in FY 2004 is possibly due to the passage of SB 03-252 which (among other things) limits the time a parolee can be revoked for a technical violation to 180 days, provided that the parolee was incarcerated for a nonviolent offense. Additional factors that occurred during the same time frame include the election of District Attorneys and system-wide budget cuts that affected programming for this population.

[1] Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm
[2] Ibid.

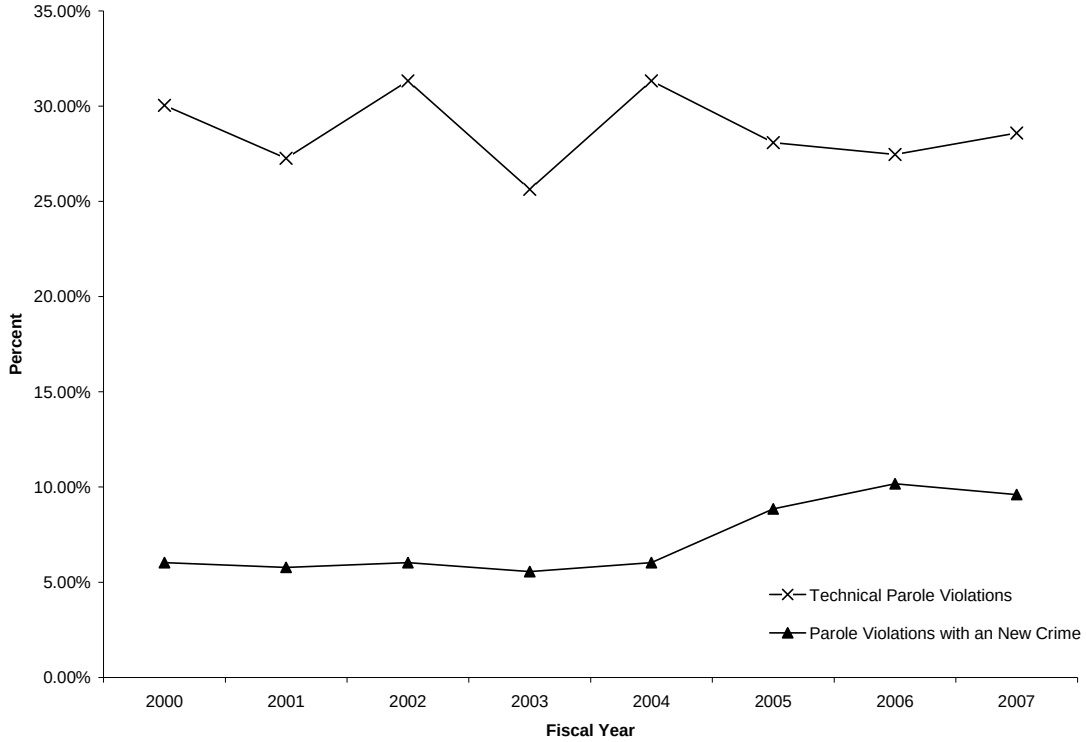
The small decline in parole returns with a new crime in FY 2007 may be due to the lack of resolution of some of the new cases. That is, the length of time required for the processing of a new felony case in court. Once the case has been resolved, it may be re-classified from a technical violation to a parole return with a new crime.

Figure 1: Colorado Prison Admissions by Type FY 2000 through FY 2007



Sources:
Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm
'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

Figure 2: Colorado Parole Returns to Prison by Type FY 2000 through FY 2007



Sources: Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins,* Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm

Table 2: Colorado Female Prison Admissions by Type FY 2000 through FY 2007

Fiscal Year (FY)	New Court Commitments	Technical Parole Violations	Parole Returns with a New Crime	Other Admit Types*	Total N Admissions
2000	63.79%	27.58%	7.12%	1.52%	660
2001	65.92%	26.26%	5.31%	2.51%	716
2002	67.46%	25.15%	5.84%	1.55%	839
2003	71.21%	22.89%	4.74%	1.16%	865
2004	71.24%	21.85%	6.10%	0.81%	984
2005	64.79%	24.82%	8.67%	1.72%	1281
2006	64.50%	25.76%	8.76%	0.98%	1324
2007	64.99%	25.80%	7.32%	1.88%	1434

Sources: Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins,* Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm
* 'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence

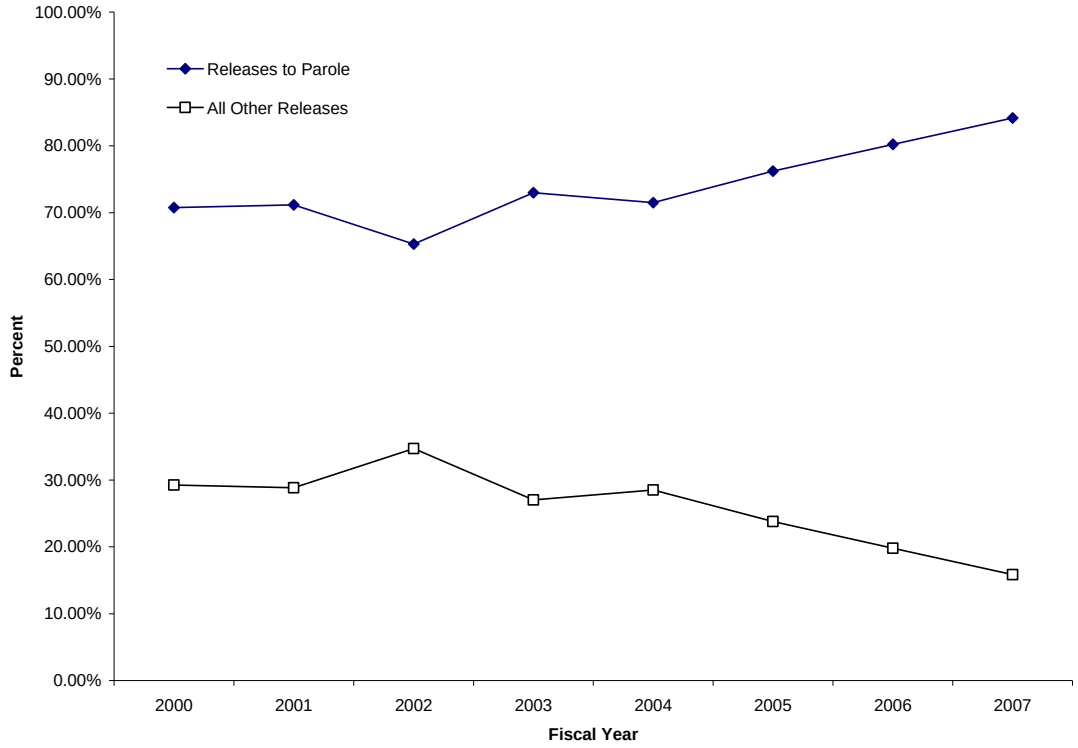
Figure 3. : Colorado Female Prison Admissions by Type FY 2000 through FY 2007

Sources:
Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm

The increase in parole returns must be viewed in light of the increasing numbers of releases to parole, consequently increasing the pool of offenders at risk of parole revocation. In FY 2000, 70.8 of all releases were to parole. This percentage increased to 84.3 percent in FY 2007. In sum, parole releases increased 117.3 percent between FY 2000 and FY 2007, while overall releases have increased by only 82.8 percent. Prison releases other than to parole have actually declined by almost a percentage point.[3] This is at least partially due to the increasing proportion of prisoners falling under mandatory parole statutes. The trend in prison releases is displayed in Figure 4 below. Prison releases by type across fiscal years 2000 through 2007 are presented in Table 3.

[3] Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm

Figure 4: Colorado Prison Releases by Type FY 2000 through FY 2007



Sources:
Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm

Table 3: Colorado Prison Releases by Type FY 2000 through FY 2007

Fiscal Year (FY)	Releases to Parole	All Other Releases	Total N Releases
2000	70.77%	29.23%	5532
2001	71.16%	28.84%	6114
2002	65.30%	34.70%	6554
2003	72.98%	27.02%	6977
2004	71.53%	28.47%	7504
2005	76.41%	23.59%	8249
2006	80.27%	19.73%	8954
2007	84.15%	15.85%	10110

Sources: Colorado Department of Corrections. Office of Planning and Analysis. *Admission and Release Trends Statistical Bulletins*, Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. These numbers are considered preliminary until the annual statistical report becomes available.
Rosten, Kristi. Statistical Reports, Fiscal Years 2001, 2003, 2004, 2006.Office of Planning and Analysis, Colorado Department of Corrections. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm

Data concerning the "stock population", also known as the "decay population", are provided to DCJ by DOC for preparing the annual prison population projections. These data represent the current prison population as measured annually on a given date in October.[4] Table 4 displays the trends in the composition of the stock population over the past 8 fiscal years. Figure 4 graphically displays the composition of the population comprised of parole returns by type. As shown, the proportion of the stock population that is comprised of parole returns has declined slightly, from 23.5 percent in 2000 to 21.7 percent in 2007, even though the actual population increased. The proportion of individuals in prison due to a technical parole violation only has declined from 14.6 percent of the October 2000 stock population to 9.3 percent in October 2007.[5]

Table 4: Annual Composition of the Stock Population by Admission Type

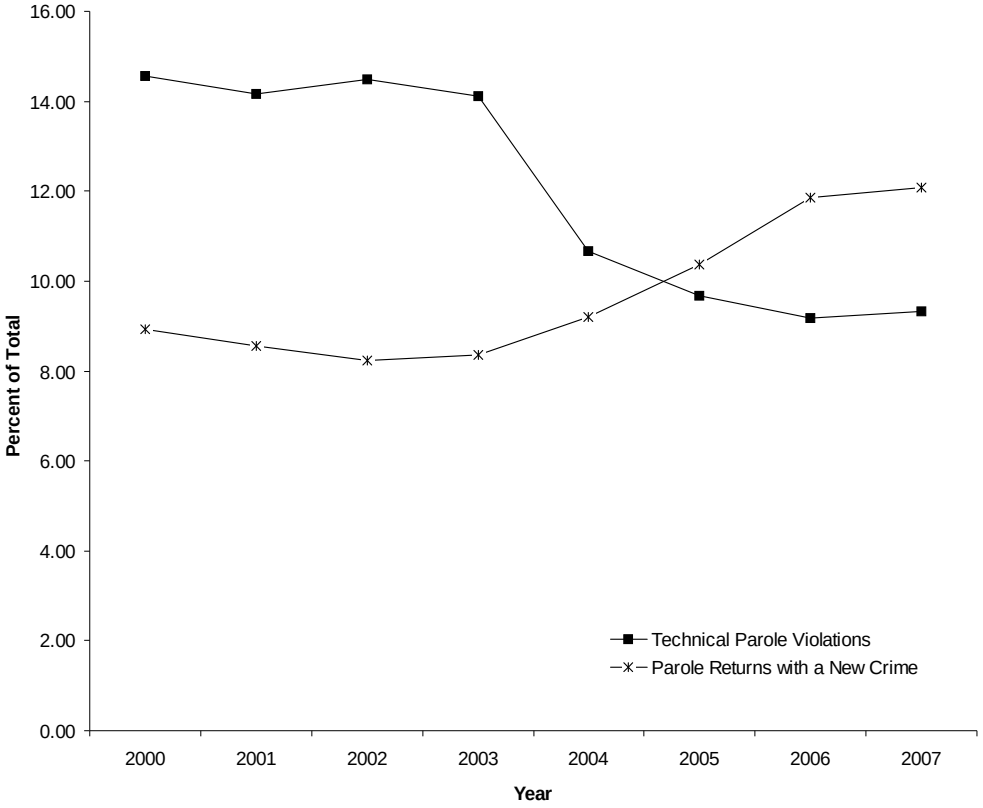
Year	New Court Commitments	Technical Parole Violations	Parole Returns with a New Crime	Other Admit Types*	Total N
2000	73.94%	14.55%	8.94%	2.57%	15299
2001	74.97%	14.16%	8.55%	2.32%	16454
2002	75.46%	14.48%	8.25%	1.82%	17850
2003	75.98%	14.11%	8.36%	1.55%	18599
2004	78.52%	10.67%	9.20%	1.60%	19079
2005	78.41%	9.68%	10.38%	1.53%	20025
2006	77.07%	9.18%	11.85%	1.90%	21287
2007	76.62%	9.32%	12.08%	1.98%	22357

Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC.
* 'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

As far as the overall increase in the stock population since FY 2000, 81.6 percent is attributable to the increase in new court commitments. The increase in parole returns with a new crime contributes 19.8 percent, while there has been a 2.2 percent decline in the overall stock pop that is due to technical parole violators.

[4] These data are considered preliminary and some statements made in this portion of the report may change slightly once the data are cleaned. Hoever, they still provide a general overview of the system.
[5] Based on data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These numbers exclude a certain number of inmates with life sentences and fugitives.

Figure 5: Stock Population Parole Returns by Return Type FY 2000 through FY 2007



Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC.

DEMOGRAPHIC PROFILE OF COLORADO PRISON ADMISSIONS BY ADMISSION TYPE

Table 5 displays the demographic characteristics of Colorado prison admissions during FY 2007 only. As shown, the average age varies little between prison admission types. The largest proportion of female admissions is among new court commitments, at 14.7 percent. The smallest is among parole returns with a new crime, at 10.3 percent. Technical parole returns fall in between these two, at 12.2 percent.

In terms of ethnicity, black offenders are more highly represented among parole returns than among new court commitments. Black offenders represent 23.3 percent and 23.8 percent of technical violations and returns with a new crime, respectively, compared to 15.9 percent of new court commitments. Correspondingly, fewer Hispanic offenders are seen among parole returns than are seen among new court commitments (see Table 5).

Table 5: Demographics by Admission Type FY 2007 Admissions Only (N=10,588)

	New Court Commitments	Technical Parole Violations	Parole Returns with a New Crime	Other Admit Types*	All Admissions
Average Age	33.02	35.62	33.81	28.99	33.78
Female	14.74%	12.18%	10.32%	13.79%	13.56%
Male	85.26%	87.82%	89.68%	86.21%	86.44%
Total	100%	100%	100%	100%	100%
White	47.22%	45.59%	45.34%	40.80%	46.46%
Hispanic	33.12%	27.54%	27.98%	36.21%	31.08%
Black	15.93%	23.33%	23.81%	20.69%	18.89%
Native Amer.	2.66%	3.09%	2.58%	1.72%	2.76%
Asian	1.07%	0.46%	0.30%	0.57%	0.81%
Total	100%	100%	100%	100%	100%

Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.
* 'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

TRENDS IN GOVERNING SENTENCE AND OFFENSE TYPES

Table 6 displays average governing sentences by admission type for all admissions between FY 2000 and FY 2007. As shown, the governing sentence for new court commitments is much longer than for either type of parole return, at 64.5 months (total) compared to 34.3 months for technical returns and 434.3 months for returns with a new crime. There has been some variation across the years, with overall governing sentences mainly declining between FY 2000 and FY 2005. This trend reversed over the next two fiscal years (FY 2006 and FY 2007).

Table 6: Minimum Governing Sentence Length by Admission Type: Average Months FY 2000 – FY 2007

Fiscal Year (FY)	New Court Commitments	Technical Parole Violations	Parole Returns with a New Crime	Other Admit Types*	All Admissions	N
2000	67.33	39.19	41.73	71.62	57.15	6658
2001	65.58	35.03	44.69	69.00	55.88	6774
2002	66.83	35.88	46.62	69.92	56.92	7609
2003	63.67	34.40	50.66	82.82	55.38	7600
2004	61.01	34.24	41.67	77.63	52.37	7972
2005	57.92	32.90	40.97	65.57	49.46	9355
2006	61.13	33.03	40.65	75.85	51.64	10211
2007	65.01	31.83	45.92	70.46	53.75	10588
Total	64.55	34.32	44.31	72.70	54.61	66767

Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.
* 'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

Table 7 displays the proportions of admissions across fiscal years 2000 through 2007 by type of offense within admission types. The offenses listed are considered to be the most serious crime associated with each offender's current governing sentence, and are categorized according to crimes against persons, violent offenses, drug offenses, escapes, and all other offenses. Figure 6 graphically presents these trends for new court commitments only, while figures 7 and 8 display the same for technical parole returns and parole returns with a new crime.[6]

As can be seen in figures 6 and 7, the most serious offenses have remained relatively stable over the past 9 years. As expected, fewer technical returns have a crime against a person as their most serious offense as such offenders are released to parole, and therefore placed at risk of a technical parole violation, less frequently than those with a property, drug or escape offense.

It is noteworthy that while just over 5 percent of new court commitments are admitted with an escape as their most serious offense, approximately 12 percent of technical violators have escape given as their most serious offense. This is significant because technical violators will have the same offense given as their most serious on their return as they did during their prior incarceration period. This increase in the proportion of escape offenses could be indicative of the number of parolees returned with a new escape conviction and who are subsequently released on parole again, only to have their parole revoked again with a technical violation.

As shown in figure 7, the situation is much different in the case of parole returns with a new crime. A small but increasing percentage of such admissions have a person crime as their most serious offense. Approximately 35.0 percent return with a property offense, and between 19.9 percent and 29.4 percent return with a drug governing offense. However, the percentage returning with an escape conviction is much higher than for other admission types. This percentage has increased, from 23.4 percent in FY 2001 to 40.2 percent in FY 2006. This proportion dropped slightly in FY 2007 to 33.1 percent. **It is important to note that the offense listed is the most serious crime associated with the current incarceration. It is likely that many more escape convictions occur with this population, but the offense data available for this analysis are limited to only the single most serious crime.** All of the offenses involved in an inmate's prison sentence were not available for the analysis presented in this report. More complete data concerning conviction crimes and associated sentences would be required to ascertain the prevalence of prior escape convictions among parole returns.

Almost one third (31.8 percent) of parole violators with a new crime since FY 2000 have returned to prison with escape as their governing crime, compared to only 5.4 percent of new court commitments. New court commitments with escape conviction charges must originate from a criminal justice placement other than parole, since parolees would be counted in the "parole returns with a new crime" category. New court commitments with escape charges are diversion community corrections clients, jail work release walk-aways, and miscellaneous escape from custody charges such as running away from a police car.[7] However, it appears that relatively few offenders in these placements receive escape charges resulting in a prison sentence.

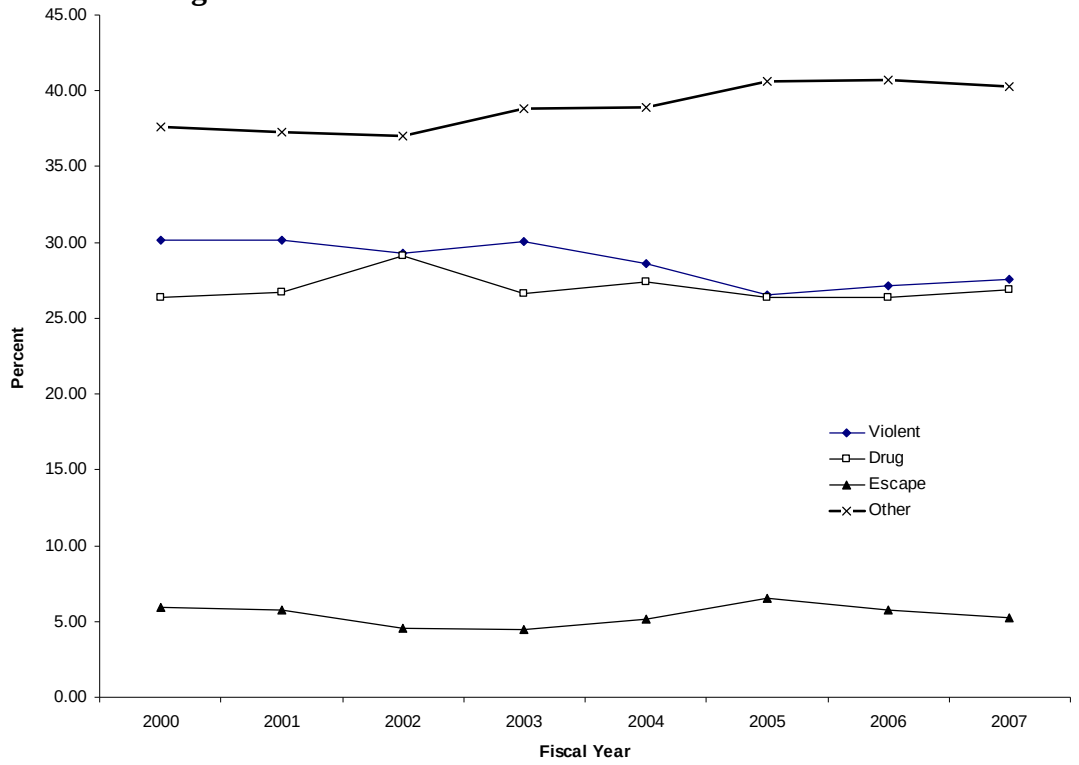
[6] For a more detailed breakdown of governing crimes by admission type, see Appendix A.
[7] Reference: Examples of escape behavior are from data compiled from the Colorado Division of Criminal Justice Court Data Collection 2007 Database, Colorado Department of Public Safety, Denver, Colorado.

Table 7: Most Serious Offense Category within Admission Types
Fiscal Years 2000 through 2007

	2000	2001	2002	2003	2004	2005	2006	2007	Total
	New Court Commitments								
N Cases	4044	4324	4905	5107	5146	5755	6201	6359	41841
	%	%	%	%	%	%	%	%	%
Violent	30.12	30.18	29.28	30.06	28.60	26.52	27.16	27.61	28.51
Drug	26.34	26.73	29.13	26.65	27.36	26.36	26.38	26.84	26.96
Escape	5.96	5.78	4.55	4.48	5.13	6.53	5.79	5.25	5.44
Other	37.59	37.30	37.04	38.81	38.90	40.59	40.67	40.30	39.09
Total	100	100	100	100	100	100	100	100	100
	Technical Violation Parole Returns								
N Cases	2056	1895	2181	1999	2298	2649	2793	3047	18918
	%	%	%	%	%	%	%	%	%
Violent	22.03	20.42	18.75	19.66	21.50	19.86	19.62	20.91	20.34
Drug	23.25	26.33	28.01	25.46	25.98	28.54	27.75	26.09	26.54
Escape	13.38	12.03	11.88	13.36	12.18	12.04	11.31	11.98	12.21
Other	41.34	41.21	41.36	41.52	40.34	39.56	41.32	41.02	40.92
Total	100	100	100	100	100	100	100	100	100
	Parole Returns with a New Crime Returns								
N Cases	413	402	410	433	449	824	1034	1008	4973
	%	%	%	%	%	%	%	%	%
Violent	9.20	8.46	9.27	10.62	10.47	11.29	11.61	15.18	11.44
Drug	27.85	29.35	29.27	27.48	27.62	22.33	20.79	19.94	24.05
Escape	27.60	23.88	25.12	24.48	27.62	35.19	40.23	33.13	31.83
Other	35.35	38.31	36.34	37.41	34.30	31.19	27.37	31.75	32.68
Total	100	100	100	100	100	100	100	100	100
	Other Admit Types*								
N Cases	149	156	113	61	80	140	185	174	1058
	%	%	%	%	%	%	%	%	%
Violent	35.57	24.36	26.55	37.70	31.25	22.86	30.81	31.61	29.58
Drug	28.86	34.62	33.63	36.07	36.25	25.00	24.32	21.84	28.73
Escape	6.71	8.33	8.85	1.64	5.00	5.00	8.65	7.47	6.99
Other	28.86	32.69	30.97	24.59	27.50	47.14	36.22	39.08	34.69
Total	100	100	100	100	100	100	100	100	100

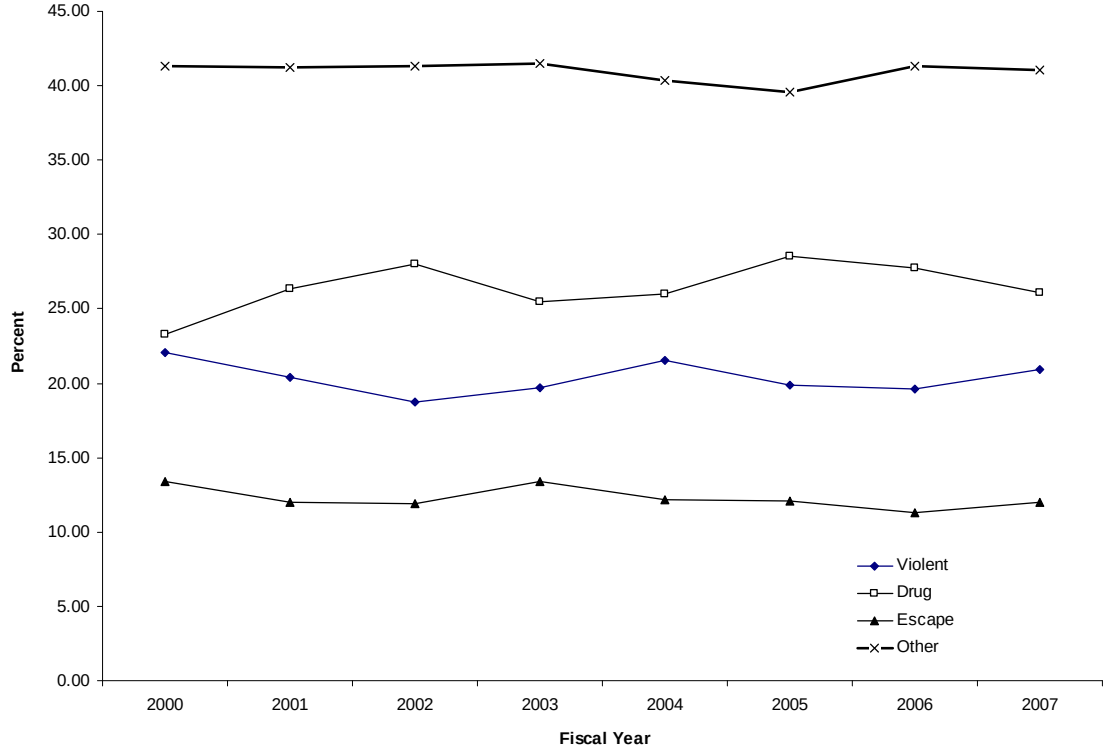
Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.
Note: Violent crimes include homicide, assault, kidnap, child abuse, sexual assault, robbery, extortion, intimidation, retaliation and riots in detention facilities. Escape also includes aiding escape, attempted escape, attempted escape while in custody, escape insanity law, escape pursuant to extradition, offenses relating to custody and contraband and violation of a bail bond. The 'other' crimes category includes burglary, theft, forgery, fraud, motor vehicle theft, arson, weapons violations, parental custody violations, contributing to the delinquency of a minor, offenses against public peace, dueling, criminal libel, false reporting, possession of contraband, unspecified inchoate offenses, obstructing law enforcement, vandalism, criminal trespassing, criminal mischief, bribery, criminal negligence, non-support of family, perjury, tampering, traffic-related violations, workers' compensation fraud, social services fraud, destruction of wildlife, hazardous waste violations, habitual criminal, organized crime control act.
* 'Other' admit types include: bond return, dual commit, probation return (with or without a new crime), court ordered discharge return (with or without a new crime), YOS failure (with or without a new crime), and YOS resentence.

Figure 6. Most Serious Offense Category for New Court Commitments FY 2000 through FY 2007



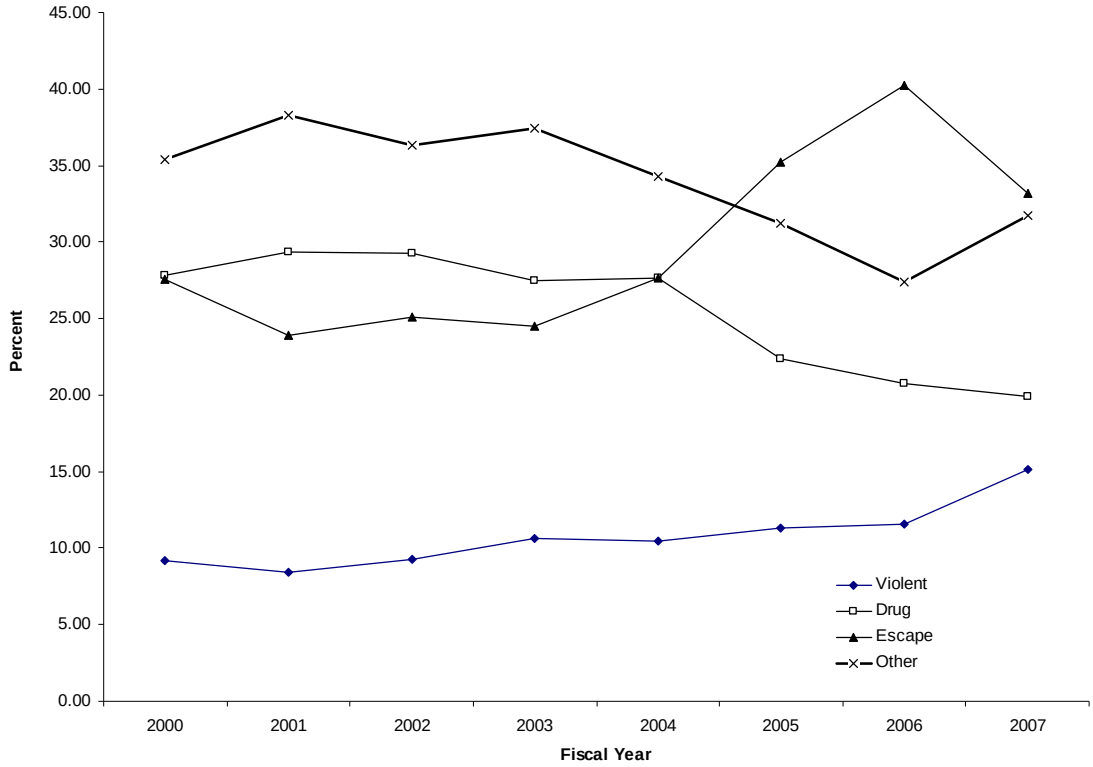
Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC.

Figure 7. Most Serious Offense Category for Technical Violation Parole Returns FY 2000 - FY 2007



Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC.

Figure 8. Most Serious Offense Category for Parole Returns with a New Crime FY 2000 - FY 2007



Source: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC.

Appendix B:
CDPS Memorandum from Linda Harrison to Kim English

cdps
COLORADO
DEPARTMENT
OF PUBLIC SAFETY

Division of Criminal Justice
Jeanne M. Smith, Director

700 Kipling St.
Suite 1000
Denver, CO 80215-5865
(303) 239-4442
FAX (303) 239-4491

Date: July 9, 2008

To: Kim English, Research Director

From: Linda Harrison, Senior Statistical Analyst

Re: The profile of probation revocations and its impact on incarceration

In response to inquiries from members of the Colorado Commission on Criminal and Juvenile Justice, this memo presents information regarding the impact of probation failures on the prison population. Additionally, information regarding trends in the overall probation population is presented. This information was obtained from published reports generated by the Judicial Department. We appreciate the assistance we have received from probation staff in the development of this memo.[1]

Table 1 displays the adult probation census at the end of each fiscal year (FY) between FY 2000 and FY 2007. These numbers include regular adult probation, private probation, and specialized programs. These specialized programs include Adult Intensive Supervision (AISP), the Female Offender Program (FOP), the Sex Offender Intensive Supervision Probation (SOISP), and the Specialized Drug Offender Program (SDOP). The numbers of individuals terminated unsuccessfully from these probation placements, whether by revocation or abscontion are also given, followed by the number of these revocations sent to prison.

Between FY 2000 and FY 2007, probation revocations increased 90.4 percent, whereas the number of individuals on probation has increased by only 38.8 percent. An estimated 21.4 percent increase in probationers revoked to the Department of Corrections (DOC) occurred during same time frame. However**,** as shown in Table 1, **the proportion of probation revocations that are sentenced to prison has actually declined**, from 39.8 percent in FY 2000 to 28.0 percent in FY 2006, and is projected to decline further in FY 2007. These trends in the probation population and revocations are graphically displayed in Figures 1 and 2 on the following pages.

Bill Ritter, Jr.
GOVERNOR

Peter A. Weir
EXECUTIVE DIRECTOR

Colorado State Patrol

Colorado Bureau of Investigation

Division of Criminal Justice

Office of Preparedness, Security, and Fire Safety

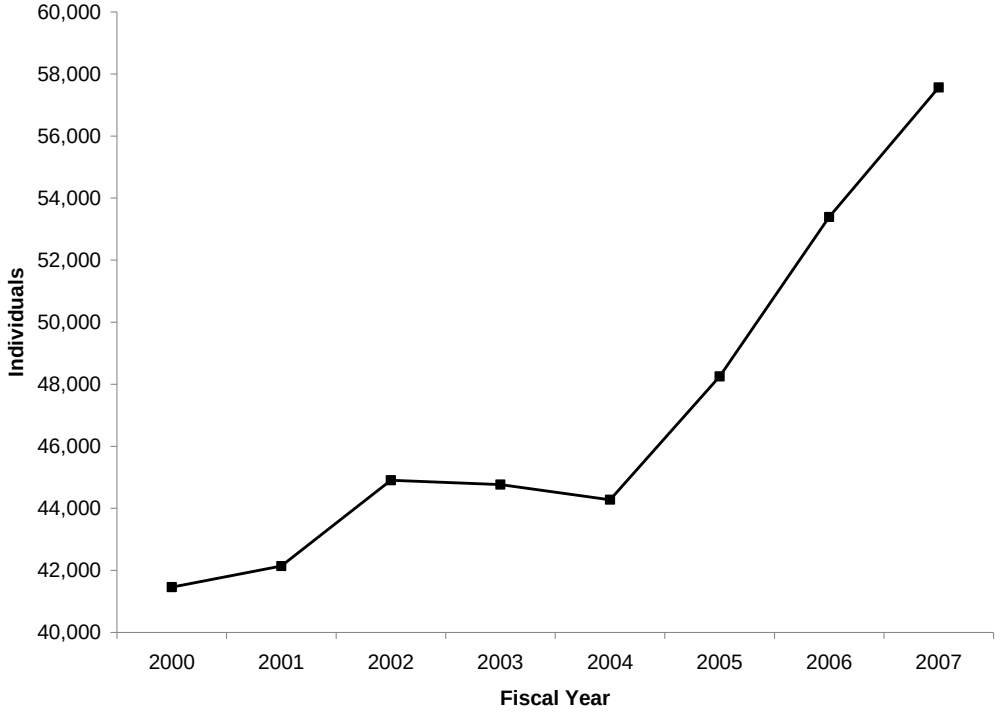
[1] DCJ staff worked extensively with the Office of the State Court Administrator's Planning and Analysis Division to ensure the accurate interpretation of data tables presented in the reports referenced in this document.

Table 1: Probation Census and Revocations, FY 2000 to FY 2007

Fiscal Year (FY)	EOFY Adult Probation Census[1]	Adult Probation Revocations[2]	Probationers Revoked to Prison[3]	Percent of Revoked Probationers Sentenced to DOC	Percent of Probation Census Revoked to DOC
2000	41,462	5,053	2,011	39.8%	4.9%
2001*	42,141	5,154	n/a	n/a	n/a
2002	44,905	5,159	1,928	37.4%	4.3%
2003	44,767	6,141	2,094	34.1%	4.7%
2004	44,276	6,946	2,260	32.5%	5.1%
2005	48,249	6,805	2,160	31.7%	4.5%
2006	53,390	8,357	2,338	28.0%	4.4%
2007**	57,565	9,623	2,441	25.4%	4.2%
Percentage Growth FY 2000 to FY 2007					
Growth	38.8%	90.4%	21.4%		

* FY 2001 probation revocations to prison are not available.
**Recidivism data concerning FY 2007 probation terminations are not yet available. The estimate is extrapolated based on trends observed over the prior four years.
Source: [1]Colorado Judicial Branch Annual Statistical Reports, Fiscal Years 2000 through 2007. The census given here includes adult regular probation, adult specialized programs, and adult private probation. Available at: www.courts.state.co.us/panda/statrep/pandaannualsindex.htm
[2,3] FY 2000-2006: Division of Probation Services. (2001). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2002). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2001 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2003). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2002 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2004). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2003 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2005). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2004 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2006). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2005 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2007). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases. Colorado Judicial Branch. Denver, CO.; FY 2007 only: Colorado Judicial Branch Annual Statistical Report, FY 2007.

Figure 1: Colorado Probation Census FY 2000 through FY 2007

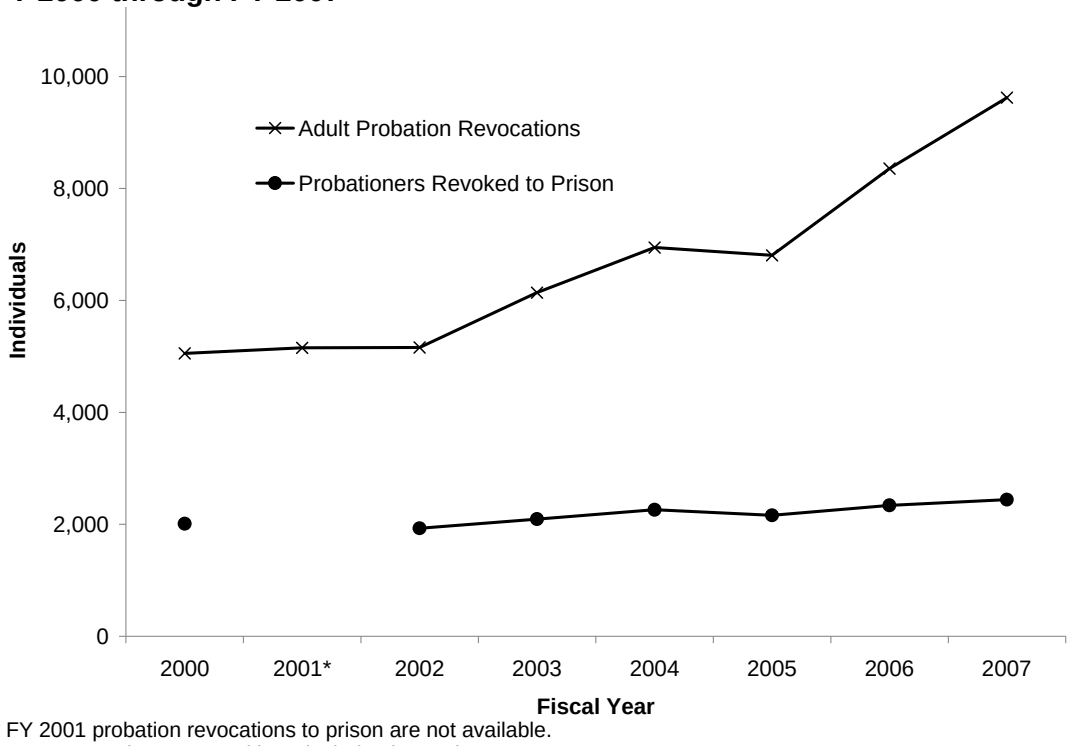


Note: This census includes adult regular probation, adult specialized programs, and adult private probation.
Source: Colorado Judicial Branch Annual Statistical Reports, Fiscal Years 2000 through 2007. Available at: http://www.courts.state.co.us/panda/statrep/pandaannualsindex.htm

Table 2 displays the number of individuals admitted to the DOC each year as new court commitments. Using the number of individuals estimated to be revoked from probation and sent to DOC each year, it can be seen that approximately 39 percent of the new court commitments to DOC over the past seven years have resulted from probation revocations. This percentage has remained fairly constant, varying by only a few percentage points each year. This constancy is in contrast to the significant increases in the probation population documented in Figure 1 above.

The disparity in growth between the probation population and revocations is of concern to the Colorado Division of Probation Services and begs further scrutiny to determine the source of the increased revocations. As displayed graphically in Figure 2 above, the number of revocations has increased considerably in fiscal years 2006 and 2007. While little data concerning the reasons for these probation revocations are available, those that are readily available are compiled and discussed below.

Figure 2: Colorado Probation Failures and Revocations to Prison FY 2000 through FY 2007



* FY 2001 probation revocations to prison are not available.
Note: Revocations reported here include absconders.
Source: FY 2000-2006: Division of Probation Services. (2001). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2002). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2001 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2003). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2002 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2004). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2003 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2005). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2004 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2006). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2005 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2007). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases. Colorado Judicial Branch. Denver, CO. FY 2007 only: Colorado Judicial Branch Annual Statistical Report, FY 2007. Revocations to DOC are estimated as outcome data for FY 2007 probation terminations are not yet available. The estimate was extrapolated based on trends observed over the prior four years.

Table 2: Department of Corrections (DOC) New Court Commitments and Proportion Originating from Probation Revocations, FY 2000 to FY 2007

Fiscal Year (FY)	New Court Commitments to Prison	Probationers Revoked to Prison	Percent of DOC New Court Commitments Originating from Probation
2000	4,212	2,011	47.4%
2001*	4,475	n/a	n/a
2002	5,076	1,928	38.0%
2003	5,283	2,094	39.6%
2004	5,318	2,260	42.5%
2005	5,789	2,160	37.3%
2006	6,149	2,338	38.0%
2007**	6,379	2,441	38.3%*

* FY 2001 probation revocations to prison are not available.
** Recidivism data concerning FY 2007 probation terminations are not yet available. The estimate is extrapolated based on the percentages of revocations resulting in incarceration from the prior four years.
Data Sources: Colorado Department of Corrections. Office of Planning and Analysis. Admission and Release Trends Statistical Bulletin number OPA 08-08. Available at: http://www.doc.state.co.us/Statistics/4StatisticalBulletins.htm. Colorado Department of Corrections. Office of Planning and Analysis. Statistical Reports Fiscal Years 2000, 2001, 2002, 2004, 2006. Available at: https://exdoc.state.co.us/Statistics/3StatisticalReports.htm. Probationers revoked to prison are taken from Table 1 of this document.

Table 3 compares the number of absconders and other probation failures by probation program type. As shown, the regular adult probation caseload has increased 28.6 percent over the past 7 years. The number of absconds from regular adult probation has remained relatively stable, increasing by only 5.7 percent, while other failures increased by just over 100 percent. Specialized programs grew by 37.5 percent, with absconders increasing by 45.3 percent and other failures by 63.6 percent.

The greatest increases in both caseload and revocations have occurred in the private probation sector, with a 66.6 percent increase in caseload and massive increases in revocations. This increase is particularly notable in the case of abscontion failures, at 1787.8 percent. Other private probation failures increased by 1357.1 percent. Figure 3 displays the correspondence between the growth of the private probation population and its failure rates.

This increase in private probation revocations is due strictly to the inclusion of DUI probationers who in the past were only monitored and not included in probation census numbers. Starting in 2005, these offenders have been placed on formal private probation supervision and are therefore subject to revocation. In FY 2007, over 8,000 private probationers were DUI offenders who would have received only monitoring prior to 2005. DUI offenders under formal probation have been found to have higher revocation and abscontion rates compared to monitored DUI offenders.

Table 4 compares the numbers of revocations resulting from technical violations to those resulting from new crimes for all the adult probation programs combined. As a comparison of regular probation to private probation is not possible with the information currently available, all probation programs are combined. Additionally, adult probation cases include misdemeanor convictions, which are not eligible for prison. However, data exclusive to felony convictions are also not readily available. As shown, probation failures due to technical violations increased by 57.9 percent over the past 7 years. However, probation failures due to new crimes increased by 114.2 percent over the same time frame. These increases are also displayed graphically in Figure 4.

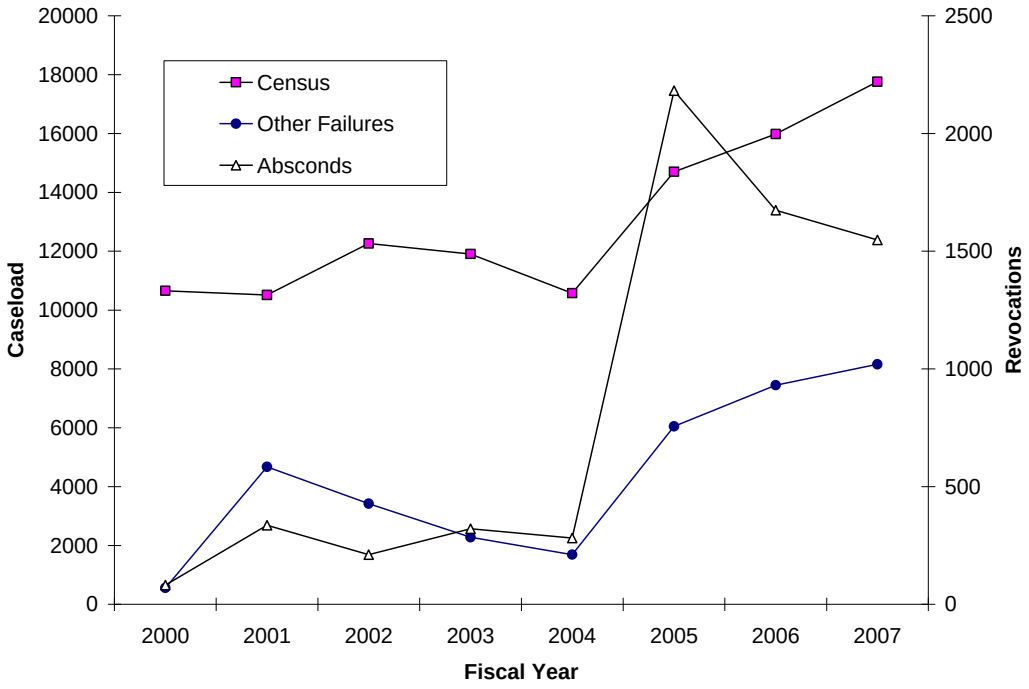
Clearly, more detailed analysis of probation revocations would provide information useful in identifying the sources of these increases in probation revocations. In the meantime, the Division of Probation Services is creating an action plan for reducing the technical violation rate and prison placement. A technical violations committee has been working to implement strategies to reduce technical violations in all probation programs. Strategies of this plan include the delivery of consequences closer in time to the point of the violation and the use of intermediate sanctions and incentives.

Table 3: Growth in Colorado Adult Probation and Probation Failures by Type, FY 2000 to FY 2007

Fiscal Year (FY)	Regular Adult Probation			Private Probation			Specialized Adult Programs		
	Census	Abscond	Other* Revo-cation	Census	Abscond	Other* Revo-cation	Census	Abscond	Other* Revo-cation
2000	28653	3026	1517	10659	82	70	2150	170	341
2001	29466	2892	1704	10514	336	584	2161	153	434
2002	30155	2663	2095	12266	211	428	2484	206	391
2003	30525	3205	2480	11903	321	285	2339	148	399
2004	30898	3799	2618	10572	282	211	2806	171	382
2005	30973	3537	2650	14703	2182	756	2573	240	543
2006	34534	3238	2878	15982	1674	931	2874	254	564
2007	36847	3197	3053	17761	1548	1020	2957	247	558
	Percentage Growth FY 2000 to FY 2007								
	28.6%	5.7%	101.3%	66.6%	1787.8%	1357.1%	37.5%	45.3%	63.6%

* "Other" revocations include probation terminations for both technical violations and new crimes.
Source: Colorado Judicial Branch Annual Statistical Reports, Fiscal Years 2000 through 2007. Available at: http://www.courts.state.co.us/panda/statrep/pandaannualsindex.htm

Figure 3: Colorado Private Probation Census and Failures by Type, FY 2000 to FY 2007



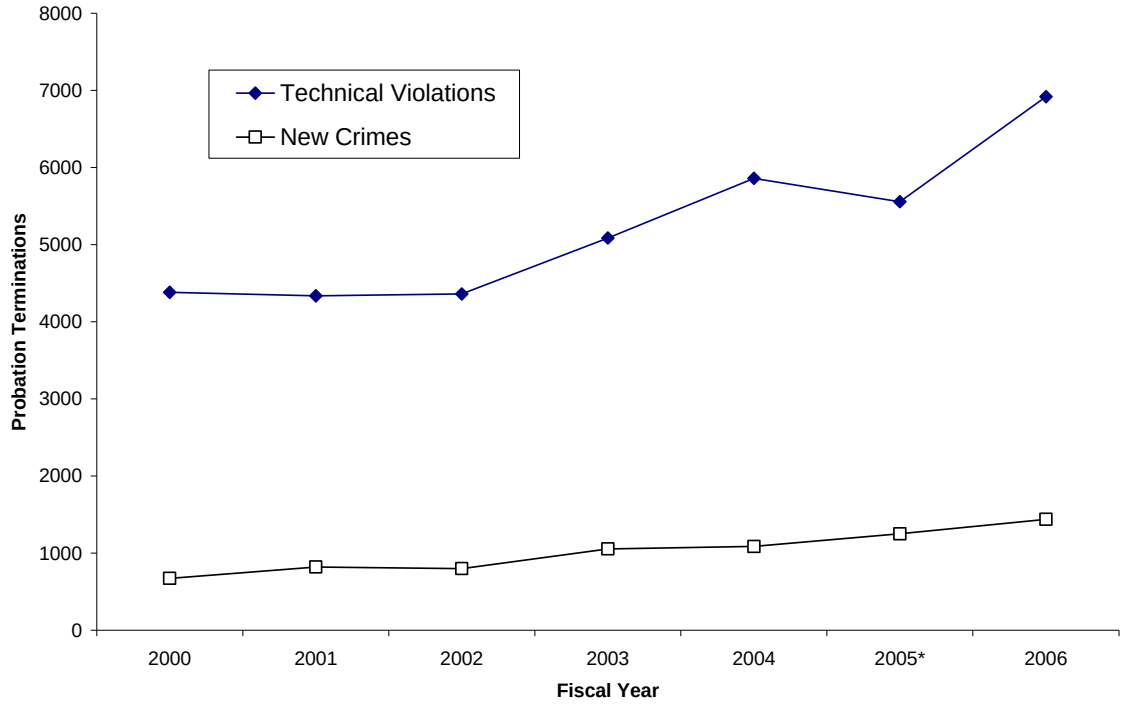
Source: Colorado Judicial Branch Annual Statistical Reports, Fiscal Years 2000 through 2007. Available at: http://www.courts.state.co.us/panda/statrep/pandaannualsindex.htm

Table 4: Colorado Adult Probation* Failure Types, FY 2000 to FY 2006

Fiscal Year (FY)	EOFY Adult Probation Census[3]	Technical Violations[1]	New Crimes[2]
2000	41,462	4382	671
2001	42,141	4335	819
2002	44,905	4361	798
2003	44,767	5087	1054
2004	44,276	5861	1085
2005*	48,249	5556	1249
2006	53,390	6920	1437
	Percentage Growth FY 2000 to FY 2007		
Growth	28.8%	57.9%	114.2%

* Includes adult regular probation, specialized adult programs and adult private probation.
Source: [1]Colorado Judicial Branch Annual Statistical Reports, Fiscal Years 2000 through 2007.
The census given here includes adult regular probation, adult specialized programs, and adult private probation. Available at: www.courts.state.co.us/panda/statrep/pandaannualsindex.htm
[2,3] Division of Probation Services. (2001). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2002). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2001 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2003). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2002 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2004). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2003 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2005). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2004 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2006). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2005 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2007). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases. Colorado Judicial Branch. Denver, CO.

Figure 4: Colorado Adult Probation* Failure Types, FY 2000 to FY 2006



* Includes adult regular probation, specialized adult programs and adult private probation.
Source: Division of Probation Services. (2001). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2002). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2001 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2003). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2002 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2004). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2003 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2005). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2004 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2006). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2005 Releases. Colorado Judicial Branch. Denver, CO.; Division of Probation Services. (2007). Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases. Colorado Judicial Branch. Denver, CO.

Appendix C:
House Bill 07-1358

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

HOUSE BILL 07-1358

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

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

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

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

ARTICLE 11.3
Colorado Commission on Criminal and Juvenile Justice

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

(a) ENSURING PUBLIC SAFETY AND RESPECTING THE RIGHTS OF

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

VICTIMS ARE PARAMOUNT CONCERNS OF THE CITIZENS OF COLORADO;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) A REPRESENTATIVE OF A POLICE DEPARTMENT;

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

(C) AN EXPERT IN JUVENILE JUSTICE ISSUES;

(D) TWO ELECTED DISTRICT ATTORNEYS;

(E) A COUNTY COMMISSIONER;

(F) A CRIMINAL DEFENSE ATTORNEY;

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

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

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

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

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

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

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

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

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

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

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

16-11.3-103. Duties of the commission - mission - staffing. (1) THE MISSION OF THE COMMISSION IS TO ENHANCE PUBLIC SAFETY, TO ENSURE JUSTICE, AND TO ENSURE PROTECTION OF THE RIGHTS OF VICTIMS THROUGH THE COST-EFFECTIVE USE OF PUBLIC RESOURCES. THE WORK OF THE COMMISSION WILL FOCUS ON EVIDENCE-BASED RECIDIVISM REDUCTION INITIATIVES AND THE COST-EFFECTIVE EXPENDITURE OF LIMITED CRIMINAL JUSTICE FUNDS.

(2) THE COMMISSION SHALL HAVE THE FOLLOWING DUTIES:

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

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

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

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

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

AND THE RESOURCES AVAILABLE FOR CONDUCTING THE WORK; AND

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

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

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

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

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

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

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

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

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

24-1-128.6. Department of public safety - creation - repeal. (8) (a) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE, CREATED PURSUANT TO SECTION 16-11.3-102, C.R.S., SHALL EXERCISE ITS POWERS AND PERFORM ITS DUTIES AND FUNCTIONS AS IF THE SAME WERE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC SAFETY.

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

SECTION 3. Appropriation - adjustments to the 2007 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of public safety, for the fiscal year beginning July 1, 2007, the sum of ninety-two thousand six hundred fifty-seven dollars ($92,657) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

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

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

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

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

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

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

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

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

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

Andrew Romanoff SPEAKER OF THE HOUSE OF REPRESENTATIVES	Joan Fitz-Gerald PRESIDENT OF THE SENATE
Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE

APPROVED_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO

Appendix D:
Survey and Interview Results

Colorado Commission on Criminal and Juvenile Justice

Survey and Interview Results

1-11-2008

The Survey Questions

- What are your top three objectives for the CCJJ?
- What do you think are the five most pressing problems facing the juvenile/criminal justice systems in Colorado?
- What additional groups - besides those represented in the commission's membership – does the CCJJ need to reach out to?

The Survey Questions

- What data and/or information would you find helpful as the CCJJ begins its work?
- Please complete this sentence: "We will be successful if..."
- What do you see as the greatest challenges and/or barriers to the CCJJ successfully accomplishing its mission?

The Survey Questions

- Please list a few specific areas of interest to you so that we might learn about the scope of possible CCJJ subcommittees.

The Survey Questions

- The Commission is authorized to hire an executive director to ensure that the work of the Commission and its subcommittees remains timely and focused. We would very much appreciate your thoughts regarding the qualifications and expertise that should be sought in an executive director. Please respond to the following:

  It is most important for the executive director to:
  - Have subject matter expertise in criminal justice issues
    - or
  - Have excellent skills as an administrator and facilitator

The Survey Questions

- For the Commission to effectively operate as a group, it is important to identify, and agree upon, certain core values that are shared by the members. Then you were provided with a list and asked to select and rank five of those values.

CCJJ Objectives

- Reduction of Recidivism was #1 objective
  - Integrate Mental Health & Substance Abuse Treatment.
    - Use evidence-based practices.
    - Use of therapeutic models.
  - Create alternative sentencing options.
  - Create limitations for habitual criminal filings and sentences.
  - Use of education.
    - Rehabilitate DOC inmates.

Other Objectives

- Reform sentencing and parole laws
  - Address outdated provisions.
  - Reform laws related to direct transfer filings for juveniles.
  - Determine if sentencing laws are a reflection of who really needs to be in prison.
- Evaluate the effectiveness of parole, probation and community corrections.
  - Develop performance measurement process.

More Objectives

- Focus on crime prevention programming.
  - Balance community and victim safety.
  - Adult and juvenile programs and policies.
    - But keep the non-metro area in mind!
  - Enhance the state Witness Protection Program
- Evaluate the fiscal management of state resources.
  - Management needs to be improved.
  - Unfunded mandates to local communities should be avoided.
  - Funding should be provided to ensure that outcomes can be evaluated.

Problems facing the Juvenile/Criminal Justice System

- The #1 problem is the high level of recidivism.
  - Due to technical violators returning to prison.
  - Also due to a lack of employment opportunities.
  - There is a need for improved transition programs for parolees.

Other Problems

- Lack of Resources
  - Existing services being under funded.
    - Especially in rural areas.
  - Not having the personnel, programs (proven), or physical capacity to handle the demand.
- Mandatory sentencing
  - There is a need for sentencing alternatives
- Special needs groups:
  - Mentally ill, drug/alcohol abusers
    - There is a need for integrative treatment
    - The mentally ill should be considered for diversion as means of receiving needed treatments and interventions.
  - A misunderstanding of the causes of crime and violence and the expectation that the CJS can “solve” the problem.

More Problems

- An over-burdened system
  - Court congestion and high case manager case loads
  - Over populated prisons
    - Unwillingness of state to build more beds.
- A lack of sanctions for habitual drunk driving.
- Overrepresentations of minorities in the system.
- Lack of a computer system to smoothly share inmate information across agencies.
- A need for integration of service delivery across the state.
- Underutilization of Evidence Based Practice
- Case load volume throughout the system.

Other Groups CCJJ Should Attempt to Reach

- Victims and their families
  - Including victim/witness advocates
- Offender advocate groups
  - Including the families of the incarcerated
  - C.U.R.E., C.C.J.R.C.
  - Former and current offenders
- School districts
- Those doing research on crime, and recidivism, etc.
- Business community
- General public
  - Including public service agencies
  - Grass roots community activists
- Homeless advocates
- Immigration enforcement and advocates
- Justice system coordinating commissions
- Treatment providers
  - Substance abuse
  - Mental health
  - Medical
- Churches
- Experts
  - Literacy
  - Early childhood development
  - Local educators
- Criminal Justice Practitioners
  - From all over the state, region, country and world

Helpful Information: Inmate Description

- Profile of inmates (prison and DYC)
  - Demographics
  - Crime trends, gang activity, drug use
  - High school dropout rate
  - Family incarceration patterns
  - How often do individuals commit the same crime.

Helpful Information: Background Information

- Research on effective alternatives to prison.
- What programs exist across the state and what is their available capacity?
- Background information on Colorado sentencing structure.
- What effect does plea bargaining have on the Criminal Justice system?
- List of violations that require a person to go back to DOC.
  - What is the rate that each occurs?
- Facts and figures of caseloads across state.

Helpful Information: Recidivism

- Recidivism rate by age, crime, mental health status and drug/alcohol abuse.
- Background research on ways to prevent recidivism.
- How are parole and probation typically violated?

Other Helpful Information

- Commission research and program implementation from other states.
  - Where has the concept of Restorative Justice been implemented? What is it's success rate?
- Research on Evidence Based Practice that have a solid success record.

Success

- We will be successful if....
  - "we have a positive impact on the juvenile and adult CJ system to include increasing public safety, reducing recidivism and creating sustainable results and partnerships for stakeholders."
  - "we not only reduce recidivism but also reduce 1st time offenders and overall incidents of crime."
  - "all CCJJ members set aside their biases and pre-conceived notions and instead work together to make progress."

Challenges and Concerns about the CCJJ

- Major concern about the political divide that may exist within the commission.
  - Focus on control vs. Focus on innovation
  - Society's willingness to spend money on prisons rather than programs.
  - Felt by some that there is an overrepresentation of pro-prosecution commission members.
  - Some worry that they will not be elected if they are not tough on crime.
    - Therefore, they are unwilling to take programmatic risks.

Other Concerns/Challenges

- Having unrealistic expectations about reducing the prison population.
- Having unrealistic expectations about drug law reform.
- The number of years it will take to see real statistical benefits of any changes.
- Lack of commitment of resources to true change.
- Lack of funding
  - Including an awareness of the commission that extensive money may be needed to make the necessary changes.
  - Disagreement on where funding should go.

Member Interests

- The #1 interest was related to an increase in education opportunities.
  - Including parenting programs and innovative reentry programs.
- Sentencing alternatives
  - Mandatory sentencing reform
  - Sentencing reforms that have been made in other states
  - Diversion from prison to treatment instead for MH population.
- Renovations to the juvenile justice system.
  - Rehabilitate their behavior rather than forcing them into the adult system.
  - Evidence Based Practice juvenile treatment alternatives.

Various Other Interests

- Various target populations (e.g., habitual criminals, gangs, mental health inmates)
- Diversity – including racial/class disparity
- Use of the CCJJ in non-metro areas.
- A mental health court system.
- Recidivism
- Case management
- Truth in sentencing
- Rehabilitation
- Interactive treatment
- Change in attorney attitude to focus on mediation and restorative justice.
- Legislation
- Enhancing witness protection
- Victim's rights enforcement
- Community partnerships

Executive Director

- When asked what trait is most important for the executive director to have
  - 6 (40%) said "expertise in criminal justice issues."
  - 9 (60%) said "excellent skills as an administrator and facilitator."

Other Skills of the Executive Director

- Speaking/presentation/leadership skills.
  - Including the ability to express the extreme need for reform.
  - Negotiation and conflict skills
  - And an awareness of the issues and resources involved.
- Knowledge of the criminal justice and legal system.
  - Including knowledge and involvement in other state commissions.
- Organization and management skills.
- Open-minded with respect for all sides.
- Research skills

Core Qualities

- From a list of 33 core qualities the following items were chosen as the five most important (by frequency of times chosen):
  1. Innovative (7 times)
  2. Accountability & Respect for Diversity (6 times each)
  3. Competence, Result Oriented, & Visionary (5 times each)
  4. Commitment & Fairness (4 times each)
  5. Ethical, Honesty and Integrity, & Teamwork (3 times each)

Your Suggestions On How To Get Started To Ensure Success

- Develop a big picture vision and then break that down into pieces to determine how we get there
- Take advantage of this unique opportunity to look at things from top to bottom
- Engage in serious conversation about the mission of the commission
- Clarify expectations

Your Suggestions On How To Get Started To Ensure Success

- Find out who is around the table - their backgrounds – develop a comfort level – understand where people are coming from
- Create a sense of trust
- Get buy in up front that there must be give and take
- When we are here, take off you hat and commit to the work

Your Suggestions On How To Get Started To Ensure Success

Go slow before you go fast

Your Suggestions On How To Get Started To Ensure Success

- Identify common ground
- Determine what we would like to achieve and what is achievable
- Determine our tasks, do they make sense, are they in the correct order

Your Suggestions On How To Get Started To Ensure Success

- Find out what we are doing now
- Take time studying data and information
- Obtain offender profiles
- Determine what communities want in the criminal and juvenile justice systems
- Look beyond the commission to see what resonates with other key stakeholders

Your Suggestions On How To Get Started To Ensure Success

Identify major problems and trends - prioritize - develop roadmap

Your Suggestions On How To Get Started To Ensure Success

- Focus on recidivism
- Focus on funding
- Look at sentencing and try to make it logical
- Explore methods for lawyers to work together – the divide between prosecution and defense may destroy the system

Common Ground

- The people on this commission have the passion to make a difference
- Reality test our discussions – rely on good data and information
- My favorite question: "What data or information do you have that leads you to that conclusion"

Common Ground

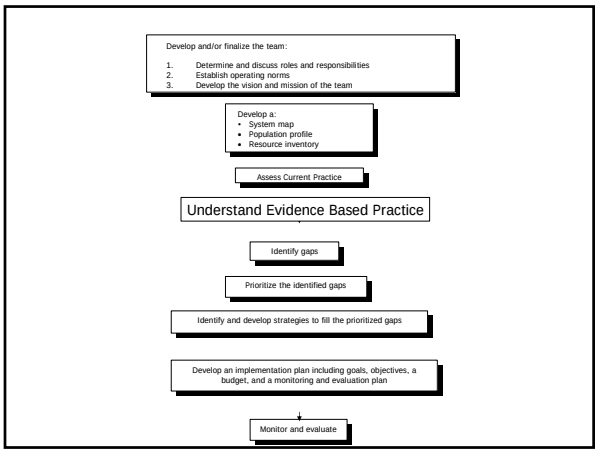
The criminal and juvenile justice systems cannot solve all the problems

Common Ground

Identify things that need to be dealt with and fix them

Common Ground

- There must be a focus on reducing recidivism and impacting initial entry into the system
- Reentry is a critical issue to pursue
- There are changes that need to be made to our sentencing structure
- Mental health and substance abuse are key issues to deal with



Characteristics of Successful Teams

- A clear and elevating goal
- A results-driven structure
- Competent team members
- Unified commitment
- A collaborative climate
- Standards of excellence
- External support and recognition
- Principled leadership

Lawson and LaFasto

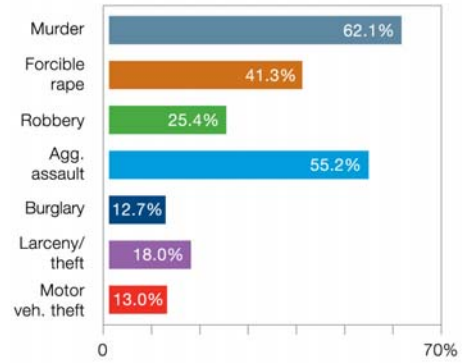
Appendix E:
Summary of CCJJ Educational Materials

SUMMARY OF CCJJ EDUCATIONAL MATERIALS

- **First meeting in January:**
  - Other efforts are underway nationally, and many have been underway for many years
  - Statistically-produced risk assessment tools are one way to target the use of prisons for the most serious and violent offenders
  - The Governor said he wanted to preserve public safety while making efficient use of taxpayer dollars, and he asked for the group to work together

- **February meeting:** "Introduction to the adult system"
  - Many ways to measure crime, but by all measures the national crime rate is down, and in Colorado it has been at a historic low since about 1999-2000
  - By far, the most common crimes reported to law enforcement are aggravated assault and larceny.

  - But, most crimes are not reported to the police (half of violent crimes and 40% of property crimes are reported), and very few of the major crimes are cleared by arrest (see graph).



Note: In its calculations, the FBI's Uniform Crime Report counts the number of offenses that are cleared, not the number of arrestees.

Source: *Crime in the United States 2005*. Department of Justice – Federal Bureau of Investigation, September 2006.

- Fewer still are prosecuted and of those prosecuted, about 70% are convicted.
- Of those convicted, about
  - 60% go to probation,
  - 5% go to community corrections
  - 9% go to jail
  - 25% go to prison
- The annual costs of these placements vary considerably, from
  - $1-5,000 per year for probation supervision

    - $12,400 per year for community corrections/halfway houses
    - $22,000 for a county jail bed
    - $20,000-65,000 for a DOC bed
  - About 40,000 adults enter the system each year, and sentences can range from 6 months to life.

March meeting:

- Speaker of the House said the state does not have the money to continue to build prisons to meet the forecasted size of the inmate population
- DCJ's Linda Harrison forecasted a significant increase in
  - court filings
  - new commitments to prison
- CO Prison population expected to increase 32%, from 23,000 to well over 29,000 inmates
- Also saw a slide of the KS prison forecast that looked just Colorado's, going straight up, and another slide that shows the forecast after implementing programs.

- In March you heard about what works and what doesn't to reduce recidivism and prevent crime.

  - Incarceration works as punishment, but its affect on the overall crime rate is mixed, and very complex.
    - It's been found to more likely prevent violent crimes,
    - but it has little impact on drug crimes because other offenders quickly replace incarcerated drug offenders.
    - Some of the drop in crime in the past 20 years can be attributed to incarceration, but studies show that other factors played a larger role.
    - Rigorous studies have shown that incarceration is associated with higher rates of recidivism compared to community sanctions.
  - Employment, aging and marriage contribute to terminating criminal activity.
  - Research shows that community supervision that is service-oriented rather than surveillance-oriented, can reduce recidivism
  - Educational, vocational, substance abuse treatment programming, drug courts, mental health programs, and cognitive-behavioral programs reduce recidivism and are cost effective.
  - Many programs reduce recidivism among juvenile offenders
  - Risk-focused prevention programs can prevent crime.

- Programs need to be delivered according to what research has found to be EVIDENCE-BASED CORRECTIONAL PRACTICE.
  - You have a description of this in Section 9 of your Commission Binder:

    - Assess risk/needs of the offender (The presentation by probation staff addressed this)
    - Enhance offender motivation
    - Target interventions to NEED
    - Ensure adequate program dose and duration
    - Train staff and monitor their delivery of services
    - Increase positive reinforcement
    - Engage pro-social support for offenders
    - Measure the effort
    - Provide measurement feedback

- Probation gave examples of many efforts underway to change the CULTURE of probation, including having brown bag lunches to discuss EBP, and in some jurisdictions the chief is evaluating staff performance differently, in order to promote EBP.
- DOC provided information about the availability of programming across 28 prisons. DOC has gained a national reputation for its programming for the mentally ill, its sex offender treatment program, and it offers GED programs and substance abuse programming in all the facilities.
- Overall, few resources have been devoted to evaluating programs in Colorado, so we do not have good feedback on the effectiveness of current programming, in prison and in the community.

TODAY:

- DOC explained that they do needs assessments of inmates at intake
- Providing programming is complicated and interrupted by the #1 priority of secure inmate management

GRAND SUMMARY

1. Are there offenders sentenced to prison who could be sentenced to a less expensive placement?

- **Of the nonviolent group sentenced to DOC in 2006, 65% had a prior violent crime arrest or conviction as an adult or juvenile**
- **The remaining 35% had HIGH service needs scores and an average of 4.7 prior arrests**

2. What happens to offenders who violate probation? Do they all go to prison?

- **In 2006, about 29% of those with probation revocations IN YEAR ONE went to prison**

3. What kind of needs for services and programming do the DOC offenders have?

- **Most need services**
- **80% have substantial drug problems**

Colorado Division of Criminal Justice April 2008

IN SUM

- Governor Ritter wants this commission to fulfill its mandate.
- Progressive efforts are underway in other states; some efforts are underway in Colorado but these could be expanded
- There is a lot of crime, and the criminal justice system only addresses a small part of it
- The part we address can be made more effective
- There is a lot of information available—we don't have to work in the dark or reinvent the wheel, but we do need to build an excellent wheel for Colorado.
- Offenders have significant substance abuse, employment, mental health and housing needs that we need to address to reduce recidivism.

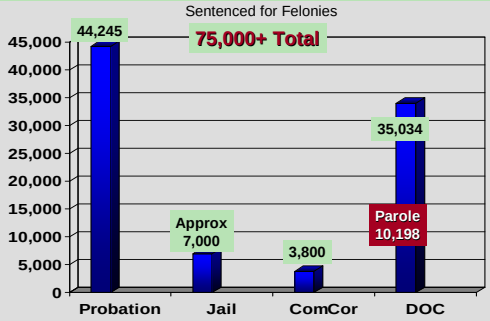
Overview of the Justice System

Colorado Commission on Criminal and Juvenile Justice (CCCJJ)

February 8, 2008

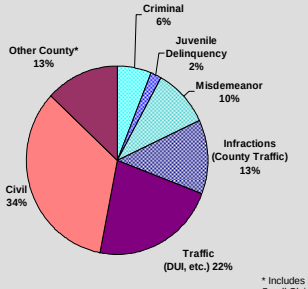
Prepared by the
Office of Research and Statistics
Division of Criminal Justice
Colorado Department of Public Safety

Size of Adult Corrections System



Note: DOC and ComCor figures as of 12/31/07; probation figures as of 10/31/07. Some of the ComCor figures are duplicated in the probation and DOC numbers.

740,432 Cases Filed in Colorado District and County Courts FY 2007



* Includes Domestic Relations, Mental Health, Probate, Small Claims, a few felonies that are filed in county court, etc.

Source: Colorado Judicial Branch Annual Statistical Report FY 2007

Outline for today

1. What's the "system"?
2. How is crime counted, and what's the crime rate?
3. Where are offenders sentenced?
4. What does this cost?
5. What are the penalties for crime?

Sources of information: Handouts; *Crime and Justice Report, 2006*; Special analyses that Linda and Chrissy did for today, DOC and Probation Services.

Adult Criminal Justice System

Crimes → Reports to police → Arrests → Adult cases filed in court → Prosecuted → Convicted

3 ways to study crime

1. **Surveys of households**
   - **A. Victimizations (age 12+)**
   - **B. If reported to law enforcement**
     (Handouts; attacked, threaten, stolen)
2. **Reports to law enforcement by public**
3. **Arrests made by law enforcement**

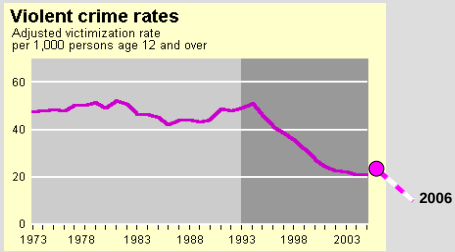
National Victim Reports of Crime

National survey of households (members age 12+) (NCVS)

- **2.3% of individuals experienced a violent crime in 2006**
- **16% of HOUSEHOLDS experienced a property crime in 2006**

Rand, M. and Catalano, S. (December 2007). *Criminal Victimization, 2006.* Bureau of Justice Statistics, U.S. Office of Justice Programs, U.S. Department of Justice, Washington, DC. (NCJ 219413)

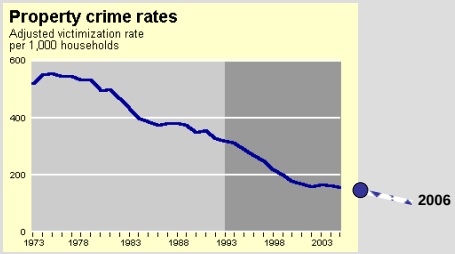
National Household Survey: Violent victimization rates 1973-2006



The violent crimes included are rape, robbery, aggravated and simple assault

Bureau of Justice Statistics website; 2006 National Crime Victimization Survey, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, December, 2007 NCJ 219413

National Household Survey: Property victimization rates 1973-2006



Property crimes include burglary, theft, and motor vehicle theft

2006 National Crime Victimization Survey, Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, December, 2007 NCJ 219413

Victims said they do not report all crimes to law enforcement

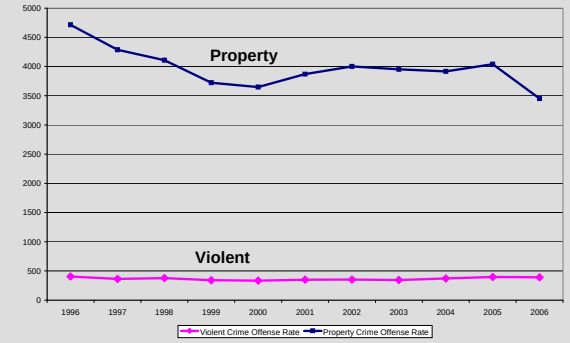
Reports to Law Enforcement (NCVS, 2006)

VIOLENT Overall	49%
Aggravated Assault	59%
Rape/Sexual Assault	41%
PROPERTY Overall	38%
Personal Theft	56%
Motor Vehicle Theft	81%

Rand and Catalano (Dec. 2007) *Criminal Victimization, 2006.* Bureau of Justice Statistics, U.S. Office of Justice Programs, U.S. Department of Justice, Washington, DC. (NCJ 214644)

Let's look at REPORTS of crimes in Colorado *that may or may not have resulted in an arrest*

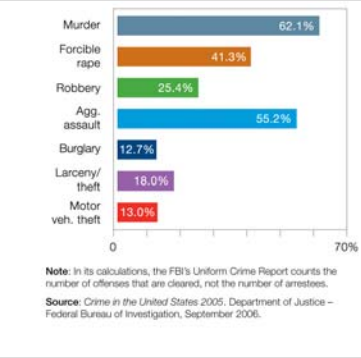
Colorado Violent and Property Crime Offense Rates 1996-2006



Violent includes murder, rape, robbery, and assault. Property includes burglary, larceny/theft, and motor vehicle theft. Source: FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data available at http://bjsdata.ojp.usdoj.gov/dataonline.

How often do reports of crime lead to an arrest?

FBI arrest clearance rates, 2005



Note: In its calculations, the FBI's Uniform Crime Report counts the number of offenses that are cleared, not the number of arrestees.

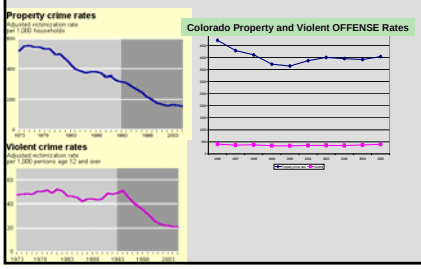
Source: *Crime in the United States 2005*. Department of Justice – Federal Bureau of Investigation, September 2006.

The arrest of a SINGLE person can account for lots of crimes!

F2.2

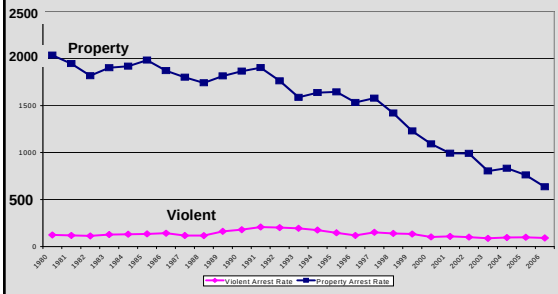
Adult Criminal Justice System

Crimes → Colorado Reports to Police → Colorado Arrests



What are Colorado arrest rates?

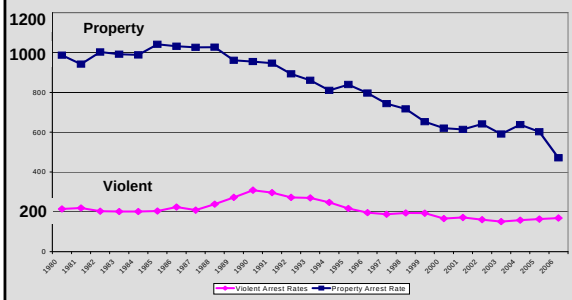
Colorado juvenile violent and property arrest rates, 1980-2006



Violent includes murder, rape, robbery, and assault. Property includes burglary, larceny-theft, motor vehicle theft, and arson. Source: Colorado Bureau of Investigations Annual Reports, 1980-2006. Colorado State Demographer's Office, Department of Local Affairs.

What are Colorado arrest rates?

Colorado adult violent and property arrest rates, 1980-2006



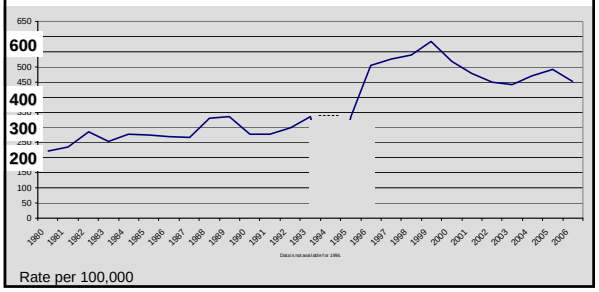
Violent includes murder, rape, robbery, and assault. Property includes burglary, larceny-theft, motor vehicle theft, and arson. Source: Colorado Bureau of Investigations Annual Reports, 1980-2006. Colorado State Demographers Office, Department of Local Affairs.

What are Colorado arrest rates for specific crimes for adult and juveniles?

Colorado

Adult Drug Violations Arrest Rates, 1980-2006

Source: CBI Crime in Colorado Reports

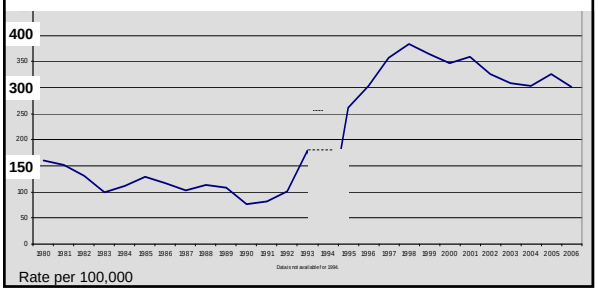


Rate per 100,000

Colorado

Juvenile Drug Violations Arrest Rates, 1980-2006

Source: CBI Crime in Colorado Reports

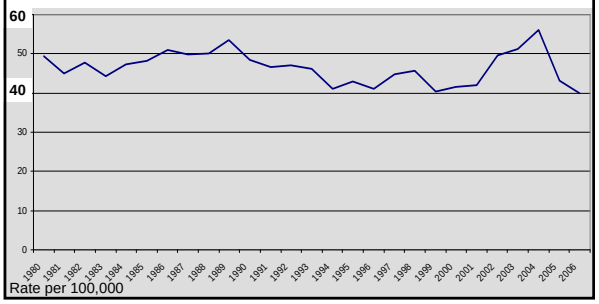


Rate per 100,000

Colorado

Adult MVT Arrest Rates, 1980-2006

Source: CBI Crime in Colorado Reports

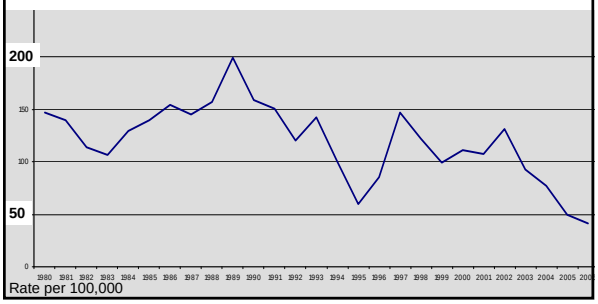


Rate per 100,000

Colorado

Juvenile MVT Arrest Rates, 1980-2006

Source: CBI Crime in Colorado Reports

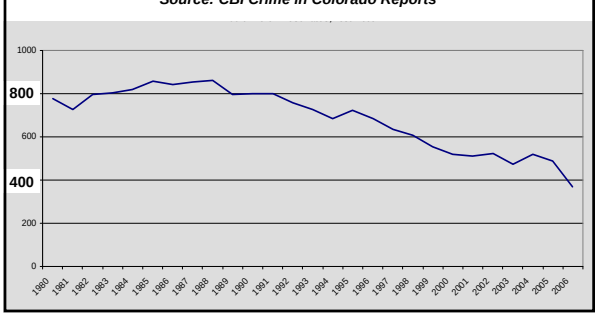


Rate per 100,000

Colorado

Adult Theft Arrest Rates, 1980-2006

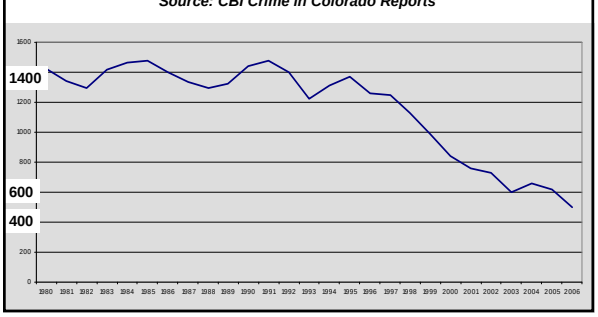
Source: CBI Crime in Colorado Reports



Colorado

Juvenile Theft Arrest Rates, 1980-2006

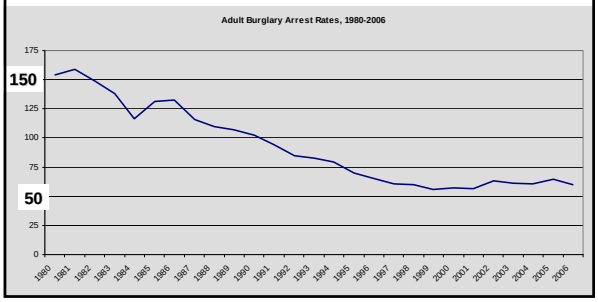
Source: CBI Crime in Colorado Reports



Colorado

Adult Burglary Arrest Rates, 1980-2006

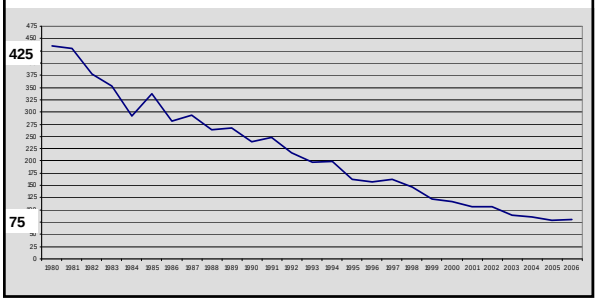
Source: CBI Crime in Colorado Reports



Colorado

Juvenile Burglary Arrest Rates, 1980-2006

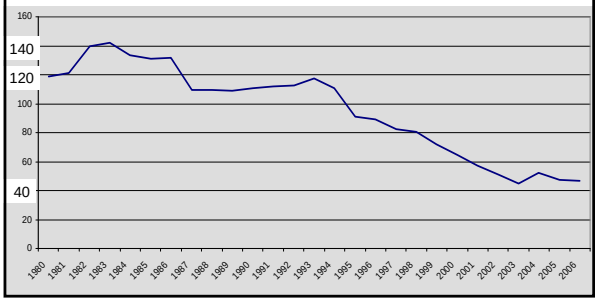
Source: CBI Crime in Colorado Reports



Colorado

Adult Weapons Violations Arrest Rates, 1980-2006

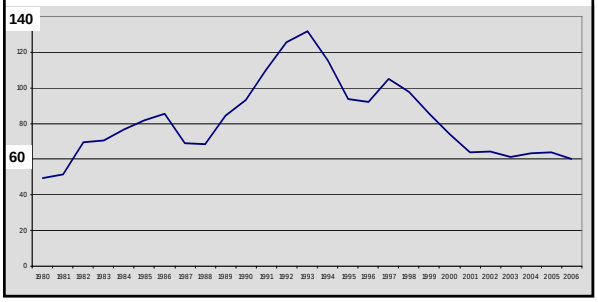
Source: CBI Crime in Colorado Reports



Colorado

Juvenile Weapons Violations Arrest Rates, 1980-2006

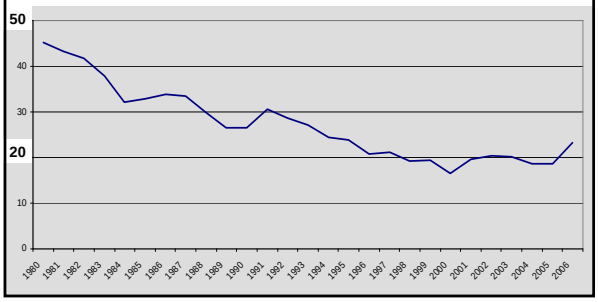
Source: CBI Crime in Colorado Reports



Colorado

Adult Robbery Arrest Rates, 1980-2006

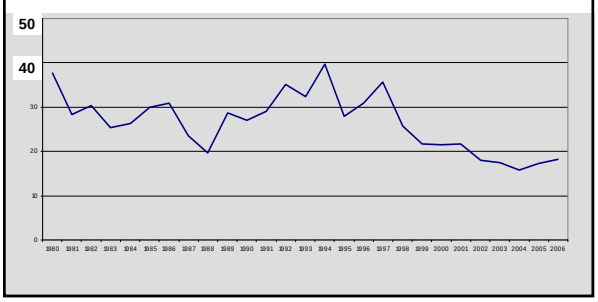
Source: CBI Crime in Colorado Reports



Colorado

Juvenile Robbery Arrest Rates, 1980-2006

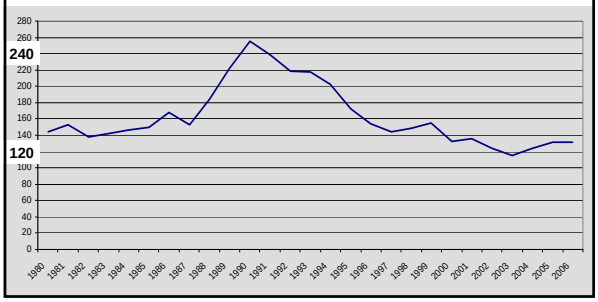
Source: CBI Crime in Colorado Reports



Colorado

Adult Aggravated Assault Arrest Rates, 1980-2006

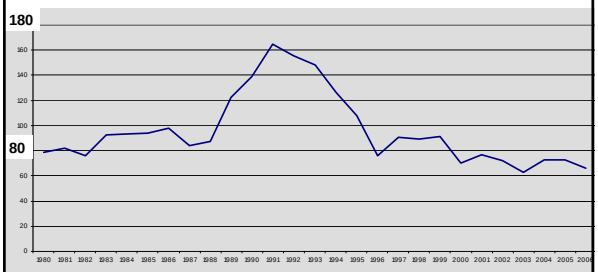
Source: CBI Crime in Colorado Reports



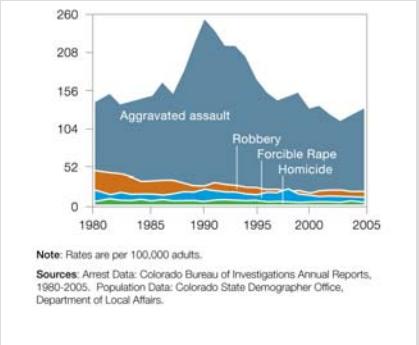
Colorado

Juvenile Aggravated Assault Arrest Rates, 1980-2006

Source: CBI Crime in Colorado Reports



Colorado adult violent arrest rates, 1980-2005

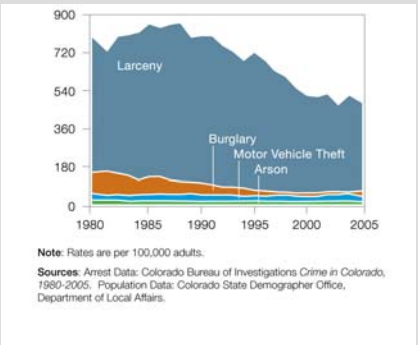


Note: Rates are per 100,000 adults.

Sources: Arrest Data: Colorado Bureau of Investigations Annual Reports, 1980-2005. Population Data: Colorado State Demographer Office, Department of Local Affairs.

F3.4

Colorado adult property arrest rates, 1980-2005

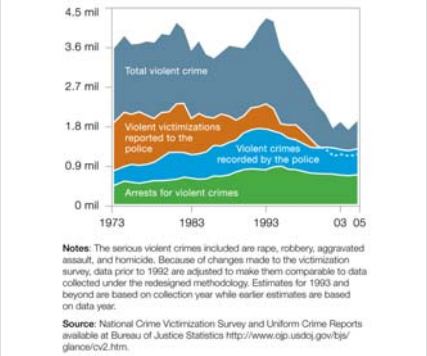


Note: Rates are per 100,000 adults.

Sources: Arrest Data: Colorado Bureau of Investigations *Crime in Colorado, 1980-2005*. Population Data: Colorado State Demographer Office, Department of Local Affairs.

F3.5

Nationwide: Four measures of all violent crime

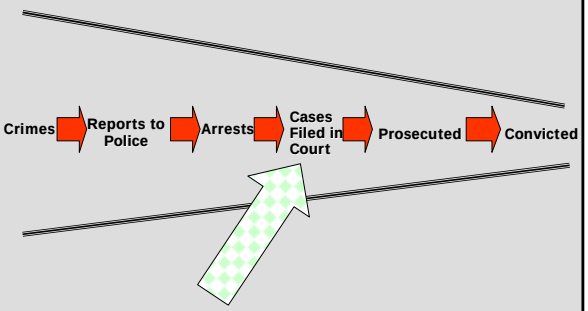


Notes: The serious violent crimes included are rape, robbery, aggravated assault, and homicide. Because of changes made to the victimization survey, data prior to 1992 are adjusted to make them comparable to data collected under the redesigned methodology. Estimates for 1993 and beyond are based on collection year while earlier estimates are based on data year.

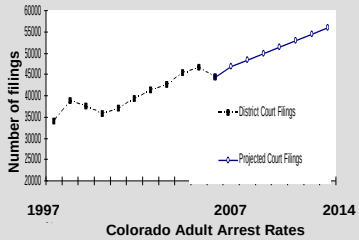
Source: National Crime Victimization Survey and Uniform Crime Reports available at Bureau of Justice Statistics http://www.ojp.usdoj.gov/bjs/glance/cv2.htm.

F2.1

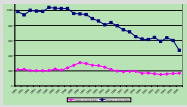
Adult Criminal Justice System



Colorado District Court Felony Filings, Actual and Projected: 1997 - 2011

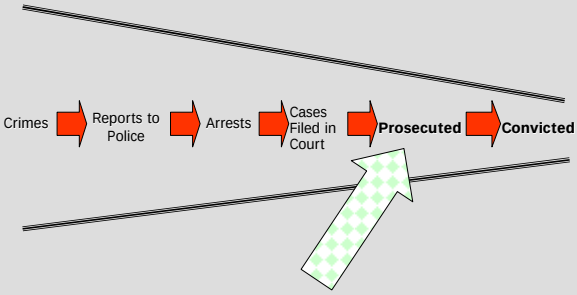


Colorado Adult Arrest Rates



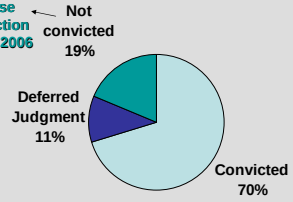
Source: Projections by DCJ based on Colorado Judicial Branch Annual Statistical Reports, 1998-2007

Adult Criminal Justice System



How are felony cases disposed in court?

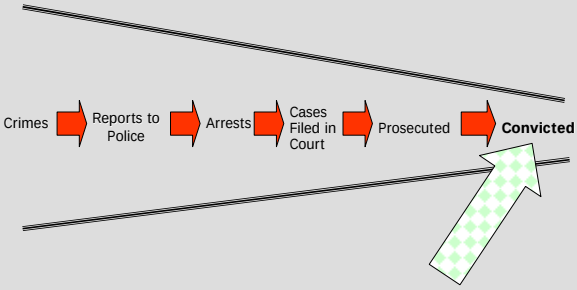
At least 1/3 had another case with a conviction or deferral in 2006



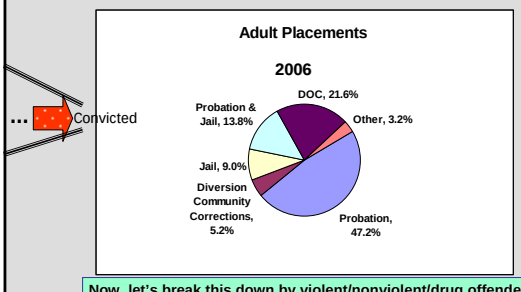
58,000 dispositions of criminal cases closed in 2006

Judicial data analyzed by DCJ. From DCJ's Crime and Justice in Colorado: 2006, *page 46.*

Adult Criminal Justice System



Where are adult offenders convicted of felony crimes sentenced?

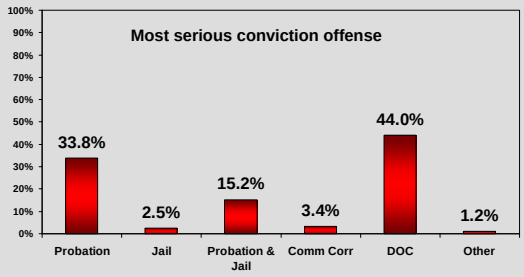


Now, let's break this down by violent/nonviolent/drug offenders

Judicial data analyzed by DCJ for Crime and Justice in Colorado: 2006.

Where do adult violent* offenders go?

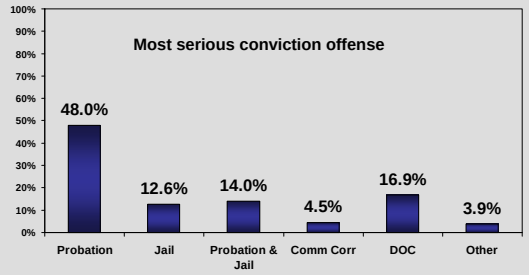
Homicide, sexual assault, kidnap, robbery, assault, weapons*



* Also includes cruelty to animals, treason, engaging in or inciting a riot.
Source: Judicial data analyzed by DCJ's Office of Research and Statistics. **5,700** cases closed in 2006. See *Crime and Justice in Colorado: 2006*, page 53.

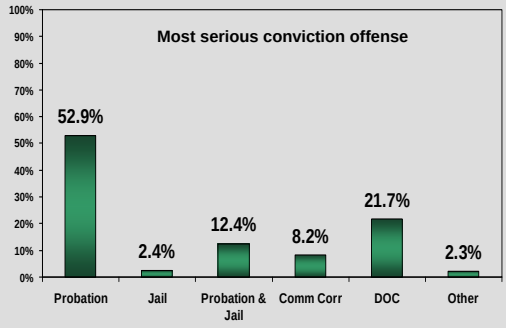
Where do nonviolent* adult offenders go?

Burglary, theft/larceny, forgery, fraud, MVT, arson, escape*



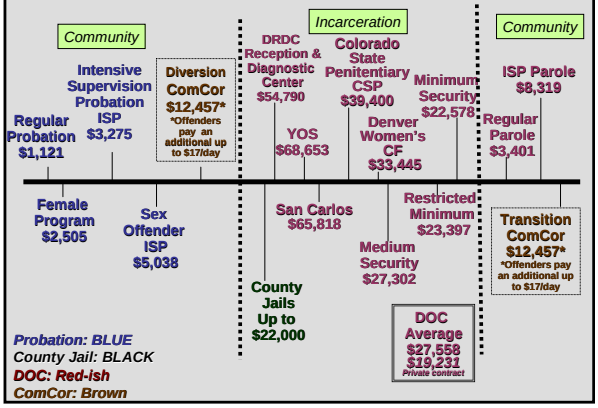
*Also Includes bribery, unspecified inchoate, contributing to delinquency, false reporting, impersonating, perjury, wiretapping, destruction of wildlife, vehicular eluding.
Source: Judicial data analyzed by DCJ's Office of Research and Statistics. **27,432** cases closed in 2006. See *Crime and Justice in Colorado: 2006*, page 53.

Where do adult drug offenders go?



Source: Judicial data analyzed by DCJ's Office of Research and Statistics, **9,413** cases closed in 2006. See *Crime and Justice in Colorado: 2006*, page 53.

Annual placement costs in FY07

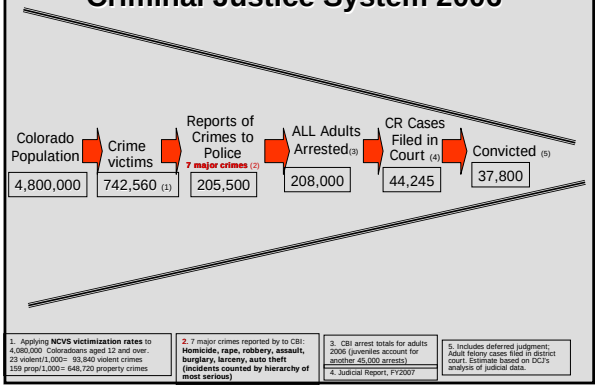


Criminal Penalties

Presumptive Range			Exceptional circumstances (Mitigating or Aggravating)		Mandatory Parole Period
Felony Class	Minimum	Maximum	Minimum	Maximum	
1	Life	Death	Life	Death	Not Applicable
2	8 years	24 years	4 years	48/ years	5 years
3	4 years	12/16* years	2 years	24/32* Years	5 years
4	2 years	6/8* years	1 year	12/16* years	3 years
5	1 year	3/4* years	6 months	6/8* years	2 years
6	1 year	18 months/2 years*	6 months	3/4* years	1 year

*Extraordinary risk crimes (aggravated robbery, child abuse, drug sales/manufacture, stalking, and crimes of violence per Section 18-1.3-406)

The numbers in Colorado: Criminal Justice System 2006



Summary:

- Crime is difficult to measure
- **Lots of crimes aren't accounted for**
- Lots of cases fall out as they go thru the system
- **Over 75,000 adults in the system today**
- About 40,000 enter the adult system each year
- **Sentences range from 6 months to Life**
- Costs range from $1,121 to $68,653 per year

OFFICE OF RESEARCH & STATISTICS

Sentencing placements by crime type and gender: Fact Sheet (R)

Court data were collected by DCJ researchers on a sample of 2,659 individuals convicted and sentenced to the following 4 placements during 2006:

* Department of Corrections
* Probation/Community Corrections
* Probation Only
* Probation & Jail

Conviction Crime Types by Sentencing Placement and Gender

	DOC		Probation Only		Probation/ Community Corrections		Probation & Jail	
	Women (n=187)	Men (n=1201)	Women (n=264)	Men (n=621)	Women (n=28)	Men (n=88)	Women (n=59)	Men (n=211)
Violent*	8.6%	22.0%	12.5%	21.9%	0.0%	11.4%	5.1%	22.3%
Drug	**25.7%**	**19.2%**	30.7%	28.7%	35.7%	34.1%	25.4%	20.9%
Escape	**27.3%**	**18.5%**	0.0%	0.0%	3.6%	1.1%	0.0%	0.0%
Non-violent*	**38.5%**	**40.4%**	56.8%	49.4%	60.7%	53.4%	69.5%	56.9%
Total	100%	100%	100%	100%	100%	100%	100%	100%

*Of the NON-VIOLENT** offenders sentenced to prison:*

Males (n=791):
- 1.7% have NO criminal history
- **61.0%** have a history of violent crime
- **16.2%** have a history of drug crimes
- 10.0% have escape or other nonviolent crimes in their past
- 11.1% have an unknown history

Females (n=143):
- NONE have NO criminal history
- **36.9%** have a history of violent crime
- **32.7%** have a history of drug crimes
- 15.5% have escape or other nonviolent crimes in their past
- 14.9% have an unknown history

Note: The above crime catagories are mutually exclusive.

NEEDS for services and programming of those sentenced to DOC:

Males (n=1201):
- **23%** have mental health problems
- **39%** have a history of mental illness
- **49%** have alcohol problems
- **79%** have drug problems
- 11% were homeless
- 73% were unemployed
- Average LSI score 31.49 (high)

Females (n=187):
- **36%** have mental health problems
- **53%** have a history of mental illness
- **39%** have alcohol problems
- **91%** have drug problems
- 7.5% were homeless
- 76% were unemployed
- Average LSI score 31.45 (high)

* Crime categories were defined as: Violent: Any Murder, Any Assault, Kidnapping, Sexual Assault, Weapons, 1st Deg. Robbery, 1st Deg. Burglary, 1st Deg. Arson, "Other" Violent. Non Violent: Extortion, Criminal Trespassing, Any Theft, Forgery, Fraud, 2nd & 3rd Deg. Robbery, 2nd & 3rd Deg. Burglary, 2nd & 3rd Deg. Arson, Alcohol, Misc. Motor Vehicle, Misc. Misdemeanors, Misc. Inchoate, Sex Offender Failure to Register, "Other" Sex Crimes, Sexual Exploitation (M), Indecent Exposure (M), Obscenity (F6), "Other" Non Violent.
** Non-violent offenders include those with no violent conviction or filing charges.

Who Goes Where?
Overview of sentencing placements by crime types

Colorado Commission on Criminal and Juvenile Justice

April 11, 2008

Colorado Division of Criminal Justice

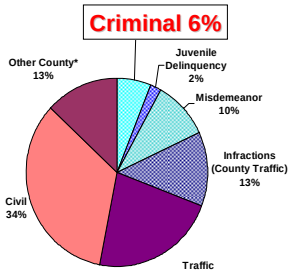
Linda Harrison
Christine Adams
Kim English

Responding to questions from prior meetings

1. Who goes where?
   - Are there offenders sentenced to prison who could be sentenced to a less expensive placement?
2. What happens to offenders who violate probation? Do they all go to prison?
3. What kind of needs for services and programming do these offenders have?

740,432 Cases Filed in Colorado District and County Courts FY 2007

FOCUS TODAY: CRIMINAL CASES SENTENCED IN 2006



* Includes Domestic Relations, Mental Health, Probate, Small Claims, a few felonies that are filed in county court, etc.

Source: Colorado Judicial Branch Annual Statistical Report FY 2007

Who Goes Where?
Brief overview of sentencing placements by crime types

Probation Only	**Violent**
Probation/Comcor	**Drug**
Probation & Jail	**Escape**
Dept. of Corrections	**Non-violent**

And we took a quick look at 417 **probation violators**

People who were taken back to court in 2006 because they did not follow the conditions of supervision

Sample of 2,626 offenders sentenced to 4 placements in 2006

10 judicial districts
17 counties

Denver
Jefferson
El Paso
Weld
Mesa Larimer
Boulder
Broomfield
Douglas
Teller
Gilpin
Jackson
Pueblo
Adams
Arapaho
Elbert
Lincoln

4 Placements

- ***Probation Only***
- ***Probation/Comcor***
- ***Probation & Jail***
- ***Dept. of Corrections***

Crime Type Categories
Analyzed By Most Serious Conviction Crime

Violent
- Any Murder
- Any Assault
- Kidnapping
- Sexual Assault
- Weapons
- 1st Degree Robbery
- 1st Degree Burglary
- 1st Degree Arson
- "Other" Violent

Drugs
- Possession
- Distribution
- Contraband

Escape

Colorado Division of Criminal Justice April 2008

Crime Type Categories

Non Violent
- Extortion
- Criminal Trespassing
- Any Theft
- Forgery
- Fraud
- 2nd & 3rd Degree Robbery
- 2nd & 3rd Degree Burglary
- 2nd & 3rd Degree Arson
- Alcohol
- Miscellaneous Motor Vehicle
- Miscellaneous Misdemeanors
- Miscellaneous Inchoate
- Sex Offender – Failure to Register
- "Other" Sex Crimes
  - Sexual Exploitation (M)
  - Indecent Exposure (M)
  - Obscenity (F6)
- "Other" Non Violent

Colorado Division of Criminal Justice April 2008

Most serious conviction crime

n=2626

	n=1388 DOC	n=885 Probation Only	n=116 Probation/ CC	n=270 Probation & Jail
Violent	20.2%	19.2%	8.6%	18.5%
Drug	20.0%	29.2%	34.5%	21.9%
Escape	19.7%	0.0%	1.7%	0.0%
Non-violent	40.1%	51.6%	55.2%	59.6%
Total	100%	100%	100%	100%

Colorado Division of Criminal Justice April 2008

Conviction crimes for each sentencing placement

n=2626

	DOC n=1388	Probation Only	Probation/ CC	Probation & Jail
Violent	20.2%	19.2%	8.6%	18.5%
Drug	20.0%	29.2%	34.5%	21.9%
Escape	19.7%	0.0%	1.7%	0.0%
Non-violent	40.1%	51.6%	55.2%	59.6%
	100%	100%	100%	100%

Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison, 2006
(SAMPLE)

n=1388

Violent	20.2%
Drug	20.0%
Escape	19.7%
Nonviolent	40.1%

Most offenders are convicted of a crime in the same "family" of crimes that they were originally charged with

Of the 80% without a violent conviction charge, 4% had a violent filing charge

Colorado Division of Criminal Justice April 2008

NON-VIOLENT offenders sentenced to prison
no CURRENT violent conviction or filing crime
Criminal History

No Criminal History	1.6%
Violent	64.9%
Drug	21.3%
Escape	2.9%
Nonviolent	9.4%

- **1.6% have NO criminal history**
- **65% have a history of violent crime**
- **35% have drug, escape or other nonviolent crimes in their past**

Colorado Division of Criminal Justice April 2008

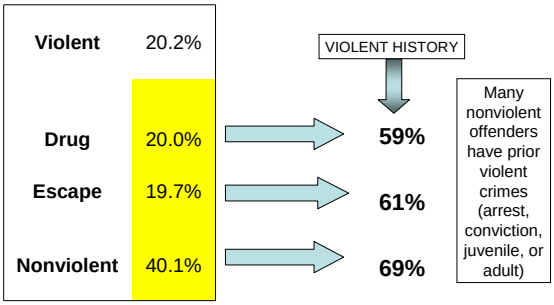
Offenders sentenced to prison
no CURRENT violent conviction or filing crime: More Information

Criminal History	
No Criminal History	1.6%
Violent	64.9%
Drug	21.3%
Escape	2.9%
Nonviolent	9.4%

- 100% had a PSIR
- 93% were sentenced to DOC with drug convictions
- 87% were Felony 3 and 4
- 64% involved cocaine
- 40% involved methamphetamine
- 77% were illegal residents
- 87% did not speak English

Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison
Current conviction crime



Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison
Drug Conviction AND Filing Charges: Criminal History

HISTORY	
No Criminal History	6.0%
Violent	59.1%
Drug	30.2%
Escape	1.7%
Non-violent	3.0%

- 6% of 20% have no criminal history
- 59% have a history of violent crime
- 30% have a history of drug crimes
- 2% have prior escapes
- 3% have a history of other nonviolent crimes only

Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison
Escape Conviction AND Filing Charges
Criminal History

HISTORY	
No Criminal History	0%
Violent	61.4%
Drug	19.9%
Escape	4.1%
Non-violent	14.6%

- 61% have a history of violent crime
- 20% have a history of drug crimes
- 4% have prior escapes
- 15% have a history of other nonviolent crimes only

Colorado Division of Criminal Justice April 2008

Offenders Sentenced To Prison
Other Nonviolent Conviction AND Filing Charges
Criminal History

HISTORY	
No Criminal History	0.2%
Violent	69.2%
Drug	17.7%
Escape	2.9%
Non-violent	10.0%

- 69% have a history of violent crime
- 18% have a history of drug crimes
- 10% have a history of other nonviolent crimes only
- 3% have prior escapes
- Just over 0% have no criminal history

Colorado Division of Criminal Justice April 2008

Criminal History
Those who have no current violent conviction:
drugs, escape, nonviolent conviction

HISTORY	
No Criminal History	1.6%
Violent	64.9%
Drug	21.3%
Escape	2.9%
Nonviolent	9.4%

Already Discussed

But -

Who are THESE 35% with NO violent history ?

Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison, no violent conviction crime, no violent filing crimes and no history of violent crime:
Most serious CURRENT conviction crime

	N	Percent
BURGLARY	23	7.3
CRIMINAL TRESPASS	4	1.3
THEFT	32	10.2
FRAUD	45	14.3
MV THEFT	16	5.1
OTHER NON-VIOLENT	10	3.2
DRUGS	83	26.3
ESCAPE	95	30.2
CUSTODY/CONTRABAND	1	0.3
MISC MOTER VEHICLE	4	1.3
MISC MISDEMEANORS	1	0.3
MISC INCHOATE	1	0.3
Total	315	100

Colorado Division of Criminal Justice April 2008

Offenders sentenced to prison, with no violent conviction crime, no violent filing crimes and no history of violent crime

(35% from prior slide)

- Average LSI score = 30.1 (high)
- Drug, escape or other nonviolent crimes in their past
- 4.7 average NUMBER prior adult and juvenile arrests

Colorado Division of Criminal Justice April 2008

SUMMARY

1. Are there offenders sentenced to prison who could be sentenced to a less expensive placement?

- 80% of offenders sentenced to DOC are nonviolent …if ESCAPE (20%) is considered non-violent
- Of the nonviolent group sentenced to DOC, 4% were charged with a violent crime and 65% had a prior violent crime arrest or conviction as an adult or juvenile
- The remaining 35% had HIGH service needs scores and an average of 4.7 prior arrests

Colorado Division of Criminal Justice April 2008

2. What happens to offenders who violate probation? Do they all go to prison?

Probation Technical Violators: Penalty
2006 sample

n = 417

	N	Percent
To DOC	121	29.0
To Comm Corr	36	8.6
Probation Reinstated	194	46.5
To jail/work release	66	15.8
Total	417	100

Colorado Division of Criminal Justice April 2008

Sample of Probation Technical Violators: Revoked to DOC

Original Conviction Crime Type		Prior Criminal History	
		None	2.9%
Violent	17.4%	Violent history	67.7
Drugs/Alcohol	25.6	Drug history	17.9
Escape	0.8	Escape history	2.3
Nonviolent	56.2	Nonviolent history	9.2
Total	100	Total	100

Colorado Division of Criminal Justice April 2008

Summary

2. What happens to offenders who violate probation? Do they all go to prison?

- In 2006, about 29% of those with probation revocations went to prison
  - Of these 17% had a current conviction for a violent crime
  - 68% had a prior arrest/conviction for a violent crime
  - 3% had no prior history
- About one-quarter had current convictions for drug crimes

Colorado Division of Criminal Justice April 2008

Additional Analysis
Needs of those who were sentenced to DOC in 2006

Sample = 1388 offenders sentenced in 2006

Very broad definition of NEED

- Mental health problem
- Alcohol problem
- Drug problem
- Stability (housing problems)
- Employment

Colorado Division of Criminal Justice April 2008

Definition of Need

- 0=No problem
- 1 = yes, but no interference with functioning
- 2 = some disruption
- 3 = serious disruption, needs treatment

Colorado Division of Criminal Justice April 2008

Mental Health Problem (24%*) by most serious conviction crime

DOC Direct Sentence Sample Size = 804, Missing 584

Mental Health Problem	Violent (n = 188)	Non-Violent (n = 318)	Drugs (n = 158)	Escape (n = 140)
No/None	55.3%	56.3%	70.9%	59.3%
Yes, but no interference with functioning	12.8%	17.9%	15.2%	15.7%
Yes, with some disruption of functioning	16.5%	14.8%	7.0%	16.4%
Yes, with a serious disruption/needs treatment	15.4%	11.0%	7.0%	8.6%
Total	*100.0%*	*100.0%*	*100.0%*	*100.0%*

**Total combined DOC direct sentences with some or serious disruption*

Colorado Division of Criminal Justice April 2008

Alcohol Problem (47%*) by most serious conviction crime

Direct Sentence DOC Sample Size = 914, Missing 474

	Violent (n = 204)	Non-Violent (n = 373)	Drugs (n = 183)	Escape (n = 154)
No/None	17.2%	23.9%	25.1%	23.4%
Yes, but no interference with functioning	23.5%	31.9%	32.2%	31.8%
Yes, with some disruption of functioning	19.6%	20.4%	27.9%	32.5%
Yes, with a serious disruption/needs treatment	39.7%	23.9%	14.8%	12.3%
Total	100.0%	100.0%	100.0%	100.0%

**Total combined DOC direct sentences with some or serious disruption*

Colorado Division of Criminal Justice April 2008

Drug Problem (80%*) by most serious conviction crime

Direct Sentence DOC Sample Size = 1038, Missing 350

	Violent (n = 212)	Non-Violent (n = 410)	Drugs (n = 230)	Escape (n = 186)
No/None	20.3%	11.2%	3.9%	5.9%
Yes, but no interference with functioning	12.3%	10.7%	5.2%	12.9%
Yes, with some disruption of functioning	32.1%	39.3%	37.4%	52.2%
Yes, with a serious disruption/needs treatment	35.4%	38.8%	53.5%	29.0%
Total	100.0%	100.0%	100.0%	100.0%

**Total combined DOC direct sentences with some or serious disruption*

Colorado Division of Criminal Justice April 2008

Residential Stability (15-20%*) by most serious conviction crime

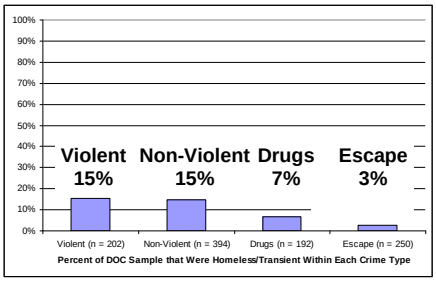
Direct Sentence DOC Sample Size = 1038, Missing 350

	Violent (n = 202)	Non-Violent (n = 394)	Drugs (n = 192)	Escape (n = 250)
Continuously resided at same address	44.6%	39.1%	41.7%	7.6%
Has moved 1 or 2 times	35.1%	37.8%	41.1%	77.6%
Has moved 3 or more times	5.0%	8.4%	10.4%	12.0%
Transient/Homeless	15.3%	14.7%	6.8%	2.8%
Total	100.0%	100.0%	100.0%	100.0%

**Total combined DOC direct sentences with 3+ moves or transient/homeless*

Colorado Division of Criminal Justice April 2008

Homeless by Crime Type



Employment at Arrest

Direct Sentence DOC Sample Size = 1058, Missing 330

	Violent (n = 217)	Non-Violent (n = 420)	Drugs (n = 244)	Escape (n = 177)
Full time	28.6%	24.0%	23.4%	14.1%
Part time	2.8%	3.1%	5.7%	1.7%
Unemployed	**55.8%**	**62.6%**	**45.5%**	**81.9%**
Sporadic/Seasonal	6.0%	5.0%	5.3%	1.1%
AFDC/SSI/Disability	3.2%	3.1%	2.9%	0.6%
Student	1.4%	0.5%	0.0%	0.0%
Leave of absence, furlough	0.5%	0.2%	0.0%	0.6%
Full time homemaker	0.0%	0.2%	0.0%	0.0%
Illegal	1.8%	1.2%	17.2%	0.0%
Total	*100.0%*	*100.0%*	*100.0%*	*100.0%*

Summary

3. What kind of needs for services and programming do the DOC offenders have?

- **24% have mental health problems**
- **47% have alcohol problems**
- **80% have drug problems**
- **15% homeless**
- **50-80% unemployed**

GRAND SUMMARY

1. Are there offenders sentenced to prison who could be sentenced to a less expensive placement?

- **Of the nonviolent group sentenced to DOC in 2006, 65% had a prior violent crime arrest or conviction as an adult or juvenile**
- **The remaining 35% had HIGH service needs scores and an average of 4.7 prior arrests**

2. What happens to offenders who violate probation? Do they all go to prison?

- **In 2006, about 29% of those with probation revocations IN YEAR ONE went to prison**

3. What kind of needs for services and programming do the DOC offenders have?

- **Most need services**
- **80% have substantial drug problems**

APPENDIX
2006 Court Data Sample

- The 10 Judicial Districts (JD) with the most number of adult CR filings in CY 2005 were selected as our sample locations *(Judicial Districts 1, 2, 4, 8, 10, 17, 18, 19, 20, and 21).*
- Identified a 10 percent sample of cases within these 10 JD that were sentenced in CY 2006 and had a filing date no earlier than 2 years prior *(2004, 2005, and 2006).*
- Stratified this sample by placement *(DOC and Probation)*, technical violations (TV), and oversampled for escape cases.

APPENDIX
2006 Sample

JD	Court Loc		Frequency	Percent	JD Total Percent
1	24	Gilpin	29	0.9	
1	30	Jefferson	390	12.0	12.9
2	16	Denver	423	13.0	13.0
4	21	El Paso	512	15.7	
4	60	Teller	32	1.0	16.7
8	29	Jackson	2	0.1	
8	35	Larimer	172	5.3	5.3
10	51	Pueblo	184	5.7	5.7
17	1	Adams	423	13.0	
17	80	Broomfield	33	1.0	14.0
18	3	Arapahoe	337	10.4	
18	18	Douglas	74	2.3	
18	20	Elbert	16	0.5	
18	37	Lincoln	29	0.9	14.0
19	62	Weld	230	7.1	7.1
20	7	Boulder	178	5.5	5.5
21	39	Mesa	190	5.8	5.8
			3254	**100.0**	**100.0**

Note: 5 out of the 17 court locations were rural counties (Gilpin, Teller, Elbert, and Lincoln).

Appendix

Crime Categories 2006 Court Data

Crime types	Including	Not Including
Homicide	Any homicides	
Sex offense	Any sex offenses Indecent exposure	
Robbery	Any robbery	
Assault	Any assaults Reckless endangerment (non traffic)	
Kidnap	Any kidnaps False imprisonment Enticement of a child	
Weapon	Any weapon violations	
Other violent	Vehicular assault Menacing Menacing with weapon Child abuse Fighting Intimidation to a witness/victim Tampering with a witness/victim Tampering with intent to injury Domestic violence (non-sentence enhancer) Cruelty to animals Terrorist threats Stalking	

Appendix

Crime Categories 2006 Court Data

Crime types	Including	Not Including
Burglary	Any burglaries Possession of burglary tools	
Theft	Any thefts Shoplifting Concealment of goods Theft of trade secrets Fuel Piracy	
Motor Vehicle Theft	Any motor vehicle thefts	
Arson	Any arson	
Drug	Any drug offenses Prescription fraud Drug paraphernalia Introduction of contraband-drug related	
Fraud/ Forgery	Any frauds Any forgeries Criminal Impersonation Possession of a forged instrument/forgery device Issuance of a bad check Identity theft	

Appendix

Crime Categories 2006 Court Data

Crime types	Including	Not Including
Trespass/ Criminal Mischief	Any trespass Trespass-motor vehicle Criminal mischief Vandalism Defacing property	
DUI/ DWAI/ Other Alcohol	DUI DUI per se DWAI Alcohol-Underage Possession/Consumption Public Consumption of Alcohol	
Traffic	Habitual traffic offender (HTO) Driving after revocation prohibited (DARP) Eluding a police officer Vehicular eluding Reckless Endangerment-traffic related Leaving Scene of Accident-Resulting in Injury/Death DUR-Revocation, Suspension, Restraint, Denial	Don't want T cases (unless crime including) or traffic infractions (T1, etc) Careless Driving No proof of insurance/operating without insurance Speeding Failure to stop Defective lights No vehicle operating license (NVOL)
Escape	Any escapes	Fugitive other jurisdiction (goes under other Non-Violent)
Failure to Register	Failure to register	

Appendix

Crime Categories 2006 Court Data

Crime types	Including	Not Including
Other Non-violent	Harassment Fugitive other jurisdiction -FOJ False reporting/information Prostitution Immigration violation (only include when associated with a criminal offense) Disturbing the peace Interference/Obstruct police officer Contribute to delinquency of a minor Violation of a restraining order-civil/criminal Extortion Resisting arrest/Obstructing Throwing missiles at cars Accessory to a crime Tampering with physical evidence Wiretapping Disorderly Conduct Littering Loitering Engage in a riot Introduction/Smuggling of Contraband-non drug Perjury False information to a pawnbroker Possession of tobacco by a minor Racketeering Violation of bail bond	
Runaway	Runaway	
Truancy	Truancy	

Definitions for serious traffic and other nonviolent

*** Habitual Traffic Offender –HTO(F)**
Driving after revocation prohibited-DARP(M)
Eluding Police/Vehicular Eluding
Reckless Endangerment-traffic related
Leaving Scene of Accident-Resulting in Injury/Death
DUR-Revocation, Suspension, Restraint, Denial(M)
Failure to report accident-suspension/FRA-suspension
**** Harassment(M)**
Fugitive other jurisdiction -FOJ
False reporting/information
Prostitution
Immigration violation (only include when associated with a criminal offense)
Disturbing the peace
Interference/Obstruct police officer(M)
Contribute to delinquency of a minor
Violation of a restraining order-civil/criminal
Extortion
Resisting arrest/Obstructing (M)
Throwing missiles at cars(P)
Accessory to a crime
Tampering with physical evidence
Wiretapping
Disorderly Conduct(M or P)
Littering(P)
Loitering (P)
Engage in a riot
Introducation/Smuggling of Contraband-non drug
Perjury
False information to a pawnbroker
Possession of tobacco by a minor (P)
Racketeering
Violation of bail bond

APPENDIX
Need definitions and notes

- **No/None** = this is not a problem in the offender's life.
- **No interference with functioning** =Yes, they have a problem but everything is under control (taking meds, going to treatment, etc)
  - This includes individuals who used substances in the past.
- **Some disruption of functioning** = includes occasional loss of work due to problem; interferences with daily life
  - May include individuals whose current crime involved drugs/alcohol.
- **Serious disruption/needs treatment** = includes involvement with the criminal justice system as a result of current or past, but continuing behavior; mental health, D&A contributed to seriousness of present offense, need treatment, not taking meds, etc.
  - May include individuals whose current crime involved drugs/alcohol.
- Additional information
  - Dementia and Alzheimer's as a cognitive impairment problem.
  - If arrested and/or convicted for a DUI/DWAI the individual was considered to have an alcohol problem.
    - If it happened in the past, scored as 1.
    - If arrested/convicted numerous times, scored 2 or 3 depending on frequency.
    - The same scoring protocol was used for with previous drug arrests/convictions.
- If a defendant was diagnosed with ADD/ADHD and then file noted they outgrew it, scored 1 for MH since a problem in the past.

Appendix F:
Sample Task Force Charter

CCJJ Re-Entry Committee:
Incarceration Task Force

Charter
Phase 1

MISSION

The Incarceration Task Force will identify, review, analyze, assess, and compare evidence-based recidivism reduction practices related to:

- Statutes, policies, regulations, and practices that govern incarceration in jails and prison, and confinement in community corrections facilities,
- Offender access to residential community corrections programs,
- Intake procedures,
- Assessment and reassessment of inmate risk and needs conducted in prison and jails,
- Programming and treatment consistent with inmate needs, provided by incarceration and confinement facilities,
- Efficient use of in-house programming resources (e.g., avoidance of repetitive programming),
- Preparation surrounding post-jail and post-prison placement options (e.g., probation, parole, community corrections), and
- Cost effectiveness.

The Incarceration Task Force will gather and analyze relevant information pertaining to the above issues and will address, at a minimum, the questions below about evidence-based practice. The Incarceration Task Force will make specific recommendations to the Colorado Commission on Criminal and Juvenile Justice (CCJJ) Oversight Committee on Re-Entry, which will make recommendations to the CCJJ.

SPONSOR Re-Entry Oversight Committee of the Colorado Commission on Criminal and Juvenile Justice

BACKGROUND

The CCJJ Oversight Committee on Re-Entry is providing a practical framework and recommendations for stakeholder agencies to promote common interests, integrate services and improve the overall offender transition process. Stakeholders of various agencies participated in a monthly Commission meeting concerning offender transition on April 11, 2008. At that time it was decided that the CCJJ Oversight Committee on Re-Entry and a task force on incarceration would be formed.

Introduction

In Colorado, over 90,000 adult offenders were under some form of supervision as of December 31, 2007.[1] In FY, 2007 over 20,000 offenders were sentenced to probation, approximately 3,000 were diversion clients in community corrections with another 2,000 in transition community corrections, and 10,626 offenders were admitted to prison. Thousands more are incarcerated every year in more than 13,000 county jail cells.

Approximately 95% of incarcerated offenders will at some point be released from prison and returned to live in communities throughout the state. All jail inmates are released into the community after spending hours, days or months confined in the facility. Likewise, all community corrections offenders eventually leave the halfway house setting. In other words, nearly all facility-based offenders will transition back to life in communities across the state.

Many inmates return to prison, jail and community corrections following subsequent problems in the community. While statewide jail data are not available in Colorado, the Department of Corrections[2] reports that nearly half (49.7%) of Colorado prison inmates released in 2002 returned to prison within three years of release. Further, the number of individuals returned to both jail and prison in Colorado for community supervision violations is growing. Of the inmates admitted to prison in FY 2007, 3,037 (28.6%) were individuals returned for a parole violation. An additional 9.6% (1,020 offenders) were returned for a parole violation with a new criminal conviction.[3] Many of these offenders are held in county jails prior to transfer to DOC. This contributes to local jail crowding and requires DOC to reimburse jails for housing its offenders.

A large proportion of community corrections offenders also return to full incarceration in jail or prison, but few (1.5%) are arrested for committing a new crime while in the program. As shown in Table 1 below, 1,110 offenders were terminated from community corrections for technical violations in FY 2007 and another 634 absconded/escaped, meaning that a warrant for their arrest was issued. Many will be charged with felony escape and sent to jail or prison.

For additional recidivism rates, please see Appendix A at the end of this document.

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[1] Population Report for December 2007 available at http://www.doc.state.co.us/Statistics/MonthReport/Dec2007.pdf. Including probation, community corrections, incarceration, or juvenile placement. See the Division of Criminal Justice Quarterly Population Report for the period ending on 12/31/07 available at http://dcj.state.co.us/ors/pdf/correctional%20populations/CORCOP%20123107%20revised.pdf; Division of Youth Corrections Monthly Population report for December 2007 available at http://www.cdhs.state.co.us/dyc/PDFs/MPR1207.pdf; Department of Corrections Monthly

[2] Rosten, K., Barr, B., & Mersman, K. (2006). *Recidivism and cumulative return rates: Calendar years 1997 through 2004.* Colorado Springs, CO: Office of Planning and Analysis, Colorado Department of Corrections.

[3] Harrison, L. (2008). *Draft report: The status of the parole violator in Colorado.* Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

Table 1: Community Corrections Termination Reasons, FY 2007

Offender Type	Successful		Transfer to another program		Escape/ Abscond		New Crime while in program		Old warrant		Technical violation		Other	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
Diversion	1491	55.2	155	5.73	341	12.6	48	1.8	32	1.2	607	22.5	27	.09
Transition	1618	62.1	85	3.26	293	11.2	26	1.0	45	1.7	503	19.3	36	1.38
Overall	3109	58.9	240	4.50	634	11.9	74	1.4	77	1.5	1110	20.9	63	1.18

Source: Special analysis of community corrections client termination forms conducted by Christine Schmidt, January 2008. Office of Community Corrections, Division of Criminal Justice, Denver, CO.

Criminal recidivism reduction translates into increased public safety.[4] This reduction occurs by systems prioritizing the use of evidence-based methods to prevent known offenders from committing new crimes upon release from incarceration and halfway house placement.

Most criminologists agree that successful re-entry planning begins upon entry into an incarceration facility, be it jail, prison, or community corrections. The Incarceration Task Force will review current practices by the Department of Corrections (DOC), local jails, and community corrections to identify gaps in resources, policies, and practices that can undermine the goals of reducing recidivism and maximizing cost effectiveness.

The Incarceration Task Force will focus on methods that enhance long-term success of the individual inmate. Research shows that transitioning prison inmates through community corrections reduces recidivism.[5] Table 2 shows a list of programs that have been found to reduce recidivism.

Table 2. Examples of Adult Recidivism Reduction Programs[6]

Program	Recidivism* Reduced By
Community-based cognitive-behavioral sex offender treatment	31.2%
Prison-based cognitive-behavioral sex offender treatment	14.9%
Prison-based vocational education	12.6%
Community-based drug treatment	12.4%
Prison-based cognitive-behavioral programs (general and specific)	8.2%
Prison-based correctional industries programs	7.8%
Intensive prison-based substance abuse programs *with* community aftercare	6.9%

[4] Rosenfeld, R., Wallman, J., & Fornago, R. (2005). The contribution of ex-prisoners to crime rates. In *Prisoner Reentry and Crime in America.* J. Travis and C. Visher (Eds.). New York, NY: Cambridge University Press.
[5] Burrell, N.H., & English, K. (2006). *Community corrections in Colorado: A study of program outcomes and recidivism, FY00-FY04.* Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.
[6] Aos, S., Miller, M., & Drake, E. (2006). *Evidence-based adult corrections programs: What works and what does not.* Washington State Institute for Public Policy, Olympia, WA.

Prison-based cognitive-behavioral drug treatment	6.8%
Work release programs	5.6%
Intensive prison-based substance abuse programs *without* community aftercare	5.3%
Prison-based basic adult education	5.1%
Community-based employment training and job assistance	4.8%
Educational/Cognitive-behavioral domestic violence programs	0%

*Recidivism is defined in various ways, depending on the study. Table 2 reflects findings from a meta-analysis of hundreds of program evaluations of offenders on probation, jail and prison. Typically, recidivism is defined as new arrest or conviction in a specific period of time.

Success-oriented offender management strategies require a context where the following priorities are grounded in legislation, policies, agency regulations, and organizational practice:

- The needs and risk assessment process(es),
- Behavioral interventions,
- Staff-offender interactions,
- Case management, and
- Success-driven supervision.

The work of the Incarceration Task Force will be conducted in three phases. In each phase, barriers to implementing evidence-based correctional practice will be identified along with strategies to remove the barriers.

Phase 1: Review and compare best practices with existing legislation, agency policies and regulations, and general practice; make recommendations to maximize offender success.

Phase 2: Implement recommendations from Phase 1; undertake systematic and comprehensive review of practice and data that reflects practice; make recommendations to maximize offender success.

Phase 3: Implement and monitor new policies and practices; development of measures and monitoring practices to continually provide feedback on implementation success.

The Incarceration Task Force will make recommendations to the Oversight Committee on Re-Entry, which will in turn make recommendations to the CCJJ to ensure cohesion of all aspects of the re-entry process. The Commission has identified a number of key areas that are related to inmate success. System focused, and evidence-based strategies must be developed around each of the key areas to improve offender outcomes and enhance public safety.

Evidence-Based Correctional Practices

Each Phase requires assessing and comparing current practice against what the research literature has found to be evidence-based practice.

The Incarceration Task Force has been charged with identifying the best offender management and release preparation practices by systematically reviewing and analyzing evidence-based correctional practices and comparing those with current legislation, policies, regulations, and practices in Colorado. This includes how these may be related to disproportionate minority representation, individuals with mental illness or behavioral health problems, gender, and other special populations.

The following eight evidence-based principles will guide the work of the Incarceration Task Force.[7]

1. **Assess inmate risk and need levels using actuarial instruments being used by DOC, jails, and community corrections.**
   - *What tools are in use?*
   - *Does the assessment tool(s) measure criminogenic risk and need?*
   - *Who is trained to conduct the assessment interview? Is this training adequate? How often does re-training occur?*
   - *What quality control measures are in place to ensure that assessments are conducted appropriately?*
   - *How is the assessment information captured and used in the management of inmates? Are current methods adequate?*
   - *How are multiple service needs addressed?*
2. **Enhance offender motivation.**
   - *Are DOC and jail case managers and program staff trained in motivational interviewing techniques?*
   - *What quality assurance is in place?*
   - *Is staff held accountable for using motivational interviewing techniques in their day-to-day interactions with inmates?*
   - *What is the rate of treatment compliance?*
   - *How might work assignments interfere with necessary programming?*
   - *Are incentives to participate in programming greater than or equal to employment incentives?*
   - *What is the completion rate of programs?*
   - *How are in-facility programs connected to programs in the community?*
   - *How do the requirements of inmate movement impede treatment participation, progress, and completion? Is inmate movement consistent with recidivism reduction priorities?*
   - *Is there a specific pre-release cellblock designated for inmates as they transition out of prison? Out of jail? Are the policies and procedures for re-entry facilities evidence-based?*
3. **Target interventions.**
   - Act on the risk principle.

[7] Adapted from: Crime and Justice Institute. (2004). *Implementing evidence-based practice in community corrections: The principles of effective intervention.* Department of Justice: National Institute of Corrections; Office of Research and Statistics (2007). *Evidence based correctional practices.* Colorado Division of Criminal Justice, Office of Research and Statistics.

    - Prioritize treatment resources for higher risk inmates.
- Act on the need principle.
    - Target interventions to at least four criminogenic needs.
- Implement the responsivity principle.
    - Be responsive to each inmate's temperament, learning style, motivation, gender, and culture when assigning to programs.
- Ensure adequate program dose and duration.
    - Structure programming into 40-70% of high-risk inmates' day.
- Implement the treatment principle.
    - Integrate treatment into the full sentence/sanction requirements.
- *How are inmates managed who are assessed as low risk to re-offend?*
- *Do assessment tools assess for criminogenic need?*
- *How is criminogenic risk and need information incorporated into offender case plans?*
- *How are offenders matched to treatment resources?*
- *How structured are case plans for inmates and community corrections clients?*
- *What coordination is in place to assure that in-facility assessments and services are linked to community based services?*
- *How is staff held accountable for using assessment information to develop a case plan and then subsequently using that case plan to manage an inmate?*

4. Provide skill training for staff and monitor their delivery of services.

- *What job classifications are responsible for service delivery (e.g., intake officers, case managers, correctional officers, mental health staff, etc.)?*
- *Is the goal of adequate service delivery clear to all DOC, jail, and community corrections staff?*
- *Do staff performance evaluations reflect the expectation that evidence-based services and practices are critical to reducing recidivism?*
- *How are social learning techniques incorporated into the programs delivered by DOC, jail and community corrections staff?*
- *How do DOC, jail and community corrections ensure that contracted service providers are delivering services in alignment with social learning theory?*
- *Are the programs delivered and contracted for based on scientific evidence of recidivism reduction?*
- *How are these programs evaluated?*
- *How often is staff trained, and how often do they receive booster training?*
- *Is staff evaluated on their use of information received from training?*

5. Increase positive reinforcement.

- *Do DOC, jail and community corrections staff model positive reinforcement techniques in their day-to-day interactions with co-workers?*
- *Do DOC and jail policies and procedures support the use of positive reinforcements for inmates?*
- *Are DOC, jail and community corrections case managers and staff trained to provide positive reinforcement to inmates?*
- *Do DOC, jail and community corrections staff record and document positive and negative reinforcements to provide feedback to themselves and supervisors about the ratio of negative to positive?*
- *Do DOC, jail and community corrections staff understand and use the four-to-one theory in their interactions with inmates (four positive for every one negative reinforcements)?*

6. Engage ongoing support in natural communities.

- *How are community supports (e.g., family visits) incorporated as a regular part of case planning?*
- *Is the current practice sufficient?*
- *How is community networking measured as it relates to inmates?*

7. **Measure relevant processes and practices.**
    - *What data is collected regarding inmate assessment and case management?*
    - *Is the information reliable?*
    - *Is the information easily retrievable so DOC, jail and community corrections case managers can review their efforts?*
    - *How is incremental offender change measured while they are incarcerated?*
    - *What outcomes are measured and how are they tracked?*
    - *How is staff performance measured? What data is used? How is that data collected? How is it used to provide feedback to the DOC, jail and community corrections staff member?*
8. **Provide measurement feedback.**
    - *How is information regarding inmate change and outcomes shared with facility staff? With inmates?*
    - *With whom is information regarding outcome measures shared?*
    - *How is staff performance data used in the performance evaluation process?*
    - *Are parole board/judicial expectations, requirements, and decisions clearly conveyed and evidence-based?*

Issue

The mission of the Incarceration Task Force is to identify for the Commission the gaps in practice and activities, barriers to implementation, and critical issues surrounding an inmate's time spent in jail or prison preparing for success upon release from incarceration. The Incarceration Task Force will also make recommendations aimed at increasing successful re-entry and in turn reducing recidivism.

Additional Information

- As of November 2007, the number of offenders incarcerated was 22,796. It is projected that by 2014 the prison population will increase to 29,434.[8]

- The cost of building a new prison is approximately $40,000 per bed for minimum-security and nearly $90,000 per bed for maximum-security.

- The cost of Colorado State Penitentiary II, a 948 beds facility, will exceed $100 Million for construction alone.

- Program completion can reduce recidivism. Research shows that prison-based educational and vocational programs result in lower recidivism rates for program participants after their release from prison. Specifically, inmates who earned a GED were less likely to recidivate than those who did not complete an educational program.[9]

- Incarceration employment preparation programs are likely to increase inmate success due to the fact employed offenders were more than three times as likely to succeed in a

[8] Harrison, L. (2007). *Population projections for adult prison and parole, community corrections, and juvenile commitment and parole.* Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

[9] Pryzybylski, R. (2008). *What works: Effective recidivism reduction and risk-focused prevention programs. A compendium of evidence-based options for preventing new and persistent criminal behavior.* Denver, CO: Office of Research and Statistics, Division of Criminal Justice.

transitional community corrections program in comparison to those who were unemployed (71.9% in comparison to 20.0%).[10]

- Recent research shows that longer prison stays are not necessarily associated with decreased recidivism. In fact, it was also found that compared to community based sanctions incarceration actually increased recidivism.[11]

- The Level of Service Inventory (LSI)[12] is one of the most common classification tools used across the country with adult offenders, including in Colorado. This instrument not only predicts recidivism but also provides critical information pertaining to offender needs.

- LSI sub-scores for all domains (e.g., education, criminal history, financial, etc.) tend to be higher for the recidivists than for the non-recidivists.[13]

- The average LSI score varies by placement, therefore needs for services vary by placement (see Table 2).

Table 3: Average LSI scores by court placement, CY 2006

Placement	Average Score	Number of cases
Probation	25.39	147
Probation and jail	25.89	55
Probation and community corrections	31.45	38
Technical violation/to probation	26.35	43
Technical violation/ to jail	31.00	9
Technical violation/ to community corrections	28.00	11
Technical violation to DOC	33.02	40
DOC	31.48	320
Total	29.53	663

Source: Office of Research and Statistics, Division of Criminal Justice, analysis of a sample of 2,626 criminal cases from ten judicial districts sentenced in calendar year 2006. The total of 663 cases reflects missing data on the majority of cases in this analysis. See attached glossary for definitions of terms.

[10] Burrell, N.H., & English, K. (2006). *Community corrections in Colorado: A study of program outcomes and recidivism, FY00-FY04.* Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.
[11] Gendreau, P., Goggin, C. & Cullen, F. (1999). *The effects of prison sentences on recidivism.* A Report to the Corrections Research and Development and Aboriginal Policy Branch, Solicitor General of Canada. Ottawa, Canada. Also, Smith, P., Goggin, C., & Gendreau, P. (2002). *The effects of prison sanctions on recidivism: General effects and individual differences.* Public Works and Government Services Canada. Available at www.sgc.dc.ca.
[12] Andrews, D.A., & Bonta, J. (1995). *The Level of Service Inventory – Revised.* Toronto, Quebec: Multi-Health Systems.
[13] Lowden, K., English, K., Harrison, L., Pasini-Hill, D., & Lounders, P. (2007). *Crime and justice in Colorado: 2006.* Denver: Office of Research and Statistics, Division of Criminal Justice.

Concluding Statement

Nearly all inmates confined in prison, jail and community corrections will eventually be released back into the community. Preparation for successful release begins at intake into the facility, and is critical in preventing recidivism and ensuring cost-effective use of correctional resources. The Incarceration Task Force will make recommendations to the Re-Entry Oversight Committee. The recommendations will link to the principles of evidence-based correctional practice, minority over-representation, individuals with behavioral health problems, gender, special populations, and community corrections.

STRUCTURE

- The Incarceration Task Force will make recommendations to the Re-Entry Oversight Committee, which will, in turn, make recommendations to the Commission.
- The Incarceration Task Force shall comprise a representative sampling of the stakeholders and the community.
- The Incarceration Task Force chair will be a Commission member.
- The Task Force shall consist of no more than fifteen (15) formal members identified by the CCJJ chair, vice-chair and Re-Entry Oversight Committee chair.
- Non Task Force participants, as opposed to members, will be encouraged to provide input as directed by the Task Force chair.
- The Task Force Leader will assist in the planning of the Task Force.
  - The Task Force Leader (TFL) has specific expertise and represents the voice of the community. The TFL participates on the Oversight Committee.
- The Re-Entry Oversight Committee chair will chair the Task Force when the chair is unavailable.
- The meetings will be held in the Denver Metro area. Satellite video conferencing will be used when possible to connect with stakeholders across the state.
- The team will implement "ground rules" to facilitate effective interaction.
- Research staff from the DCJ Office of Research and Statistics will
  - Work with the chair to organize meetings and prepare the meeting agenda
  - Facilitate meetings to free the chair to lead the discussions
  - At the request of the Task Force will,
    - Provide information on existing knowledge and research
    - Identify local data sources
    - Analyze local data sources when feasible
    - Work with researchers from other agencies to obtain relevant information.

- **DATA**
  - DCJ staff will respond to requests for information and data. Because gathering information and analyzing data is a resource-intense activity, requests for additional information and data analysis will require the following considerations:
    - **What specific question are you trying to answer?**
    - **How will having this information affect the discussion?**
    - **How will having the information improve decision-making?**

DESIRED OUTCOME: A successful project <u>will</u> result in…

- Identified gaps and barriers in legislation, policy, regulation, practice, offender services and staff training that negatively affect offender successful re-entry
- Development of a short- and long-term strategy to address gaps and barriers
- A focus on significant recidivism
- The first set of recommendations are presented to Re-Entry Committee on August 20, 2008
    - Recommendations that can take effect immediately (within one month), in the short term (within six-10 months), and in the long term (may require statutory changes and implementation phases)
- Reinvestment of cost savings

UNDESIRED OUTCOME: A successful project <u>will not</u> result in…

- Missed deadlines
- Any recommendation that fails to decrease--or have no effect--on the overall recidivism rate
- Any recommendation that fails to recognize the cost savings of parole and community corrections over prison
- Any recommendation that would clearly compromise public safety

DOCUMENTS TO REVIEW

- State legislation that directs local jails
    - Mission
    - Offender assessment, classification, and management
    - Programming
    - Work
    - Visitation
    - Transition planning
    - Coordination with DOC
- State legislation that directs prison
    - Mission
    - Offender assessment, classification, and management
    - Programming
    - Work
    - Visitation
    - Transition planning
    - Placement in community corrections
    - Coordination with local jails
- State legislation and administrative regulations that direct community corrections
- Local community corrections admissions policies and criteria
- Agency administrative rules and regulations
- Agency policies
- Community Corrections Risk Factor Analysis Report (2007)
- *What Works* report by Roger Przybylski
- Tab 9 of CCJJ Binder: *Evidence Based Practices*

- National Research Council recommendations for community integration
- *Confronting confinement: A report by the Commission on Safety and Abuse in America's Prisons,* Vera Institute.
- "Employ Behavioral Contracting for 'Earned Discharge' Parole" by Joan Petersilia (*Criminology and Public Policy*, Nov. 2007)
- Materials at reentrypolicy.org
- Other material as determined

ESTIMATED DATE FOR COMPLETION:

- August 20, 2008 → Task Force must report recommendations to the Committee
- September 2008 → Committee must make formal recommendation to the Commission
- October 2008 → Commission must approve recommendations at October meeting, providing two weeks for ORS staff to write up the final report for these initial decisions

MEETING FREQUENCY & DURATION:

Date: May 21
Time: 3:30pm – 5:30pm
Location: Arapahoe County Sheriff's Office

Date: June 4
Time: 3:30pm – 5:30pm
Location: TBD

Date: June 18
Time: 3:30pm – 5:30pm
Location: TBD

Date: July 2
Time: 3:30pm – 5:30pm
Location: TBD

Date: July 16
Time: 3:30pm – 5:30pm
Location: TBD

Date: July 30
Time: 3:30pm – 5:30pm
Location: TBD

Date: August 13
Time: 3:30pm – 5:30pm
Location: TBD

MEMBERS:

John Suthers
Debbie Zwirn
Gary Golder
Bill Lovingier
Rhonda Fields
Pam Clifton
Tom Moore
Glenn Tapia
Martin Stuart
Norm Mueller

TASK FORCE CHAIRPERSON*:* Grayson Robinson

TASK FORCE LEADER: Michelle Sykes

FACILITATOR*:* Christine Adams/Germaine Miera

RECORD KEEPER*:* The responsibility of taking minutes will rotate among Task Force members.

LEGAL COUNSEL: To be determined if and when needed

GLOSSARY for Table 3

Probation: The sentence of a court whereby an individual is put under the supervision of a probation officer.

Probation and jail: As a condition of probation, the court may sentence an offender to a term in jail.

Community corrections: Public or privately operated community-based halfway houses holding offenders in the community while providing them opportunities to work and/or attend school, get treatment, and perform community services. A judge may refer an offender convicted of a felony to a community correction program; however, the offender must be approved by the local community corrections board and the halfway house administrators before acceptance into the program.

Probation and community corrections: The court can sentence an offender to community corrections for up to 30 days as a condition of probation.

Department of Corrections: Persons convicted of felony offenses are subject to a penalty of imprisonment for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.

Technical violation/to probation: Offender has not complied with the terms and conditions of the sentence, so the sentence was revoked and he/she was resentenced to probation.

Technical violation/to jail work release: Offender has not complied with the terms and conditions of the sentence, so the sentence was revoked and he/she was resentenced to jail/work release.

Technical violation/to community corrections: Offender has not complied with the terms and conditions of the sentence, so the sentence was revoked and he/she was resentenced to community corrections.

Technical violation/to DOC: Offender has not complied with the terms and conditions of the sentence, so the sentence was revoked and the offender was resentenced to the Department of Corrections.

Charged with escape: Case included a charge for escape.

Appendix A
Summary of Recidivism Findings

Study Population	Follow-up period	Measure of Recidivism	Recidivism Rate (%)	Notes
Juvenile Probation[14]				
Regular Probation	During Supervision	Technical Violation	25.7	
		New adjudication	6.2	1
	1 Year post-termination	New adjudication	16.6	
Intensive Supervision Probation	During Supervision	Technical Violation	39.1	
		New adjudication	12.2	1
	1 Year post-termination	New adjudication	10	1
Adult Probation[15]				
Regular Probation	During Supervision	Technical Violation	32.6	
		New misd/felony conviction	6.1	2
	1 Year post-termination	New misd/felony filing	8	2
Intensive Supervision Probation	During Supervision	Technical Violation	34.4	
		New misd/felony conviction	13.6	2
	1 Year post-termination	New misd/felony filing	1.4	2,4
Female Offender Program	During Supervision	Technical Violation	31.6	
		New misd/felony conviction	10.5	2
	1 Year post-termination	New misd/felony filing	0	2,5
Women on Probation[16]	1 year post-sentencing	New felony filing	10.9	6
	2 years post-sentencing	New felony filing	16.1	6
	3 years post-sentencing	New felony filing	19.3	6
Drug Offenders on Probation[17]	1 year post-sentencing	New felony filing	12	6
	2 years post-sentencing	New felony filing	17.9	6
	3 years post-sentencing	New felony filing	21.2	6

[14] Schlessinger, K. (2007). *Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2005 releasees.* Colorado Division of Probation Services, Research and Evaluation Unit, Denver, Colorado.
[15] Ibid.
[16] Division of Criminal Justice, Office of Research and Statistics. Special analysis conducted for this publication on specific populations sentenced to probation between January 1, 2000 and June 30, 2005.
[17] Ibid.

Division of Youth Corrections[18]

Commitments	During commitment	New misd/felony filing	39.1	2,3
	1 Year post-termination	New misd/felony filing	37.9	

Department of Corrections[19]

All Releases	1 year post-discharge	Return to prison	40.8	7
	3 years post-release	Return to Prison	49.7	7
Mandatory Parole	3 years post- release	Technical Violation	49.6	
		New felony conviction	15.4	8
Discretionary Parole	3 years post-release	Technical Violation	39.6	
		New felony conviction	13	8
Sentence Discharges	3 years post-release	New felony conviction	24.3	8

Community Corrections[20]

Diversion	During program	Technical Violation	25.3	
		New misd/felony filing	1.6	2
	2 years post-discharge	New misd/felony filing	23.8	2
Transition	During program	Technical Violation	23.4	
		New misd/felony filing	1.3	2
	2 years post-discharge	New misd/felony filing	25.5	2

From: *Crime and Justice, 2006*, prepared by the Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety. Table 5.16 on page 129.

[18] Division of Youth Corrections (2007). *Recidivism evaluation of committed youth discharged in fiscal year 2004-05.* Colorado Department of Human Services, Office of Children, Youth and Family Services. Denver, Colorado.
[19] Rosten, K., Barr, B., and Mersman, K. (2006). *Recidivism and cumulative return rates: Calendar years 1997 through 2004.* Office of Planning and Analysis, Colorado Department of Corrections. Colorado Springs, CO. The report is available at http://www.doc.state.co.us/Statistics/pdfs/Recidivism/2006RecidBulletin.pdf.
[20] Hetz-Burrell, N. and English, K. (2006). *Community corrections in Colorado: A study of program outcomes and recidivism, FY00-04*. Office of Research and Statistics, Division of Criminal Justice, Department of Public Safety. Denver, Colorado.

Appendix G:
Oversight Committee and Task Force Members

RE-ENTRY OVERSIGHT COMMITTEE MEMBERSHIP

Name	Affiliation
Regina M. Huerter, Chair	Crime Prevention & Control Commission
Louise Boris	V.P. of Programs, Colorado Coalition for the Homeless
Christie Donner	Colorado Criminal Justice Reform Coalition
Regis F. Groff	Former State Senator
David S. Kaplan	Haddon, Morgan, Mueller, Jordan, Mackey & Foreman P.C.
Gil Martinez	Judge, 4th Judicial District
Jeaneene Miller	Director of Division of Adult Parole, Community Corrections and Youthful Offender System (Department of Corrections)
Tom Quinn	Director of Probation Services
Mike Riede	Former Chief Probation Officer for the 1st Judicial District
J. Grayson Robinson	Arapahoe County
Jeanne Smith	Director of Division of Criminal Justice
Michelle Sykes	Department of Human Services, Division of Colorado Works Family Strengthening and Safety Section
Peter Weir	Executive Director of the Department of Public Safety

PROBATION TASK FORCE MEMBERSHIP

Name	Affiliation
Gil Martinez, Chair	Judge, 4th Judicial District
Mike Riede, Task Force Leader	Former Chief Probation Officer for the 1st Judicial District
Larry Abrahamson	Elected District Attorney, 8th Judicial District
Charles Garcia	Community Corrections
Ken Gordon	State Senator
Sherri Hufford	Division of Probation
William Kilpatrick	Golden Police Dept.
Michael Kirkland	Douglas County
Kevin McGreevy	Colorado Criminal Defense Bar
Tom Moore	Community Corrections
Mary Claire Mulligan	Colorado Criminal Defense Bar
Ken Plotz	Senior Judge
Steve Siegel	Victim's Rights, 2nd Judicial District
Ann Terry	Department of Public Safety

INCARCERATION TASK FORCE MEMBERSHIP

Name	Affiliation
Grayson Robinson, Chair	Arapahoe County
Michelle Sykes, Task Force Leader	Department of Human Services, Division of Colorado Works Family Strengthening and Safety Section
Tony Carochi	Department of Corrections
Pam Clifton	Colorado Criminal Justice Reform Coalition
Rhonda Fields	Victim's Rights
Gary Golder	Department of Corrections
Bill Lovingier	Denver County
Norm Mueller	Haddon, Morgan, Mueller, Jordan, Mackey & Foreman P.C.
Martin Stuart	Colorado Criminal Defense Bar
John Suthers	Attorney General
Glenn Tapia	Division of Criminal Justice, Community Corrections
Debbie Zwirn	Logan County Commissioner

TRANSITION TASK FORCE MEMBERSHIP

Name	Affiliation
Regis Groff, Chair	Former State Senator, Senate District 33
Louise Boris, Task Force Leader	V.P. of Programs, Colorado Coalition for the Homeless
Lou Archuleta	Department of Corrections
Michael Biggio	The Free Coalition
Dean Conder	Chairman of Juvenile Parole Board
Brian Gomez	Department of Corrections
Regina Huerter	Crime Prevention & Control Commission
Gregg Kildow	Community Corrections
Bridget Klauber	Colorado Criminal Defense Bar
Reo Leslie, Jr.	Colorado School for Family Therapy
Greg Mauro	Community Corrections
Sean McDermott	Colorado Criminal Defense Bar
Carol Peeples	Colorado Criminal Justice Reform Coalition
Donald Quick	Elected District Attorney, 17th Judicial District
Charlie Smith	Deputy Director of Behavioral Health Services, Department of Human Services

POST-INCARCERATION SUPERVISION MEMBERSHIP

Name	Affiliation
David Kaplan, Chair	Haddon, Morgan, Mueller, Jordan, Mackey & Foreman P.C.
Christie Donner, Task Force Leader	Colorado Criminal Justice Reform Coalition
Carl Blesch	Division of Criminal Justice, Community Corrections
Tim Hand	Department of Corrections
Peter Hautzinger	Elected District Attorney, 21st Judicial District
Greg Mauro	Community Corrections
David Michaud	Chairman of Colorado Parole Board
Jeaneene Miller	Department of Corrections
Diane Tramutola-Lawson	Colorado CURE
Carolyn Turner	Colorado CURE
Doug Wilson	State Public Defender

Appendix H:
CDPS Memorandum on Racial and Ethnic Over-Representation

cdps
COLORADO
DEPARTMENT
OF PUBLIC SAFETY

Division of Criminal Justice
Jeanne M. Smith, Director

700 Kipling Street
Suite 3000
Denver, CO 80215-5865
(303) 239-4442
FAX (303) 239-4491

To: Pete Weir, Director CDPS
From: Kim English, Director ORS
Date: November, 2008
Re: CCJJ and Racial and Ethnic Over-Representation

HB 07-1358 directed the Colorado Commission on Juvenile and Criminal Justice (referred to subsequently as "the Commission") to investigate and make recommendations regarding evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds. The initial action by the Commission during its first year of operation was to create a Re-Entry Oversight Committee that directed four Task Forces (Probation, Incarceration, Transition, and Post-Incarceration Supervision) to address broad issues to reduce recidivism and curb correctional costs. The first interim report by the Commission presents the approved recommendations that were generated by these Task Forces and the working groups (for example, the Offender ID Documentation group and the Direct File group) addressing specific issues raised during this initial phase of the Commission's work.

Subsequent legislation (HB 08-1119) directed the Colorado Commission on Juvenile and Criminal Justice to address the issue of racial and ethnic disparities in the juvenile and criminal justice system by completing several tasks, which include, but are not limited to:

1. Conducting studies of the policies and practices in the Colorado
   - juvenile justice system with the goal to reduce racial and ethnic disparity
   - adult criminal justice with the goal to reduce racial and ethnic disparity

2. Reviewing work and resources compiled by states in the area of racial and ethnic disparity reduction
   - within the juvenile justice system
   - within the adult justice system

3. Making recommendations regarding policies and practices in
   - juvenile justice with the goal to reduce racial and ethnic disparity
   - adult criminal justice with the goal to reduce racial and ethnic disparity

In accordance with HB 08-1119, the staff of the Office of Research and Statistics (ORS) in the Division of Criminal Justice in support of the Commission is engaged in a survey and review of the research literature and policy reports addressing the issues surrounding racial and ethnic overrepresentation in the juvenile and adult justice systems across the country. ORS is also updating and compiling racial disparity information specific to Colorado comparable to that which is reported in the *Colorado Crime and Justice in Colorado: 2006*[1] report and *Colorado's Three-Year Juvenile Justice and Delinquency Prevention Plan: 2006-2008*[2] (See Tables 1 and 2 below).

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

[2] Office of Juvenile Justice and Delinquency Prevention & Office of Adult and Juvenile Justice Assistance. (2008). *Colorado's three-year juvenile justice and delinquency prevention plan (2006-*

The topic of disproportionate minority contact (DMC) in juvenile justice has received increased attention as evidenced by the extensive resources available through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at their DMC website (http://ojjdp.ncjrs.gov/dmc/). A comprehensive compilation of the efforts undertaken across the country regarding DMC is presented at the OJJDP/DMC website, http://ojjdp.ncjrs.gov/dmc/state_research_reports.html, in addition to a database of best practices to reduce DMC, http://mpg.dsgonline.com/dmc_default.aspx. In Colorado, collaboration between the Colorado Juvenile Justice and Delinquency Prevention Council, the Colorado Coalition for Minority Youth Equality, and the Office of Adult and Juvenile Justice Assistance in the Division of Criminal Justice generates a regularly updated *Disproportionate Minority Contact Action Plan* that details interventions to address the issues of DMC (as directed by the Juvenile Justice Delinquency Prevention Act of 2002). However, the same degree of integrative focus on juveniles cannot be found concerning the problem of minority over-representation of imprisoned adults.

This lack of a comparable effort may be traced to the greater complexity and additional barriers to address the issue among adults. There has previously been an unclear conclusion in the research literature and, consequently, a greater reluctance among policy makers and legislators to acknowledge the extent to which racial and ethnic disparity among incarcerated adults relative to juveniles is due to factors other than crime rates[3]. Our review thus far has located several recent reports and a growing, if not extensive, research literature employing more sound methodological underpinnings that better delineate the non-crime rate factors contributing to racial and ethnic disparity among adults in the criminal justice system[4].

The information collected will serve to inform the Commission when, after initiating the second phase of the Re-entry efforts in early 2009, it turns its attention to the issue of disproportionate minority contact in the juvenile justice system and the racial and ethnic disparities in the adult justice system.

2008). Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance.

[3] Crutchfield, R. D., Bridges, G. S., & Pitchford, S. R. (1994). Analytical and aggregation biases in analyses of imprisonment: Reconciling discrepancies in studies of racial disparity. *Journal of Research in Crime and Delinquency, 31*(2), 166-182; Spohn, C. (2000a). *Offender race and case outcomes: Do crime seriousness and strength of evidence matter?* Washington, D. C.: National Institute of Justice; Spohn, C. (2000b). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. In W. Reed, L. Winterfield (Series Eds.), & J. Horney (Volume Ed.), *Criminal Justice 2000: Volume 3. Policies, Processes, and Decisions of the Criminal Justice System* (pp. 427-501). Washington, D. C.: National Institute of Justice.

[4] Beatty, P., Petteruti, A., & Ziedenberg, J. (2007). *The vortex: The concentrated racial impact of drug imprisonment and the characteristics of punitive counties.* Washington, D. C.: Justice Policy Institute; Brennan, P. K., & Spohn, C. (2008). Race/ethnicity and sentencing outcomes among drug offenders in North Carolina. *Journal of Contemporary Criminal Justice, 24*(4), 371-398; Crow, M. S. (2008). The complexities of prior record, race, ethnicity, and policy: Interactive effects in sentencing. *Criminal Justice Review, 33*(4), 502-523; Kalogeras, S., & Mauer, M. (2003). *Annotated bibliography: Racial disparities in the criminal justice system.* Washington, D. C.: The Sentencing Project; Kansal, T., & Mauer, M. (2005). *Racial disparity in sentencing: A review of the literature.* Washington, D. C.: The Sentencing Project; Nellis, A., Greene, J., & Mauer, M. (2008). *Reducing racial disparity in the criminal justice system: A manual for practitioners and policymakers.* Washington, D. C.: The Sentencing Project; Office of Justice Assistance. (2008). Report of the Commission on Reducing Racial Disparities in the Wisconsin justice system. Madison, Wisconsin: Office of Justice Assistance.

Table 1. Colorado: Race/Ethnicity and the Adult Justice System

RACE	Colorado 2006 %	Arrest 2006 (29,254) %	Prosecuted 2006 (57,643) %	Found Guilty (47,104) %	Probation New Clients FY07[5] %	DOC Admits 2007[6] %	DOC Pop 2007[7] %	DOC Releases 2007[8] %	Parole Pop 2007[9] %
White	**75.6**	82.7*	75.8	75.4	73.0	46.7	46.3	49.9%	48.3
Hispanic*	**16.8**		10.5	11.1	15.0	32.5	31.1	29.8	32.5
Black	**3.9**	15.2	11.7	11.5	10.0	17.2	19.4	19.2	16.4
Native Amer.	**1.0**	1.1	.7	.7	1.0	2.7	2.1	2.4	1.9
Asian	**3.9**	1.0	.8	.9	1.0	1.0	1.0	.7	.9
Other	**6.8**		.5	.4					
Two or more	**2.6**								

Sources: Unless otherwise noted, sources are State Demographer's Office and DCJ's *Crime and Justice in Colorado, 2006.*
*Hispanic is included in white in Colorado arrest data.

Table 2. Colorado DMC Trends African American and Hispanic Youth FY01 through FY07[10]

DECISION POINTS	FY 01-02	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07
African American Youth						
Arrest	**2.6**	**2.77**	**2.2**	**3.99**	**7.06**	**6.21**
Pre Adjudicated Detention	**3.0**	**4.39**	**5.27**	**1.27**	**.76**	**.89**
Misdemeanor Filing	**2.2**	**1.35**	**2.17**	**.43**	**.07**	**.09**
Misdemeanor Adjudication	**2.0**	**1.4**	**2.19**	**.97**	**.80	**.35**
Felony Filing	**2.4**	**1.77**	**2.32**	**.65**	**.32**	****1.07
Felony Adjudication	**2.2**	**1.85**	**2.46**	**1.06**	**1.11	****1.12
Probation Supervision	**2.2**	**1.4**	**1.98**	**.84**	**.96**	**1.24**
Probation Sentence to Detention	**2.6**	**2.33**	**2.74**	**1.8**	**2.39	**1.43**
Commitment DYC	**3.0**	**3.78**	**3.57**	**2.3**	**2.12**	**1.97**
Hispanic Youth						
Arrest ‡	**N/A**	**2.21**	**N/A**	**2.46**	**2.42**	**2.02**
Pre Adjudicated Detention	**1.9**	**2.03**	**3.01**	**1.11**	**1.12**	**1.34**
Misdemeanor Filing	**.8**	**.38**	**.47**	**.15**	**.09**	**.16**
Misdemeanor Adjudication	**.7**	**.49**	**.56**	**1.4**	**1.17**	**1.27**
Felony Filing	**.8**	**.64**	**.70**	**.29**	**.21**	**.30**
Felony Adjudication	**.8**	**.70**	**.92**	**N/A**	**N/A**	**N/A**
Probation Supervision	**.8**	**.58**	**.77**	**1.05**	**1.06**	**1.20**
Probation Sentence to Detention	**.8**	**.91**	**.81**	**1.35**	**1.77**	**1.29**
Commitment DYC	**.9**	**2.24**	**.72**	**3.53**	**1.31**	**1.07**

**African American: Numbers bolded are statistically significant. The numbers not bolded (and marked with **) were not statistically significant and cannot be used to analyze or make assumptions about the RRI at that decision point.

‡ Hispanic: State rate for Hispanic arrest data was calculated by applying a formula based on the percentage of arrests that Hispanic youth represent in jurisdictions where we have Hispanic arrest data and where a large portion of the state's youth population and Hispanic youth population reside.

[5] Colorado Judicial Branch. (2007). Colorado State Judicial Branch annual report: FY2007. Retrieved from http://www.courts.state.co.us/Administration/Custom.cfm/Unit/annrep/Page_ID/97 (Table 43).
[6] Rosten, K. (2008). *Fiscal Year 2007 Annual Statistical Report.* Colorado Department of Corrections, Colorado Springs, CO.
[7] Ibid.
[8] Ibid.
[9] Ibid.
[10] Office of Juvenile Justice and Delinquency Prevention & Office of Adult and Juvenile Justice Assistance. (2008). *Colorado's three-year juvenile justice and delinquency prevention plan (2006-2008).* Denver, CO: Department of Public Safety, Division of Criminal Justice, Office of Adult and Juvenile Justice Assistance.

Appendix I:
Escape White Paper

Escape:
Mandatory Consecutive Sentences

Position Paper

Prepared by

Post-Incarceration Supervision Reentry Task Force

Colorado Commission on Criminal and Juvenile Justice

Background

This paper was prompted by questions identified by members of the Post-Incarceration Supervision Task Force on Re-Entry of the Colorado Commission on Criminal and Juvenile Justice. The Task Force has been charged with identifying barriers to successful prisoner reentry into the community, and potential solutions to these barriers. The Task Force is reviewing evidence-based correctional practices that reduce recidivism and victimization, and the Commission's statutory mandate includes the promulgation of practices that make the most cost effective use of expensive correctional resources.

Two primary concerns prompted this paper, the mandatory sentence provision and the definition that is not restricted to escape from secure facilities. First, consecutive sentences for escape convictions are mandated in statute. For nearly all other criminal sentences, consecutive sentences are at the discretion of the judge. It is the mandatory nature of the sentencing provision that concerns members of the Task Force. This broad brush approach to sentencing policy is not supported by the criminology literature which consistently reports the need for individualized interventions to reduce the likelihood of new criminal behavior and victimization.[1] Further, this policy increases the prison population when the escape sentence is longer than the sentence for the original crime.

[1]Latessa, E.J., & Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*, 521-535; Gendreau, P., & Goggin, C. (1995). *Principles of effective correctional programming with offenders*. Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick; McGuire, J. (2001). What works in correctional intervention? Evidence and practical implications. In G. A. Bernfeld, D.P. Farrington, & A. W. Leschied (Eds.), *Offender rehabilitation in practice: Implementing and evaluating effective programs* (pp. 25-43). Chichester, West Sussex, UK: John Wiley & Sons; Gendreau, P., Goggin, C., & Fulton, B. (2001). Intensive supervision in probation and parole settings. In C. R. Hollin (Ed.), *Handbook of offender assessment and treatment* (pp. 195-204). Chichester, West Sussex, UK: John Wiley & Sons.

Second, the broad definition of escape subjects many individuals to the mandatory sentencing provision. Fewer than ten individuals escape from a secure Department of Corrections facility every year.[2] However, over 1,100 individuals annually are convicted of escape for behaviors that range from running from a police car[3] to failing to return on time to a halfway house. For the same behavior that results in issuing an arrest warrant and pursuing a technical violation for those on probation, hundreds of individuals every year receive lengthy prison sentences because of their particular criminal justice status.

In addition to escape from a secure prison facility, escape charges can result from any of the following behaviors:

- Absconding while on intensive parole supervision, including electronic home monitoring;
- Absconding from community centers where an individual may have been placed as a condition of parole;
- Not returning to a halfway house;
- Not returning from jail work release;[4] and
- Escaping from a juvenile commitment center.[5]

Mandatory consecutive sentences and the broad definition of escape have been the subject of much debate by the state's criminal justice policy community, and legislation was proposed in 2007 and 2008 to modify these statutes. The Task Force requested that data on escape convictions be compiled and used to further this discussion. Researchers from the Division of Criminal Justice and the Department of Corrections worked together to provide the data presented here.

Task Force Questions

- What do we know about the current implementation of these policies? Can we profile the offenders charged and convicted of escape?
- What is the evidence that those individuals whose criminal justice status makes them eligible for escape convictions are at a particularly high risk of committing a new crime?
    - Community corrections board members historically indicated their favor of the mandatory consecutive escape charge as a consequence for the "violation of public trust."

[2] Rosten, K. (2008). *Fiscal Year 2007 Annual Statistical Report.* Colorado Department of Corrections, Colorado Springs, CO.
[3] Division of Criminal Justice researchers examined over 400 district court case files and documented the behaviors associated with escape charges. The charge for running from a police car is often vehicular eluding; in many cases reviewed by researchers, these individuals were also charged with escape.
[4] Escape charges may be filed against individuals who are on work release or diversion community corrections as a condition of probation.
[5] DOC also houses individuals who escaped from juvenile facilities after they turned 18 years old.

- Years ago, local stakeholders said they would approve DOC's Intensive Supervision Program only if mandatory consecutive escape charges applied to the population

- Is the mandatory consecutive escape statute consistent with the research on evidence-based practices? Implementing evidence based correctional practice, an objective of the Commission on Criminal and Juvenile Justice, emphasizes the use of individualized risk/needs assessments to direct criminal justice interventions rather than mandatory broad-brush policies.

- Is this escape statute encouraging the use of incarceration for the most dangerous offenders?

- The experience of task force members led them to conclude that most escapes are impulsive acts and are often associated with substance abuse activity. Deterrence has minimal impact in these circumstances.

- Is this policy cost effective?

Organization of this paper

This paper relies on research, and so it begins with a brief description of the sources of the Colorado-specific data presented below. Next, the paper describes escape behaviors and the impact of escape convictions on the DOC population. Then, using data from the Judicial Branch and the Department of Corrections, it provides answers to some commonly asked questions about the population of offenders convicted of escape. The paper concludes with a brief review of research by national experts.

Data Sources

Several sources of data were used in the analyses presented below. Conviction data from the Judicial Branch was analyzed by researchers at the Colorado Division of Criminal Justice (DCJ); DCJ researchers also analyzed DOC release data; and DOC researchers analyzed prison admission data.

Impact of Current Escape Laws

In 2006, over 90 percent of escape convictions received a prison sentence,[6] and over three-quarters of those convicted received a consecutive sentence for escape.[7]

The mandatory consecutive escape conviction is part or all of the governing sentence for over half of those sentenced to DOC for escape.[8] The *governing sentence* is the sentence or combination of

[6] DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in FY06. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from officials at the Judicial Branch.

[7] Rosten, K. (2008). Fiscal Year 2007 Annual Statistical Report. Colorado Department of Corrections, Colorado Springs, CO.

sentences imposed that governs the incarceration and parole periods of a given offender. Escape is the governing offense for about five percent of new court commitments to prison (see Table 1). In FY07 this totaled approximately 340 individuals. In addition, since FY 2000, almost one-third (31.8 percent) of parole violators with a new felony conviction returned to prison with escape as their most serious crime (see Table 2). In FY07, this totaled over 330 parole readmissions to DOC for escape, in addition to the 340 new court commitments for escape. Another 579 were admitted to DOC in FY07 with escape convictions that were *not* part of the governing sentence so did not increase the length of the offenders prison term. However, apart from the impact of consecutive sentences on the growing prison population, escape convictions contribute to habitual offender status which again contributes to prison population growth.

Table 1: Governing Offense Type by DOC Admission Type: FY00-07[9]

Year	2000	2001	2002	2003	2004	2005	2006	2007	Total
Total Cases	4044	4324	4905	5107	5146	5755	6201	6513	41995
	%	**%**	**%**	**%**	**%**	**%**	**%**	**%**	**%**
Violent	30.12	30.18	29.28	30.06	28.60	26.52	27.16	27.61	28.51
Drug	26.34	26.73	29.13	26.65	27.36	26.36	26.38	26.84	26.96
Escape	5.96	5.78	4.55	4.48	5.13	6.53	5.79	5.25	5.44
Other	37.59	37.30	37.04	38.81	38.90	40.59	40.67	40.30	39.09
Total	*100*	*100*	*100*	*100*	*100*	*100*	*100*	*100*	*100*

Source: Data extracts provided by DOC and analyzed by DCJ. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.
Note: the offense identified here is the most serious crime associated with the current incarceration. ***It is likely that many more escape convictions occur with this population, but the offense data presented here reflect only the single most serious crime.***

[8] Ibid.

[9] Source for Tables 1 and 2: Data extracts provided by DOC. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers. Violent crimes include homicide, assault, kidnap, child abuse, sexual assault, robbery, extortion, intimidation, retaliation and riots in detention facilities. Escape also includes aiding escape, attempted escape, attempted escape while in custody, escape insanity law, escape pursuant to extradition, offenses relating to custody and contraband and violation of a bail bond. The 'other' crimes category includes burglary, theft, forgery, fraud, motor vehicle theft, arson, weapons violations, parental custody violations, contributing to the delinquency of a minor, offenses against public peace, dueling, criminal libel, false reporting, possession of contraband, unspecified inchoate offenses, obstructing law enforcement, vandalism, criminal trespassing, criminal mischief, bribery, criminal negligence, non-support of family, perjury, tampering, traffic-related violations, workers' compensation fraud, social services fraud, destruction of wildlife, hazardous waste violations, habitual criminal, organized crime control act.

Table 2: Parole Returns to DOC, Most Serious Crime: FY00-FY07

Year	2000	2001	2002	2003	2004	2005	2006	2007	Total
Total Cases	413	402	410	433	449	824	1034	1008	4973
	%	**%**	**%**	**%**	**%**	**%**	**%**	**%**	**%**
Violent	9.20	8.46	9.27	10.62	10.47	11.29	11.61	15.18	11.44
Drug	27.85	29.35	29.27	27.48	27.62	22.33	20.79	19.94	24.05
Escape	27.60	23.88	25.12	24.48	27.62	35.19	40.23	33.13	31.83
Other	35.35	38.31	36.34	37.41	34.30	31.19	27.37	31.75	32.68
Total	*100*	*100*	*100*	*100*	*100*	*100*	*100*	*100*	*100*

Source: Data extracts provided by DOC and analyzed by DCJ. Data are considered preliminary, and may vary from that published by DOC. These data are based on sentencing data which differ slightly from strict admission numbers.
Note: Escape convictions in this table reflect the most serious crime for which the returned parolee is serving a prison sentence; for some small portion of those with escape convictions in Table 2, their original conviction crime may have been escape and their return charge is a lesser sentence.

Frequently asked questions

How many escape convictions are sentenced to prison?[10]

- 2005 1,248
- 2006 1,391
- 2007 1,249[11]

Where did they escape from?[12]

- 32.4% escaped from Diversion community corrections
- 27.2% escaped from Parole
- 24.7% escaped from Transition community corrections
- 15.8% escaped from jail work release, day reporting, electronic home monitoring

How often is escape the offense charged but not convicted?[13]

As shown in Table 3, in 2006 56 percent of individuals who received court filings for escape were actually convicted of escape. (Please see Footnote 12 for a description of the sample.)

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

[11] Eight hundred nine of these were convictions for attempted escape.

[12] DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in FY06. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from Judicial.

[13] Ibid.

Table 3: A sample of escape charges filed and convicted in 2006

	Filed	Convicted
Aiding Escape	1	1
Assisting Escape	5	1
Attempted Escape	248	331*
Escape	449	113
Total	*703*	*446*

*Note that that number of attempted escape convictions is higher than the number of attempted escape charges (filings). This is because many of the attempted escape charges were added or amended to the original charge of escape. This means that this charge was added to the original charge and then the individual was convicted only on the attempted charge.

What felony class was the escape CONVICTION charge?[14]

- F3 8.2%
- F4 36.9
- F5 54.3
- F6 .6
- TOTAL 100.0

Did these individuals have a history of violence?[15]

- 69.2% of those sentenced to DOC for escape had no history of violent crime convictions and their current crimes were not violent.

- 30.8% had a prior juvenile or adult arrest for a violent crime.
    - More than half of these were arrests for assault.
    - Eight had a homicide arrest as part of their criminal history record, and 3 had been convicted of homicide.

[14] FY07 admissions to DOC. Excludes habitual enhanced sentences and sentences to YOS; includes amended or reinstated sentences. Source: Colorado Department of Corrections FY07 analysis of escape convictions (October 2008).

[15] DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in FY06. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from Judicial. The analysis of the *offenders' history* of violent crimes included *any arrest* for the following crimes: homicide, kidnapping, robbery, assault, weapons-related offenses, and sex offenses.

Table 4: How old were these offenders at sentencing?[16]

Age	%	N
Under 25 years	30.6	137
25 - 30 years	20.4	91
31- 35 years	15.0	67
36 – 40 years	13.9	62
41 – 50 years	17.9	80
51- 65 years	2.2	10
Total	*100.0*	*447*

Table 5: Which counties file the most escape charges in district court?

County	2003	2004	2005	2006	2007
Adams	114	170	185	179	125
Arapahoe	142	164	166	122	93
Denver	211	330	403	496	344
El Paso	159	189	265	211	169
Jefferson	130	153	210	120	119
Weld	109	139	131	116	114

Source: Data extract provided by the Judicial Department and analyzed by DCJ's Office of Research and Statistics.

How many serve prison sentences for escape convictions?

- In FY07, 1,249 offenders were sentenced to prison for escape convictions, including attempt to escape (809).[17] Many of these sentences were not imposed consecutively and, for those that were imposed consecutively, escape is not always the governing sentence.
    - 940 (75.3%) were consecutive to another felony sentence, and another 41 (3.3%) had a felony consecutive to this sentence.
    - Of the 1,248 individuals admitted to DOC in FY07 to serve sentences for escape, 981 were given consecutive sentences with the following offense:[18]

[16] DCJ's Office of Research and Statistics analyzed data on 448 offenders sentenced for escape in FY06. This group is a random sample of offenders from ten judicial districts across the state (1st, 2nd, 4th, 8th, 10th, and 17th through 21st). The data were hand-collected by DCJ staff that pulled individual case files and collected data on-site, with permission from Judicial.

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

[18] Ibid.

Table 6: Crimes Sentenced Consecutively with Escape

N	%	Offense
1	0.1%	Murder
2	0.2%	Other related homicide
6	0.6%	Kidnapping
10	1.0%	Sexual Assault
8	0.8%	Wrongs to Children
34	3.5%	Assault
1	0.1%	Criminal Extortion
5	0.5%	Weapons
17	1.7%	Public Peace
121	12.3%	Escape
4	0.4%	Offenses Relating to Custody and Contraband
72	7.3%	Burglary
140	14.3%	Theft
78	8.0%	Motor Vehicle Theft
66	6.7%	Vandalism
54	5.5%	Forgery
6	0.6%	Fraud
7	0.7%	Financial Transaction Device & Equity Skimming Fraud
1	0.1%	Bribery
268	27.3%	Controlled Substance Abuse
2	0.2%	Family Offenses
13	1.3%	Traffic
1	0.1%	Accessory to a Crime
2	0.2%	Domestic Violence
1	0.1%	Organized Crime Control Act
35	3.6%	Menacing

How many individuals under community supervision are eligible for escape charges?

On any given day, approximately 6,524 individuals serving state sentences in the community belong to the pool of offenders who are eligible for felony escape changes. This is a minimum number since it does not include offenders on work release in the county jail, or those in transit.

Individuals in diversion community correction residential and nonresidential placements are eligible for escape charges. There are 1470 diversion residential beds and 1230 non-residential beds, totaling over 2730 offenders. DOC's Division of Adult Parole, Community Corrections and Youthful Offender System manage five categories of offenders: (1) Parole, (2) Intensive Supervision Program-Inmate Status (ISP-I), (3) Intensive Supervision Program-Parole Status (ISP), (4) Community Corrections Transition, and (5) YOS Phase III (Community Phase). All but those on parole (community status[19])

[19] DOC offenders in the community can be on "inmate" status or "community" status, and various laws apply depending on this status.

- Diversion community corrections Over 2,730
- Felony charges for escape can be filed for any offender re-entering the community *except* those on regular parole status. The following represents the pool of offenders who can receive felony escape charges for the same behavior that a parolee would receive a technical violation:
    - Intensive Supervision Program, Inmate Status 960[20]
    - Intensive Supervision Program, Parole Status 1,258[21]
    - Transition community corrections offenders who are not "condition of parole" status
        1,418 minus 80 condition-of-parole beds 1,339
    - Those on current escape status 228
    - YOS offenders in Phase III, community placement 39

National Research Council Study

The National Research Council of the National Academy of Sciences recently published a comprehensive review of research related to recidivism reduction and public safety: "It is in the broad public interest to… reduce the rate of recidivism—the return to prison for parole violations or the commission of new crimes. Reductions in recidivism would simultaneously reduce state corrections costs and improve community safety."[22] To this end, the authors reviewed the considerable research on this topic and conclude the following:

> …a realistic goal for ex-offenders, especially for high-rate offenders released from prison, is not zero offending, but reduced offending (reduced in terms of frequency and seriousness) and increased lengths of non-offending periods. Empirical research on [harm reduction] has consistently demonstrated that this goal can be achieved.[23]

Further, the report, which summarizes hundreds of studies conducted over the past 25 years, underscores the importance of policy makers recognizing that there are multiple pathways and factors involved in individual decisions to desist from criminal behavior: "There is remarkable heterogeneity in criminal offending." [24] This research synthesis encourages individualized treatment. Mandatory consecutive sentences for escape ignore the need to provide individual-level responses to reduce recidivism, and are in conflict with empirically-driven efforts to increase public safety.

[20] Except where noted, in this bullet population numbers are from DOC's June 30, 2008 capacity report available at https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder_15/Current.pdf
[21] This number represents the capacity, according to parole officials.
[22] National Research Council (2008). *Parole, desistance from crime, and community integration.* National Academies Press, Washington D.C.
[23] Ibid.
[24] Ibid.

Appendix J:
Evidence-Based Correctional Practices

Evidence Based Correctional Practices

"What works in corrections" is not a program or a single intervention but rather a body of knowledge that is accessible to criminal justice professionals.[1]

The National Institute of Corrections (NIC) has been promoting the use of evidence-based practice for many years. The eight principles of evidence based corrections are summarized on the NIC website.[2] These principles, along with additional discussion, are presented below. Corrections and criminology research conducted over the past several decades provide substantial direction for implementing prison and community-based programs for criminal offenders. Criminologists have spanned the research-practice divide that has emerged over the last fifteen years. Now leaders in corrections must take forward the information learned and implement programs based on the principles of effective intervention.

Prepared by Colorado Division of Criminal Justice, Office of Research and Statistics. Based in part on material available from the National Institute of Corrections (www.nicic.org), August 2007.

[1] Latessa, E. J. and Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal* 521-535.

[2] Available at http://www.nicic.org, especially http://www.nicic.org/pubs/2004/019342.pdf.

Recidivism reduction: Implementing new programs and expanding existing programs for the purpose of recidivism reduction requires integrating the principles described here.

ONE:
Assess offender risk/need levels using actuarial instruments

Risk factors are both static (never changing) and dynamic (changing over time, or have the potential to change). Focus is on criminogenic needs, that is, offender deficits that put him or her at-risk for continued criminal behavior.[3] For example, many studies show that specific offender deficits are associated with criminal activity, such as lack of employment, lack of education, lack of housing stability, substance abuse addiction. Actuarial instrument tools are available which can assist in the identification of these areas of service needs. One of the most common of these is the Level of Service Inventory (LSI).[4] The LSI (see sidebar) may be the most used instrument: In a 1999 study, researchers found that 14% of the agencies surveyed in a national study were using the LSI-Revised with another 6% planning on implementing it in the near future.[5] It is used in jurisdictions across the U.S. and Canada, and has been the subject of a considerable amount of research. Systematically identifying and intervening in the areas of criminogenic need is effective at reducing recidivism.

[3] Criminogenic risk refers to attributes associated with criminal behaviors and recidivism include (Gendreau, and Andrews, 1990): (1) Anti-social attitudes, values, and beliefs (criminal thinking); (2) Pro-criminal associates and isolation from pro-social associates, (3) Particular temperament and behavioral characteristics (e.g., egocentrism); (4) Weak problem-solving and social skills; (5) Criminal history; (6) Negative family factors (i.e., abuse, unstructured or undisciplined environment), criminality in the family, substance abuse in the family); (7) Low levels of vocational and educational skills (8) Substance abuse. The more risk factors present, the greater the risk for committing criminal acts.

[4] Andrews, D.A. and Bonta, J. L. (2003). *Level of Supervision Inventory-Revised. U.S. Norms Manual Supplement*. Toronto: Multi Health Systems. The LSI assesses the extent of need in the following areas: criminal history, education, employment, financial, family and marital relationships, residential accommodations, leisure and recreation activities, companions, alcohol and drug problems, emotional and personal, and pro-social attitudes and orientations.

[5] Jones, D. A., Johnson, S., Latessa, E. J., and Travis, L. F. (1999). *Case classification in community corrections: Preliminary findings from a national survey*. Topics in Community Corrections. Washington D.C.: National Institute of Corrections, U.S. Department of Justice.

TWO:
Enhance offender motivation

Humans respond better when motivated- rather than persuaded-to change their behavior. An essential principle of effective correctional intervention is the treatment team playing an important role in recognizing the need for motivation and using proven motivational techniques. Motivational interviewing, for example, is a specific approach to interacting with offenders in ways that tend to enhance and maintain interest in changing their behaviors.

But when it comes to using this information in the systematic application of program services, most corrections agencies fall short.

THREE:
Target interventions

This requires the application of what was learned in the assessment process described in #1 above.[6] Research shows that targeting three or fewer criminogenic needs does *not* reduce recidivism. Targeting four to six needs (at a minimum), has been found to reduce recidivism by 31 percent. Correctional organizations have a long history of assessing inmates for institutional management purposes, if nothing else. But when it comes to using this information in the systematic application of program services, most corrections agencies fall short. While inmate files may contain adequate information identifying offender's deficits and needs, correctional staff are often distracted by population movement, lockdowns, and day-to-day prison operations. Often, these take priority over the delivery of services based on the offender's criminogenic needs. Staff training and professionalism becomes an essential component of developing a culture of personal change: well-trained staff can—and must—role model and promote pro-social attitudes and behaviors even while maintaining a safe and secure environment.

Thus, targeting interventions requires clear leadership and management of the prison culture. Implementation methods include the following:

- **Act on the risk principle**. This means prioritizing supervision and treatment resources for higher risk offenders.

[6] Gendreau, French and Taylor (2002). What Works (What Doesn't Work) Revised 2002.

WHAT IS THE LSI-r?

The Level of Service Inventory-Revised (LSI-r)[1] is one of the most commonly used classification tools used with adult offenders. The LSI-r is used in a variety of correctional contexts across the United States to guide decision making. In Colorado, the LSI-r is used in probation, community corrections, prison and parole to develop supervision and case management plans, and to determine placement in correctional programs. In some states, the LSI-r is used to make institutional assignments and release from institutional custody decisions. It may be the most used instrument: In a 1999 study, researchers found that 14% of the agencies surveyed in a national study were using the LSI-R with another 6% planning on implementing it in the near future.[2] The instrument is perhaps the most researched correctional risk/needs assessment and, from the first validation study in 1982, it has continued to show consistent predictive validity for a range of correctional outcomes.[3]

The LSI-R assessment is administered via a structured interview. Supporting documentation should be collected from family members, employers, case files, drug tests, and other relevant sources.[4] (Andrews & Bonta, 1995).

The instrument includes 54 items that measure ten components of risk and need. The components measured are:

- *Criminal history,*
- *Education,*
- *Employment,*
- *Financial,*
- *Family and marital relationships,*
- *Residential accommodations,*
- *Leisure and recreation activities,*
- *Companions,*
- *Alcohol and drug problems,*
- *Emotional and personal, and*
- *Pro-social attitudes and orientations.*

The LSI-r predicts recidivism but perhaps more importantly it also provides information pertaining to offender needs. Re-assessment every six months allows for an examination of whether the offender's need level was improved by the intervening programming. Probation and DOC apply differing score paradigms for determining levels of risk and need for their respective individual populations.

Probation and DOC have set different score categories for designation of risk/need.

RISK/NEED category	Probation	DOC
Low	1-18	0-12
Medium	19-28	13-26
High	29-54	27-54

Level of Supervision Inventory

Percent chance of recidivism within one year (based on total score).

LSI total score (Raw score)	Percent chance of recidivism
0 to 5	9%
6 to 10	20%
11 to 15	25%
16 to 20	30%
21 to 25	40%
26 to 30	43%
31 to 35	50%
36 to 40	53%
41 to 45	58%
46 to 50	69%
50 to 54	<70%

Source: Andrews, D.A. and Bonta, J. L. (2003). *Level of Supervision Inventory-Revised. U.S. Norms Manual Supplement*. Toronto: Multi Health Systems.

1 Andrews, D.A. and Bonta, J. (1995). *The Level of Service Inventory-Revised*. Toronto: Multi-Health Systems.

2 Jones, D. A., Johnson, S., Latessa, E. J., and Travis, L. F. (1999). *Case classification in community corrections: Preliminary findings from a national survey*. Topics in Community Corrections. Washington, D.C.: National Institute of Corrections, U.S. Department of Justice.

3 Andrews, D.A. (1982). *The Level of Supervision Inventory (LSI): The first follow-up*. Toronto: Ontario Ministry of Correctional Services; Andrews, D.A., Dowden, C. and Gendreau, P. (1999). *Clinically relevant and psychologically informed approaches to reduced re-offending: A meta-analytic study of human service, risk, need, responsivity and other concerns in justice contexts.* Ottawa: Carleton University.

4 Andrews, D.A. and Bonta, J. (1995). *The Level of Supervision Inventory-revised*. Toronto: Multi-Health Systems.

Some studies have shown that lower risk offenders have a high probability of successfully re-integrating into the community without intense prison programming.[7] They tend to have positive support groups and are not without resources. Placing these offenders in correctional programs tends to disrupt their pro-social networks and increase their likelihood of recidivism.

Staff training and professionalism becomes an essential component of developing a culture of personal change: well-trained staff can—and must—role model and promote pro-social attitudes and behaviors even while maintaining a safe and secure environment.

- **Act on the need principle**. The fundamental point of this principle is to provide services according to individual deficits—social skills, thinking errors, vocational training, misuse of leisure time, drug and alcohol abuse—when these are identified by the assessment in #1 above. Sex offenders, for example, have significant deficits that are identified in general assessment tools such as the LSI, but research shows they also have additional treatment needs that require specialized interventions by professionals with specific expertise.

- **Implement the responsivity principle**. Inmates, like other humans, have different temperaments, learning styles, and motivation levels. These must be acknowledged and services must accommodate and consistently promote every individual's ability to participate in a program. Many evidence-based programs, however, have low or no success with offenders of color, and women have very different service and program needs than men. Hence, gender and cultural difference must be accounted for. Recidivism reduction requires developing interventions that are sensitive to the learning styles and psychological needs of all program participants.

- **Ensure adequate program dose and duration**. Many efficacy studies have found that high-risk offenders should spend 40 to 70 percent of their time in highly structured activities and programming for 3 to 9 months prior to release.[8] However, these are minimum durations and are likely to be inadequate for both sex offender populations and serious drug addicts. Studies of both populations have found that duration and intensity are linked to positive outcomes. For both populations, the need for structured and accountable time throughout the day and week is likely higher than the average 40 to 70 percent found in studies of the general criminal population. The continuity of structure, treatment, and accountability must follow both substance addicts and sex offenders into the community, and treatment should be delivered as a life-long plan for changing entrenched negative lifestyle behaviors.[9] The evidence indicates that incomplete or uncoordinated approaches can have negative effects and increase recidivism and victimization.[10]

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[7] Andrews, D. A. and Bonta, J. (2003). *The psychology of criminal conduct*. Cincinnati, OH: Anderson Publishing Co.; Clear, T. R. "Objectives-Based Case Planning," National Institute of Corrections, Monograph 1981, Longmont, CO.; Currie, E. (1998). *Crime and punishment in America*. New York: Metropolitan Books; Palmer, T. (1995). "Programmatic and non-programmatic aspects of successful intervention: New directions for research," *Crime & Delinquency*, 41.

[8] Gendreau, P. and Goggin, C. (1995). "Principles of effective correctional programming with offenders," Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick; Palmer, T. (1995). "Programmatic and non-programmatic aspects of successful intervention: New directions for research," *Crime & Delinquency*, 41,100-131; Higgins, H. and Silverman, K. (1999). *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions*. Washington, D.C.: American Psychological Association.

[9] National Institute on Drug Abuse's *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research Based Guide*, available at http://www.nida.nih.gov/PODAT_CJ/ from the U.S. National Institutes of Health.

[10] Higgins, H. and Silverman, K. (1999). Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions. American Psychological Association.

- **Implement the treatment principle**. The treatment principle states that cognitive/behavioral treatment should be incorporated into all sentences and sanctions.[11] Treatment is action. First, it is centered on the *present* circumstances and risk factors that are responsible for the offender's behavior. Second, it is *action* oriented rather than talk oriented. Offenders do something about their difficulties rather than just talk about them. Third, clinicians *teach* offenders new, pro-social skills to replace the anti-social ones like stealing, cheating and lying, through modeling, practice, and reinforcement. These behavioral programs would include:
  - o Structured social learning programs where new skills are taught, and behaviors and attitudes are consistently reinforced,
  - o Cognitive behavioral programs that target attitudes, values, peers, substance abuse, anger, etc., and
  - o Family based interventions that train families on appropriate behavioral techniques.

  Interventions based on these approaches are very structured and emphasize the importance of modeling and behavioral rehearsal techniques that engender self-efficacy, challenge cognitive distortions, and assist offenders in developing good problem-solving and self-control skills. These strategies have been demonstrated to be effective in reducing recidivism.[12]

FOUR:
Provide skill training for staff and monitor their delivery of services

Evidence-based programming emphasizes cognitive-behavior strategies and is delivered by well-trained staff. Staff must coach offenders to learn new behavioral responses and thinking patterns. In addition, offenders must engage in role playing and staff must continually and consistently reinforce positive behavior change.

Researchers have found that optimal behavior change results when the ratio of reinforcements is four positive to every negative reinforcement.

FIVE:
Increase positive reinforcement

Researchers have found that optimal behavior change results when the ratio of reinforcements is four positive to every negative reinforcement.[13] While this principle should not interfere with the need for administrative responses to disciplinary violations, the principle is best applied with clear expectations and descriptions of behavior compliance. Furthermore, consequences for failing to meet expectations should be known to the offender as part of the programming activity. Clear rules and consistent consequences that allow offenders to make rewarding choices can be integrated into the overall treatment approach.[14]

Quality control and program fidelity play a central and ongoing role to maximize service delivery. In a study at the Ohio Department of Corrections, programs that scored highest on program integrity measures reduced recidivism by 22 percent. Programs with low integrity actually increased recidivism.

[11] Latessa, E.J. (no date). From theory to practice: What works in reducing recidivism? University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. Available at http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf.

[12] Exerpted from page 2, Latessa, E.J. (no date). From theory to practice: What works in reducing recidivism? University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. Available at http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf.

[13] Gendreau, P. and Goggin, C. (1995). *Principles of effective correctional programming with offender*. Unpublished manuscript, Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick, New Brunswick.

[14] McGuire, J. (2001). "What works in correctional intervention? Evidence and practical implications," *Offender rehabilitation in practice: Implementing and evaluating effective program*; Higgins, S. T and Silverman, K. (1999). *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions*. Washington, D.C.: American Psychological Association.

SIX:
Engage ongoing support in natural communities

For many years research has confirmed the common sense realization that placing offenders in poor environments and with anti-social peers increases recidivism. The prison-based drug and alcohol treatment communities show that the inmate code can be broken and replaced with a positive alternative and, in the process, teach offenders the skills they will need upon release. Likewise, parole supervision requires attending to the pro-social supports required by inmates to keep them both sober and crime free. Building communities in prison and outside of prison for offenders who struggle to maintain personal change is a key responsibility of correctional administrators today. The National Institute of Corrections calls for:

> *Realign and actively engage pro-social support for offenders in their communities for positive reinforcement of desired new behaviors.*[15]

SEVEN:
Measure relevant processes/practices

An accurate and detailed documentation of case information and staff performance, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Quality control and program fidelity play a central and ongoing role to maximize service delivery. In a study at the Ohio Department of Corrections, programs that scored highest on program integrity measures reduced recidivism by 22 percent. Programs with low integrity actually increased recidivism.[16]

EIGHT:
Provide measurement feedback

Providing feedback builds accountability and maintains integrity, ultimately improving outcomes. Offenders need feedback on their behavioral changes, and program staff need feedback on program integrity. It is important to reward positive behavior—of inmates succeeding in programs, and of staff delivering effective programming. Measurements that identify effective practices need then to be linked to resources, and resource decisions should be based on objective measurement.

Years of research have gone into the development of these evidence-based principles. When applied appropriately, these practices have the best potential to reduce recidivism. These principles should guide criminal justice program development, implementation and evaluation. For further information, please see the material made available by the National Institute of Corrections, at www.nicic.org.

[15] National Institute of Corrections, http://nicic.org/ThePrinciplesofEffective Interventions.

[16] Latessa, E. J. and Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal*.

Appendix K:
Discussion Points from Victims Groups

Discussion Points from Victims Groups

Denver: September 2, 2008
Glenwood Springs: September 5, 2008
Pueblo: September 8, 2008

The Division of Criminal Justice held three victim focus groups to discuss recommendations made by the Re-Entry Task Forces and the Oversight Committee. Working with DCJ's Office of Victims of Crime, 18 recommendations for discussion were selected that would most likely be of interest to the victim's community and which also received a high level of support from the Oversight Committee. Each focus group was asked to discuss different recommendations so that all 18 items were covered.

Focus group participants voted on each recommendation as to whether they could live with it or not or if they were abstaining from voting at this time. These scores, along with comments regarding each recommendation, are included below in the same order provided in the "Phase 1 Re-Entry Recommendations" document that was sent to Commission members on Sept 5th.

PIS-87 (SUPPORT 3.0) (IMPACT 3.0)

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

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

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

- Perform this recommendation hand-in-hand with updating technology. Make sure to do this in conjunction with PIS-85.
- Revise this recommendation to include what action will be taken as a result of this process.

Vote

Yes	7
No	0
Abstain	0

P-1 (SUPPORT 2.75) (IMPACT 3.0)

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

- Victim's community likes this as far as consistency. However, they don't want consistency to go to the lowest common denominator.
- There needs to be clear guidelines for what offender's are accountable for and the victim needs to know what will happen if certain acts are committed.
- "All technical violations are not equal"; for instance, violation of a restraining order should not be responded to the same as not showing for a probation appointment.
- If we continually slap them on the wrist, they don't get the message that we're serious. Sometimes it takes a jail sanction to alter their behavior.

Vote
Yes 9
No 0
Abstain 3

P-8 (SUPPORT 2.25) (IMPACT 1.83)

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

The group would like to see a requirement for victim input in this process.

Vote
Yes 11
No 0
Abstain 0

P-9 (SUPPORT 2.08) (IMPACT 2.25)

To reduce docket overload and interruptions to the offender's employment, minimize court review hearings and appearances. Educate judges and probation officers on prioritizing support for the offender's employment since research shows that stable employment is linked to recidivism reduction. This does not apply to specialty courts.

- In general this is a good idea.
- Because compliance is increased when "someone is looking over your shoulder", rather than doing away with these review hearings, courts could be encouraged to utilize "phone-in" appointments.
- The group also suggests more night court or Saturday court because the level of court inflexibility contributes to offenders' inability to appear during the work week.
- Consistent benchmarks should be set toward the accomplishment of probation conditions, such as progress on paying restitution.

Vote
Yes 7
No 1
Abstain 4

P-11 (SUPPORT 2.18) (IMPACT 2.38)

It is recommended that judges at the initial sentencing hearing consider the negative impact a jail sentence imposed as a condition of probation may have on the offender's ability to maintain employment, housing, and maintain SSI and SSDI benefits, and therefore successfully complete probation.

- There is no apparent consideration for the community at large in this recommendation, no protection of the victim.
- The group liked the wording on the power point slide (with the bullets) rather than the way it reads above. This way reads to them as it was prior to VRA.

Vote (with bullets, original)

Yes	8
No	0
Abstain	0

Vote (without bullets, revised)

Yes	0
No	8
Abstain	0

P-12 (SUPPORT 2.67) (IMPACT 2.5)

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

- Can this include work release component?
- Will the offender still be monitored for UA's and BA's?
- Is there enough staff to monitor these people while they're at home? Is the technology solid?
- Larimer (where they have a criminal justice board) currently has such a program and could be used as a model.
- Replace the word 'expand' with the word 'consider' in recommendation.
- Include levels of supervision requirements for those using home detention.
- Have to have some system/staffing in place for quick response when needed.
- Would have to include other conditions that would support the use of in-home detention, such as electronic monitoring. Include the use of "creative" sentencing options with this.
- Sheriff representative raised the case that over the years, the responsibility to monitor offenders on home detention has shifted from the Sheriff to the courts, which in turn has often been turned over to private vendors to execute. This can lead to transportation issues for offenders. Need to have checks and balances with this option.
- Certain crimes should be excluded from eligibility, such as child victim sex assault.

Vote (Denver)

Yes	11
No	0
Abstain	0

Vote (Pueblo)

Yes	0
No	1
Abstain	7 (if wording was change to 'consider' and recommendation included 'level of supervision' consideration, the group would unanimously say yes to this).

P-16 (SUPPORT 2.08) (IMPACT 2.75)

As a way to provide incentives without sacrificing public safety, a working group shall be formed of representatives from the Division of Probation Services, district court probation departments, prosecutors, defense attorneys, victim representatives, and judges to develop an *earned time schedule* that links specific behaviors, such as completing drug treatment and maintaining "clean" urinalysis tests, to specific reductions in the term of the probation sentence.

- Add "victim representative" to the list of representatives (which was done prior to Oversight Committee meeting and is already included above).
- Does this recommendation add more confusion and less consistency? Wording may be a little too loose. Earned time should be an 'above and beyond' behavior.
- One suggestion is to develop a matrix so the amount they can earn correlates with the seriousness of the crime.
- Suggestion to remove the word "drug" from recommendation.
- "Successful treatment" can be debated, so providers need to have established protocols for ascertaining this. Victim concerns were that the offender be required to demonstrate change rather than simple attendance.
- One member of the group felt that an offender getting probation was automatically getting a break because they got probation. Why give them more time off?
- Length of time spent in treatment programs is critical to offender success, be careful cutting back on offender's time spent in programs. Offenders might just participate in programs to get earned time, and not really do the work. They can manipulate the system and circumscribe the no-protection-order.
- Include the sheriff at the table on this.
- Suggestion to change "mandatory" to "presumptive" in title.

Vote (Denver)

Yes	8
No	2
Abstain	4

Vote (Glenwood)

Yes	11
No	0
Abstain	0

Vote (Pueblo)

Yes	7
No	0
Abstain	1

I-25 (SUPPORT 2.17) (IMPACT 3.0)

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

This recommendation was discussed conjointly with I-27, therefore, these comments refer to both items. Voting, however, was recorded separately.

- Concern that 'bond to court' money doesn't just go to hire a staff person. Money needs to go to fines, fees and costs.

- Would this affect how quickly an offender gets out of jail? Some need a cooling off time, some wouldn't want to expedite the current process.
- Would people sit in jail longer under this system?
- Does bond schedule take prior record into account?
- Payments need to be consistent to current statute order, as indicated in current recommendation.
- On I-27 add the words 'crime victim' to the stakeholders list (this has been done).
- Who would be responsible for tracking down the offenders that don't show? Are there court bounty hunters? Currently, Denver Sheriffs bring in more FTA's than bondsmen do.
- Would the 'bond to the court' person work all hours like a bondsman?

Vote I-25 (Denver)
Yes 9
No 0
Abstain 4

Vote I-25 (Glenwood)
Yes 8
No 0
Abstain 3

Vote I-25 (Pueblo)
Yes 8
No 0
Abstain 0

I-27 (SUPPORT 3.0) (IMPACT 2.43)

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

See discussion in I-25.

Vote I-27 (Denver, with changed wording)
Yes 13
No 0
Abstain 0

Vote I-27 (Glenwood)
Yes 10
No 0
Abstain 1

Vote I-27 (Pueblo)
Yes 8
No 0
Abstain 0

I-30 (SUPPORT 3.0) (IMPACT 2.67)

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

- This recommendation should be clarified per the Victim's Rights Act to determine if, with DA's approval, the victim can view portions of this document.
- This needs more flushing out to get more specific.
- When considering the victim impact statement, realize that some victim's don't fill this out and that would result in an incomplete profile. A follow-up process needs to be standardized to obtain the information in alternative ways.
- Would there be funding provided to the local agencies that would be responsible for actually pulling this info together?
- There would need to be a timeline laid out for the completion of the profile. Currently, PSIR process very slow, which is a difficult waiting period on victims as well as offenders.
- Incorporate law enforcement contacts that don't result in arrest.

Vote (Denver)

Yes	13
No	0
Abstain	0

Vote (Glenwood)

Yes	11
No	1
Abstain	0

Vote (Pueblo)

Yes	8
No	0
Abstain	0

I-56 (SUPPORT 2.36) (IMPACT 2.88)

Clarify legislation to provide a standardized range of good time credits available to jail inmates.

- Clarify difference between good and earned time so the victim can understand.
- A good time credit system could be corrupt if there are no consistency parameters and standards. In smaller jails there can sometimes be 'good old boy' issues where a sheriff could be lenient with an offender that he knows personally.
- If each county has discretion already this is probably already happening.
- Educate victims at sentencing so they know that when an offender is sentenced to a specified jail sentence, it rarely equates to the original sentence length.

- Certain crimes should not be eligible. Inmates who do the best in confinement are often anti-social and commit more serious crimes. They should not be granted more time off sentence. Can judge preclude certain offender eligibility at time of sentencing?
- Sheriff representative expressed the need for inmate workers, which would be significantly impacted if the Sheriff no longer had discretion. But consistent parameters need to be included.

Vote (Denver)
Yes 12
No 1
Abstain 1

Vote (Glenwood)
Yes 2
No 2
Abstain 8

Vote (Pueblo)
Yes 8
No 0
Abstain 0

I-61 (SUPPORT 2.82) (IMPACT 1.88)

Funding should be provided for programs for women who give birth while incarcerated that permit the child to live with the mother. The Commission supports the Department of Corrections' effort to expand parenting and bonding programs.

- Would evaluation be done before placement to decide whether the infant would be better placed with the father or other relatives?
- What is the setting like? Would children be raised in prison-like setting?
- Would there be consideration for how long the mother's sentence is?
- Need to consider whole family system to make situation better for mother and child when exiting prison.

Vote
Yes 11
No 0
Abstain 0

T-72 (SUPPORT 2.0) (IMPACT 2.33)

Encourage the use of discretionary parole to community corrections in lieu of homeless parole plans to provide a stable living situation prior to the offender's mandatory parole date (MRD). Six to 8 months prior to the MRD, a case manager should submit an application to community corrections for individuals who are likely to parole homeless.

Discussion included questions about current parole practices regarding release plans. No comments were provided on this topic.

Vote
Yes 10
No 0
Abstain 3

PIS-83 (SUPPORT 3.0) (IMPACT 2.33)

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

Needs much more flushing out before they can vote either way. Which crimes are eligible? Which offenses would be eligible? Would it apply to both violent and non-violent offenders?

Vote

Yes	3
No	2
Abstain	8

PIS-84 (SUPPORT 3.0) (IMPACT 2.89)

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

No discussion was needed. All were in favor.

Vote

Yes	13
No	0
Abstain	0

PIS-85 (SUPPORT 3.0) (IMPACT 2.78)

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

- The group likes the concept but wants more specifics.
- Would the video conferencing include the ability for victims and family members to attend meetings using the technology? This could encourage more participation.

Vote (Denver)

Yes	11
No	0
Abstain	0

PIS-89 (SUPPORT 3.0) (IMPACT 2.56)

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

- This would require victim to go to yet another hearing; victim shouldn't be subject to that.

- There would need to be a limit on how often the offender could go up for early termination. Victims would need to be notified each time.
- Clarify risk reduction benchmarks.
- Supported if targeting only non-violent offenders only. Concern that DOC and VRA define non-violent differently; would want to ensure that VRA definition used.
- Needs to include monitoring that is adequate (low enough caseloads) so that parole officers actually know the offender and accountability is better. A high level of monitoring compliance would be necessary.

Vote (Denver)
Yes 10
No 1
Abstain 3

Vote (Glenwood)
Yes 7
No 0
Abstain 5

Vote (Pueblo)
Yes 6
No 0
Abstain 0

PIS-96 (SUPPORT 2.64) (IMPACT 2.78) SUPPORT RECOMMENDATION

The Commission support an initiative by the Governor's Community Corrections Advisory Council to pilot a carefully controlled study to address the value of providing a two to 4 week "grace period" in which fees and subsistence payments are delayed until the offender is stabilized in the community. After appropriate data is collected and analyzed, the Advisory Council should determine whether further recommendations to the executive and legislative branches are appropriate.

- Community Corrections agencies shouldn't be saddled with having to eat the costs associated.
- Several participants were in favor of this recommendation because they realize that it is sometimes a lengthy process to find a job for these offenders and they are better of being in the community where they can pay there restitution and fines.

Vote
Yes 6
No 0
Abstain 0

Appendix L:
Recommendations by Agency and Topic

Recommendations by Agency and Topic

Category (no significance to category order)	**Number in Category**	**Item Numbers Included** (Some items are included in more than one category)
Community Corrections	5	GP-26, GP-27, GP-28, GP-29, BP-61
DOC	4	GP-23, BP-53, BP-54, BP-62
Probation	3	GP-13, BP-43, CS-63
Parole	4	BP-56, BP-57, BP-58, BP-59
Evaluation/Assessment/Case Management	11	GP-14, GP-15, GP-17, GP-18, GP-22, GP-31, BP-32, BP-44, BP-45, BP-46, BP-47
Increase Opportunities for Offender Success (correlates to decreased recidivism)	6	L-1, L-10, GP-28, BP-50, BP-52, BP-53
Positive Reinforcement for Offenders	1	BP-35
Time Computation; Reduce LOS; Incarceration Management	6	L-2, L-3, L-4, L-12, BP-33, BP-60
Education	4	L-5, GP-24, BP-34, BP-58
System Processes-Policies	20	L-6, L-7, L-8, L-9, GP-30, BP-37, BP-38, BP-39, BP-40, BP-41, BP-42, BP-43, BP-47, BP-49, BP-50, BP-51, BP-52, BP-53, BP-54, BP-55
Best practices; Evidence-based	1	GP-16
Treatment providers	1	GP-19
Mental Health/Substance abuse	2	GP-20, GP-21
Housing	2	GP-25, BP-49
Partnerships for Correctional Facilities	1	L-11

Appendix M:
Identification Requirements by Agency and Topic

DR2300 (11/10/08)
Colorado Dept of Revenue

IDENTIFICATION REQUIREMENTS

To be issued a Colorado Driver's License or ID Card, you must prove the following elements: your full legal name, identity, age, and lawful presence in the United States. The chart below shows the documents that you may use to prove each of these elements. In some cases, a single document may prove all four elements. However, it may be necessary for some applicants to provide multiple documents in order to prove all the required elements. All documents presented must be certified originals or certified amended originals or true copies certified by the issuing agency.

If you can not prove each of the required elements with the documents set forth in the chart below, then you may request to go through "Exceptions Processing" in order to prove the required elements with additional/alternative documents.

Document	Elements			
Stand Alone Document	**Identity**	**Age**	**Name[1]**	**Lawful Presence**
CO license (expired less than 10 yrs, image on file)	X	X	X	X
CO ID card (expired less than 10 yrs, image on file)	X	X	X	X[2]
US passport w/ full name (exp less than 10 years)	X	X	X[3]	X
Out Of State DL/ID – LP[3,4] state (expired less than 1 year)	X	X	X[3]	X
Foreign passport w/ photo, US Visa, I-94[9]	X	X	X	X
Valid Military ID/Common Access Card[3]	X	X	X	X
Cert of Naturalization w/photo less than 20 years old[6]	X	X	X	X
Cert of Citizenship w/photo less than 20 years old[6]	X	X	X	X
Valid I-551	X	X	X	X
Valid EAD/Temp Resident	X	X	X	X
Refugee/Asylee I-94 w/ photo less than 20 years old[6]	X	X	X	X
OR				
You must provide any combination of documents that prove identity, age, name, and lawful presence in the United States.				
Lawful Presence Documents	**Identity**	**Age**	**Name[1]**	**Lawful Presence**
Social Security card verified by SSOLV				X
US Birth certificate		X	X	X
Certificate of Citizenship/Dept of Interior		X[7]		X
U.S. Adoption Order w/ birth information		X		X
Asylee/refugee I-94, no photo		X		X
Name, Age, and Identity Documents				
CO license (expired less than 10 yrs, no image on file)	X	X	X	
CO ID card (expired less than 10 yrs, no image on file)	X	X	X	
Out Of State DL/ID (NLP[5], expired less than 10 yrs)	X	X	X[3]	
BIA ID Card w/ photo less than 20 yrs old	X	X	X	
Military ID/CAC (expired less than 10 years)	X	X	X	
VA Card w/ photo less than 20 years old	X	X	X	
Parent/Guardian affidavit if under 21[8]	X	X	X	
US school record less than 12 months old		X		
CO Dept. of Corrections or Federal Bureau of Prisons ID card	X			

See reverse side for footnotes disclaimer

[1] The applicant's full legal name is the name on the applicant's birth certificate, unless it has been changed by court order, marriage, divorce, or adoption. A marriage certificate, divorce decree, separation decree, or name change order issued by a state or federal court or government may be used to prove a name change. For name change due to marriage, the existing last name may be replaced with the new last name or the new last name may be added after the existing last name via a hyphen or space. All non-court-ordered name changes will require completion of Form DR2203, Affidavit of Name Change for a Colorado Driver's License or ID Card.

[2] Applicants presenting a Colorado ID card with an issue date of 06/01/97 up to 07/01/98 must also present a document establishing lawful presence.

[3] Applicants who present U.S. passports, out of state driver's licenses and ID cards or Military IDs/Common Access Cards that do not contain the applicant's full name will be required to present an additional document (other than the US school record or CO Dept. of Corrections/Federal Bureau of Prisons ID) that prove the applicant's full legal name.

[4] **LP** = lawful presence state, which are currently Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming

[5] **NLP** = non-lawful presence state.

[6] Certificates of Naturalization or Citizenship, with photos over 20 years old, require an additional identity document.

[7] Only if the Certificates of Citizenship from the Department of Interior shows the applicant's date of birth.

[8] A parent/guardian providing an affidavit for a minor under 21 must also present identification and proof that they are the parent or legal guardian of the minor.

[9] Customers presenting a valid foreign passport with US visa and I-94 or valid Processed For I-551 stamp may be required to present documentation establishing a Colorado connection. Status F, J, H, and M, require verification of a Colorado connection through the sponsoring entity and original letter, by the Colorado employer, of Colorado employment or verification of education through the valid DS-2019 or I-20AB. Applicants with a B1, B2, WT, WB, CP, or NC status are not eligible for a Colorado Driver's License or ID Card.

[10] An identity document issued by the Colorado Department of Corrections, or the Federal Bureau of Prisons, is acceptable provided the first and last name and date of birth match the first and last name and date of birth on the document presented as proof of lawful presence.

Per 1 CCR 204-13, 2.3.3.2, birth certificates must be issued by the United States, including any agency or department thereof, the District of Columbia, any state, county parish, or borough, and which has been certified by the issuing agency.

This document is created solely to assist applicants in understanding the identification rules for obtaining a Colorado Driver's License or Identification Card. This document does not supersede, alter, or amend the rules promulgated by the Department of Revenue; those rules contain the complete requirements and are available on the Department's website at http://www.colorado.gov/revenue

IMPORTANT CHANGES IN DMV'S IDENTIFICATION REQUIREMENTS
1-CCR-204-13

Linda J. Olson, Colorado Legal Services
Collaborative ID Project
November 17, 2008

The Department of Revenue has passed a significant rule change on an emergency basis, effective immediately, that is likely to enable thousands of Coloradans to obtain a driver's license or identification card without the necessity of Exception Processing or administrative appeal.

These are the highlights of the new rules:

1. An individual with a Colorado driver's license (DL) or ID card expired within the last 10 years (previously one year) may use that document by itself to obtain a new DL or ID, provide there is an image of the applicant on file with the Department of Revenue (DOR). (Rule 2.3.1.1)

2. If an individual had a Colorado DL or ID expired within the last 10 years and their image is not on file with the Department of Revenue, only an additional document verifying lawful presence (such as a Social Security card or U.S. birth certificate) will be required. (2.3.2.1)

3. A Colorado Department of Correction or Federal Bureau of Prisons ID card will now be accepted to establish identity, and only a birth certificate will be needed (so long as the first and last names match) to establish the other 3 elements (age, name and lawful presence). (2.3.2.6) No longer will the absence or failure to match a middle name be grounds for denying an ID or DL under these circumstances.

4. An individual who no longer has an expired DL or ID may still be able to qualify if there is a department record of the DL or ID, and the applicant's facial image, signature and fingerprint match that record. The applicant must also provide either his/her Social Security number (not necessarily the card itself) or an additional document. (2.3.1.11)

5. Exception Processing should only have to be used when an individual has never had a Colorado ID or DL and when he/she cannot provide sufficient documents as listed in the rules and on the matrix.

The new matrix is not yet available on the DOR website, but it is hoped that it will be available on line within a week. I have attached a scanned copy provided by DOR for your use until that time.

Call (303) 866-9377 or e-mail me (lolson@colegalserv.org) if you have any questions about these changes or run into any problems. Since the rules were just faxed to the DMV offices on Friday, 11/1/408, there are likely to be some mistakes and

misunderstandings in the beginning. Roni White, the Director of Licensing Programs, will be monitoring the implementation of these new rules and Exception Processing.

Appendix N:
Direct File

Direct File Subcommittee

At the request of Commission member and state representative Ellen Roberts, a subcommittee was formed to discuss issues surrounding the transfer of juvenile cases to adult court. More than a dozen stakeholder participated in the subcommittee including several Commission members and representatives from a variety criminal justice agencies and the Governor's office.

The Direct File subcommittee met two times as a full group with the district attorneys and defense bar members meeting privately on the side to hammer out areas where they could agree. The subcommittee composed two bills on Direct File. One of them expands the age for juveniles accepted into YOS to 18 and 19 year-olds who were sentenced before their 21st birthday, the other allows for sealing of records for a juvenile with adult filing charges who was adjudicated as a juvenile.

The subcommittee asked the Youth Offender Services (YOS) if they could expand the jurisdiction of YOS to accept 18 and 19 year olds (and sentenced by the age of 21) into YOS. YOS responded that they can indeed handle this increase in juveniles. All parties in the Direct File subcommittee were in agreement with this recommendation. However, all parties agreed that nothing should hurt the integrity of the YOS program. If it is found that this suggestion would harm YOS, then everyone would back off. The Direct File subcommittee put forth the following recommendation that was agreed on unanimously by the Commission:

> **Recommendation:** Eligibility for the Youth Offender system be expanded to persons who commit a crime prior to their 20th birthday and are sentenced prior to their 21st birthday.

Representative Roberts agreed to be the sponsor on this bill as long as the title is very tight.

The second bill put forth by the Direct File subcommittee pertains to the records of juveniles charged as an adult, but adjudicated as a juvenile, and whether those records can be sealed. Again, the Direct File subcommittee put forth the following recommendation that was agreed on unanimously by the Commission:

> **Recommendation:** If a juvenile has been filed on as an adult, but the case resulted in an adjudication as a juvenile, that person's record would be subject to sealing.

The Direct File subcommittee is continuing to explore a handful of other issues. The group is discussing the possible placement of direct file juveniles in detention facilities rather than adult jails. The subcommittee is also vetting the possibility of a 30-day delay for direct file decisions. Lastly, the group is talking about removing 14 and 15 year olds from direct files unless they were charged with Class 1 or Class 2 felonies.

The two recommendations approved by the Commission have been referred to the CCJJ Legislative subcommittee. The Direct File subcommittee will continue to meet about the other issues.