Attachment E

COLORADO DEPARTMENT OF CORRECTIONS

2013-2014 Regulatory Agenda

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November 2013

2012-2013 Regulatory Agenda Summary of Progress

The Colorado Department of Corrections made significant progress toward completing all regulatory goals outlined on the 2012-2013 Regulatory Agenda. While not every rule proposed was adopted; many critical changes were completed.

Highlights of the Department's achievements this past year include:

- Revisions to multiple existing Administrative Regulations (ARs) and creation of several new ARs to ensure compliance with the Federal PREA standards.

- Creation of a Residential Treatment Program AR to provide guidance for the department in effectively managing and providing treatment to offenders with Major Mental Illness.

- Creation of an Open Records AR and process to streamline public access to Departmental records.

- Modification of existing ARs to include guidance to employees and the public regarding CDOC open meetings pursuant to C.R.S. 24-6-402(2)(d)(IV).

2012-2013 Rules Adopted

NEW RULES

100-43, "Facility Bed Capacity Change Requests"
– Implemented 12/15/2012

650-04, "Residential Treatment Programs"
– Initial Implementation 1/18/2013
– Revised 9/15/2013

650-05, "Behavior Management Plans"
– Implemented 4/1/2013

1350-04, "Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act"
– Implemented 1/1/2013

250-74, "Community Corrections Track Presumptive Parole"
– Implemented 6/12/2013
This was not on the Departmental Regulatory Agenda. This rule was added in order to comply with C.R.S. 17-22.5-404.5

1150-18, "Offender Crime Victim Rights"
– Implemented 6/12/2013
This was not on the Departmental Regulatory Agenda. This rule was added in order to better capture the victim rights afforded to offender crime victims. Originally, the intent

had been to incorporate this information into existing ARs but it proved easier to understand as its own AR.

1150-19, "Crime Victim Rights"
– Implemented 6/12/2013
This was not on the Departmental Regulatory Agenda. This rule was added in order to better capture the rights afforded to crime victims. Originally, the intent had been to incorporate this information into existing ARs but it proved easier to understand as its own AR.

300-59, "Fact Finding Inquiry"
– Implemented 4/1/2013
This was not on the Departmental Regulatory Agenda. This rule was added in response to concerns about consistency in application of fact finding inquires conducted within the Department.

950-13, "Health Records Content"
– Implemented 4/1/2013
This was not on the Departmental Regulatory Agenda. This rule was added to ensure consistent health record content across the Department.

MODIFIED RULES

All rules below were modified to incorporate Federal PREA Standards and all were implemented on 3/15/2013:

100-10, "Project Directives"
100-37, "DOC Employee Scheduling and Use of Annual Leave and Holiday Leave"
100-40, "Prison Rape Elimination Procedure"
150-01, "Code of Penal Discipline (COPD)"
300-06, "Searches and Contraband Control"
300-52, "Colorado Department of Corrections Safe Program – Focus on the Fundamentals"
600-01, "Offender Classification"
650-02, "Protective Custody"
700-02, "Medical Scope of Service"
700-03, "Mental Health Scope of Service"
700-14, "Scope of Service for the Treatment of Gender Identity Disorder"
850-04, "Grievance Procedures"
850-07, "Offender Reception and Orientation"
900-01, "Volunteer Programs"
1150-04, "Professional Standards Investigations"
1150-07, "Crime Scene Management and Criminal Evidence Handling"
1150-14, "Background Investigations"

550-06, "Sex Offender Registration"
– Initial Implemented 4/1/2013
– Revised 10/4/2013

100-32, "Meetings" **Renamed** "Executive and Management Staff Communication"
– Implemented 10/15/2013

100-01, "Administrative Regulation Process"
– Implemented 1/1/2013

800-06, "Offender Proxy Marriages" **Renamed** "Offender Proxy Marriages and Civil Unions"
– Implemented 6/12/2013
This was not on the Departmental Regulatory Agenda by was modified in order to meet the implementation deadline imposed by the statutory changes made by SB13-011, the "Colorado Civil Union Act."

2013-2014 Colorado Department of Corrections Regulatory Agenda

This Regulatory Agenda is submitted pursuant to the requirements of HB 12-1008 as codified in C.R.S. 2-7-203(4).

New Rules Proposed:

Title of Proposed Rule	300-XX, "Emergent Entry"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees as to when entry may be made, by force, into an offenders cell when it appears to be an emergent situation.
Schedule for Adoption of Rule	Expected implementation:
Persons/Parties Affected by Rule	CDOC Employees
Title of Proposed Rule	600-XX, "Internal Facility Classification"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guideline for the effective management and appropriate cell placement of offenders within each institution.
Schedule for Adoption of Rule	Expected implementation:
Persons/Parties Affected by Rule	CDOC Employees, All offenders
Title of Proposed Rule	650-XX, "Segregation"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidelines for consistent privileges and conditions of confinement for all segregation areas within the Department. This is separate from Administrative Segregation Status.
Schedule for Adoption	Expected implementation:

of Rule	
Persons/Parties Affected by Rule	CDOC Employees, segregated offenders
Title of Proposed Rule	650-XX, "Close Custody Housing Operations"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to employees on consistent operation of close custody units.
Schedule for Adoption of Rule	Expected implementation:
Persons/Parties Affected by Rule	CDOC Employees, close custody offenders

Rules to be revised:

Title(s) of Rule(s) being Revised	1450-01, "Code of Conduct"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-18-104(2)(b) C.R.S. 24-18-105(5) C.R.S. 24-18-109(2)(c)
Purpose of Revised Rule(s)	To provide guidance to CDOC employees on the ethical conduct of state business.
Schedule for Revision of Rule(s)	Review month: June Expected implementation: September 2014
Persons/Parties Affected by Rule(s)	CDOC Employees
Title of Rule(s) being Revised	700-15, "Pharmacy Services"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 12-22-133(1)(a)(III)
Purpose of Revised Rule(s)	Provide guidance to CDOC employees as to when medications, medical supplies or medical devices can be re-dispensed.
Schedule for Revision of Rule(s)	Review month: November Expected implementation: February 2014
Persons/Parties Affected by Rule(s)	CDOC Employees, Offenders utilizing medical services.
Title of Rule(s) being Revised	550-04, "Identification of Violent Offenders"
Statutory or other Basis for Revision of Rule(s)	HB13-1041 codified at C.R.S. 18-1-901(3)(e)
Purpose of Revised Rule(s)	To revise the definition of Deadly Weapon
Schedule for Revision of Rule(s)	Review month: January Expected implementation: April 2014
Persons/Parties Affected by Rule(s)	CDOC Employees, offenders

Title of Rule(s) being Revised	100-35, "Planning and Process Improvement"
Statutory or other Basis for Revision of Rule(s)	HB13-1299
Purpose of Revised Rule(s)	To ensure that the Departmental AR providing guidance on the SMART act and strategic planning is in line with date changes contained in the legislation.
Schedule for Revision of Rule(s)	Review month: March Expected implementation: June 2014
Persons/Parties Affected by Rule(s)	CDOC Employees
Title of Rule(s) being Revised	950-07, "Sentence Computation"
Statutory or other Basis for Revision of Rule(s)	HB13-1323
Purpose of Revised Rule(s)	To put into AR our current revised practice for reviewing mittimuses received from the courts to clarify consecutive or concurrent sentencing.
Schedule for Revision of Rule(s)	Review month: November Expected implementation: February 2014
Persons/Parties Affected by Rule(s)	CDOC Employees, Department of Justice, Courts, Offenders
Title of Rule(s) being Revised	1450-30, "Use of Accumulated Sick Leave and Family/Medical Leave Act"
Statutory or other Basis for Revision of Rule(s)	HB13-1222 – changes may be required once rulemaking and direction from DPA is received
Purpose of Revised Rule(s)	To clarify changes made by new legislation
Schedule for Revision of Rule(s)	Review month: October Expected implementation: January 2014
Persons/Parties Affected by Rule(s)	CDOC Employees and their families
Title of Rule(s) being Revised	1350-04, "Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act"
Statutory or other Basis for Revision of Rule(s)	HB13-1041
Purpose of Revised Rule(s)	To add specific language regarding the transmission formats for requests for records as added by legislation
Schedule for Revision of Rule(s)	Review month: October Expected implementation: January 2014
Persons/Parties Affected by Rule(s)	CDOC Employees, Public making record requests
Title of Rule(s) being Revised	1450-08, "DOC Employee Separations"

Statutory or other Basis for Revision of Rule(s)	HB13-1118 and SB13-210
Purpose of Revised Rule(s)	To update ARs to reflect legislative changes in employment condition for correctional officers and the provision of photographic identification for retired peace officers.
Schedule for Revision of Rule(s)	As of October 2013 - CURRENTLY UNDER REVISION
Persons/Parties Affected by Rule(s)	CDOC employees
Title of Rule(s) being Revised	1450-14, "Overtime and Compensatory Time for DOC Employees"
Statutory or other Basis for Revision of Rule(s)	SB13-210
Purpose of Revised Rule(s)	To incorporate standards set forth in new legislation regarding 14 day work period.
Schedule for Revision of Rule(s)	As of October 2013 – ALREADY UNDER REVISION
Persons/Parties Affected by Rule(s)	DOC Employees
Title of Rule(s) being Revised	1450-40, "Evaluation of Staffing Requirements"
Statutory or other Basis for Revision of Rule(s)	SB13-210
Purpose of Revised Rule(s)	To incorporate standards set forth in new legislation regarding 14 day work period.
Schedule for Revision of Rule(s)	As of October 2013 – ALREADY UNDER REVISION
Persons/Parties Affected by Rule(s)	DOC Employees
Title of Rule(s) being Revised	100-37, "DOC Employee Scheduling and Use of Annual Leave and Holiday Leave"
Statutory or other Basis for Revision of Rule(s)	SB13-210
Purpose of Revised Rule(s)	To incorporate standards set forth in new legislation regarding 14 day work period.
Schedule for Revision of Rule(s)	As of October 2013 – ALREADY UNDER REVISION
Persons/Parties Affected by Rule(s)	DOC Employees
Title of Rule(s) being Revised	1450-48, "DOC Employee Timekeeping"
Statutory or other Basis for Revision of Rule(s)	SB13-210

Purpose of Revised Rule(s)	To incorporate standards set forth in new legislation regarding 14 day work period.
Schedule for Revision of Rule(s)	As of October 2013 – ALREADY UNDER REVISION
Persons/Parties Affected by Rule(s)	DOC Employees

This Regulatory Agenda has been reviewed and approved by the Executive Director of the Colorado Department of Corrections on this 23rd day of October, 2013.

Rick Raemisch
Executive Director
Colorado Department of Corrections