

COLORADO DEPARTMENT OF CORRECTIONS



*Questions from the Joint Judiciary Committee
Regarding Intensive Supervision Parole (ISP)*

September 26th & 27th, 2013

Mr. Rick Raemisch, Executive Director

**QUESTIONS FROM THE JOINT JUDICIARY COMMITTEE TO THE DEPARTMENT OF CORRECTIONS
REGARDING INTENSIVE SUPERVISION PAROLE (ISP)**

Department Responses to Committee Questions Regarding Background and Administration of Intensive Supervision Parole (ISP):

1. Please outline what Intensive Supervision Parole is as well as the process for admission.

Response: *In 1984 as a result of HB 1083 statutes were passed that created Intensive Supervision Programs for both inmates and paroles. CRS 17-27.5-102 addresses the ability to create an ISP program for "inmates" while C.R.S. 17-27.5-106 gives the Parole Board the ability to use ISP as a condition of parole for "parolees".*

State Statute (C.R.S. 17-27.5-102) outlines the minimum supervision requirements and services provided to offenders under ISP Supervision;

- *Highly restricted activities*
- *Weekly face-to-face contact between the offender or the program staff*
- *Daily telephone contact between the offender and the program staff*
- *Monitored curfew at the offender's place of residence at least once a month*
- *Employment visitation and monitoring at least twice each month*
- *Home visitation (every two months)*
- *Drug and alcohol screening (2x's per month)*
- *Treatment referrals and monitoring*
- *Payment of restitution*
- *Community service in a manner that shall minimize any risk to the public*

While ISP Parole and ISP Inmate programs may appear similar in supervision style, the types of offenders supervised under each program are very different:

ISP-I for Inmates:

ISP-I targets inmates who are low enough risk to be considered safe to manage in the community prior to their actual parole. Most of these inmates have transitioned from DOC facilities to community corrections residential programs, demonstrated compliance in community corrections and typically secure stable housing and employment before being placed on ISP-I.

Eligibility Criteria: *(CDOC Administrative Regulation 250-01 Intensive Supervision Program (ISP-Inmate Referral and Placement Process),*

- *Must be within 180 days to his/her parole eligibility date (PED).*
- *Must demonstrate acceptable institutional behaviors.*
- *Has not been convicted of Class I Code of Penal Discipline (COPD) within previous 12 months.*
- *Has not been convicted of Class II Code of Penal Discipline (COPD) within previous 3 months.*
- *Has not refused participation in available DOC recommended programs.*
- *Is not currently classified as Administrative Segregation.*
- *Must have an approved residence with a single telephone line service for electronic monitoring.*
- *Cannot have any felony warrants, detainers, or pending criminal charges.*

CRS 17-27.5- 102 (6) requires approval of the local community corrections board, notification to the DA and local law enforcement prior to placement and requires the CDOC and the local community Corrections Boards to consider factors such as:

- Frequency and severity of disciplinary actions against the offender
- Escape history
- Whether the offender has functioned at a high level of responsibility in a community corrections program, if applicable
- Whether the offender will have adequate means of support and suitable housing in the community
- The nature of the offense for which the offender has been incarcerated.

ISP-P for Parolees:

C.R.S. 17-27.5-106 gives the Parole Board the ability to use ISP as a condition of parole for parolees. Parolees placed on ISP as a condition of their parole are typically the highest risk offenders who, but for mandatory parole requirements, typically would not be granted parole by the parole board. Often they are offenders who have previous parole failures; many are paroled with no stable housing; and nearly all are paroled without employment.

Eligibility Criteria: (DOC Administrative Regulation 250-22 outlines the following placement criteria;

- Any current felony sex offense (based on factual basis of the crime)
- Current conviction of violent crimes
- Career criminal (three or more felonies) with crime of violence
- History of weapons in commission of offenses
- Known gang affiliation
- History of escape (two or more escapes)
- Conviction for drug distribution

Historically, the Parole Board has made ISP placement decisions at the time of the parole release hearings, and while on parole Community Parole Officers (CPOs) could request ISP be added as a condition of parole through the parole board modification process as one type of intermediate sanction for non-compliant behavior. Additionally CPOs could request early removal of ISP as a reward for compliant behavior.

Over time, and with the increasing number of offender under parole supervision, the CDOC and the Parole Board recognized the workload associated with requesting this approval to add or remove ISP supervision conditions was significant for both the Parole Board and for the supervising CPOs. Additionally, the added steps for seeking approval delayed the CPOs ability to immediately impose sanctions for non-compliant behavior. As a result, the Parole board currently utilizes "ISP at the discretion of the CPO" as standard parole condition for approximately 87% of all parolees.

Duration of ISP Supervision: (Up to 180 days) Current CDOC policy dictates that a parolee can be on ISP for up to 180 days without an additional condition of ISP being set by the Parole board.

ISP Caseloads: ISP caseload 1-22.8 V. Regular Parole 1-68.5

2. Is admission based on evidence-based practices and risk assessment?

Response: To a degree yes; however, the Department believes that this can be improved.

Current admission on ISP is based upon the "criminal history" of the offender as previously defined, with the Parole Board having the authority to place any offender of any risk level on ISP supervision.

CDOC's policy does not provide a specific LSI or CARAS cut off score for ISP placement, however criminal history is one of ten subscale components of Risk & Needs Assessment.

3. Who decides whether an inmate goes to ISP or regular parole?

Response: The Parole Board has the authority to set the conditions of parole.

However, the Parole Board has delegated this authority to the CPO and Parole Supervisor by virtue of the parole condition language "ISP at the discretion of the CPO" which is noted for 87% of all parolees. The CDOC has historically supported this practice, which we are currently re-examining and believe that it should be changed.

Initial review and placement on ISP is then determined by a Parole Supervisor prior to the release of the parolee. Once released, the CPO can determine the need for ISP supervision for those not initially placed on ISP based upon behavior and compliance.

Note: A review of conditions on parole board action notices found that for 87% of releases, the Parole Board indicated that placement on ISP should occur at the discretion of the community parole officer (CPO). In <1% of the cases, the Parole Board mandated ISP placement, and in 13% of the cases, the Parole Board did not make any recommendation regarding ISP placement.

4. Is there a level of parole supervision between "regular" parole (where people check in with parole twice per month) and ISP? If not, do you think this would be beneficial?

Response: Currently there is not a level of regular parole between ISP Parole and the maximum level of regular parole supervision. However within regular parole supervision there are three (3) levels of contact standards which define the minimum expected level of contact supervision, based upon risk and needs as identified by the offenders Level of Supervision (LSI) score. The Department is currently evaluating these contact standards to determine if they are appropriate.

As defined by CDOC Administrative Regulation 250-49 (Contact Standards):

✓ Following are the minimum contact standards for ISP-Inmate and ISP-Parole:

- Weekly face-to-face contact with the CPO or program contract workers at any location.
- A face-to-face home contact within the first 30 calendar days from release and each time there is a change of residence. One face-to-face home visit every two months.
- Employment visitation/verification at a minimum of twice per month.
- Monthly contact (face-to-face, collateral, telephonic, electronic, or documentary) with program contract workers at any location to verify treatment participation and progress.
- Daily telephone contact / reporting between the offender and CWISE.

✓ Following are the minimum contact standards for parolees classified at the **MAXIMUM** level of regular parole supervision: (LSI Scores of 27 – 54)

- Face-to-face contact with CPO or program contract worker two times per month.
- A face-to-face home contact:
 - Within the first 30 calendar days.
 - Within 30 days of a change of address.
 - Annually thereafter.
- Monthly employment visits or verifications.
- Monthly contact (face-to-face, collateral, telephonic, electronic, or documentary) with program
 - contract workers to verify treatment participation and progress.
- Bi-monthly telephone contact / reporting between the offender and CWISE.

Note: Offenders with the following qualifiers are automatically overridden to “Maximum” during the initial LSI assessment, regarding of the LSI total score;

- Violent/Assaultive
- Sexually Violent Predator
- Sex Offender Supervision
- Absconders/escapees returning to Parole Supervision

✓ Following are the minimum contact standards for parolees classified at the **MEDIUM** level of regular parole supervision: (LSI Score of 13-26)

- Face-to-face contact with CPO or program contract worker one time per month.
- A face-to-face home contact:
 - Within the first 30 calendar days.
 - Within 30 days of a change of address.
 - Annually thereafter.
- Monthly employment visit or verification.
- Monthly contact (face-to-face, collateral, telephonic, electronic, or documentary) with program contract workers to verify treatment participation and progress.
- Bi-monthly telephone contact / reporting between the offender and CWISE.

✓ Following are the minimum contact standards for parolees classified at the **MINIMUM** level of regular parole supervision: (LSI Score of 0-12)

- Face-to-face contact between the CPO and the parolee quarterly with monthly reports mailed in all other months.
- A face-to-face home contact:
 - Within the first 30 calendar days.
 - Within 30 days of a change of address.
 - Annually thereafter.
- Quarterly employment visit or verification.
- Monthly contact (face-to-face, collateral, telephonic, electronic, or documentary) with program contract workers to verify treatment participation and progress (if the parolee is in a treatment program).
- Bi-monthly telephone contact between the offender and CWISE.

5. Can an offender shift between ISP and regular parole throughout the course of his or her parole?

Response: Yes

For those offenders (87%) who the parole board had determined ISP supervision to be upon the discretion of the CPO, the CPO has the ability to use ISP as an intermediate sanction to violation behavior in lieu of parole revocation.

For the remaining (13%) who the parole board did not list ISP supervision to be upon the discretion of the CPO, the CPO can petition the parole board to revise the conditions of parole as an intermediate sanction for violation behavior.

**Note: After 180 days on ISP Supervision the CPO can petition the Parole Board to revise conditions of parole (regressive modification) as a sanction to violation behavior.*

6. How many parole officers are employed by the department?

Response:

Community Parole Officers (CPOs)	= 239
Parole Team Leaders (50% caseload)	= 27
Parole Supervisors (no caseload)	= 22

7. Please outline training procedures for everyone involved in decisions concerning ISP and recidivism risk. How many training hours are required?

Response: All CPOs attend and complete Basic Training at the start of their employment. This 160 hour training encompasses both basic departmental and parole specific content. Upon completion, the CPO continues the learning process with a Field Training Officer in an assigned parole office. Throughout DOC employment, each CPO also must complete 40 hours of training per year.

All Community Parole Officers attend and participate in a fourteen (14) week CPO Field Training Program offers further review of departmental policy such as the policy addressing ISP (Administrative Regulation 250-22) which outlines the characteristics of an offender who could be considered for ISP placement.

Offender risk and needs is addressed through 24 hours of instruction on scoring and using the LSI-R as a risk assessment and supervision tool. In 2010, the division contracted with subject matter experts to instruct comprehensive three-day LSI-R modules (24 hours) for CPOs throughout the state. The modules included in-depth instruction on administering the LSI-R, including scoring and interpretation, as well as the basic elements of Motivational Interviewing which can be utilized to evoke candid and complete information from offenders.

Since 2010 the department has been a partner in the Evidence Based Practices Implementation for Capacity project (EPIC). EPIC began with direction a Justice Assistance Grant. The division and department worked closely with probation, community corrections and behavioral health and the Division of Criminal Justice to implement, with fidelity to the model, Motivational Interviewing. Skill building involved class instruction, guided practice, taping of interviews with offenders, feedback and coaching on MI skills and the use of an objective instrument to determine level of competency (SkillPath). EPIC was permanently funded by the legislature in 2013 and resides in the Division of Criminal Justice.

Motivational Interviewing (MI) is a skill that focuses on exploring and resolving ambivalence toward change. MI works to resolve ambivalence and centers on the motivational processes within the offender that work to facilitate behavior change. More than three-fourths of CPOs have completed "Introduction to Motivational Interviewing" (2009, 2010).

Community Parole Officers also receive training for the Colorado Violation Decision Making Process (CVDMP), an instrument which guides responses to violation behavior and includes the use of ISP as a response option.

8. How many parolees are overseen?

Response: August 31st, 2013 = **13,794**

9. How many of these parolees are in the ISP program?

Response: August 31, 2013 = **1,026** (Approx: 15% of the parole population was under active ISP Supervision)

10. Do you regularly communicate with programs that accept parolees (i.e. halfway houses or Charity's House Ministries)?

Response: Yes

For parolees who are required to live in a community corrections facility as a condition of parole, CPOs communicate at least monthly with the facility case management teams for individual staffings on each offender. Additionally, the facilities contact the assigned CPO when behavioral issues with a parolee need to be addressed. For parolees living in shelters, faith based or citizen run transitional housing programs, the frequency of contact is not defined in policy. However, community parole staff maintain on-going and open communication with these programs.

11. Is there a connection between the problems with Colorado's parole system and the replacement of the Chairman of the State Board of Parole?

Response: *We are excited about the prospect of working with the newly appointed Chairman of the Parole Board, who is supportive of the department's efforts to implement evidence based practices and risk assessment tools into decision making processes. Our relationship with the Parole Board remains strong.*

12. What other problems exist within current Colorado parole procedures?

Response: *The recent NIC evaluations have identified and provided the below listed recommendations. Prioritizing and addressing these recommendations is the current focus of the CDOC.*

1. Technical Assistance Funded and Conducted by the National Institute of Corrections (NIC)

- CDOC Contacted the National Institute of Corrections and requested the technical assistance.
- Conducted by Madeline Carter, Peggy McGarry, and Richard Stroker
- Study results released in August 2013.

2. *Electronic Supervision Technologies Conducted by the National Institute of Corrections (NIC)*

- *CDOC contacted the National Institute of Corrections and requested the evaluation of electronic monitoring.*
- *Conducted by Dr. Matthew DeMichele*
- *Study results release in August 2013.*

NIC Technical Assistance Recommendations:

1. *Improving opportunities to identify an offender's criminogenic needs at intake to the Department so this information can drive institutional placements and case planning.*
2. *Create an institutional case plan that follows the offender throughout the system.*
 - *Meaningful & Individualized*
 - *Follows offender through incarceration and parole supervision*
3. *Reduce the number of institutional offender moves to better meet the programming/pre-release needs of the offender.*
 - *May positively impact program placement of offenders*
 - *Increase ability to effectively engage in case management work*
 - *Provides opportunity for Parole Board members to receive case information further in advance of hearings*
4. *Ensure that institutional programming is evidence based and expand programs.*
 - *Review of existing programs to determine the nature, value, and operation of programs.*
5. *Expand community services and programs for parolees and seek to tailor supervision conditions to the offender's specific criminogenic needs.*
 - *High demand for community services and programs for parolees*
 - *Tailor the conditions imposed on parolees to specific individual needs*
6. *Provide staff more guidance around program and ISP placement decision making.*
 - *Back to Basics*
7. *Reviews the Department's many strategic planning initiatives/goals and only pursue the most critical ones this year. "Back to Basics"*
 - *Parole Board should develop criteria for imposing ISP*
 - *ISP and EM should be utilized selectively*
8. *Reduce the number of work groups, issues being explored, and work requirements that have a lower priority.*
 - *Over 30 current strategic planning work groups and 'lean projects' are underway within the CDOC*

NIC Electronic Monitoring Recommendations: Enhance the use of Electronic Monitoring by:

1. *Better clarify why and how electronic monitoring is being used and evaluate how it aids in meeting agency goals.*
 - *What are realistic expectations for electronic supervision?*
 - *How will electronic supervision impact workload?*
 - *What offenders should be on electronic supervision (placement criteria)?*
 - *How should equipment selection be made?*
 - *How long should offenders be on electronic supervision?*
2. *Identify specific roles and tasks for staff to determine the appropriate use of electronic monitoring for DOC offenders.*
3. *Develop policies and procedures that stipulate direct oversight and contact with the central monitoring center.*
 - *Conduct routine reviews of the central monitoring agency*
 - *Interview parole officers to understand how the central monitoring agency is doing*
 - *Review sample case logs to determine if the appropriate response protocols are met*
 - *Determine if the definition of alerts and violations is too broad or narrow*
4. *Review equipment vendor services.*
 - *Ensures best pricing and competitive services*
5. *Develop nuanced response protocols.*
 - *Hierarchy of alerts*
 - *Appropriate response based upon hierarchy*
 - *Detailed timelines for responses*
 - *Back-up and escalation plans*
 - *Collaboration with law enforcement*
 - *Handling multiple alerts simultaneously*
 - *Define victim notification responsibilities*
6. *Establish partnerships with other law enforcement agencies to assist with responding to alerts.*
7. *Develop, deliver and refresh training.*
 - *Purpose and goals of electronic supervision*
 - *How electronic supervision advances the Department's mission*
 - *Alert protocols and response matrix*
8. *Conduct routine process and outcome evaluations.*
 - *Internal or external researcher*
 - *Determine if DOC goals are being met*

13. What steps are you currently taking, in addition to the new fugitive unit, to improve the parole system?

Response:

- Requested a thorough evaluation of the use of Electronic Monitoring through the National Institute of Corrections (NIC).
- Requested Technical Assistance through the National Institute of Corrections (NIC)
- Requested that a comprehensive CPO Time & Workload Study be conducted by the National Center of State Courts (NCSC) which will help identify how CPOs current spend their time and if additional resources are needed to meet caseload demands.
- Conducting a thorough review of Policies, Procedures and Practices.
- Identifying training needs; July 2013 Implemented refresher training concerning electronic monitoring systems for CPOs. Ensuring all CPOs receive appropriate and adequate training is ongoing.
- Implementation of a Two-Hour Response to all Electronic Monitoring Strap Tamper Alerts: 24 hours per day / 7 days per week / 365 days per year, through the implementation of State Wide Electronic Monitoring Response Teams (EMRT).
- Implementation of Monthly After-Hours and Weekend "Fugitive Round-Ups" within each parole region.
- Additionally, the Department sought and has been awarded a parole specific Bureau of Justice Assistance Second Chance Act Grant "Fostering Desistance through Effective Supervision", which will provide \$3 million dollars over three years to provide for the following:
 - Address core criminogenic needs that affect offender performance while on parole
 - Focus on aligning criminogenic needs to community based services
 - To improve offenders' motivation to change, address cognitive and behavioral functioning regarding criminal thoughts and behaviors.
- The department continues as a partner in the Evidence-Based Practices Implementation for Capacity (EPIC) grant project which was recently permanently funded by the legislature. The department collaborates with other criminal justice agencies to bring Motivational Interviewing to officers, using the science of implementation to incorporate Motivational Interviewing with fidelity.
- Addressing safety and security equipment needs of Community Parole Officers.
- Assigning Community Parole Officers to facilities to work closer with case managers and offenders in transition planning.
- Developing procedures to address the associated risks of releasing offenders from Administrative Segregation to Parole.

Department Response to Committee Questions Regarding Parole Risk Assessment:

14. Please outline and explain any evidence-based practices for ISP admission and risk assessment tools that are used by the department in determining parole placement.

Response: *The Parole Board uses the Colorado Actuarial Risk Assessment Scale (CARAS) as one piece of their parole release decision making process. ISP admission is not currently based on the LSI or CARAS score. Rather, offenders with certain types of criminal histories (sex offenders, violent offenders, gang members) are placed on ISP placement.*

15. What is the process for internal assessment of recidivism risk?

Response: *The Colorado Actuarial Risk Assessment Scale (CARAS) was developed by DCJ in accordance with C.R.S. 17-22.5-404. This assessment was intended to be used by the Colorado State Board of Parole, in conjunction with other information, to assist members in making parole release decisions. DCJ provided a draft report in 2009 that contained some evidence of the validity of the CARAS's five risk categories for predicting new felony filings.*

CPOs are required to conduct an LSI-R assessment within 30 days of parole and every six months thereafter.

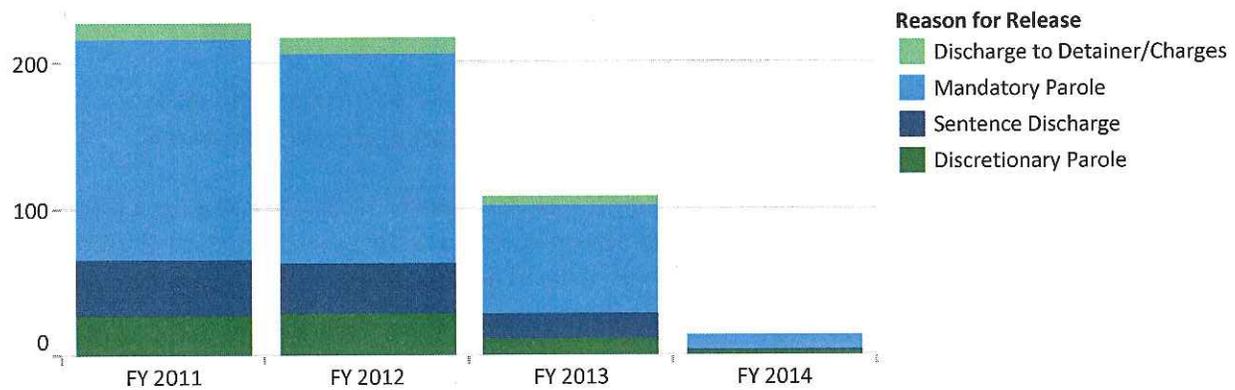
The Level of Supervision Inventory-Revised (LSI-R) is a third-generation risk assessment developed through the collaboration of probation officers, correctional managers, practitioners, and researchers. The LSI-R is comprised of 54 static and dynamic items across ten sub-scales. The LSI-R is based on the risk-need-responsivity model of offender rehabilitation. The risk principle states that supervision services should match the level of an offender's risk of re-offending. The need principle holds that agencies should assess an offender's dynamic criminal risk factors and focus treatment upon those needs. The responsivity principle states that the treatment should be provided at the right dose. The LSI-R was created to allow correctional agencies to better abide by the risk-need-responsivity model.

Both nationally and locally in Colorado, the LSI-R has been shown to be a valid and reliable tool for assessing offender risk levels for a variety of offender populations including women and minorities (Schlager&Simourd, 2007). In addition, the tool predicted criminal risk for probationers, parolees and community corrections offenders in Colorado (O'Keefe, Klebe, &Hromas, 1998). A limitation of the LSI-R is that accuracy of the instrument can be reduced without proper training and use of motivational interviewing by the assessor. The LSI-R is currently used in Colorado by the adult criminal justice system (Judicial, community corrections, prison, and parole) to provide a continuum of risk assessment as offenders move through the system.

16. How many offenders are released directly from administrative segregation to ISP?

Response: *FY 2013 = 109 out of 10,506 total releases. (Approx: 1.0%)*

The number of offenders who release directly from administrative segregation to the community has been decreasing in conjunction with continuing efforts to reintegrate offenders back into the general prison population. The following graph shows the number of Offenders who released directly from administrative segregation to the community:



17. If someone is released from administrative segregation, are they automatically placed on ISP?

Response: No

Approximately 20% of offenders who release to the community each year directly from Administrative Segregation do so as a sentence discharge, which means there is no post-release supervision. Of those who do parole, 59% are placed into ISP upon release, 4% are placed on ISP after serving a period of parole, and 37% are placed in regular parole.

18. How does gang activity figure into risk assessments and are parole classifications and decisions impacted by gang activity?

Response: *Gang involvement and gang activity is one of the criteria considered for ISP supervision placement. Additionally gang members are given a specific parole condition not to associate with other gang members on parole and not to possess any type of gang paraphernalia. In larger offices, gang members are assigned to specific CPOs trained in gang supervision. The CPOs collaborate with local gang intelligence units, as well as the Department’s intelligence unit, to share information about these offenders*

Parole utilizes the Level of Supervision Inventory-Revised (LSI-R) to estimate criminal risk. The LSI-R does not measure gang activity directly; however, it does contain items that would indicate higher criminal risk if they were in a gang including having; 1) some criminal acquaintances and 2) some criminal friends. Also, research (Kaufman, 2010) shows that gang members commit more crimes compared to non-gang members, so the criminal history items on the LSI-R indirectly capture portions of gang activity.

As we continue to look at the use of ISP we will focus on Risk, Needs and responsivity, criminal history, Administrative Segregation placements, prior Gang Affiliation, and Sex Offenders.

Department Responses to Committee Questions Regarding Monitoring and Escape of Parolees:

19. How often do parolees escape supervision and what is the average response time?

Response: 177 per month for FY 2013.

Based upon newly implemented policy, once we have reason to believe and verify that an offender has either escaped or absconded our response is immediate, and we initiate appropriate action.

20. Presently, how many parolees have escaped supervision? Of these, how many should have been placed in ISP but were not? How many were in ISP?

Response: *As of August 31, 2013 there were 641 parole absconders at large, 85 were on ISP.*

There is no way to determine whether ISP supervision would have deterred or prevented the escapes from occurring.

21. On average, for how long have escaped parolees been unaccountable?

Response: *For offenders who have absconded and have been apprehended, the current average is 34.4 days until the apprehension occurs.*

22. Prior to the fugitive unit, how did parole officers track down parolees who fled supervision?

Response: *Department policy regarding fugitive apprehension details the activities a CPO is required to do in order to determine if a parolee had absconded. This includes attempting to locate them at their last known residence and contacting employers and family members. Once the CPO has probable cause to believe a parolee has absconded, they are required to file a parole complaint with the Parole Board seeking a warrant. If the offender is on ISP, they also file felony escape charges with the local District Attorney's Office. Community Parole Officers take a number of steps to develop leads to include continuing to contact family members and associates, use law enforcement data bases and social media sites, and post information with crime stoppers. CPOs occasionally re-check the last known address and respond to tips received concerning possible offender locations. Considering active case loads CPOs have a limited amount of time to look for fugitives and rarely have the time it takes to conduct surveillance activities.*

The creation of a Parole Fugitive Apprehension Unit (FAU), comprised of non-caseload carrying CPOs, creates an opportunity to dedicate the necessary time and resources to focus solely on fugitive apprehension efforts.

23. How will the new fugitive unit work?

Response: *The Fugitive Apprehension Unit (FAU) is in place and is actively responding to and apprehended fugitive absconders. During the first month of operation the FAU, other CPO's, and assisting agencies made 52 arrests.*

When an offender is believed, by their assigned CPO, to have absconded from parole or escaped from community corrections placement or ISP-Inmate supervision, the assigned CPO search the residence and take the necessary additional steps required by policy to affirm their belief that the offender absconded or escaped from supervision. The assigned CPO will then apply for a warrant for the offender. Upon issuance of the warrant, the offender's case will be transferred from the originally assigned CPO to the Fugitive Apprehension Unit (FAU).

The FAU Supervisor receives the transferred case and prioritizes it for assignment. The FAU works in close collaboration with the original supervising CPO, other CPOs, as well as various local, state and federal law enforcement agencies in efforts to identify the location of assigned offenders and take them in to custody.

24. While we want these hearings to be prospective and constructive, without a review of past problems, it is difficult to determine how best to improve the system. In that light, can you explain why the dispatch of parole officers in the past has been accompanied by lengthy delays? (As an example, it took five days to dispatch a parole officer to Evan Ebel's residence even though he was presumably a high risk parolee.)

Response: Parole policies in place at the time were not adequate. As a result the Department has sought technical assistance and external reviews of our parole operations, and is the process of implementing the recommendations provided.

Along with these actions, the Department has/is:

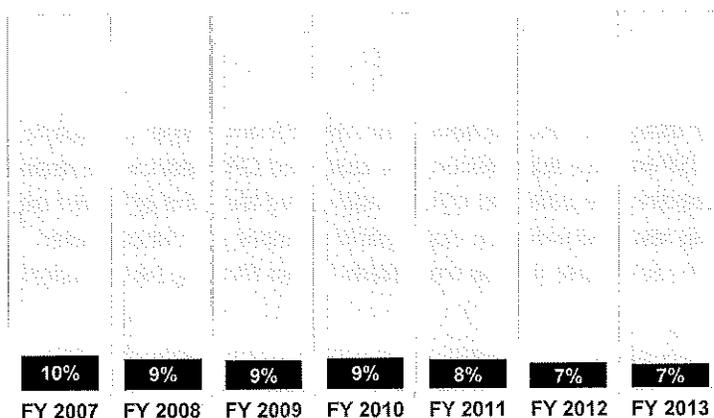
- Implemented a Two-Hour Response to all Electronic Monitoring Strap Tamper Alerts: 24 hours per day / 7 days per week / 365 days per year, through the implementation of State Wide Electronic Monitoring Response Teams (EMRT).
- Implemented Monthly After-Hours and Weekend "Fugitive Round-Ups" within each parole region.
- Conducting a thorough review of Policies, Procedures and Practices.

The CPO Time & Workload Study currently underway will assist the Department in understanding how CPOs prioritize and spend their time, along with determining the appropriate number of FTE levels to effectively manage offenders under community based parole supervision.

25. How often did such delays occur and how often was such a delay accompanied by the commission of a crime?

Response: The frequency and delays of this type are nearly impossible to measure using current data collection systems. The Department does not have a way to measure the time of escape with the commission of a new crime using current data collection systems.

The following graph shows absconders by the year they were caught and whether they were convicted of a felony offense committed while they had absconded (other than escape convictions).



26. Have the newly implemented protocol guidelines addressed this lapse in response adequately?

Response: Yes

The newly implemented response to electronic monitoring strap tamper alerts has and will certainly assist in addressing a timely response to those situations where an offender is attempting to remove or tamper with their electronic monitoring device.

Along with responding to EM strap tamper alerts, the Department will continue to look for ways to enhance resources available to more quickly determine when an offender has escaped, as well as addressing response times to investigating regular parole cases suspected of absconding.

27. On average, how many parolees does each officer monitor from ISP and regular parole?

Response: Today's average is 1:56.8.

In reality, it is not unusual for officers to have blended caseloads; they can have both ISP and regular parole, as well as ISP inmates or community corrections residential centers. (In rural parts of the state, blended caseloads are the only way to effectively manage offender populations). Additionally, as vacancies vary between different offices in the state, actual caseload averages can vary by office.

28. When an officer suspects that a parolee has violated his or her parole and it needs to be revoked, where does the offender go?

Response:

*Offenders under parole supervision often violate the condition of their parole, the vast majority of these parole violations are managed within the community using intermediate sanctions. As an example, for June 2013, there were **2,302** parole violations addressed and documented using the Colorado Violation Decision Making Instrument (CVDMP). Of those violations, only **457** cases resulted in a recommendation for arrest and jail placement.*

Community Parole Officers are statutorily mandated to seek revocation on certain violations, such as new felonies, misdemeanors involving assaults, and possession of weapons and have discretion to arrest other offenders in accordance within the guidelines of the CVDMP.

When a CPO suspects or determines that a parolee has committed a new crime and/or violated the conditions of their parole and should be revoked the parolee is arrested. When arrested, offenders are transported to county jails where they remain until the completion of the evidentiary hearing with the Parole Board. The hearing must be completed within 30 days of arrest unless the offender has new criminal charges pending.

29. Are there problems with jail capacity or parolees being bonded out?

Response: As of August 31, 2013 there were 1114 parolees being held within county jails pending parole revocation proceedings. The current average of time spent in jail is 36 days from arrest to revocation hearing/decision which is down from the previous average of 43.

County jails have limited capacity and many are overcrowded with mixed populations that include parolees who have been arrested and are awaiting parole revocation proceedings. The Department pays county jails \$51.45 per day / per offender for those parolees who do not have a criminal charge pending, technical violators, or who have made bond on a criminal charge, after the first 72 hours they are in jail. Many jails simply do not have the capacity and therefore will not hold parole violators in custody. As a result, the Department contracts for beds with several jails that do have the capacity to hold parolees. However, these jails will not take parolees that have charges pending in another jurisdiction.

Regarding parolees making bond: While parolees can make bond on criminal charges, parole holds are usually filed by the Division and typically have no bond. The Department will pay to house the offender until the charges are resolved and the hearing is completed.

30. Is there any kind of increased surveillance for individuals who are not on ISP due to budgetary constraints or program caps?

Response: While it is correct that offenders were removed from ISP supervision due to perceived budgetary concerns in the past, the current administration does not support this practice and offenders will not be removed from ISP due to budgetary concerns in the future.

Department Responses to Committee Questions Regarding Resources and Budgetary Concerns:

31. Records indicate that 12 offenders were released from ISP parole in 2012 because “too many clients were on ISP, and they needed to be placed on regular parole, due to scarcity of DOC funds.” How many total individuals have been removed from or were never placed on Intensive Supervision Parole due to program caps?

Response: The number, frequency, and reason for removing offenders off of ISP supervision are nearly impossible to determine.

A sample of cases pulled over a ten (10) year period appeared to indicate there were approx: 120 offenders removed from ISP supervision each year due to perceived resource concerns.

Because the Parole board has used, at the Division’s request, the “ISP at the discretion of the CPO” language in approximately 87% of all cases released, it is difficult to determine who would have been place, or for how long.

32. What additional resources, besides the supplemental approved on June 20, 2013, do you anticipate will be needed to improve Colorado’s parole system?

Response: The Department is in the process of evaluating its current use of resources to ensure that these resources are being utilized appropriately to maximize the public safety mission of the Division of Adult Parole within the Department of Corrections. The Department is also developing an action plan to implement the recommendations contained in the external reviews conducted by the National Institute of Corrections. Finally, the Department is awaiting the final report of the CPO Time and Workload study being conducted by the National Center for State Courts. When these steps have been taken, the Department will be in a better position to articulate the potential need for additional resources necessary for improving Colorado's parole system.

33. Is there anything you would request the General Assembly to do in terms of additional authority, funding or statutory changes to improve the ISP and other parole programs?

Response: *At this time, the Department is not requesting any changes from the General Assembly. As stated previously, the Department is evaluating our current system (including the relevant statutes) to determine the best course of action. The Department is developing an action plan to implement the recommendations contained in the external reviews conducted by the National Institute of Corrections. Additionally, the Department is awaiting the final report of the CPO Time and Workload study being conducted by the National Center for State Courts. When these steps are complete, it is possible that we may require additional support from the General Assembly. If statutory changes or additional support is needed, we will communicate these needs and recommendations to the Joint Judiciary Committee and other members of the General Assembly.*

Other:

34. We understand that a number of audits have been ordered for various DOC processes this year. Please list these audits, who ordered them, and their status. If any final reports are available, please bring copies for the committee.

Along with the Technical Assistance and review of Electronic Supervision Technologies funded and conducted by the National Institute of Corrections (NIC) as addressed in question #12, the Department has sought assistance from the National Center for State Courts to conduct a Community Parole Officer Time & Workload Study as outlined below:

CPO Time & Workload Study being Conducted by The National Center for State Courts.

- *CDOC contracted with the National Center for State Courts to conduct the CPO Time & Workload Study.*
- *In Progress being Conducted by Suzanne Tallarecio*
- *Complete study to be completed by Jan/Feb 2014.*

CPO Time & Workload Study:

The overall project has four (4) primary elements, all of which will combine to ultimately develop case-type specific workload values (the average amount of time, per month, required to manage various case types) that will help determine the CPO staffing needs for Colorado Parole.

The Community Parole Officer Time & Workload Study was requested by the Colorado Department of Corrections to assist with the following:

- *Assist the Division of Adult Parole with identifying the essential tasks of a CPO.*
- *Identify the range of activities in which CPOs engage, including those that are case-specific and those that are not case-specific*
- *Identify the time requirements associated with essential tasks and how they vary by risk level and case types*
- *Determine whether essential tasks are being performed, and how essential tasks related to evidence based practices*

The overall project has three (3) primary elements, all of which will combine to ultimately develop case-type specific workload values (the average amount of time, per month, required to manage various parole case types) that will help determine the CPO staffing needs for Colorado Parole.

The final report will include each of the study components described below, and will include a model of CPO need by region:

- *Case management and supervision policy review*
- *Workload Assessment Study (time and motion study)*
- *Adequacy of Time Survey (provides CPOs with an opportunity to inform the research team about specific job expectations that are difficult to keep up with)*
- *Focus Groups – in which CPOs will be provided an opportunity to review and discuss draft study findings*
- *Case File Reviews – in which the research team will validate the workload study findings (frequency of activities, feasibility of, and ability to adhere to supervision requirements)*

The Colorado Parole Time & Work Study is scheduled to be completed Jan./Feb. 2014