

Governor's Community Corrections Advisory Council
Meeting Minutes
Meeting Date: January 30, 2009

Present: Larry Abrahamson, Christopher Cross, Frank Dubofsky, Thomas Giacinti, Dr. Harriet Hall, Paul Isenstadt, Dr. Kalash Jaitly, Honorable John Kuenhold, Cecilia Mascarenas, Jeaneene Miller, Dianne Tramutola-Lawson, Jeanne Smith, Executive Director Peter Weir, and Executive Director Ari Zavaras

Absent and

Excused: Charles Garcia, Jeffrey Mannix, Alex Marquez, Ernest Marquez, Liane McFadyen, David Michaud, John Riley, Charlie Smith

DCJ Staff: Carl Blesch, Glenn Tapia and Arlene Duran

Invited

Guests: Shannon Carst, Doug Carrigan, Evan Crist, Dave Cutler, Emily Foos, Todd Helvig, Janet Hunsaker, Brad Kamby, Gregg Kildow, Germaine Miera, Michael Ruttenberg, Carolyn Turner and Jarle Wood

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

Motion was made to accept the minutes from the November 7, 2008 meeting.

Cecilia Mascarenas 1st

Jeaneene Miller 2nd

Discussion- none

Minutes are accepted as written.

OLD BUSINESS:

Mr. Blesch requested that the council extend the previously-adopted suspension of *Standard 2-040* until July 1, 2009 to give the *Standards* committee time to meet and discuss making permanent changes the standard.

Tom Giacinti 1st

Dr. Harriet Hall 2nd

Discussion – None

NEW BUSINESS:

Mr. Blesch provided a "Recap of Utilization Report" to the Council. Mr. Blesch explained how Office of Community Corrections projects yearly expenditures and why that may be critical in the current fiscal year.

As reported in published news accounts, the Legislature may request specific reversions from this year's budget from all state departments. The amount of the reversion expected of the Department of Public Safety, and specifically of the Office of Community Corrections, is unknown at this time.

Mr. Blesch described how the Division of Criminal Justice was directed to establish specific programmatic cuts and submit them for approval. The Office of Community Corrections and CBI are the two principal areas in the Department of Public Safety that have general fund monies. Grant funds are not expected to be cut, but cash funds may be tapped.

The Office of Community Corrections has the largest general fund budget within the Department of Public Safety. Mr. Blesch provided a power point presentation and communicated to the Council the thought process that has gone into budget cut recommendations.

The first line item considered for reduction was the per diem paid for community corrections beds. Accompanying this suggestion was a reduction in the administrative fee percentage paid to local boards.

Mr. Blesch did not believe the solutions to be appropriate, and suggested that the Legislature consider reductions that were evidence-based and would leave infrastructure upon which to build as the economy improved.

During the budget research, it was noted that virtually all offenders and Residential Mental capital beds are dually diagnosed and that those beds have been underutilized. At the same time, the 45 day IRT model has not demonstrated particularly good outcomes, and seems to be the target of some net widening by local boards.

It was reasoned that, if IRT and mental health were combined into a dual diagnosis program, it would give the offender additional time and services, allowing for an improvement in overall services at a time of budget reductions. For that reason, elimination of the 45 day IRT model was proposed.

Similarly, Day-Reporting services have not been clearly demonstrated by local research to have value in the prevention of recidivism. For that reason, and elimination of Day-Reporting was considered.

In terms of the overall budget, Mr. Blesch reported that the community corrections line items are currently underspent by about 1.5 percent to 2 percent. It is too early in the year to be certain that the overall underexpenditure of funds will be sufficient amount to produce the reversion that the Legislature may require in the event that IRT and Day-Reporting reductions are not taken. In that event, Mr. Blesch believed that most of the reversion monies could be derived from Transition beds, a line item that is typically underspent by local boards and programs.

Jeanene Miller stated that DOC and DCJ should have a robust discussion regarding board's acceptance of Transition offenders before Transition funding is intentionally reverted. Ms. Miller has a list of 488 offenders ready to leave tomorrow to be placed in community beds. In addition she has an additional 719 offenders that will be ready within a short period of time. Mr. Blesch suggested the Department of Corrections and Office of Community Corrections attend the CACCB meeting next weekend to make recommendations.

The final budgetary decisions will come from the Joint Budget Committee, probably in March, so we will wait until they make those decisions before we will know more.

With respect to a dually treatment program, Ms. Miller noted that it would not be possible for DOC to immediately retool for the appropriate referrals. Ms. Miller asked if we could begin establishing criteria for the program so that we would be ready to prepare organizations and individuals to make the appropriate referrals in time. Mr. Blesch has already asked Glenn Tapia to put together a committee consisting of DOC, Division of Behavioral Health, Probation and Office of Community Corrections to establish the criteria. Paul Isenstadt reiterated that the mechanics are complex; to change a program that providers think has value, it cannot just be business as usual.

Jeanne Smith let everyone know that Office of Community Corrections has been given very direct instructions not to change anything until we have a decision from the JBC and the Legislature has voted on that proposal. Ms. Miller will go back to DOC and let them know that, for now, it is business as usual.

Executive Director Ari Zavaras warned that the Long Bill will not be signed until the end of the legislative session, and by then, there could be a call to make 1- 2% more in cuts. By the time we get approvals, it could already be July 1, and the beginning of the new fiscal year. Director Zavaras indicated his feeling that DCJ has done a good job in protecting this area.

Mr. Isenstadt feels that it would be a disaster to revert monies this year. Providers need to do everything they can to utilize resources and make sure their facilities are full. Ms. Smith reiterated that this proposal was put together in a fairly short amount of time because that is what we were given. We tried to make the cuts and still provide the services for offenders. Anyone with additional ideas should provide them to the Council immediately.

Judge Kuenhold asked about the proposal for the 90 day IRT program. Mr. Blesch reported that the 90 day IRT model is still on in the budget at the Legislature. He will update the Council and the providers as the information is made available.

Judge Kuenhold introduced Kim English to the Council. Ms. English advised that the DCJ research unit is in the process of conducting a recidivism study for community corrections. That report should be finished sometime in April. The research unit is also analyzing data on nonresidential offenders, which will be included.

Ms. English appeared today on behalf of the Colorado Commission on Criminal and Juvenile Justice. A report was passed out that is the result of the commission's work over the last year. There are four subcommittees of a Commission task force that have been meeting regularly. They have made 66 recommendations to date. Community Corrections was the forefront of many of those recommendations.

Ms. English noted that the subcommittees are trying to coordinate such recommendations and that it would be helpful if this Council would partner with the Commission and members of the task force to take two recommendations that pertain to community corrections and come up with suggestions. The two recommendations are homeless offenders and offender assessment information presented to the boards/ programs in an efficient and complete manner.

The Commission would also like the Council or its subcommittee to envision a new community corrections system that will build on what we have learned over the past 35 years. In addition to the Council members or its subcommittee, the working group would include existing members of the task force. The research department will provide data/information.

Motion was made to participate on the subcommittee

Dr. Kailash Jaitly 1st

Ms. Miller 2nd

Discussion

Mr. Istenstadt asked that the Commission set the meetings around the Governor's Advisory Council Meeting so that members who travel could be here for both meetings. Ms. English will coordinate and get back to the members.

In light of the budget news, Mr. Blesch requested Council's opinion on couple of ideas that may save or make the providers additional income. One example of save-a-buck would be that, right now, there is a regulation that requires providers to provide financial audit reports on a yearly basis as part of *Exhibit A*. Mr. Blesch has had feedback that these reports can cost providers thousands of dollars. Changing the requirement to every three years would save the provider the cost of accounting services. One example of make-a-buck would be if we would work with providers on waivers of square footage which would allow for a couple of extra beds.

Ms. Miller asked if Mr. Blesch wanted a motion for the square footage requirement, but Mr. Blesch preferred to hold off until Judge Cross' *Standards* subcommittee has had an opportunity to look at this *Standard* and decide if it should be changed. Mr. Blesch will bring any ideas and outcomes back to this committee.

ANNOUNCEMENTS/QUESTIONS/CONCERNS

Glenn Tapia reported that 45-50 people attended the sex offender training. Training lasted three days. More training dates are scheduled in March and May. The Office of Community Corrections will continue to work on the curriculum and hopes to provide the training on a regular basis.

Paul Isenstadt feels that Division has made an effort to help programs who take sex offenders, though providers cannot take sex offenders for the current \$37.74 per diem. There has to be a lot of monitoring. Mr. Blesch reported that there are 5,000 sex offenders who will be coming out of prison eventually because of mandatory release dates. This training may provide the foundation to make people more willing to accept sex offenders.

The next Council meeting was scheduled for held March 27th at 12:00 noon.