

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

Present: Larry Abrahamson, Honorable, Thomas Giacinti, Dr. Harriet Hall, Paul Isenstadt, Jeffrey Mannix, Cecelia Mascarenas, Jeaneene Miller and Dianne Tramutola-Lawson

Absent and Christopher Cross, Charles Garcia Frank Dubofsky, Dr. Kalash Jaitly, Honorable John Kuenhold, Ernest Marquez,

Excused: Liane McFadyn, David Michaud, Dr. Charlie Smith, Peter Weir and Ari Zavaras

DCJ Staff: Carl Blesch, Christine Schmid, Glenn Tapia and Arlene Duran

Invited

Guests: Brian Gomez, Gregg Kildow, Barry Pardus, Jeff Stanley, Shannon Carst and Evan Crist

Jeaneene Miller called the meeting to order at 3:05 p.m.

Jeaneene Miller asked the Council for any additions or changes to the minutes from the May 2, 2008 Council meeting. Tom Giacinti moved to approve the minutes in their current form. Cecilia Mascarenas seconded the motion. All members were in favor.

Barry Pardus and Jeff Stanley from the Colorado Department of Corrections presented the Council with the new web based, software program called C-wise. The project started 4 years ago and is modeled for a system currently used in Illinois. C-wise allow officers access to critical offender information in the field and communicate with stakeholders statewide. Within approximately 90 days the system will automate the community corrections referral process. DOC will be pilot testing the referral process prior to implementation.

OCC Manager Carl Blesch provided the Council with the FY 08 financial report. Diversion expenses exceeded allocations by 2 million dollars for FY 08. The Office of Community Corrections was able to pay all expenses for the districts that exceeded their allocations by reallocating unspent funds from residential transition. The OCC reverted \$556,000 in unspent funds. Of this amount, approximately \$333,000 resulted in a program in Greeley closing down midyear and remainder was due to the mental health beds being underutilized for the fiscal year.

The FY09 community corrections budget exceeds 53 million dollars. The Legislature increased residential diversion and transition beds by 222. There are now over 3,200 residential beds. The majority of the additional beds were added to the Diversion line, as this is where there has been the most growth over the last few years. All the residential beds have been allocated. In addition, the Legislature appropriated 16 Therapeutic Community beds specifically identified for Southern Colorado. A Request For Proposal to select a vendor will be coming out soon.

Mr. Blesch encouraged all boards and programs to spend only allocated monies as the OCC will not have the opportunity to fund overages.

Mr. Blesch reminded the Council that during the January 08 Council meeting Glenn Tapia discussed the outcomes of offenders completing the traditional 45-day Intensive Residential Treatment (IRT) programs. 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. Mr. Blesch proposed to the Council that community corrections pilots a 90-day IRT program. Programs could accept 10 offenders at a time, four times a year, transitioning them into existing programs. Community Corrections could then serve 120 offenders per year, increasing the therapeutic contact hours to 110.

Jeaneene Miller stated that she was supportive of the extended stay IRT pilot, as it will require further discussions as to “capacity”. The pilot test will include only transition offenders.

Glenn Tapia provided the Council with an overview of the rating of the *Colorado Community Corrections Standards*. On March 11, 2008, a panel of subject matter experts convened to rate each standard as to its impact on public safety, offender treatment and offender management. DCJ wishes to revise the *Colorado Community Corrections Standards* to give greater weight to those *Standards* that are most significant to these three areas. Weighted *Standards* would more correctly reflect the performance of community corrections programs in the areas of greatest importance.

Mr. Tapia explained the method by which the experts rated each standard. The Council discussed the differences each panel expert might have had in the definition of “treatment”. Mr. Tapia added that historically treatment was not a focus in the *Standards*. The focus was public safety. Despite treatment being very expensive, research suggests that treatment leads to public safety. Judge Christopher Cross explained that from a judicial standpoint, judges are sentencing those offenders that need treatment to community corrections. Paul Isenstadt added that providing treatment to an involuntary population requires “containment” before being able to treating them.

Cecilia Mascarenas invited each Council member to attend a Peer I/Haven graduation. Jeaneene Miller agreed that these therapeutic communities are the true definition of treatment.

Judge Cross moved to have the Council support OCC’s efforts in moving forward in the rating of the Standards. Cecilia Mascarenas seconded the motion. All members were in favor.

Mr. Tapia presented the Council with proposed changes to the current Risk Factor Analysis. The current model of the Risk Factor Analysis rates program performance on four dimensions. These four dimensions are outcome factors, program stability factors, performance factors and contract/statutory compliance factors. Mr. Tapia would like to include the work that was done in rating the community corrections standards in the new risk factor analysis. He plans to present these proposed changes to the Boards/CACCB, providers/Coalition and the referral/oversight agencies. Mr. Tapia and Mr. Blesch will be attending the Coalition meeting in Ft. Collins on August 15th. Mr. Tapia will present the data to the Council once it has been analyzed.

Cecilia Mascarenas moved to have the Council adopt this new Risk Factor Analysis Model. Tom Giacinti seconded the motion. All members were in favor.

Dr. Hall stated that as the Chair of the Treatment of Offenders with Mental Illness, her committee's goal is to discuss and suggest legislation to coordinate the treatment of individuals with mental illnesses in the criminal justice system. She is aware of many other groups working on issues that overlap. The committee is currently attempting to outreach with these groups to collaborate their efforts.

Dr. Hall advised the Council that there is a subcommittee on the medication benefits and healthcare of community corrections offenders with mental illnesses. This subcommittee is working towards helping these offenders move out of the criminal justice system. They are currently working on legislation for community corrections to provide treatment and assist in finding housing for these offenders. For any Council member who has any comments please forward them to Dr. Hall. Carl- some help here please. Am I correct?

Mr. Blesch provided the Council with an overview of the Community Corrections Planning Conference. Mr. Blesch thanked Tom Giacinti for arranging the Jefferson County mediators who facilitated the break out groups. Groups were asked to establish a 1,3 and 5 year plan for specific community corrections issues. The overview will be forwarded to the Council in draft form. The Council will be asked how to direct several issues. Many of the recommendations from the subcommittees came in the form of increased per diems, improved assistance from the local community corrections boards and increased community outreach.

Mr. Blesch outlined the current request by the Community Corrections Coalition with respect to the current offender per diem rates. The Coalition requested the per diem increase by 13% for a total of \$42.75 for a residential bed. Mr. Blesch asked the Council how they would like to proceed.

Judge Cross reminded the Council that they have documented support of an increase in the per diem rate. During the February 29, 2008 Council meeting, Council members voted on a motion 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. The Council also discussed this issue at the Planning Conference.

The Council discussed the DOC and OCC partnering with the Coalition to present data to support a per diem increase to the OSPB/JBC. Mr. Blesch reminded the Council that the OCC was not in a position to advocate a position, but would assist in presenting data.

Larry Abrahamson stated he felt the request to the legislature should include the subsistence fees that the offenders are required to pay. A sliding fee scale would 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.

Tom Giacinti added that the decrease in the per diem has had significant effects on the ability of programs to offer treatment services. Dr. Hall stated that with a decrease in the availability of treatment resources at the programs, it is the offenders who are in need of this treatment can least afford to pay for it.

Jeaneene Miller added that the subsistence fee programs are authorized to charge offenders (\$17 per day) is in the long bill as a footnote, any changes would require statute changes.

Charles Garcia moved to table discussions on the sliding scale subsistence fees for offenders until the next Council meeting. He suggested a panel discussion. Diane Tramutola-Lawson seconded the motion. All members were in favor.

Mr. Blesch notifies the Council that the Board contracts are due for renewal. Mr. Blesch is in the process of modifying some of the language to require that Boards not do business with programs that consistently underperform after follow up audits. The OCC would prefer not to audit in a vacuum, and feel this is a reasonable change to consider.

Mr. Blesch advised the Council that one of the proposals in the Planning conference was to allow offenders to stay in-house for two to four weeks for stabilization prior to requiring offenders to begin looking for employment. During this time the offender would not be responsible for paying subsistence fees. The per diem rate paid to providers would be increased during this time frame. Mr. Blesch asked if the Council would like further data as to the implications of this proposal. All members were in favor.

Mr. Blesch told the Council that the OCC will have two members of the council resigning soon. Mr. Alex Marquez and Representative/Senator XXX. Mr. Blesch asked the Council to consider asking for an executive member from Judicial and Colorado Department of Labor for appointment. Jeaneene Miller added that the DOC is working with the CO Department of Labor at re-entry and they are looking for an opportunity to partner with community corrections.

Tom Giacinti moved to request Council appointments from Judicial and Colorado Department of Labor. Charles Garcia and Paul Isenstadt seconded the motion. All members were in favor.

Jeaneene Miller requested that the Council discuss how often they would like to meet at the next Council meeting.

Cecilia Mascarenas motioned to adjourn. Tom Giacinti seconded the motion and all members were in favor.

The Council meeting was adjourned at approximately 3:05 p.m. The next meeting will be **September 5, 2008**, at 12:00 p.m., at the Division of Criminal Justice.