Attachment M

COLORADO DEPARTMENT OF CORRECTIONS

2012 Regulatory Agenda

Adrienne L. Jacobson
Policy Analyst
November 2012

This Regulatory Agenda is submitted pursuant to the requirements of HB 12-1008 as codified in C.R.S. 2-7-202(2.3).

New Rules Proposed:

Title of Proposed Rule	100-XX, "Facility Capacity Change Requests"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees on how to appropriately request changes to facility bed capacity.
Schedule for Adoption of Rule	Expected implementation: December 2012
Persons/Parties Affected by Rule	CDOC Employees
Title of Proposed Rule	300-XX, "Hunger Strike/Refusal of Meals"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees on recognition of hunger strikes and protocol for management of hunger strikes/meal refusal.
Schedule for Adoption of Rule	Expected implementation: September 2013
Persons/Parties Affected by Rule	CDOC Employees
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 made me made, by force, into an offenders cell when it appears to be an emergent situation.
Schedule for Adoption of Rule	Expected implementation: August 2013
Persons/Parties Affected by Rule	CDOC Employees
Title of Proposed Rule	550-XX, "Detainers"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees on the appropriate management of detainers.
Schedule for Adoption of Rule	Expected implementation: August 2013
Persons/Parties Affected by Rule	CDOC Employees, case management, offenders

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: March 2013
Persons/Parties Affected by Rule	CDOC Employees, All offenders
Title of Proposed Rule	650-XX, "OMI"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidelines for the operation of the Offenders with Mental Illness program.
Schedule for Adoption of Rule	Expected implementation: June 2013
Persons/Parties Affected by Rule	CDOC Employees, Offenders with Mental Illnesses
Title of Proposed Rule	650-XX, "Behavior Management Plans"
Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103
Purpose of Proposed Rule	To provide guidance to CDOC employees on how to properly administer behavior management plans.
Schedule for Adoption of Rule	Expected implementation: February 2013
Persons/Parties Affected by Rule	CDOC Employees
Title of Proposed Rule	900-XX, "Dual Mentoring"
Statutory or other Basis for Adoption of Rule	C.R.S.17-1-103
Purpose of Proposed Rule	To provide guidelines for the dual mentoring process to provide support and guidance for offender's eventual release and transition to the community.
Schedule for Adoption of Rule	Expected implementation: January 2013
Persons/Parties Affected by Rule	CDOC employees, volunteers and offenders
Title of Proposed Rule	1700-XX, "Records Requests Pursuant to Colorado Open Records Act and Criminal Justice Records Act"

Statutory or other Basis for Adoption of Rule	C.R.S. 17-1-103 C.R.S. 24-72-101 et. seq.
Purpose of Proposed Rule	To provide guidance to CDOC staff on how to respond to and track requests for public records.
Schedule for Adoption of Rule	Expected implementation: December 2012
Persons/Parties Affected by Rule	CDOC Employees

Rules to be revised:

Title(s) of Rule(s) being Revised	100-07, "Reportable Incidents" 100-10, "Project Directives" 100-19, "Communication with Offenders" 100-27, "Records Management" 100-35, "Management Plan/Quarterly Report" 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)" 200-13, "Independent Contractors" 250-15, "Residential Supervision Standards" 250-23, "Scope of the Approved Treatment Provider Program" 250-27, "Case Work Services and Supervision" 250-28, "Offender Classification System – Level of Supervision Inventory (LSI) and Other Assessment Tools" 250-50, "Community Return to Custody Facilities" 300-03, "Duty Officer" 300-06, "Searches and Contraband Control" 300-23, "Internal/External Offender Work Crews" 300-30RD, "Incident Management System" 300-52, "Colorado Department of Corrections Safe Program – Focus on the Fundamentals" 300-53, "Security Auditing Program" 350-03, "Environmental Conditions Levels Monitoring" 550-01, "Case Management System" 600-01, "Offender Classification" 650-02, "Protective Custody" 700-02, "Medical Scope of Service" 700-03, "Mental Health Scope of Service" 700-07, "Offender Health Examinations" 700-14, "Scope of Service for the Treatment of Gender Identity Disorder" 700-19, "Sex Offender Treatment and Monitoring Program (SOTMP)"

Statutory or other Basis for Revision of Rule(s)	C.R.S. 2-7-202(2.3) EO D2012-002
Purpose of Revised Rule(s)	To provide guidance to CDOC employees on how the administrative regulation process is managed and to provide an internal policy reference for statutorily required regulatory reports.
Schedule for Revision of Rule(s)	Review month: February Expected implementation: May
Persons/Parties Affected by Rule(s)	CDOC Employees
Title 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
Persons/Parties Affected by Rule(s)	CDOC Employees
Title of Rule(s) being Revised	100-39, "Peace Officers" 250-32, "Community Parole Officer (CPO) as a POST Certified Peace Officer"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-31-301(2) C.R.S. 24-31-308(1)(a)
Purpose of Revised Rule(s)	To clarify certification procedures for Peace Officer status.
Schedule for Revision of Rule(s)	Review month: March (100-39); August (250-32) Expected implementation: June (100-39); November (250-32)
Persons/Parties Affected by Rule(s)	CDOC Employees
Title of Rule(s) being Revised	100-32, "Meetings"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 24-6-402(2)(d)(IV)
Purpose of Revised Rule(s)	To clarify which meetings within CDOC must be open to the public and which decisions may be made by secret ballot.
Schedule for Revision of Rule(s)	Review month: June Expected implementation: September
Persons/Parties Affected by Rule(s)	CDOC Employees

	700-33, "Sexually Violent Predator Offender Assessment and Administrative Review" 750-02, "Sexual Violence Needs Classification" 750-04, "Americans with Disabilities Act – Offender Request for Accommodation" 850-03, "Offender Assignment and Pay" 850-04, "Grievance Procedures" 850-07, "Offender Reception and Orientation" 850-11, "Hygiene and Grooming" 850-12, "Telephone Regulations for Offenders" 900-01, "Volunteer Programs" 950-12, "Inactive Record Maintenance" 1150-04, "Professional Standards Investigations" 1150-06RD, "Intelligence Operations" 1150-07, "Crime Scene Management and Criminal Evidence Handling" 1150-09RD, Monitoring and Recording of Offender Phone Calls" 1150-12, "Inspector General Canine (K-9) Unit" 1150-14, "Background Investigations" 1150-15, "Responsibility and Authority of the Office of the Inspector General" 1450-02, "Performance Management Program (PMP)" 1450-05, "Unlawful Discrimination/Sexual Harassment" 1450-10, "Creating, Filling and Classifying Positions" 1450-11, "Employment of Relatives by the DOC" 1450-12, "Corrective and Disciplinary Actions" 1450-16, "Employment of Offenders and Ex-Offenders" 1450-23, "Employment of Minors" 1450-35, "DOC Employees/Applicants with Disability" 1450-40, "Evaluation of Staffing Requirements" 1500-01, "Department Training System" 1500-02, "Basic Training Program" 1600-01, "The Youthful Offender System (YOS)" 1600-03, "Youthful Offender Classification"
Statutory or other Basis for Revision of Rule(s)	Federal PREA Standards
Purpose of Revised Rule(s)	To show compliance with the newly adopted Federal PREA Standards.
Schedule for Revision of Rule(s)	All revisions are to be completed by March 2013
Persons/Parties Affected by Rule(s)	CDOC Employees, Offenders
Title of Rule(s) being Revised	100-01, "Administrative Regulation Process"

Title of Rule(s) being Revised	550-06, "Sex Offender Registration"
Statutory or other Basis for Revision of Rule(s)	C.R.S. 16-22-107(2)
Purpose of Revised Rule(s)	To clarify procedures for identifying sex offenders who will release and "lack a fixed residence" for purposes of sex offender registration.
Schedule for Revision of Rule(s)	Review month: August Expected implementation: November
Persons/Parties Affected by Rule(s)	CDOC Employees, Sex Offenders being released from custody
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
Persons/Parties Affected by Rule(s)	Offenders utilizing medical services.