

**Governor's Community Corrections Advisory Council**  
**Meeting Minutes**  
**Meeting Date: November 7, 2008**

**Present:** Larry Abrahamson, Christopher Cross, Thomas Giacinti, Dr. Harriet Hall, Paul Isenstadt, Dr. Kalash Jaitly, Honorable John Kuenhold, Jeffrey Mannix, Cecilia Mascarenas, Jeaneene Miller, John Riley, Dr. Charlie Smith, Dianne Tramutola-Lawson and Executive Director Peter Weir

**Absent and**

**Excused:** Frank Dubofsky, Charles Garcia , Alex Marquez, Ernest Marquez , Liane McFadyen, David Michaud and Ari Zavaras

**DCJ Staff:** Carl Blesch and Arlene Duran

**Invited**

**Guests:** Shannon Carst, Lisa Crisp, Ean Crist, Kevin Duckworth, Annie Holestein, Brad Kamby, Gregg Kildow, Angie Riffel, Debra Mobley-Sadler and Kathy Wear

Judge Kuenhold called the meeting to order at 12:30 p.m.

Introductions were made. Arapahoe County Residential Center welcomed the Council and took the members for a tour of the facility. A history of the facility was provided by Director Debra Mobley-Sadler, along with Angie Riffel.

Motion was made to accept the minutes from the July 25, 2008 and September 5<sup>th</sup> meetings.

Tom Giacinti 1<sup>st</sup>

Judge Christopher Cross 2<sup>nd</sup> Discussion- none

Minutes are accepted as written.

**OLD BUSINESS:**

Carl was able to investigate further the possibility of a sliding scale fee. Fewer than 1 – 20 offender make more than \$1000 per month. Median is still in the \$800 range. Unemployed numbers are rising. The sliding scale fee would not be a benefit. The average hourly rate for men is 8.00 – 9.00 per hour for men and 7.00 – 8.00 for women. Larry Abrahamson said that he asked to look at the sliding scale because of offenders inability to pay the 17.00 per day fee. Mr. Abrahamson feels we are setting the offender up to fail. Mr. Abrahamson wanted to investigate the fee as equity rather than a money raiser. Carl Blesch added that he believes it would need legislative approval to change the note. Paul Isenstadt added that the unit cost is the 37.74 plus the charge to the offender of up to 17.00 per day average meaning the first party fee is \$54.74. Larry Abrahamson asked what happens when the offender leaves the facility owing these fees?

Paul replied that it is turned over to collections. Larry Abrahamson feels it is counterproductive to prepare the offender for life and then release them only to have collections after them. Facilities need to work with the offender to try and have them paid in full by the time they leave the facility. Paul Isenstadt agreed and let the Council know the providers do try but many times other factors keep that from happening. Jeaneene Miller has concerns about changing legislation when many cannot pay. Paul Isenstadt – the intent of the state is to supplement the offender not pay for them entirely and holding the offender in community corrections until he/she are paid in full backs up the department of corrections. In addition to the average fee of 14.00 per day, the offender usually owes court costs, surcharges. Larry Abrahamson – most landlords today run credit check and if collections is after you, the landlords won't rent. Paul feels that if the offender were subsidized the first 2 – 4 weeks after arriving at the facility, there would be an improvement on employment. John Riley asked what is the daily cost of housing an offender in DOC? Carl responded 75.00 – 78.00 per day. Carl was asked to do further research regarding state subsidizing the offender for the first 2 – 4 weeks after arriving. Judge Cross feels there is no need to spend more time on the sliding scale fee. He doesn't think there is a change needed at this time.

Carl – two members requested that we look into education opportunities. Carl will post these on the website. This information is being provided as an alternative to a request for OCC to reduce the required number of hours of educational training for providers.

#### NEW BUSINES:

The council had asked for a report on the Governor's Recidivism Package for 2009 – 2010. There is a proposal for an increase of 397 diversion beds. If this proposal is approved, it will bring the total to 3050. Dr. Jaitly asked if this is aimed at reducing the prison population. Carl responded yes. There is also a new therapeutic community that will be opening in Southern Colorado and will be overseen by the therapeutic communities in Denver. There is a request for two discharge planners to help with mental health, JERP, IRT placements. The planners will follow the same guidelines that hospitals use. There are also two pilot programs in the package that came from this council. One is an early release program which the offender must meet certain criteria. The other program involves subsidizing offenders for the first 30 days of their stay. This program will run for 2 years but will be fairly small the first year with about 40 offenders being chosen to take part. The criteria to be chosen will include – diversion offenders who are 30 years of age or older and who have some stability in the community. They would not be probation eligible.

Tom Giacinti – We may have enough beds in community corrections if you built services around the offenders, you could move them out faster. DOC is the biggest consumer of tax dollars in the state.

Jeaneene Miller responded that DOC supports these initiatives. We are trying to keep people from penetrating the 23,000 offenders in prison. John Riley feels we have to become more effective at managing these populations.

Carl added that Glen Tapia doesn't feel that it makes sense to do a 45 day IRT program. He would like to propose a 90 day program which is paid for from drug offender surcharge fees. A 90 day program would be better because it would include follow-up care. We could accommodate up to 120 offenders. There are three IRT programs in the state. ADAD is working with COMCOR on this pilot.

Carl announced that there is no money in the budget for an increase in per diem for providers. Paul Istenstadt – this Council supported bringing the increase forward. Last year providers were given a 1% increase. There is a request for an increase in beds because the concern is for getting people out of prison but we need to balance beds and per diem. In order to expand beds, providers must be given an increase in per diem. Jeaneene Miller asked if the coalition met regarding services. Paul Istenstadt – Yes and we don't feel we can expand without an increase. Paul feels there needs to be a compromise with the process. Services and security – we can no longer meet treatment board expectations. There will be cut backs in treatment services. Peter Weir suggested that providers make a request of DCJ. Capacity without expanding is not accurate because you cannot continue to provide treatment for all of the requested beds. What is feasible and reasonable? Paul – council made a recommendation of 42.75 and we feel that is what the figure should be. He would like council's support for the increase. Peter Weir – this is OSPB's budget. Is this negotiable? I do not think the council should take a stand on what are now the governor's priorities. Dr. Hall – Our job is looking at the package. I feel it would be wrong if we didn't make recommendations. Tom Giacinti – we need to look at the economics. For this you get this and for an increase you get what services? Paul – treatment services are not required under the standards. Larry Abrahamson – I don't think it would be good to go forward with if you don't give me this, you won't get this. What are you going to cut if you don't get an increase? In order to get a serious look, providers need to have a plan and a backup plan. Everyone is asking for money. You need to make this positive instead of negative. John Riley why do we scare folks? What is effective and what does it cost. Offenders go back because of technical violations not because they are dangerous.

Motion was made for someone to draft a letter to the OPSB related to per diem that the council can look at and either endorse sending or not. Discussion – Judge Kuenhold offered to draft the letter if people would send him paragraphs. A deadline of the 12<sup>th</sup> of November will be set to send Judge Kuenhold any information you want him to include in the letter. The letter should contain specifics such as maintaining programs effectiveness, expanding beds, achieving desired recidivism percentages and long term goals.

1<sup>st</sup> Dianne Tramutola-Lawson

2<sup>nd</sup> Jeaneene Miller

All in favor. Motion carries

Paul would like to take the letter to the board association.

Carl would like consent to review a number of standards. Office of Community Corrections has identified 35 standards that need clarity. We would like to have a standards committee and Carl asked if Jude Cross would chair the committee. Carl asked for volunteers to set on the committee along with staff from OCC. Paul Isenstadt, Jeff Mannix and Cecilia Mascarenas would like to be on the committee. Judge Cross agreed to chair the committee and will be in touch to set up future meetings.

Carl addressed the council regarding Standard 2-040 which states that a program cannot use newly hired employees without direct supervision until that person's fingerprint report has come back from CBI. This standard is putting a burden on programs because the fingerprint reports sometimes takes months. Carl asked the council permission to suspend, until the next meeting, the standard and allow employees to work without supervision once 30 days has passed, after the card has been submitted, with no response from CBI.

Motion to suspend temporarily standard 2-040 and allow programs to use newly hired employees without supervision provided initial background check has been completed and clear; once 30 days of employment with supervision has passed, and fingerprint card has been submitted without a response from CBI.

Tom Giacniti 1<sup>st</sup>

Paul Isenstadt 2<sup>nd</sup>

Discussion – Larry has a concern that this is only temporary fix. We need to amend the motion to define what time period this will be for. Carl reminded everyone that when the Standards Committee convenes, this will be addressed.

Motion to ready suspend until the next meeting instead of temporarily.

All in Favor. Motion Carries as amended.

#### ANNOUNCEMENTS/QUESTIONS/CONCERNS

Sex offender training is in the development stages and will be based on DOC, SOMB and probations.

We are in negotiations with Phase I to pilot for paroling offenders who are homeless and have no job.

Jeaneene Miller wanted the council to know the Denver Health called a meeting with Ari Zavaras and her regarding the contract with Denver Health. We all need to come together and find a solution for all offender's medical care because Denver Health has lost considerable money. There will be future meetings which Jeaneene would like Carl to be included.

Carl asked the council for the next meeting to be held on January 30<sup>th</sup> at 12:00. He thanked ACRC for hosting the council and providing the tour.