

Governor's Community Corrections Advisory Council
Meeting Minutes
Meeting Date: February 29, 2008

Present: Honorable John Kuenhold (Chair), Honorable Christopher Cross, Honorable Frank Dubofsky, Larry Abrahamson, Charles Garcia, Thomas Giacinti, Dr. Harriet Hall, Paul Isenstadt, Jeffrey Mannix, Ernest Marquez, Alex Marquez, Cecelia Mascarenas, Jeaneene Miller, John Riley, Dianne Tramutola-Lawson, and Peter Weir

Absent and Excused: Dr. Kailash Jaitly, Honorable Liane McFadyen, David Michaud, Dr. Charlie Smith, and Ari Zavaras

DCJ Staff: Jeanne Smith, Carl Blesch, Christine Schmid and Glenn Tapia

Invited Guests: Gregg Kildow, Evan Crist, and Sharon Detter

The Honorable John Kuenhold called the meeting to order at 2:10 p.m.

Judge Kuenhold asked the Council for any additions or changes to the minutes from the January 25, 2008 Council meeting. Tom Giacinti moved to approve the minutes in their current form. Alex Garcia seconded the motion. All members were in favor.

OCC Manager Carl Blesch provided the Council with a brief overview of the current financial status of community corrections system. Blesch noted that the OCC has been asked by the Joint Budget Committee (JBC) and the Governor's Office of State Planning and Budgeting (OSPB) to identify the genuine bed capacity of the community corrections system. The new Bed Capacity subcommittee of the Council has begun to take on this task.

The judicial districts have requested additional capacity totaling 382 beds. No distinction was made between Diversion and Transition beds in most of their requests. Jeaneene Miller of DOC indicated that the Department of Corrections would prefer not to have substantially more Transition beds at this time due to concerns related to the parole infrastructure.

The 4th, 10th and 17th judicial district all have new construction that will be on line before the beginning of the new fiscal year.

Glenn Tapia provided an update to the Council on the *Standards, Performance and Certification* subcommittee. On March 11, 2008, a panel of "subject matter experts" will convene to rate each standard as to its impact on public safety, offender treatment and offender management. The results of this meeting will be reported to the subcommittee for further consideration.

Paul Isenstadt summarized the concerns of the Community Corrections Coalition with respect to the current offender per diem rates. Mr. Isenstadt stated that the current residential per diem rate is \$37.18. This rate is lower than it was in 2002 due to an 8% cut in 2003. The current rate does not allow adequate compensation to recruit and retain qualified staff. Investment in the program infrastructure, such as facility maintenance and monitoring technologies, has significantly diminished. Program success rates have declined since 2002, as was evidenced in the 2006 Recidivism Study by the Office of Research and Statistics.

Mr. Isenstadt reported that offenders have greater needs now than in the past. For example, the Department of Corrections has experienced an increase in the number of mentally ill offenders over the past 13 years, seventy eight percent of the offenders in DOC have a substance abuse problem and the average criminal history score has increased 100% in the past decade.

At the same time the per diem was cut in 2003, the subsistence fees programs were authorized to charge increased to \$17 per day. However, studies suggest that programs actually collect an average of approximately \$14 a day. Larry Abrahamson suggested that offenders be charged up to the cost for the services provided by the State. A sliding fee scale could accommodate each offender's ability to pay. If an offender is capable of making a good income, the state should not be subsidizing his or her program costs.

The overall concern of the Coalition is that the ability of programs to provide a high degree of public safety and offender treatment is significantly affected by the per diem rate. It is the hope of the Coalition that the Council will recommend an adequate increase in the per diem rate, significantly above the .09% increase as recommended by the OSPB, as well as request additional allocations for beds in the new fiscal year.

Tom Giacinti noted that there are a number of programs that do not provide the level of services that other programs offer to offenders. He suggested that the Council consider a tiered per diem rate for programs that provide these additional services.

Carl Blesch presented an overview of the cost of serving community corrections offenders at the current per diem rate. In addition, he reviewed several examples of increased per diem rates under consideration, should the DCJ request 382 new beds. Included in these figures was the amount "saved" as a result of a DOC offender being housed in a Community Corrections facility in lieu of the Department of Corrections.

Judge John Kuenhold explained to the Council the net widening effect. Net widening is the number of offenders who, absent the availability of community corrections, would be placed on probation, rather than at DOC. These offenders are considered inappropriately placed, as they do not meet specific criteria for community corrections placement. DCJ conducts an annual "snapshot" survey to determine this net widening effect. The 2007 net widening effect is 2.6%. There are some concerns that this is not an accurate report.

Jeaneene Miller noted that the DOC has been facing challenges with private prison per diems and DOC's out of state population. With an increase in community corrections capacity, there is a reduction in the per day costs of managing offenders.

Tom Giacinti moved to increase the capacity of community corrections beds by 382, and to request a significant increase in the per diem consistent with the cost of living from 2002 forward. Dianne Tramutola-Lawson seconded the motion. One member was opposed. All other members were in

favor.

Cece Mascarenas asked about the quality of staff in community corrections compared to Probation and DOC. Paul Isenstadt provided the Council with a handout outlining the salaries of correctional staff in 2007. Community Corrections staff is paid the least.

Jeanne Smith asked the Council what they would choose if they had to compromise in the request to the JBC between an increased per diem rate or an increased number of beds. All members of the Council were in favor of increasing the per diem over the number of beds.

The Council meeting was adjourned at approximately 3:25 p.m. The next two meetings will be **May 2, 2008**, and **July 25, 2008** at 3:00 p.m., at the Division of Criminal Justice.