

**Governor's Community Corrections Advisory Council**  
**Meeting Minutes**  
**Meeting Date: January 25, 2008**

**Present:** Honorable John Kuenhold (Chair), Honorable Christopher Cross, Honorable Frank Dubofsky, Thomas Giacinti, Dr. Harriet Hall, Paul Isenstadt, Ernest Marquez, Alex Marquez, Cecelia Mascarenas, Jeaneene Miller, John Riley, Dr. Charlie Smith, Dianne Tramutola-Lawson, Ari Zavaras and Peter Weir

**Absent and Excused:** Larry Abrahamson, Charles Garcia, Dr. Kailash Jaitly, Honorable Ken Kester, Jeffrey Mannix, Honorable Liane McFadyen, David Michaud

**DCJ Staff:** Jeanne Smith, Carl Blesch, Mindy Miklos, Christine Schmid, Glenn Tapia, Carolyn Sullivan and Valarie Schamper

**Invited Guests:** Gregg Kildow

The Honorable John Kuenhold called the meeting to order at 1:40 p.m.

Judge Kuenhold welcomed all new members to the Governor's Community Corrections Advisory Council. He stated that this Council brings a great wealth of knowledge from various criminal justice sources. He hopes there will be a fertile exchange of information as we progress through a range of issues.

Judge Kuenhold provided a brief history of the Council. He stated that it first began with decisions as to bed allocation, then progressed to ongoing discussions with respect to services and special populations, and finally to the creation of standards and the objective measurement and evaluation of programs.

Executive Director Peter Weir welcomed the Council on behalf of the Colorado Department of Public Safety, and thanked the Council for accepting the Governor's call to serve. Director Weir noted that the Governor and the General Assembly rely on the Council to evaluate policy, enhance our assessment tools and provide accountability for the providers. Director Weir stated that other primary missions of the Council will be the identification of mechanisms to further reduce recidivism and to address the state's burgeoning re-entry population.

As a former district judge, Director Weir noted that some sentencing judges have expressed frustration with the nature and availability of alternatives to prison incarceration. Director Weir predicted that community corrections would play an increasingly important role as the Governor's Commission on Criminal and Juvenile Justice studies the costs and benefits of various alternatives.

OCC Manager Carl Blesch provided the Council with a brief overview of the current state of community corrections in Colorado. Blesch noted that about 4,200 offenders are currently served

by community corrections, including about 1,500 residential transition clients and 1,300 residential diversion offenders who would otherwise be lodged in the Department of Corrections. Blesch noted that, including intensive residential treatment, day reporting and other special services, Colorado will invest about \$45 million in the supervision and treatment of offenders assigned to community corrections during this fiscal year.

Judge Kuenhold provided an overview of the active subcommittees from the previous Council.

#### Awards subcommittee

The Awards Subcommittee was created to recognize the exceptional contributions of an individual in the field of community corrections. The Advisory Council presents this award at the annual meeting of the Colorado Association of Community Corrections Boards.

#### Standards and Sanctions

This subcommittee periodically reviews and recommends changes or modifications to the *Colorado Community Corrections Standards* and develops accountability/sanctioning measures for providers and local community corrections boards that are not in compliance with state statutes, contract provisions or the *Standards*.

#### Per Diem/Bed Use

The Bed Utilization/Per Diem Subcommittee periodically reviews the costs of providing services to special-needs populations. A subcommittee reviews projected beds needs, target populations and policy to ensure that community corrections continues to be a viable alternative to prison.

#### New Technologies

The New Technologies Subcommittee explores innovative technologies that are available to community corrections and arranges presentations to the Council.

Judge Kuenhold and the Council's Vice-Chair, Jeaneene Miller, both expressed a willingness to step aside for other persons to assume leadership roles in the Council. Judge Kuenhold noted that he has served as chair of the Council since its inception in 1986.

Nominations were opened for chair of the new Council. Executive Director Zavaras moved to request that Judge Kuenhold and Director Miller continue in their present leadership roles. Judge Cross seconded the motion. The motion was adopted unanimously.

Carl Blesch reviewed the current bills before the General Assembly. He reported that Governor's Office of State Planning and Budgeting (OSPB) has requested 162 new diversion beds and 28 new transition beds, as well as an increase of about 0.9% in the per diem paid to providers for each offender.

Mr. Blesch noted that providers are requesting an increase in the per diem rate considerably above that recommended by the OSPB, and that a number of judicial district and providers have asked for additional allocations of beds, both in the current fiscal year and in fiscal year 2008-2009. According to Blesch, these allocation requests are still being received, but will total significantly more than the additional 162 beds requested by OSPB for diversion clients.

Judge Kuenhold stated that some of these offenders are backlogged in county jails, awaiting placement in a community corrections facility. The Department of Corrections also has transition clients awaiting bed space. Judge Kuenhold noted that, as a result, costs associated with state

offenders have been shifted from the state to local governments.

Mr. Blesch indicated that the Joint Budget Committee (JBC) has asked DCJ to determine the genuine capacity of community corrections. Carl asked that the Council create a subcommittee to determine the current and potential genuine capacity of community corrections without degrading public safety and treatment. This information will be shared with the JBC and OSPB at their request. Executive Director Zavaras stated that this would allow for programs to anticipate potential capacity, which in the long run could be both cost effective and valuable to public safety.

Jeaneene Miller acknowledged that there is a need to consider methods by which the Council can assist programs in their expansion planning efforts. Paul Isenstadt added that staff retention is also an issue affecting genuine capacity, and that low pay in some community corrections programs has had a negative effect on staff retention.

Judge Kuenhold moved to create a Genuine Capacity subcommittee. Jeaneene Miller seconded the motion. The measure passed unanimously. The members of this subcommittee will include Cecilia Mascarenas (chair), Paul Isenstadt, Harriet Hall, Tom Giacinti, and Jeaneene Miller.

Valarie Schamper of the Office of Community Corrections provided the Council with an overview of the audit process. DCJ is statutorily mandated to audit community corrections programs. The statutory Risk Factor Analysis and other provisions of Colorado law govern the scheduling of the audits. Boards, programs and referral agencies are notified two weeks in advance that an audit will be conducted. The audit team is generally on-site from 3 to 5 days. Audits measure compliance with the *Standards* and the statutes governing all aspects of community corrections.

The DCJ audit team consists of members of the Office of Community Corrections staff, available members of the local community corrections board/or board staff members, Department of Corrections personnel, and local Probation representatives.

Following the audit, a performance audit report is prepared and sent to the program for comment prior to release to the local community corrections board and referral agencies. This report details the *Standards* reviewed and discusses areas in which the program may not be compliant with the *Standards* or statutes. Programs are required to submit a corrective action plan for any *Standard* in which they are deemed to be noncompliant.

An unannounced follow-up audit is conducted within a one-year period following the release of the initial audit report. Follow-up audits are more limited in scope than initial audits. Documentation is reviewed to ensure corrective actions have been taken on all of the recommendations or findings from the initial audit.

DCJ hired an additional staff person to conduct program audits and share in the report-writing. With the addition of the new staff member, DCJ expects to complete approximately 15 audits this calendar year.

Glenn Tapia of the Office of Community Corrections provided the Council with an overview of the Risk Factor Analysis process. House Bill 02-1077 required the DCJ to create classifications of community corrections programs that are based on certain risk factors. This legislation allows the Division to audit high-risk community corrections programs more frequently and lower risk programs less frequently.

The Community Corrections Risk Factor Analysis is an annual multi-dimensional measure of program characteristics and performance against state standards, contract requirements, and 27 independent performance measures used in correctional programming. These performance measures fall into four categories: outcome factors, program stability factors, performance factors and contract/statutory compliance factors. A program's total Risk Factor score is calculated by adding the individual scores from each performance measure. Programs are scored and subsequently placed into one of four risk factor categories.

The model for the Risk Factor Analysis was completed in FY 02-03. Baseline results were reported in FY 03-04. These results were then measured in subsequent years, with FY 06-07 representing Year 4 of the risk factor analysis.

Mr. Tapia provided the cumulative results of the Risk Factor Analysis and the trends across programs. Generally, program performance is improving across the system. Programs that scored at or above the statewide median score were placed in the medium-high or high-risk category. Generally, programs in these high-risk categories will be audited at intervals not to exceed three years. Programs in these low risk categories will be audited at intervals not to exceed five years.

Modifications to improve the Risk Factor Analysis are underway. Mr. Tapia intends to have such modifications complete by the end of the calendar year and desires feedback about the process from many of the stakeholders.

Mr. Tapia also provided the Council with an overview of the Certification and Accountability Program (CAAP) model, which is intended to reward community corrections programs that perform well and hold accountable those programs that routinely perform below expectations. CAAP will be implemented in phases, with input from the various stakeholder groups in community corrections.

Mr. Tapia also reported that DCJ wishes to revise the *Colorado Community Corrections Standards* to give greater weight to those *Standards* that are most significant to public safety and appropriate offender treatment. Weighted *Standards* would more correctly reflect the performance of community corrections programs in the areas of greatest importance. A group of "subject matter experts" will be convened to formally rate the impact or effect that each *Standard* has on public safety, offender treatment and offender management, and the findings will be presented to the Council.

Judge Kuenhold called for volunteers for the *Standards*, Performance and Certification subcommittee. Judge Cross (chair), John Riley, Paul Isenstadt, Judge Dubofsky and Dr. Charlie Smith were appointed.

Carl Blesch summarized the limited scope audit conducted at Avalon Corrections Services at The Villa in Greeley in October 2007. The audit was a result of an incident report received from the Villa, outlining a serious physical altercation and alcohol consumption by offenders.

The audit was a collaboration of representatives from DCJ, the Colorado Department of Corrections, the Colorado Judicial Department, the Weld County Community Corrections Board and the Alcohol and Drug Abuse Division of the Colorado Department of Human Services.

The audit concluded that the Villa had significant deficiencies in offender management and treatment in both the regular residential and Intensive Residential Treatment (IRT) programs. At

the expense of the Department of Public Safety, an experienced monitor was hired by the Weld County Community Corrections Board to determine the program was progressing in the areas where critical deficiencies were found.

Several Council members expressed concern with the public safety issues and the erosion of public confidence these program deficiencies sometimes create. Director Miller stated that the Department of Corrections is no longer referring their offenders to the Villa.

In other business, Carl Blesch noted that the contracts between local community corrections boards and the Division of Criminal Justice will expire in mid-2009. A copy of the contract has been placed in the Council ring binders, and each member is asked to review the contract and suggest any modifications.

Glenn Tapia announced that DCJ and other agencies are studying a potential modification of the length of the current Intensive Residential Treatment (IRT) program. IRT clients are high-risk offenders, with a significant history of substance abuse. DCJ currently funds 129 beds in which offenders receive intensive therapy in one out of five community corrections programs.

According to Mr. Tapia, the outcomes of offenders who complete these programs are modestly positive, suggesting that treatment does create some change. However, the literature demonstrates that the 45 day length of the IRT curriculum is too brief to produce some changes that might be expected from a treatment program of longer duration. More information, including the increased costs attendant to providing a longer program with the current number of offenders, will be presented to the Council in the coming weeks.

Carl Blesch advised the Council that DCJ has \$39,000 in uncommitted Board money for the current fiscal year. He suggested that DCJ offer two training conferences for community corrections staff, in different geographical regions. Suggested training topics include compliance with the *Colorado Community Corrections Standards*, victim's rights issues and community corrections database training.

Judge Dubofsy suggested that the DCJ also consider training for judges, many of whom are limited in their knowledge of community corrections. In addition, the DCJ might benefit from exploring what other states are doing with respect to community corrections training. Mr. Blesch responded that training could be offered at the annual State Judicial Conference.

Mr. Blesch also reported to the Council that DCJ has considered a number of ideas intended to increase the efficiency of offender monitoring through the use of modern technologies. Judge Kuenhold noted that such considerations were previously the province of the New Technologies subcommittee. Director Miller moved to reconstitute the New Technologies subcommittee. Tom Giacinti seconded the motion and the measure passed unanimously. The New Technologies subcommittee will include Mr. Giacinti (chair), Director Miller, and Alex Marquez. This new subcommittee will provide an overview of such technologies to the Council at a later meeting.

Other scheduled presentations were postponed until a later meeting. The Council meeting was adjourned at approximately 3:25 p.m. The next meeting will be **February 29, 2008**, at 3:00 p.m., at the Division of Criminal Justice.