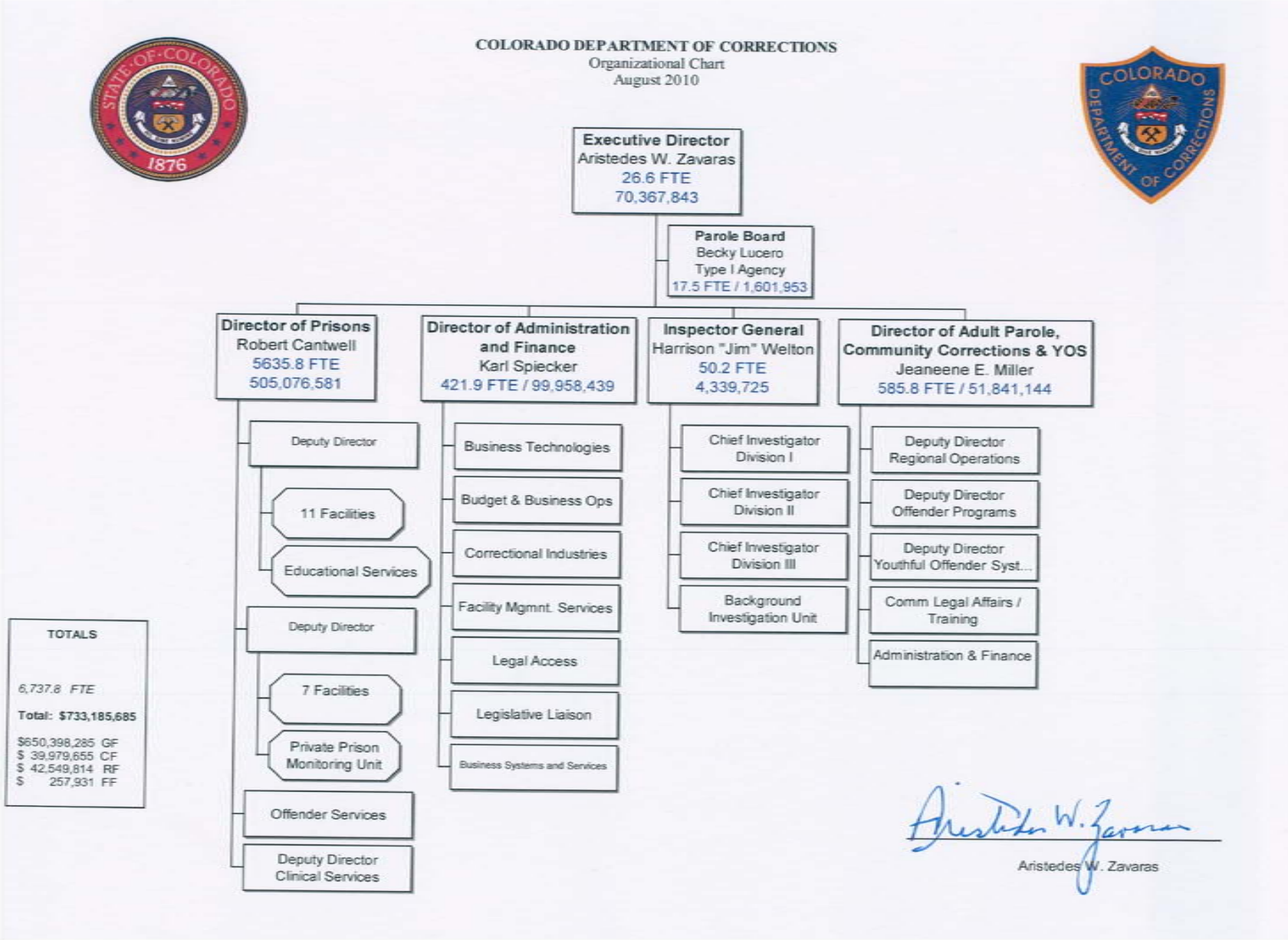
Department of Corrections
Department Description

FY 2011-12 Budget Request

NOVEMBER 1, 2010


COLORADO DEPARTMENT OF CORRECTIONS
Organizational Chart
August 2010
Executive Director
Aristedes W. Zavaras
26.6 FTE
70,367,843
Parole Board
Becky Lucero
Type I Agency
17.5 FTE / 1,601,953
Director of Prisons
Robert Cantwell
5635.8 FTE
505,076,581
Director of Administration and Finance
Karl Spiecker
421.9 FTE / 99,958,439
Inspector General
Harrison "Jim" Welton
50.2 FTE
4,339,725
Director of Adult Parole, Community Corrections & YOS
Jeaneene E. Miller
585.8 FTE / 51,841,144
Deputy Director
11 Facilities
Educational Services
Deputy Director
7 Facilities
Private Prison Monitoring Unit
Offender Services
Deputy Director Clinical Services
Business Technologies
Budget & Business Ops
Correctional Industries
Facility Mgmnt. Services
Legal Access
Legislative Liaison
Business Systems and Services
Chief Investigator Division I
Chief Investigator Division II
Chief Investigator Division III
Background Investigation Unit
Deputy Director Regional Operations
Deputy Director Offender Programs
Deputy Director Youthful Offender Syst...
Comm Legal Affairs / Training
Administration & Finance
TOTALS
6,737.8 FTE
Total: $733,185,685
$650,398,285 GF
$ 39,979,655 CF
$ 42,549,814 RF
$ 257,931 FF
Aristedes W. Zavaras

Background Information

The mission of the Colorado Department of Corrections is to protect the public through effective management of criminal offenders in controlled environments which are efficient, safe, humane, and appropriately secure, while also providing meaningful work and self-improvement opportunities to assist offenders with community re-entry through pro-social stabilization.

Under the direction of Executive Director Aristedes W. Zavaras, the Colorado Department of Corrections (DOC) is responsible to:

- Manage, supervise, and control 25 correctional facilities, including the Youthful Offender System, operated and supported by the state. Facilities are located throughout the state: Buena Vista, Canon City, Crowley, Delta, Denver, Ft. Lyon, Golden, Limon, Pueblo, Rifle, Sterling, and Trinidad.
- Monitor five privately operated prison facilities for contract compliance.
- Develop educational, vocational and proven cognitive behavioral programs within state prisons that provide treatment and services and the necessary tools designed to improve successful reintegration of offenders into society.
- Develop a systematic building infra-structure program to provide for projected, long-range needs of the facilities under the Department's control.
- Develop Correctional Industries programs within the institutions which have a rehabilitative or therapeutic value for offenders and which also supplies necessary products for state institutions and other public purposes, as provided by law.
- Maintain a comprehensive parole, community and re-entry division that provides structured supervision, wrap-around services, community-based and faith-based resources, and the opportunity for offenders to successfully transition from prison into the community.

Four major internal divisions of the DOC manage 40 Subprograms contained within 8 Long Bill Groups. The majority (88.7%) of DOC funding derives from General Funds. Cash (5.5%) and Reappropriated (5.8%) Funds are realized through vocational and Correctional Industries sales to state agencies, state employees, and local government or non-profit agencies, as well as grants in several subprograms. Federal Funds comprise .0004% of the FY 2010-11 budget. The overall budget for FY 2010-11 is $733,185,685.

The internal divisions are: 1) Director of Prisons; 2) Chief Financial Officer; 3) Director of Adult Parole/Community Corrections & YOS; and the 4) Inspector General.

Groups and Subprograms as listed in the Long Bill consist of:

1. **Management Group** - A) Executive Director's Office; B) External Capacity: B)1) Private Prison Monitoring Unit (PPMU), and B)2) Payments to House State Prisoners; and C) Inspector General Subprograms.

2. **Institutions Group** - A) Utilities; B) Maintenance; C) Housing and Security; D) Food Service; E) Medical Services; F) Laundry; G) Superintendents; H) Boot Camp; I) Youthful Offender System; J) Case Management; K) Mental Health; L) San Carlos Correctional Facility; and M) Legal Access Subprograms.
3. **Support Services Group** - A) Business Operations; B) Personnel; C) Offender Services; D) Communications; E) Transportation; F) Training; G) Information Systems; and H) Facility Services Subprograms.
4. **Offender Programs Group** - A) Labor; B) Education; C) Recreation; D) Drug and Alcohol Treatment; E) Sex Offender Treatment; and F) Volunteers Subprograms.
5. **Community Services Group** - A) Parole; B) Parole Intensive Supervision (ISP); C) Community Intensive Supervision (ISP); D)1) Community Supervision; D) 2) Youthful Offender System Aftercare; and E) Community Re-entry Subprograms.
6. **Parole Board**
7. **Correctional Industries**
8. **Canteen Operation**

The growth in the offender population is the primary factor driving the DOC budget. This population includes offenders who are housed in state-operated prisons, private prisons, and transition community corrections placements. Population increases have resulted in the need to build or renovate several prisons for additional beds. Due to sustained offender population growth and shortages in state beds, the Department of Corrections has contracted with private prisons to house offenders since 1993. Currently, approximately 5,000 offenders are housed in private prisons. Statutory requirements allow the department to house only offenders classified as medium custody or below in contracted private prisons. Close and administrative segregation (ad seg) offenders must be housed in state run facilities due to additional management requirements.

An expanding population also results in an increase in the number of offenders placed in community corrections and on parole. Community corrections allow offenders to transition to the community while still classified as a prison offender. Offenders assigned to community corrections are either placed in a halfway house or in an intensive supervision program (ISP). The Department of Corrections is responsible for supervision of these offenders.

1) Management:

1A) Executive Director's Office - The EDO Subprogram provides management, leadership, and direction in all policy, fiscal, and operational matters. The EDO is charged, in general terms, with the responsibilities of maintaining safe and secure correctional facilities, as well as providing oversight to the various programs, including parole, community, and YOS. The EDO is the primary contact on public and legislative issues, and supports the effort of wardens in implementing defined facility missions.

1B) External Capacity: 1) Private Prison Monitoring Unit (PPMU) - The External Capacity Subprogram appropriations are used to secure long-term housing and program services to Colorado offenders through contract agreements with Colorado jurisdictions.

Services provided by the PPMU staff enhance public safety by providing oversight of the physical plant security, policies and practice, and correctional operations of the private contract prisons. PPMU staff conduct weekly private prison facility visits to monitor adherence to the contract, security audits, staffing level audits, food service audits, interdictions, monitor program services, make recommendations for improvement, and provide training to private prison facility staff.

1B) External Capacity: 2) Payments to House State Prisoners - The External Capacity Subprogram provides options in the housing of DOC offenders whose numbers exceed the DOC's physical capacity. The Private Prison Monitoring Unit (PPMU) monitors all in-state private facilities for housing and program services. In addition, the private contract prisons are authorized to house non-state offenders in their facilities after appropriate file review and approval by the PPMU, under the authority of the Executive Director. The mission of the PPMU is to ensure that the programs and services available in the private facilities are at least equal to those provided at comparable state-run facilities. The State currently utilizes the services of three (3) CCA facilities in the State (Kit Carson Correctional Center, Crowley County Correctional Facility, and Bent County Correctional Facility). The State also employs the services of the Cheyenne Mountain Re-Entry Center (CEC).

Colorado statutes mandate compensation to local jails where incarcerated offenders are maintained on jail backlog status, awaiting physical custody by the DOC. Local jail beds are also used for parole revocation and community regression offenders, and provide enhanced public safety in the community by having an immediate, secure place to hold DOC offenders who fail to adhere to societal rules.

1C) Inspector General - The Office of the Inspector General (OIG) provides professional investigative resources to the DOC and its facilities, employees, offender population, law enforcement community, and the general public. The investigators are certified peace officers who are sworn to protect and serve the people of the State of Colorado by promoting public safety, the safety of DOC staff and offenders, protecting property, and enforcing the laws within the State of Colorado. This office is the primary contact on law enforcement issues within the Department.

The Office of Inspector General subprogram is responsible for detecting crime, enforcing the law, collecting and analyzing evidence, analyzing complaints, planning and conducting complete criminal and civil investigations within the DOC and the State of Colorado; preparing necessary legal documents, written reports, warrants, and affidavits; enforcing drug interdictions and collecting random staff urinalyses; administering the Prison Rape Elimination Act; administering the Colorado Sex Offender Registration Act; performing DNA collection in compliance with the law; analyzing and introducing high-profile offender data into the FBI's national Violent Criminal Apprehension Program database; supervising Colorado Crime Information Center (CCIC) and National Crime Information Center (NCIC) training and operations for DOC; monitoring and analyzing intelligence information to improve the safety and security

of offenders, staff, and visitors; conducting background investigations on DOC employment applicants; and providing law enforcement assistance.

2) Institutions:

2A) Utilities – The Utility Subprogram provides reliable, cost-effective utility services to all DOC buildings, equipment, and other systems in order to provide a secure and safe living and work environment. The subprogram is responsible for gathering, preserving, analyzing and disseminating utility related data for education of the users; implementation of incentive systems; development of budget requests; carrying out of savings and/or cost avoidance opportunities; and providing specific oversight, engineering, and management services in regard to the Department's water rights and needs.

The Utilities Subprogram also directs the Energy Management program (EMP), which includes the DOC Fleet Reduction Plan, the Renewable Energy initiatives (which will result in Natural Gas, Electric and Potable Water consumption reductions), the Water Conservation plan, and the DOC Recycling plan. The EMP is in the process of implementing Performance Contracting at FLCP, CTCF, and BVCF. FY 2010-11 should see the results of the Technical Energy Audits at each of those facilities, the financing process complete and the beginning of the actual construction for Performance Contracting. In the twelfth year of operation (2010), the EMP saved, avoided, or reduced costs by approximately $1.5M, using such measures as: upgrading lighting to more efficient fixtures, winter chiller shut down programs, electrical service "buy backs", electrical service agreements for lower rates and metering changes, utilizing the procurement process to implement a lower cost on natural gas transportation, irrigation sprinkler systems which save on potable water consumption, siding and window replacements. In addition to the projects, the program initiated bulk propane purchases and a periodic bulk diesel purchase for generators, savings dollars in both cases. The avoidance funds gained through these efforts are invested back into the program for implementing new EMP projects or program improvements.

2B) Maintenance - The Maintenance Subprogram ensures 24/7/365 uninterrupted operation of the overall physical facilities within the DOC which includes physical plant management of basic building services and systems such as heating, power, lighting, security hardware and fire alarms, all absolutely essential to the operation of a correctional facility.

Physical plant management services are provided in general maintenance, life safety, and special facilities such as boiler, chiller and central heating plants; water and wastewater treatment plants; utility distribution systems, electricity, gas, and communications equipment. Janitorial services, vehicle maintenance, heavy equipment, grounds maintenance, and assistance with minor construction projects are also provided.

Services are delivered through a program of routine and preventive maintenance procedures designed to preserve the operation of the various building systems and extend their effective life. In addition, the response to maintenance needs is required on an immediate, emergency basis to ensure the continual operations of facilities in a safe and secure condition.

2C) Housing and Security - The Housing and Security Subprogram is responsible for the safety and security of the public, staff, and offenders by managing and communicating with offenders while maintaining a safe, humane, and appropriately secure living environment. This subprogram handles both day-to-day management as well as long-term living conditions for the offender population.

The Housing and Security Subprogram provides professional operation of facilities throughout the DOC, thereby providing for the safety of the public, staff, and offenders; the control of institutions; and preservation of state property. It services all stakeholders by utilizing professional staff to provide for the operation of critical systems; documentation and auditing of systems performance; response to emergencies; control of harmful materials; and management of access and egress to facility property.

This Subprogram provides for counseling, disciplinary actions, grievance resolution, and effective classification and management of offenders resulting in a safe and controlled environment. Direct staff and offender interaction includes, but is not limited to, counseling for personal issues, family issues, work assignments, educational needs, behavioral expectations, explanation of rules, problem solving, and grievance resolution. Offender management systems such as classification, discipline, case management, and earned time awards to guide offenders into appropriate behavior patterns are used by Housing/Security staff.

Critical common activities for Housing and Security staff include: meal service, offender recreation, cell & area searches, security inspections, facility communications, incident management systems and practices, training program, administrative services, offender accountability, key control, tool control, contraband control and evidence management, offender movement, non-routine offender transport, and clerical. Many of these activities must be done every day of the week at any hour of the day or night.

2D) Food Service - The Food Service Subprogram supports facility operations by providing offenders with nutritious, palatable meals prepared in a safe, secure, and controlled environment within budgetary parameters. In addition to regular diets, modified diets are provided for medical and religious reason, and additional calories are provided to offenders in the System (YOS) programs. Nutritious meals are essential to maintain health and help control medical costs.

Food Service is one of the largest single operating budget areas within the facility. Food Service is a significant employer of offender workers and provides meaningful training and work experience to the offenders. An adequate Food Service program is a significant contributor to the effective management of the offender population.

Food Service is critical to the physical well-being, morale, and the effective management of prison populations. The Food Service program affects every offender in every facility three times a day occupying about four hours of their time.

Food Service staff is responsible for maintaining security in kitchen facilities to include tool and knife control, chemical safety, and prevention of theft or sabotage of food, supplies, and equipment. In addition, DOC Food Service staff supervises and trains offenders in all aspects of food service operations to include acquisition, pre-preparation, production, inventory control, service, medical diets, religious diets, and sanitation.

2E) Medical Services - Medical services in the DOC are structured to function like other managed care organizations, providing a full range of health care services. Internally, care is provided by State FTE's and contract employees, including Physicians, Physician Assistants/Nurse Practitioners, Nurses, and ancillary staff. Primary medical care and dental care are provided within the prisons. Infirmary care is available at the Denver Reception and Diagnostic Center (DRDC) and at the Colorado Territorial Correctional Facility (CTCF). Ancillary care and provider support are available through traditional services such as pharmacy, laboratory, and radiology. Healthcare services outside of DOC facilities are provided through a managed care network of specialty and institutional providers under contract with Correctional Health Partners, LLC.

All requested services (except emergency) are reviewed against nationally accepted clinical standards and protocols to ensure the care is medically necessary prior to the initiation of treatment. Emergency services are reviewed retrospectively, and the results are used to educate providers in order to reduce unnecessary emergency services.

Infirmary health care services for sub-acute inpatient needs are delivered at the CTCF and DRDC infirmaries. Sub acute inpatient needs include: post hospital care, infectious disease isolation, special testing, pre-hospital admission preparation, post accident/stroke/injury rehabilitation, and the treatment of the less resource-intensive acute and chronic medical problems where a hospital admission and standard outpatient care are not recommended. Additionally, the CTCF Infirmary offers licensed hospice services.

Dental services are provided in Colorado correctional facilities and include intake exams, treatment of dental emergencies, restorations, root canal treatment, dentures, treatment of fractured jaws, prosthetics, and other needed dental services.

Central functions of Medical Services in direct support of health care include administration of medical records, health and dental policy development by the chiefs of service, pharmaceutical services, information systems, finance, and overall administrative

operations. These central functions must coordinate all activities of the various clinics and infirmaries in order to successfully utilize the managed care concept under Correctional Health Partners, LLC.

2F) Laundry – The Laundry Subprogram provides complete laundry service to offenders, including the fitting/tailoring, maintenance and distribution of state clothing, footwear, and linen. The facility laundries regulate and record the issue of offender clothing and linens; control the laundry room process; participate in the collection and distribution of laundry; tag, refurbish, alter, and mend clothing. There is a central laundry in all facilities except Centennial Correctional Facility (CCF), Denver Women Correctional Facility (DWCF), San Carlos Correctional Facility (SCCF), LaVista Correctional Facility (LVCF), and YOS. Laundry staff research clothing fabrics and footwear, and test and evaluate new products. Contaminated articles are cleaned for the facility medical, maintenance and housekeeping, labor, food service, and correctional industries programs. The subprogram provides jobs for offenders and certified vocational education training to promote employment opportunities after release from prison.

2G) Superintendents - The Superintendents Subprogram is responsible for the management and administration of the DOC correctional facilities. This subprogram provides a safe and secure environment for staff, offenders, and the general public by maintaining order and ensuring consistency in the operation of DOC correctional facilities. This Subprogram retains the name "Superintendents Subprogram" in the Long Bill, although the administrative heads of correctional facilities in Colorado are referred to as "wardens" in statute and in general DOC operations.

The Superintendents Subprogram provides for the operational management of the State's correctional facilities. In addition to providing day-to-day operational guidance at the facility level, the Superintendents Subprogram provides the personnel and systems that link the facilities with the Central Office, facility services management, technology and information systems, and population management.

The duties of this subprogram are carried out through personal contact and supervision of staff, by meeting programmatic and professional standards (such as those set by the American Correctional Association), through the management of the facilities physical plants and buildings, by using and maintaining technology and information systems, and through the management of offender populations. These activities are augmented and supported by management, providing a smooth facility operation with consistent leadership, fiscal management, and the promotion of a good public understanding of correctional facilities.

2H) Boot Camp - The Boot Camp Subprogram, also referred to as the Colorado Correctional Alternative Program (CCAP) was decommissioned in FY 2010-11.

2I) Youthful Offender System - The Youthful Offender System (YOS) Subprogram differs from the regular adult correctional system in that it is built on the premise that youthful offenders can be habilitated, their past criminal behaviors can be reversed, and their futures can be positive and productive. To be successful, YOS offenders must be more than just offenders serving sentences. The offenders must be active participants in programming designed to effect significant changes in their lives. The Youthful Offender System differs from the juvenile correctional system: although YOS offenders are chronologically juveniles, they are considered adults in the criminal justice system. Because of these differences, YOS holds a distinct place in the State's correctional system.

The General Assembly created the Youthful Offender System (YOS) during a 1993 Special Legislative Session. YOS targets juveniles between the ages of 14 and 20 who have been directly filed as an adult and convicted in district court of committing violent felonies. YOS is intended as a middle tier between the juvenile and adult correctional systems. HB 09-1122 extended the eligibility criteria to include offenders who are at least 18 years old at the time of their offense but less than 21 at the date of their sentencing. Sexual offenders and class 1 felons are excluded from the eligibility as are class 2 felons unless it was a plea down from a class 1 felony under specific sentencing guidelines.

Youthful offenders convicted of Class 2 through Class 6 felonies are eligible for YOS. Prior to the 1999 Legislative Session, both Class 1 and 2 felons were excluded from YOS. During the 1999 Session, the General Assembly extended YOS eligibility to include some juveniles convicted of Class 2 felonies. HB 10-1413 was passed in 2010 Legislative Session to allow judges the discretion to sentence juveniles who were convicted of class 2 felonies (excluding sex offenses) to YOS except in the case of second or subsequent sentence to the DOC or YOS. The bill also rises the minimum age to 16 except in cases of 1st degree murder, second degree murder, or a sex offense combined with other crimes as detailed in the bill. Upon conviction as an adult and sentencing to the adult correctional system, the judge has the option, if the criteria are met, to suspend the adult sentence and impose a YOS sentence. Sentences to YOS range in length from two to seven years. YOS is designed to affirm the dignity of self and others; promote the value of work and self-discipline; and develop useful skills and abilities through an individualized multi-phased program followed by supportive aftercare.

Cognitive redirection is one of the primary modalities used to achieve this goal. Cognitive redirection represents an integrated and coherent series of interventions comprised of core and supplementary elements sequenced throughout a youthful offender's commitment. YOS is designed to provide youthful offenders with relevant information concerning their behaviors, beliefs, and thinking patterns. It facilitates the processing of information, redirecting the youthful offender toward consequential thinking with adaptive and pro-social behaviors.

2J) Case Management - The Case Management Subprogram monitors offender behavior and serves as a primary contact and source of information for facility administration, central administration, the Parole Board, outside agencies, attorneys, families, victims and

offenders by maintaining constant contact and open communication with the offenders, producing regular reports regarding the offenders' progress and behaviors, and maintaining the documentation of events in the Department and working files. The primary focus of the process is pre-release planning and preparation.

Case management was developed in response to the Ramos vs. Lamm court decision to reduce unrest in the facilities and provide on-going documentation of the events during an offender's incarceration. The services of this program are to provide information, counseling, and guidance to the offender while acting as a resource to other departments/agencies regarding the offenders' correctional experience. The information provided can take on many different forms; it can be a conversation with a family member of the offender or a detailed report to the court regarding an incident that involved the offender. Documents provided to the department file on a regular basis have a set format, but the information provided in these documents is the result of investigative work and communication with the other areas of the department and outside agencies. This information is a common resource utilized by every office/department within the DOC and may be accessed by other judicial or law enforcement agencies.

2K) Mental Health - The Mental Health Subprogram provides and manages cost effective mental health services to offenders. Services include clinical treatment and management of offenders with mental illnesses and developmental disabilities, crisis intervention with acutely disturbed or self-injurious offenders, limited rehabilitative programs, and coordination of transitional services for offenders with mental health needs. Services are provided to meet legal standards, diminish the risk to public and institutional safety, and maintain or improve offender level of functioning.

This subprogram provides a range of professional psychiatric, psychological, social work, and mental health treatment services to offenders incarcerated in the DOC. The Mental Health Subprogram manages the mental health needs of the offender population from intake and throughout incarceration, and provides specialized transition services for targeted populations as offenders leave the facilities to parole, community corrections placements, or discharge.

Offender mental health needs are assessed and identified on intake into the DOC system. Offenders with significant needs are referred for mental health services at the intake facility. Clinical mental health services are provided to those offenders who meet diagnostic criteria for mental illnesses, or mental retardation/developmental disabilities. These offenders experience impairment in their ability to function and cope with incarceration because of psychiatric symptoms or deficits in intellectual functioning. Specialized services include crisis intervention, psychiatric services and medications, mental health monitoring, infirmary or hospital placement as needed, and community transition services. DOC also provides clinical mental health services to offenders with acute mental health symptoms who do not meet diagnostic criteria for major mental illnesses or developmental disabilities, but who experience debilitating symptoms or psychological crises (e.g., suicide or self injury risk, trauma, and situational stressors). DOC also provides rehabilitative mental health services, within the limits of available resources, to those offenders who present ingrained

problematic behavior patterns, but who may not be considered mentally ill. The goal of Mental Health rehabilitative services is to assist offenders in developing new skills, attitudes, values, and behavioral patterns in order to reduce the risk of ongoing criminal behavior. These programs usually utilize a structured psycho-educational format based on a cognitive behavioral treatment model. Offenders are taught to identify and correct distortions in thinking, and to substitute more productive, socially appropriate ways of thinking.

DOC Mental Health services are primarily directed towards the following target populations:

Offenders with Mental Illnesses (OMI): These are offenders who have identified mental health treatment needs the require attention by DOC mental health staff. A subgroup of this population, referred to as Offenders with Serious Mental Illnesses, includes those offenders who have been diagnosed with major mental illnesses. Major mental illnesses are specified in the DOC Mental Health procedures manual and generally include disorders that are more likely to cause significant impairment. This group is defined by the same criteria utilized by the State of Colorado-Mental Health Services to identify the target population for state subsidized community mental health services.

Offenders with Developmental Disabilities (DD): These offenders require special services and programs due to impairment in learning and intellectual functioning.

Offenders with Acute Psychiatric Symptoms or Distress: These offenders may not meet criteria for a serious mental illness diagnoses, but who are currently experiencing some form of acute distress related to mental health problems. These offenders may present a risk of self injury, assaultive behavior, or facility disruption.

2L) Inmate Pay – The Inmate Pay Subprogram provides monetary stipends for offenders who contribute to food preparation, laundry services, housekeeping, maintenance, and general facility operations or who participate in educational and specialized treatment programs. It also allows offenders to purchase hygiene and canteen items, postage, or photo copies; and to pay restitution to victims, court ordered child support, etc.

2M) San Carlos Correctional Facility - The San Carlos Correctional Facility (SCCF) is a specialized 255-bed multi-custody correctional facility designed and operated to provide mental health treatment services to high needs, Offenders with Mental Illness (OMI), and/or Developmentally Disabled (DD) offenders. Mental health treatment services consist of a network of functions including assessment, medication management and psycho-social treatment interventions provided by psychiatrists, social workers, psychologists, registered nurses, and substance abuse counselors working in concert with program, housing, and security staff to

provide both a multi-disciplinary and multi-dimensional approach to integrating treatment and correctional management of offenders with serious mental illness and developmental disabilities.

SCCF combines core Correctional Services (Housing and Security), Physical Plant Services (Maintenance, Housekeeping, Life/Safety, Utilities), Support Services (Food, Laundry), Medical Services, Staff Services (Business Office, Training), Program Services (Academic and Vocational Education, Recreation, Case Management), and Administrative Services in a Mental Health setting that utilizes multi-disciplinary teams to manage and treat offenders with serious mental illness and developmental disabilities.

2N) Legal Access – The Legal Access Subprogram provides access to the courts, as mandated by federal and state case law, by providing various services defined as "legal access" to offenders at all custody levels, including the chronically mentally ill and those with disabilities, each with a unique set of security requirements and/or special needs. It is a constitutionally defensible system of access which serves to deter frivolous/recreational litigation, yet assists offenders in their ability to present meritorious issues to the courts for proper resolution. The Office of Correctional Legal Services maintains voluminous amounts of data relating to all program services. Program staff strives to assist and educate DOC employees regarding correctional law issues. Program staff assistance serves to promote positive employee morale as it relates to an individual's confidence level in performing job duties with the knowledge that their actions are appropriate and defensible.

The ADA Inmate Coordinator program provides offenders with disabilities, with or without reasonable accommodations, access to programs and services consistent with legitimate penological interests as mandated by the *Montez Remedial Plan*. The ADA Inmate Coordinator (AIC) is responsible for ensuring that specific policies and procedures are developed and implemented by DOC to assure nondiscrimination against all offenders who have disabilities, whether or not the disability impacts placement. The AIC is responsible for tracking of all offenders with disabilities throughout the DOC ensuring that they are not denied access to programs, services, and benefits offered by DOC, and coordinating the placement and treatment decisions regarding offenders with disabilities with appropriate personnel throughout DOC.

3) Support Services

3A) Business Operations - The Business Operations Subprogram supports and serves the management of all operating units of the DOC with procurement/distribution of goods and services, and the requesting, recording, and reporting of budgetary and financial information in accordance with state fiscal rules, generally accepted accounting principles, and applicable laws, rules and regulations.

The services provided by Business Operations include: procurement of goods and services; reviewing department contracts; warehousing and distributing supplies; processing vendor invoices for payment; processing travel and tuition reimbursements; recording offender receipts and expenditures; processing payroll and deductions; administering worker's compensation claims;

administering the State Procurement Card program; collecting offender restitution and child support; recording revenues and collection of receivables and distribution; authorizing, recording, tracking, approving and reporting expenditures; recording and tracking assets and liabilities; coordinating departmental mail pickup and delivery; providing switchboard coverage at headquarters and other facilities; providing financial information to the legislature, DOC staff, offenders and the general public; internal auditing to ensure internal controls are maintained and proper procedures are followed; preparing the annual budget request document that accurately represents the financial and programmatic needs of the DOC; and providing financial oversight to all facilities and subprograms.

3B) Personnel - The Personnel Subprogram program provides a comprehensive support system to the DOC in all human resources functions, including advice regarding staffing and employee development, recruitment, testing, interviewing, selecting, hiring, orientation of employees, interpretation of personnel rules, maintenance of records (including manual and computer data capture), performance management, special actions (corrective/disciplinary, ombuds mediation, career development, appeals, and settlements), Equal Employment Opportunity (EEO), and Americans with Disabilities Act (ADA) issues.

3C) Offender Services - The Offender Services Subprogram provides Department-wide offender management system operations for offender population management, offender classification, high custody management, the offender disciplinary process, sentence computation, release operations, jail backlog monitoring, court services, detainer operations, and Interstate Compact, as well as to support and train staff in these system processes.

The Offender Services Subprogram provides management services for the offender population in correctional facilities and jail backlog. Classification of offenders includes centralized review, auditing, and monitoring of all classification actions. High custody management provides management services for Administrative Segregation and performing reviews of Administratively Segregated offenders to determine the possibility of returning the offender to General Population settings. Disciplinary actions are monitored to ensure that due process is provided, and proper sanctions are levied.

The Administration of the Case Management system is managed from Offender Services. Audits of the Case Management system are conducted bi-annually. Reviews are conducted for each facility case management system regularly to ensure statutory and regulatory mandates for casework are met. The Case Management system and policy development are the main function of this area as well as the associated training development and delivery to ensure compliance with policy.

Time Release Operations includes calculation of offender sentences of confinement pursuant to the applicable statute. In addition, Parole Board agendas are prepared and distributed to various law enforcement departments and other agencies.

Court Services and Detainer Operations/Jail Backlog: This unit is responsible for processing sentencing documents and establishing and monitoring the status of those offenders in the jail backlog awaiting intake into the Denver Reception and Diagnostic Center. Court Services provides for the coordination of the temporary transfer of custody to local jurisdictions to resolve pending court actions. Detainees from within and outside jurisdictions are processed and monitored in accordance with State and Federal laws and guidelines.

Court services coordinates with Sheriff's Offices, U.S. Marshall's, law enforcement agencies, and other states' Department of Corrections for the transfer of offenders to their temporary custody by court order; by writs of habeas corpus; and writs of ad testificandum. Court services coordinates the transport of offenders to district court when charges have been filed on offenders who have committed additional crimes while incarcerated and for civil cases that offenders have filed against the Department of Corrections. Court services is also responsible for the record tracking and scheduling of movement for community regresses and parolees on a 180 day return and return to custody cases in coordination with classification and Case Management staff.

Jail backlog monitoring requires the processing of sentencing documents and parole revocation documents received from all sentencing jurisdictions and local jails. The process requires review of documents to ensure that sentences are within legal guidelines to the DOC as the primary jurisdiction, commitment status, and whether the individual has been previously incarcerated with the DOC. Upon verification, a DOC commitment number is issued, and the offender is placed on the backlog for that particular jail. The backlog is then monitored to determine reception status by court order, or first in, first out processing.

Detainer operations monitor all requests from Colorado law enforcement agencies and outside jurisdictions that have interest in offenders incarcerated within the DOC. Likewise, this process monitors offenders in other jurisdictions that the DOC has an interest in. This interest may be for pending criminal charges, unserved portions of sentences, or immigration matters. The legal process for filing detainers includes time frames mandated by law and subsequently requires precise management.

Commutation applications are also processed through Court Services. Applications and commutation packets are reviewed for completeness and a summary is prepared for review by the Executive Director and the Executive Clemency Advisory Board.

Offender Central Records maintains the Department record on all offenders, both active and discharged. These files are maintained in hard copy and electronic format. Central records respond to requests from Central Classification, facilities, Parole, Community, Legal Services, the Attorney General, private attorneys, courts, and civilians seeking information regarding offenders. Release of information is monitored and follows strict guidelines regarding the privacy of an individual and the need for signed releases of information to comply with federal and state statutes. The records administrator is often called upon to produce records in court and testify on the behalf of the state regarding those records.

3D) Communications - The Communications Subprogram supports the DOC communication needs and the Office of Information Technology (OIT). This centralized service for DOC provides management, operations, and support services with consistent, efficient, and appropriately secure technologically sound voice communication systems and devices for staff and offenders.

The Communications Subprogram strives for the inclusion of new technology to improve communication both internally and externally. The unit plans for the development of existing infrastructure and equipment, installation of voice equipment for new sites/offices/facilities, management of operating funds and billing procedures, and maintenance of all voice hardware and equipment for staff and offender telephone systems, radios, pagers, cell phones, blackberry devices, and video conferencing. Further, the Unit monitors industry standards, technological changes, and OIT guidelines for possible implementation or upgrade to existing facilities while planning for long range consistency, uniformity, and increased efficiency.

3E) Transportation - The mission of the Transportation Subprogram is to provide clean, safe, reliable modes of transporting staff, goods, materials, and offenders in the most cost-effective way possible to ensure the Department's optimum functionality. Transportation vehicles used by DOC include hybrid sedans, pickups, vans, utility vehicles, buses and trucks. Staff vehicles are used for inter- and intra-facility transportation, i.e. administrative meetings, audits, training, etc. in a motor pool operation, optimizing the use of the vehicles.

The security perimeter of each facility is patrolled on a scheduled basis every day. Each facility has differing terrain conditions, and vehicles are equipped accordingly. These vehicles are also used in the event of escape.

State Fleet Management (SFM) vehicles are utilized by FTE at correctional facilities to conduct scheduled offender transports (x-rays, parole/discharge commercial bus station transports); emergency offender transports (medical or psychiatric-based transports to hospitals or Colorado Mental Health Institute in Pueblo); and unscheduled offender transports (previously unknown court, Immigration and Customs Enforcement, or medical/psychiatric transports).

Offenders, offender property, and files are transported on a daily basis between facilities, to medical facilities including clinics, medical providers' office and hospitals, courts, and other correctional facilities. Offenders are also transported out of the facility for outside work crew assignments, doing manual labor for other local government and non-profit agencies.

The impact of facility-level transportation on staffing is significant. Few facilities can afford to assign FTE solely to transportation purposes. Transport duties are included within the scope of work for correctional officers. Requirements are increased as offenders classified as Level II must be escorted by two staff members, at least one of whom is trained in armed transport techniques.

Maintenance vehicles are used for transporting materials and staff to job sites daily. Typical vehicles are pickup trucks and cargo vans. Support vehicles are used daily to deliver food, supplies and canteen to the facilities. Snow plows, perimeter maintenance equipment, large trucks, tractors, and trailers are typical support vehicles.

3F) Training - The Training Subprogram is a department-wide service delivery system that provides Basic Training, In-Service, Extended Orientation, Advanced and Specialized Training to DOC employees, contract workers, and volunteers. Additionally, some Basic, In-Service, Advanced and Specialized training courses are provided to private prison staff, government, and law enforcement agencies. The focus of this subprogram is to develop a professional workforce capable of managing offenders in a safe, secure environment. The training system is administered through the Training Academy, located in Canon City, and operates in each facility/agency of the DOC. The subprogram's operations include: instructor development and credentialing, development and updating of curriculum, training delivery, training record maintenance, planning, monitoring, and evaluation. The training system continually strives to provide consistent, cost-effective and legally-defensible training based upon current correctional policy, law, philosophy, and trends.

3G) Information Systems - The Information Systems Subprogram, known as Business Technologies (BT) through OIT, is responsible for the planning, development, and installation of all automated information and communication systems within the DOC and interfaces with automated information systems outside the DOC. This subprogram provides management of access to online offender files, infrastructure design and placement for network circuits, photo ID servers, LAN file servers, email servers, network security, education servers, enterprise computer systems known as Department of Corrections Information Systems (DCIS), Department of Corrections Intranet (DOCNET), DOCweb (DOC's website), Document Imaging, Colorado Integrated Criminal Justice Information System (CICJIS) interface, and Internet servers.

3H) Facility Services - Facility Management Services (FMS) Subprogram provides timely and cost-effective solutions supporting the operations, maintenance, and construction of Colorado correctional facilities. The Office of Facility Management Services implements changes to the physical plants by responding to DOC needs. As a resource and centralized support to the DOC, it is the responsibility of FMS to:

1) Oversee standards and maintenance for existing correctional facilities;
2) Manage and supervise programming, design, and construction of new facilities and renovations to existing facilities;

3) Maintain the facility audit inventory of all DOC buildings which currently consists of 787 separate structures and 7,850,866 square feet of leased and state-owned building space;
4) Serve as the central coordinator of federal and state requirements as relates to the physical plant requirements for the Americans with Disabilities Act (ADA), Colorado Historical Society (CHS), Environmental Protection Agency (EPA), Colorado Department of Public Health and Environment (CDPHE), American Correctional Association (ACA), local jurisdictions related to emergency and hazardous material response, fire departments, water districts, wastewater districts, and other utility providers;
5) Maintain responsibility for timely and cost-effective maintenance, construction, and operational efforts;
6) Coordinate and author the annual Capital Construction (CC) and Controlled Maintenance (CM) budget request documents;
7) Develop and update the Division of Risk Management (DORM) Building and Contents Report;
8) Allocate the Maintenance Subprogram operating budget;
9) Request and manage facility Emergency Maintenance (EM) projects and coordinate lease agreements through Real Estate Programs;
10) Implement departmental and facility master planning.

4) Inmate Programs

4A) Labor - The DOC Labor Subprogram (Colorado Work Program) provides work opportunities to DOC offenders in a safe and secure environment with public safety as the first priority. This program facilitates rehabilitation through the development of offender work ethics and job skills. This allows offenders to be productive and facilitates public relations while maintaining the land and resources of public entities within this state.

This subprogram funds the supervision of work crews at facilities to complete unique and standard facility and grounds maintenance projects. The work programs facilitate offender management and offset the cost of incarceration of offenders for Colorado taxpayers by providing offender labor as a resource to complete projects for DOC, federal, state, and county entities, local communities, and specified non-profit agencies.

Services provided include, but are not limited to: land reclamation/forestry, agricultural/weed control, recreation equipment installation, landfill cleanup, parks maintenance, Tamarisk eradication, DOC capital construction/renovation, landscaping/grounds maintenance, snow removal, community renovation projects, concrete work/framing/roofing, food distribution/emergency services, road/bridge maintenance, and painting/welding.

4B) Education – The Education Subprogram meets the diverse educational needs of offenders through the provision of quality academic, vocational, cognitive, release preparation, and library services, where offenders can successfully integrate into society by

gaining and maintaining employment, and become responsible productive individuals. Most programs can be completed within a 9 to 12 month period.

The Education Subprogram designs the curriculum for and coordinates the delivery of academic, Career and Technical Education, and cognitive programs, release preparation programs, and library programs throughout the DOC. Education programs vary according to correctional facility/center, population, demographics, physical plant size, and custody level. All facilities have libraries with relevant educational and recreational materials. The majority of program schedules are provided between 7:00 a.m. and 4:00 p.m., with some classes and library hours also in the evenings and on weekends.

4C) Recreation - The Recreation Subprogram promotes offender health and facilitates positive leisure time activities. At the same time, the Recreation Subprogram contributes to reduced stress while maintaining facility security and contributing to offender management. The Recreation Subprogram supports positive recreation activities that contribute to successful community reintegration.

Recreation activities are offered at and provided by recreational staff at DOC facilities. The variety of programs is directly related to respective infrastructures, budget, geographical location, and custody level. Recreation programs and activities are developed and designed by recreational staff to occur after work hours and on weekends in an effort to increase participation and contribute to facility security. Recreation and leisure time activities, facilities, and equipment are made available to all general population DOC offenders.

Recreational programs are developed by recreational staff to provide meaningful opportunities for physical and mental improvement that reduce stress, contribute to facility security, and promote healthy lifestyles. Opportunities developed and facilitated in DOC recreational programs include but are not limited to: (a) structured programs that require written guidelines, offender training, and are evaluated for outcome data, and (b) non-structured programs that are not restricted and require little supervision. The following list provides examples of each type of recreational program:

Structured: Team sports (volleyball, basketball, racquetball, handball, horseshoes, softball); league sports; intramural activities; arts and crafts activities; use of recreational equipment during offender leisure time; tournaments and contests; education programs (clinics, officiating, health, music, and community presentations); activities for physical rehabilitation; mentor and support for appropriate recreational behavior; ADA compliant activities and opportunities; and special events.

Non-Structured: Exercise/aerobic tapes and sessions; movies; table games; picture program; and music groups.

Most recreational programs offer employment opportunities for offenders. Recreational staff develops, supervise, and administer work programs that encompass janitorial, equipment inventory and maintenance, program clerical services, and recreation grounds and facilities maintenance.

4D) Drug and Alcohol Treatment - The Drug and Alcohol Treatment Subprogram exists to provide a continuum of facility and community-based assessment and treatment services for offenders under DOC supervision. These efforts are designed to reduce the introduction and use of dangerous drugs in facilities and communities so offenders can begin and maintain their process of recovery from substance abuse and dependency. This subprogram manages 59 drug and alcohol groups in 24 correctional facilities with approximately 700 offenders in education and outpatient treatment at any point in time. An additional 300 offenders reside in therapeutic community residential units. Over 3,600 parolees and special needs community corrections offenders were referred to one of 51 approved treatment providers in the community by the Treatment Accountability for Safer Communities (TASC) agencies in FY 2009-10.

The DOC recognizes substance abuse as a major problem with criminal offenders, a contributing factor in the commission of crimes, and a significant factor impeding rehabilitation which results in an increased rate of recidivism. Nearly 80% of DOC jurisdictional population has alcohol and drug treatment needs.

Substance abuse assessment and treatment services in DOC are designed to comply with the directives of CRS 16-11.5-102 regarding substance abuse in the criminal justice system:

- Providing consistency in the response to substance abuse assessment;
- Improving and standardizing substance abuse treatment for offenders; and,
- Providing incentives and punitive sanctions for offenders who refuse to cooperate with and respond to substance abuse treatment.

DOC provides a range of substance abuse services that includes: 1) intake assessment and evaluation; 2) facility based education and treatment continuum; 3) self-help meetings; 4) case management and treatment services for parolees; 5) community based urinalysis testing; 6) standardized offender assessment training; 7) research, program evaluation, and data management; and 8) specialized community based continuing care services for prison-based therapeutic community graduates, including dually diagnosed offenders and gender-specific females.

4E) Sex Offender Treatment - The Sex Offender Treatment and Monitoring Program (SOTMP) identifies and provides specialized assessment, treatment and monitoring of sexual offenders. The program is designed to enhance public safety by providing a continuum of identification, treatment, and monitoring services throughout incarceration.

Treatment for sexual offenders includes cognitive behavioral interventions, accountability, and monitoring of behaviors. Sexual offenders remain at some level of risk to re-offend. However, with specialized treatment motivating sexual offenders to change, offenders can learn to manage risk and reduce re-offense rates. Significant national and local research shows that treatment reduces recidivism through the following methods: (1) treatment helps sexual offenders to develop new skills and to control urges to commit sex offenses; (2) in treatment, the sexual offenders' risk factors and relapse cycles are identified which allows parole officers to monitor for pre-assault behaviors and contain sexual offenders prior to re-offending; (3) treatment results in a greater knowledge of the sexual offenders' sex offending patterns and behaviors allowing crimes to be solved sooner if a sexual offender does re-offend; and (4) treatment can result in increased knowledge about sexual offenders which can contribute to the general knowledge for detection and prevention efforts.

4F) Volunteers – The Volunteer Subprogram guides faith and citizen community resources in all DOC facilities (to include private facilities) through program design, policy development, annual budgeting, training programs, and audit systems to further the Department's mission and goals, and ensure facility compliance with applicable laws and regulations. The program utilizes a team approach encompassing a diverse composition of faith and non-faith based organizations and individuals who include, but are not limited to, DOC employees, professionals, clergy, and lay persons. These groups and individuals are part of the process dedicated to sharing information to evaluate and improve the delivery of faith accommodation, community transition components, and other volunteer services.

5) Community Services

5A) Parole - The Division of Adult Parole Services Subprogram is established in statute (CRS 17-2-100.2 to 106). The purpose of the Division is to provide for public safety through the supervision of offenders released to the community by the State Board of Parole. The parole system provides structured supervision and accountability, which allows the offenders to complete a portion of their sentence in the community. Community resources and special programs augment the parole system allowing opportunities for the offender's self improvement.

Fugitive operations are an important element in the subprogram's functions. The Division has a statutory mandate to return to custody any parolee who absconds from custody. The Division is responsible for coordinating the return of parole absconders who have been apprehended outside of Colorado. Parole absconders account for approximately 4% of the parole population originating in Colorado.

The supervision and case management of parolees with special needs is an additional function of the subprogram. The special needs population consists of sex offenders, the severe and persistently mentally ill, and those who are diagnosed as developmentally disabled. Specially trained Community Parole Officers and supervisors closely monitor the needs of this clientele.

Supervision responsibilities of the Division include domestic and interstate parolees. The Division provides offender risk management and community reintegration through supervision, case management and treatment services. Offenders are linked with community resources and participate in programs to provide opportunities for the offender's self improvement.

The supervision of parolees that have been paroled to other states and coordinating the acceptance process for a parolee's transfer of supervision to Colorado are functions of the Interstate Compact Administrator. A Fugitive Return Coordinator is assigned to this office to arrange for the return to Colorado of those violators who have been apprehended in other states.

5B) Parole Intensive Supervision (ISP) - Offenders assigned to the Adult Parole Intensive Supervision Program receive enhanced supervision services, to provide public safety services, including highly restricted activities, weekly face to face contact with parole staff, daily telephone contact with parole staff, monitored curfews at the offender's place of residence once a month, employment visitation, and monitoring twice a month. Additional services include home visitations, drug and alcohol screening, treatment referrals, and monitoring, assuring payment of restitution, and community service in a manner that minimizes risks to the public.

Parole ISP also provides home detention services. All offenders assigned to Intensive Supervision and Home Detention are placed on electronic monitoring. The ISP parole system provides structured supervision and accountability, which allows the offender to complete a portion of his/her sentence in the community. Community Parole Officers monitor and enforce strict rules of behavior and accountability. Failure to abide by these strict rules can result in the return to a custodial environment.

The supervision and case management of ISP parolees with special needs is an additional function of this subprogram. This population consists of sex offenders, the severely and persistently mentally ill, and those who are diagnosed as developmentally disabled.

5C) Community Intensive Supervision (ISP) - The Community Intensive Supervision Subprogram protects the general public through effective management of criminal offenders in controlled environments which are efficient, safe, humane, and appropriately secure. Meaningful work and self-improvement opportunities are provided to assist offenders with community reintegration. The Community Intensive Supervision Program (ISP) provides a progressive non-residential community-based program in collaboration with local government and private contracting agencies as an earned option for adult offenders under the jurisdiction of the DOC. These offenders are in transition from a community residential facility or DOC prison facility. The Division of Community Corrections is responsible for administering the Inmate ISP program which allows eligible offenders to reside in their personal or approved residence six months prior to parole eligibility.

5D)1) Community Supervision - The Community Supervision Subprogram provides a progressive range of community-based residential programs statewide in collaboration with local government and private contracting agencies as an earned option for adult offenders under the jurisdiction of the DOC who are transitioning from prison. The Division of Community Corrections has the responsibility of administering community-based residential programs which provide for public safety and prepare the offender for successful transition to the Inmate Intensive Supervision Programs (ISP), parole, release, or discharge of sentence. The Division has oversight responsibilities for 39 residential community corrections facilities statewide, and has direct supervision and jurisdiction over an average daily population amounting to 7.2% of the inmate population. Successful transition into the community requires the inmate to achieve independent living and self responsibility through paid employment which provides resources to co-pay for housing expenses at the community corrections facility, restitution, child support payments, and participation in self improvement opportunities including educational, counseling, and treatment programs. The Division is responsible to respond to non-compliant inmate behavior through the application of sanctions or removal of the inmate from the community.

5D)2) Youthful Offender System Aftercare - The Youthful Offender System Subprogram provides a comprehensive programming continuum for youth offenders with individualized options to meet the offender's special needs throughout each of four program components. YOS Aftercare is the fourth and final component of the Youthful Offender System.

YOS Aftercare is the component that transitions the youth offender back to the community from the YOS institution located in Pueblo, CO. It is a highly structured, intensely supervised, and monitored program designed to protect the public and facilitate the habilitation of the YOS offender. Phase III emphasizes an interactive partnership of county, state, and community agencies, offering an array of support services that provide a comprehensive aftercare program statewide. These services assist the youth offender and his/her family in the areas of residency, employment, education, therapy, and re-entry services. A graduated decrease in supervision intensity accompanies positive program participation, measurable attainment of defined goals and objectives, and increasingly pro-social community involvement.

5E) Community Re-Entry - The Community Re-Entry Subprogram assists offenders preparing for a successful transition from prison back to the community. Community Re-Entry works with case management, correctional education, and community parole officers to support the development and implementation of offender transition plans. These plans include support services which provide the resources necessary to successfully transition the offender back to the community, function successfully on their own, modify resources and plans to adjust to changing environmental conditions and enhance public safety.

The John Inmann Work and Family Center (JIWFC) is a component of the Community Re-Entry subprogram. The Center's focus is to provide comprehensive re-entry services such as employment services, community orientations, transition planning, and pro-social skills for offenders, as well as victim assistance services for victimized community members. The Center is also recognized as a

community focal point for collaborative efforts with federal, state, and local agencies, community based agencies and faith-based organizations to initiate programs and services to enhance the offender's transition plan while supporting their supervision plan.

6) Parole Board - The DOC houses one Type I agency, the State Board of Parole, which is appointed by the Governor with Senate confirmation. The Executive Director is statutorily responsible for fiscal and budgetary matters and adherence to state fiscal rules and purchasing policies for the State Board of Parole, despite the fact that this agency does not report to the Executive Director.

The Parole Board has discretion to grant or deny parole. The seven-member Board can stipulate conditions of parole for discretionary and mandatory parolees. When conditions of parole are violated, the Board can revoke a person's parole to a secure placement. The Parole Board, in accordance with CRS Section 17-2-201, considers all applications for parole. The Board conducts parole hearings on all offenders eligible for parole, granting or denying parole. The Board further sets conditions and duration of parole, conducts revocation/evidentiary hearings on parole complaints, suspension and rescission hearings.

In the performance of its duties, the Parole Board must either conduct, complete, or consider the following elements:

- Application Hearing - Hearings are required by statute when an offender has served the appropriate length of time as stipulated by statute.
- Deferred Case - An application hearing resulting in a deferral of the granting of parole.
- Full Board Review - Cases reviewed by all Parole Board members. A requirement on cases involving violent crimes, history of violence or propensity for violence.
- Notice of Colorado Parole Board Action - The form used by the Parole Board to release or defer offenders. This legal document states the special conditions of parole or the reasons for deferral.
- Parole - The conditional supervision of an offender in the community under the jurisdiction of the Parole Board.
- Parole Eligibility Date - The date an inmate is eligible for parole in accordance with state law.
- Parole Plan - A prospective plan for a parolee's residence, employment, and rehabilitation while on parole.
- Rescission Hearing - Due process hearing resulting from the suspension of parole previously granted. This may be due to an infraction of the rules of the Department of Corrections, new criminal charges, parole plan disapproval, or some other factor. The decision to be made is whether to rescind or reinstate the offender's parole.
- Revocation/Evidentiary Hearing - Hearing conducted as the result of a complaint involving violation(s) of a condition of parole.
- Tabled Cases - Offenders that the Parole Board has approved for release to parole who are awaiting investigation of their parole plan, and/or completion of a program.

7) Correctional Industries - Colorado Correctional Industries (CCi) Subprogram manages self-supporting, profit-oriented work programs to provide offenders with training in various job skills while generating revenues through the sale of products and services provided primarily to other government agencies. By motivating offenders to keep regular hours, use effective communication in a work environment, and to abide by work rules for conduct, the Division builds an offender's confidence and work habits in preparation for their future. By employing only those offenders with good institutional conduct records in jobs that are higher paying, CCi provides an incentive that has a positive effect on offender behavior.

The major businesses operated by Correctional Industries include manufacturing operations for prison cell fabrication, automobile license plates, office furniture, and modular office systems; a print shop; a leather products shop; and a garment production operation. Other programs include the Colorado Surplus Property Agency (handling disposal of all state property), dairy milk production, K-9 dog training, goats, wild horse program, greenhouse, and tilapia production.

The Colorado Inmate Phone System (CIPS) operation provides administration of contracted phone service; coordination of maintenance and repair of phone system; information and training to offenders, staff, and offender families; as well as phone account maintenance at all supported facilities.

Correctional Industries also operates the State Wildland Inmate Fire Team (SWIFT) crews, housed at various correctional facilities in Colorado. Correctional Industries makes SWIFT crews available to Colorado State Forestry Service (CSFS) and other agencies to assist in fighting fires within Colorado by dispatch through normal dispatch centers. CSFS has routinely provided a crew liaison when crews have been dispatched to wildland fires. The crews are self-sufficient and come with supervisors, basic tools and equipment, and transportation. To ensure that the crews function well, the personnel train together and are maintained as crews throughout the year. They are available year-round for assistance with non-fire, woods-related programs and projects.

Funding for the Correctional Industries Division is 100 percent cash and reappropriated funds from sales of Correctional Industries products and services.

8) Canteen Operation – The Canteen Subprogram provides various personal items for purchase by offenders including toiletries, snack foods, phone services, and other approved items. Per CO Statute, 17-24-126, all funds remaining after expenses are to be used to provide offenders with additional educational or recreational resources including library materials and cable television services. Funding for the Canteen Operation is 100 percent cash funds from sales of canteen products to offenders.

Focus of the Canteen Subprogram is to provide high quality, fairly priced merchandise and services to the offender population in an efficient and profitable manner; aid in the maintenance of a secure environment; and to reduce reliance on taxpayer-provided funds for offender recreational, educational, and social benefit expenditures.

The Canteen provides administration of sales, distribution, purchasing, warehousing, and physical processing of offender orders for hygiene, personal, and recreational items. The Canteen also provides an offender work program which employs seventy (70) offenders in meaningful jobs at the Arrowhead Correctional Center and Denver Women's Correctional Facility.

Canteen generated funds are placed into the Canteen, Vending Machine, and Library Account, and are then used to supplement appropriations for offender education and recreation. Additionally, the Canteen provides a business based vocational education program for interested offender employees. This is an accredited college level program consisting of five classes totaling 18 credit hours. Each class is a semester in duration and is conducted through classroom instruction. The program is accredited through the Colorado Community College System with credits transferable throughout the system.

Prior Year Legislation

HB 10-1010 (Ferrandino/Morse) Expand Public-Private Initiatives

This bill, which was recommended by the interim Fiscal Stability Commission, authorizes nonprofit organizations to submit proposals to state executive agencies, boards, or commissions to enter into public-private initiative agreements to provide a state service or project. The bill provides a structure for nonprofits to work with the state if they have a proposal to help the state provide a service or undertake a project. Proposals from nonprofits must meet certain criteria in order for agencies to be able to consider, evaluate, and accept them, such as whether the agreement will help the agency carry out its duties in a cost-effective and efficient manner without replacing existing state employees. The bill also provides criteria that a state agency must use to base its evaluation and acceptance of the proposals.

If a proposal is expected to cause an agency to spend over $50,000 in public money annually, agencies are required, with certain exceptions, to provide public notice that they will consider other comparable proposals for public-private agreements and evaluate them to determine if they are more beneficial to the state. Finally, the bill allows state agencies to retain a certain portion of any money that it does not expend from its General Fund appropriations from cost savings as a result of a public-private initiative agreement. This money would otherwise revert to the General Fund. Departments that have entered into public-private agreements are required to provide information regarding the agreements to the Joint Budget Committee (JBC) with their annual budget requests.

HB 10-1024 (Balmer/Williams) Declaring Patients Terminally Ill

This bill was recommended by Hospice and Palliative Care in Colorado, a legislative committee, during the 2009 interim. Under current law, any competent adult can execute a declaration for medical or surgical treatment for the purposes of initiating end-of-life decisions. The declaration is triggered when an advance practice nurse or physician certifies a patient to be terminally ill and comatose or otherwise incompetent for 7 or more consecutive days. This bill removes the ability of an advance practice nurse to make this certification, and leaves such ability to a physician.

HB 10-1025 (Roberts/Newell) CO Medical Treatment Act Updates

This bill was recommended by the Interim Committee on Hospice and Palliative Care in Colorado. It repeals and reenacts the "Colorado Medical Treatment Decision Act" which affirms the right of each patient to accept or reject medical treatment and creates a procedure to make such decisions in advance through a written declaration. The bill maintains much of the language included in current law. That said, changes to the current act:

- modify various medical terms;
- add new terms;
- remove from statute the legal form for declaration as to medical or surgical treatment; and
- allow for existing declarations and declarations made in other states as long as they do not violate Colorado law upon passage of the bill.

HB 10-1081 (Priola/Steadman) Money Laundering Criminal Fraud

The bill relocates the money laundering laws in statute. Currently, money laundering is a part of the Uniform Controlled Substances Act of 1992. The bill places money laundering under the offenses involving fraud and adds money laundering to the offenses for a racketeering activity as a part of the Colorado Organized Crime Control Act (COCCA). The bill specifies that it only takes effect if House Bill 10-1338 is enacted and has a net General Fund savings equal to or greater than the fiscal estimate for this bill.

HB 10-1083 (Gardner B./Steadman) DOC Surgery Unit Lease Purchase

This bill authorizes the Department of Corrections (DOC) to enter into a lease-purchase agreement, for up to 12 years, to purchase a day surgery center. The surgery center is to be located at the Denver Reception and Diagnostic Center. Under the bill, the department is authorized to execute a lease-purchase agreement of up to $2.8 million in principal.

HB 10-1089 (Waller/Newell) No Sexually Violent Predators in Return-to-Custody Facilities

This bill requires that a parolee who is designated by the court as a sexually violent predator (SVP), and has his or her parole revoked by the State Parole Board, be confined to a place of confinement designated by the executive director of the Department of Corrections (DOC). Currently, at the discretion of the parole board, some individuals on revoked parole may spend up to 180 days in

a community return to custody facility (CRCF), which are contract facilities with a significant amount of freedom and flexibility regarding offenders.

HB 10-1104 (Looper/Williams) Veterans Treatment Court

This bill allows a judicial district to establish a veteran's treatment court. A veteran's treatment court is to hear cases where the defendant is a veteran who also has mental health or substance abuse problems. The Office of the State Court Administrator is authorized to seek federal funding for the establishment, maintenance, or expansion of veterans treatment courts. The bill was signed by the Governor and became law on April 16, 2010.

HB 10-1109 (McCann/Mitchell) Inmate Work Program Workers' Comp

This bill clarifies that the term "employee," for workers' compensation purposes, includes an inmate of a city, county, or city and county jail who is working, performing services, or participating in a training, rehabilitation, or work release program that is certified by the PIECP. Public entities are authorized to select one or more worker's compensation insurance methods. Finally, workers' compensation benefits for an injury or occupational disease arising from an inmate's participation in a PIECP-certified program will not be suspended for the period of time during which the inmate is incarcerated.

HB 10-1112 (Miklosi/Newell) Corrections Educational & Vocational Program Standards

This bill adds vocational training to the Correctional Education Program offered to offenders in the Colorado Department of Corrections (DOC). It changes the objectives of the program to state that every offender in a correctional facility who has the expectation of release from custody within five years and lacks basic and functional literacy skills must receive basic education instruction and have the opportunity to acquire at least entry-level marketable vocational skills. On or before December 31, 2010, the DOC is required to develop a plan for each educational or vocational program offered as a part of the program. The department is encouraged to use a vocational skills assessment to determine the vocational needs of each offender who is eligible for the program, and assign him or her to a program based on such an assessment. The program must use curriculum that is either approved by the Department of Education or the State Board for Community Colleges and Occupational Education or described as part of an agreement or contract with school districts, charter schools, private schools, community colleges, junior colleges, state colleges and universities, trade unions, private occupational schools, private businesses, the Colorado Department of Labor and Employment (DOLE), state and local governments, or appropriate private agencies. The DOLE is required to provide the DOC on an annual basis with data on current market trends and labor needs in Colorado. When considering an offender for transfer, the department must take into account the enrollment of the offender in the program unless he or she is granted parole or placed in a community corrections facility. If the offender is transferred to another DOC facility, the department is encouraged to give the offender priority for placement in a comparable educational or vocational program, provided one exists at the new facility.

The bill creates a new annual reporting requirement for the DOC concerning educational and vocational programs and specifies the data that must be collected and reported.

HB 10-1119 (Ferrandino/Shaffer B.) SMART Government Act

The bill requires each state agency to present, on an annual basis, the department's strategic plan to the relevant committee of reference of the General Assembly. The presentation is to include a discussion of the department's goals and performance measures. The committees of reference are to allow public testimony at each of these presentations. Committees of reference may, at their discretion, travel to areas outside of the Denver area to hear public testimony concerning departments' strategic plans. The departments' strategic plans are required to be posted on both the departments' web sites and the Office of State Planning and Budgeting's (OSPB) web site. The OSPB is required to prepare and publish an annual performance report. Beginning with the 2012 legislative session, the chair of each committee of reference is required to appoint two committee members to serve as liaisons with the relevant departments concerning the budget process. The chair of the Joint Budget Committee (JBC) is also required to appoint a liaison from that committee for the same purpose. Within 30 days of the department's presentation to the committee of reference, the committee is to provide the department with written recommendations concerning the strategic plan. The JBC is also required to hold a joint hearing with the relevant committee of reference; the hearing may include any recommendations that the committee has concerning a department's strategic plan.

HB 10-1122 (Roberts/Williams) Medical Orders Scope of Treatment

The bill specifies the requirements and procedures for adults who wish to make advance medical directives concerning the scope of their care and treatment. It sets forth a medical order for scope of treatment (MOST) form and specifies what the form must include. It also sets forth the requirements for executing the MOST form and related forms, and establishes the requirements that health care providers must follow when treating patients with such forms. Existing advance medical directives continue to be valid insofar as they do not conflict with the language of this bill, should it become law.

HB 10-1178 (Stephens/Scheffel) Transparency In the Use of Grant Moneys

This bill directs any state agency, except an institution of higher education, that receives gifts, grants, and donations (donations) to: make an annual report to the General Assembly beginning in 2011, listing each donation received, its source and use, and its impact on the sustainability of certain programs; and upon receipt of a donation in the amount of $50 or greater, request a letter from the donor that specifies the amount, duration, purpose, and bill number, if applicable. As of January 1, 2011, all bills that rely on donations for funding are to include a special funding provision. The Legislative Council is required to keep a record of these bills and make an annual report on those that have not received sufficient funding as of December 2012, and each December thereafter. Beginning in January 2013, and based on information received from the Legislative Council, the General Assembly may introduce

legislation to repeal any bill that has not received sufficient funding within 2 years of becoming law. The bill also clarifies that appropriations will not be made to fund the bill unless specifically authorized by new legislation.

HB 10-1229 (Pace/Newell) Authentication of Verbal Medical Orders

The bill creates the following requirements concerning verbal medical orders in hospitals:

- all verbal orders must be authenticated by the physician or another individual who has the authority to issue verbal orders;
- verbal orders must be authenticated within 48 hours, unless they have been verified through a read-back process;
- a read-back process must require that the individual receiving the order reads it back to the physician who verifies that the read-back is correct;
- orders verified through a read-back process must be authenticated within 30 days of the patient's discharge; and
- verbal orders are to be used infrequently.

HB 10-1233 (Ryden/Newell) Relocation of Stalking Statute

This bill relocates the crime of stalking in the statutes. Currently, the stalking statute is located in the section of the Criminal Code pertaining to offenses against public peace, order, and decency. This bill moves the statute to the section pertaining to offenses against a person.

HB 10-1264 (Priola/Health) Incentivize State Employees Suggestions for Cost Savings

This bill creates a new incentive program for employees who suggest state agency improvements that lead to cost savings. A form and evaluation criteria are to be created by the state personnel director and made available electronically before October 1, 2010. Each agency's executive director, or his or her designee, is responsible for overseeing the program. For ideas that save money, as verified by the state auditor, 5 percent of the savings is distributed to the employee and 25 percent to the agency, up to $5,000 and $25,000 respectively. Except in certain circumstances, remaining funds will be credited to the General Fund. Any savings realized from restricted gifts, grants or donations, or federal monies saved will not be distributed to the employee or state agency, and will instead be reallocated or revert, depending on their specified use. Savings distributed to the Department of Transportation (CDOT) will be transferred to the State Highway Fund (SHF) to pay the material costs of road and bridge repairs.

HB 10-1277 (Delgrosso/Steadman) Sexual Conduct in Correctional Facility

Current law prohibits an employee, contractor, or volunteer of a correctional facility from engaging in sexual conduct with an individual in custody of the facility. This bill extends that prohibition to employees, contractors, or volunteers of juvenile detention or commitment centers and community corrections facilities. Sexual conduct in a correctional institution can be a class 1 misdemeanor, class 6 or 5 felony, depending on the circumstances of the crime. The bill specifies that it only takes effect if House Bill 10-1338 is enacted and has a net General Fund savings equal to or greater than the fiscal estimate for this bill.

HB 10-1284 (Massey/Romer) Medical Marijuana Regulations
The bill regulates medical marijuana by creating the state and local medical marijuana licensing authority. It also amends the statute concerning the medical marijuana program to regulate the role of caregivers.

HB 10-1298 (Pommer/Keller) Supplemental Appropriation to the Department of Corrections
The bill approved the supplemental appropriation for FY 2009-10.

HB 10-1334 (King S./Steadman) Public Indecency and Indecent Exposure
The bill changes the criminal statutes concerning public indecency and indecent exposure in the following ways:
- moves masturbation from public indecency to indecent exposure;
- moves the knowing exposure of a person's genitals with the purpose of causing affront or alarm from indecent exposure to public indecency;
- makes a subsequent offense of exposing a person's genitals with the purpose of causing affront or alarm a class 1 misdemeanor and unlawful sexual behavior under the Colorado Sex Offender Registration Act; and
- makes the exposure of a person's genitals with the intent to arouse or satisfy the sexual desire of any person part of the indecent exposure statute.

Public indecency is a class 1 petty offense and indecent exposure is a class 1 misdemeanor.

HB 10-1338 (McCann/Steadman) Probation Eligible Two Prior Felony
Current law prohibits a defendant from applying to the court for probation if he or she has two or more prior felony convictions. This bill allows individuals with two or more felony convictions that occur after the effective date of the bill to apply for probation with certain exceptions. A defendant may not apply for probation if the current or a prior conviction is for one of the following offenses:
- first or second degree murder;
- manslaughter;
- first or second degree assault;
- first or second degree kidnapping;
- a sex offense;
- first degree arson;
- first or second degree burglary;
- robbery or aggravated robbery;
- theft from the person of another;

• any felony offense committed against a child; or
• criminal attempt or conspiracy to commit any of the offenses listed above.

Currently, the sentencing court may waive the prohibition and grant probation on a case-by-case basis upon the recommendation of the district attorney. The bill does not change that provision. Finally, the bill makes specific appropriations to several different departments.

HB 10-1347 (Levy/Morse) DUI Penalties

Current law provides one set of penalties for a first offense of driving under the influence (DUI), DUI per se, driving while ability impaired (DWAI), and driving as a habitual user of a controlled substance. A second, more restrictive set of penalties exists for any subsequent convictions of those offenses. This bill adjusts the penalties for a second offense and creates a new set of penalties for a third or subsequent offense.

HB 10-1352 (Waller/Steadman) Controlled Substance Crime Changes

This bill makes a number of changes to offenses related to controlled substances. In particular, it:

- lowers the penalty for the unlawful use of a controlled substance from various levels, depending on the circumstances, to a class 2 misdemeanor, regardless of the circumstances;
- separates the crime of possession of a controlled substance (other than marijuana) from the crime of manufacturing, dispensing, selling, distributing, or possessing with intent to manufacture, dispense, sell, or distribute;
- adds the sale of a controlled substance to a minor (under the age of 18) to the definition of unlawful distribution, manufacturing, dispensing, sale or possession of a controlled substance. Sale of a controlled substance to a minor is a class 3 felony and carries a mandatory prison sentence;
- lowers the penalties for the crimes of unlawful possession of a controlled substance and manufacturing, dispensing, selling, distributing, or possessing with intent to manufacture, dispense, sell, or distribute;
- substantially changes offenses related to marijuana with regard to the amount required to constitute a crime and lowers associated penalties;
- requires the court, in a case where an individual who is 18 or older is convicted of transferring or dispensing any amount of marijuana to a person under the age of 15, to sentence the defendant to a mandatory period of incarceration;
- increases the amount of a schedule I or II controlled substance necessary for a defendant, who is convicted of unlawfully introducing, distributing, or importing such a substance into Colorado, to be designated as a special offender for sentencing purposes;
- clarifies the conditions under which possession of a firearm in the commission of a drug offense designates a defendant as a special offender;

- lowers the penalty for fraud and deceit related to a controlled substance to a class 6 felony;
- directs the General Assembly to appropriate the savings generated by the bill to the Drug Offender Treatment Fund;
- requires that moneys appropriated pursuant to the bill be deposited in the Drug Offender Surcharge Fund and allocated according to a plan developed by specified stakeholders to cover the costs associated with the treatment of substance abuse or co-occurring disorders of adult offenders who are assessed to be in need of treatment and who are: on probation, on diversion, on parole, in community corrections, or in jail, requires the Division of Criminal Justice (DCJ) in the Department of Public Safety to annually analyze the amount of fiscal savings the bill generates over the previous fiscal year and report such analysis to the Joint Budget Committee; and makes conforming amendments.

Under current law, any individual who is convicted or receives a deferred sentence for a drug-related crime is required to pay a surcharge. The amount of the surcharge paid by each offender is based on the class of the offense. The bill raises the surcharge for class 4, 5, and 6 felonies, class 1, 2, and 3 misdemeanors, and class 2 petty offenses related to the possession of marijuana.

HB 10-1360 (Pace/Steadman) Parole Placement for Technical Violation

The bill allows certain parolees to be placed in a community return-to-custody facility (CRCF) rather than a state correctional facility, including those who:

- commit a technical violation that does not involve the commission of a crime;
- have no active felony warrants, felony detainers, or pending felony criminal charges; and
- are on parole for a class 4 nonviolent felony (except menacing, stalking, any unlawful sexual behavior, or a crime against an at-risk adult or at-risk juvenile) A parolee who commits a technical parole violation that does not involve the commission of a crime and was not on parole for a crime of violence may have his or her parole revoked for a period of no more than 90 days if he or she is assessed as below high risk. If he or she is assessed as high risk or greater, he or she may be revoked for a period up to 180 days. If the parole board determines that the parolee is in need of and amenable to treatment, the board is required to consider placement in:
- a residential treatment program under contract with the Department of Public Safety for the treatment of substance abuse, mental illness, or co-occurring disorders that may include an intensive residential treatment program, therapeutic community, or mental health program; or an outpatient program for the treatment of substance abuse, mental illness, or co-occurring disorders. A parolee may be placed in a residential treatment program only with the approval of the program and the corresponding community corrections board. The level of treatment ordered by the parole board must be consistent with the treatment need level of the parolee based on an assessment instrument approved for use by the Division of Behavioral Health in the Department of Human Services. If the parolee does not successfully complete treatment, the board may consider additional treatment at the same or a higher level. The duties of a community parole officer include supervising offenders in the community and providing assistance to parolees to secure employment, housing, and other services to support their successful reintegration into the community while recognizing the need for public safety. The Division of Adult Parole in the Department of Corrections (DOC) is required to provide the House and Senate Judiciary

committees with a status report regarding the effect of the bill on parole outcomes and the use of any moneys allocated pursuant to the bill. The bill appropriates a total of $4,498,068 to the Department of Public Safety and the DOC.

HB 10-1373 (Carroll T./Hudak) Sentencing Changes for Escape Crime

Under current law, if an offender knowingly commits an escape crime while in custody or confinement following a felony conviction, the court is required to impose a sentence for the escape crime that runs consecutively with any other sentences being served by the offender. This bill addresses individuals who escape, attempt to escape, or aid the escape of another while serving a direct sentence to community corrections or after being placed in an intensive supervision parole program. The mandatory sentence for the escape crime may run either consecutively or concurrently with any other sentence being served by the offender, at the discretion of the court.

HB 10-1374 (Ferrandino/Penry) Parole Changes Evidence-based Practices

This bill directs the Sex Offender Management Board (in consultation with the Department of Corrections (DOC), the Judicial Branch, the Division of Criminal Justice (DCJ) in the Department of Public Safety, and the State Board of Parole) to develop specific sex offender release guidelines for use by the State Board of Parole in determining when to release a sex offender on parole. The DCJ and the parole board are directed to develop an administrative release guideline for use by the board in evaluating all applications for parole. The guidelines are to include release recommendations for each risk category of offender. The DOC and the parole board are directed to develop administrative revocation guidelines for use by the board in making decisions about parole revocation. Training will be provided on the use of the administrative release and administrative revocation guidelines.

The bill also repeals the statutory provision that requires a parole officer to arrest a parolee if he or she does not have lawful permission to be in a particular place (e.g., a county other than the one to which the individual was paroled). Up to 12 days of earned time each month may be deducted from an offender's sentence provided he or she:

• is serving a sentence for a class 4, class 5, or class 6 felony;
• has not incurred a class I code of penal discipline violation within the 24 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 24 months;
• has not incurred a class II code of penal discipline violation within the 12 months immediately preceding the time of crediting or during his or her entire period of incarceration if such period is less than 12 months;
• is program compliant; and
• was not convicted of certain specified felony offenses.

The current parole guideline statute is repealed and reenacted with changes. A statement of legislative intent is added. The DCJ is required to develop a risk assessment scale for use by the parole board that includes criteria shown to be good predictors of the risk of recidivism. The DCJ, the DOC, and the parole board are required to develop parole board action forms that provide the rationale for

decisions made by the board. The parole board is required to use the risk assessment scale and the administrative guidelines, and to consider a new set of factors when making decision about parole releases. The board is also required to use the administrative revocation guidelines and consider a new set of factors when making decisions about parole revocations.

HB 10-1376 (Pommer/Keller) Long Bill Appropriations

This bill approved the FY 2010-11 appropriations.

HB 10-1413 (Levy/Newell) Limitation on Juvenile Direct File

Current law allows a district attorney to file criminal charges against a juvenile as young as 14 in district court, a process known as "direct filing" of charges. The reengrossed bill repeals and reenacts the direct file statute with changes. It rises the minimum age to 16, except in cases of:

• first degree murder;
• second degree murder; or
• a sex offense combined with one of the following:
• the alleged crime is a crime of violence;
• the juvenile used or threatened the use of a deadly weapon during the commission of the crime;
• the juvenile has, within the previous two years, been adjudicated as a juvenile delinquent for committing a class 3 felony;
• the juvenile has previously had charges direct filed or transferred, unless he or she was found not guilty of such charges; or
• the juvenile is determined to be a habitual juvenile offender.

A district attorney who intends to direct file charges against a juvenile must provide notice of such intent with the juvenile court at least 14 days prior to doing so. At the discretion of the district attorney, the 14-day notice requirement does not apply to cases of first degree murder, second degree murder, or sex offenses. The district attorney is:

• required to consider specific criteria in determining whether to direct file;
• permitted to extend the 14-day period for consideration, at his or her discretion;
• encouraged to meet with the defense counsel to discuss information relevant to the factors being considered; and
• required to provide written notice about which factors led to such a decision.

Current law prohibits the court from sentencing a juvenile convicted of a class 2 felony in district court to the Youthful Offender System (YOS) in the Department of Corrections (DOC). The bill allows judges the discretion to sentence juveniles who were convicted of class 2 felonies (excluding sex offenses) to the YOS except in the case of a second or subsequent sentence to the DOC or the YOS.

SB 10-001 (Shaeffer B./ Kerr A.) Eliminate PERA's Unfunded Liability

This bill modifies contributions to and benefits paid from the Public Employees' Retirement Association (PERA). Among other things, it changes the amounts to be contributed by both employers and employees, places a cap on cost of living adjustments for retirees, modifies benefit calculations and eligibility, and creates new contributions and guidelines for working retirees.

SB 10-006 (Boyd / Summers) Identification Documents Reduce Poverty

The bill provides individuals with the opportunity to obtain a free birth certificate, death certificate, or state identification card in certain circumstances. County departments of social services, an individual with a letter of referral from a county department of social services, or an individual referred by the Department of Corrections (DOC), the Division of Youth Corrections, or a county jail are eligible to receive a free birth or death certificate.

Currently, individuals who have been convicted of a felony are prohibited from applying for a name change. This bill allows these individuals to apply for a name change, which may be granted if the court finds that the name change is not for the purpose of committing a crime and the name change is not detrimental to another person. The name change information shall be submitted to the Colorado Bureau of Investigation (CBI) and the relevant district attorney's office.

SB 10-109 (Romer/Massey) Medical Marijuana Doctor Patient Relations

The bill amends the statute concerning the medical marijuana program to regulate the role of physicians in certifying that an individual may benefit from medical marijuana as follows:

- A physician and a patient must have a "bona fide" relationship before a physician may certify that a patient would benefit from medical marijuana;
- the physician is available or offers to provide follow-up care and treatment to the patient after he or she begins using medical marijuana;
- the physician is to maintain a record-keeping system for all patients certified by the registry;
- the physician is not to offer a discount to a patient who uses a particular dispensary or caregiver or diagnose a patient for a debilitating medical condition at a place where medical marijuana is sold or distributed;
- the physician is not to accept payment from any provider of medical marijuana or hold an economic interest in any marijuana dispensary; and
- the physician must hold a doctor of medicine or doctor of osteopathic medicine from an accredited medical school, have a valid, unrestricted license to practice medicine, and a valid, unrestricted U.S. Drug Enforcement Administration (DEA) controlled substances registration.

The Department of Public Health and Environment (DPHE) is responsible for maintaining the medical marijuana registry. The costs of the bill are to be paid from the Medical Marijuana Program Cash Fund.

SB 10-128 (Hudak/Rice) Invasion of Privacy

The bill moves the offense of invasion of privacy for sexual gratification from the unlawful sexual contact statute to its own statute. The penalty for invasion of privacy for sexual gratification is raised from a class 1 misdemeanor to a class 6 felony when it is the second or subsequent offense or the person observed or photographed is under the age of 15. The definition of a "photograph" for the purpose of invasion of privacy for sexual gratification and criminal invasion of privacy is expanded to include a live feed. The penalty for the offense of eavesdropping is lowered from a class 6 felony to a class 1 misdemeanor.

SB 10-130 (Kester/McCann) Alignment of Powers in the Department of Corrections

This bill clarifies that the executive director of the Department of Corrections (DOC), and not the director of the Division of Adult Parole in the DOC, supervises and controls the state's correctional facilities. Additionally, the DOC, and not the Division of Parole in the former Department of Institutions, supervises and controls all honor camps, work release programs, and other adult correctional programs.

SB 10-140 (Mitchell/McCann) Human Trafficking

This bill repeals and relocates, with amendments, statutory provisions related to trafficking in adults, trafficking in children, and coercion of involuntary servitude. All three offenses are added to the definition of "racketeering activity" under the Colorado Organized Crime Control Act.

SB 10-159 (Foster/Miklosi) Defendant Statement Community Correction

Current law permits a victim to submit a written victim impact statement to a community corrections board that is considering an offender's referral to a community corrections facility. Victims are also allowed to make a separate oral statement to the board. The strike below amendment addresses statements from the offender. Community corrections boards are required to allow offenders, who are under consideration for transitional placement into a community corrections facility, to submit a written statement concerning the offender's transition plan, community support, and the appropriateness of placement in a community corrections program. A board may also choose to allow an offender to designate a person to submit a written statement or give an oral statement on the offender's behalf at a hearing concerning the placement of the offender. If an offender chooses to submit a written statement, he or she must do so within the timeframe and procedures established by the Department of Corrections (DOC). The DOC will then include such a statement with the offender's referral packet to the relevant community corrections board. The DOC is not required to provide notice of a community corrections board hearing to anyone except a registered victim.

Community corrections boards are required to develop written policies and procedures that will be made available to the public concerning the parameters for written and oral statements by victims, as well as the permissibility and parameters for a written or oral statement by a person designated by an offender. Neither the community corrections boards nor the DOC is required to provide transportation or make arrangements for the appearance of an offender (or person designated by the offender to speak on his or behalf) at a community corrections hearing.

SB 10-193 (Hudak/Levy) Restraints Used on Pregnant Inmates

The bill prohibits the Department of Corrections (DOC), private contract prisons, county jails, and the Department of Human Services from using restraints on pregnant inmates during labor and delivery. It also specifies that the least restrictive restraints necessary should be used on female inmates at all other times throughout pregnancy. Restraints may be used during labor and delivery if they are necessary for a safe childbirth, the inmate poses serious risk of harm to her or the medical staff, or the inmate poses a substantial risk for escape. However, leg shackles and waist restraints are always prohibited during labor and delivery. If restraints are used, the facility is to maintain a written record of the restraints used, why they were used, and for how long. When the inmate returns to custody after giving birth, she is also entitled to have a medical staff person present to ensure that any strip search is conducted in a manner that does not increase the risk of infection or cause pain.

Hot Issues

Bed Needs

Offender populations in the Department of Corrections continue to remain fairly consistent. For over a decade, state-run facilities have been filled to capacity, and the growth has been housed in private prisons. The State still faces economic challenges in funding capital construction projects for all state agencies and higher education. Therefore, as the prison population continues to remain level, the Department has to rely on private prisons to provide the needed bed capacity, and the percentage of inmates in private prisons remains steady.

Presently, Centennial just completed construction of 948 beds, but only one tower has been approved for funding (316 beds). The Department's position has not changed in the last decade, and maintains the belief that the private prison percentage should not exceed 20%-25%. Statutory requirements only allow the department to house medium and below custody offenders in contract facilities. The additional pressures will be left to the state run level III facilities to absorb the higher classification offenders. Unless the Department is funded for the opening of two remaining towers it will continue to be challenged with managing close custody offenders, many of which are housed in facilities designed and staffed for a lower risk offender. The Department currently has approximately 158 administrative segregation offenders on the waiting list and over 1,000 close custody offenders in a lower custody facility. Opening the additional towers at Centennial would ensure that the Department continues to utilize bed space available to

safely manage the state's most violent, dangerous, and disruptive offenders sentenced to DOC. Without the additional state owed beds, facilities will continue to utilize beds designed as punitive segregation for offenders classified for administrative segregation; in addition, there will a continue dependency on private prison facilities.

The Colorado Division of Criminal Justice (DCJ) Summer, 2010 projections estimate the December, 2010 offender population will be 22,653. This is estimated to decrease by 947 to 21,706 in June, 2012. The Department critically needs the right bed for the right offender, specifically Offenders with Mental Illness and high-custody offenders. Special needs offenders are more appropriately managed in state run facilities.

The Department believes that providing more mental health services to offenders with mental illnesses is essential. The adequacy of the Department's mental health services has decreased due to the dramatic increase in the number of incarcerated offenders with mental illnesses and budget constraints. Currently, mentally ill offenders comprise 17% of the total population. The increase in the number of offenders with mental illnesses occurred over the past 15 years, with the greatest surge occurring between approximately 1995 and 2005. During that time, the number of identified offenders with significant mental illnesses rose from approximately 600 to over 3,400.

With the opening of one tower at Centennial, twelve housing pods at CSP (two from each cell house, 15 beds per pod) were identified as special placement units for mentally ill offenders. Two units focus on self-injurious behavior with one of these units allowing for mental health watches on the unit and the other emphasizes group treatments utilizing Dialectical Behavior Therapy. Four units focus on high needs mentally ill offenders that have more debilitating disorders and treatment utilize a psychosocial rehabilitation model. Six units focus more on behavior problems, with a treatment focus that emphasized cognitive skills and preparation for progressive move to Centennial Correctional Facility (CCF). Currently there are two cell houses (48 beds per cell house) at CCF which provide a transition program for offenders with mental illnesses who have progressed from CSP Administrative Segregation. One additional cell house was added for a total of 144 beds, for offenders progressing from CSP, the treatment focus is on cognitive skills, social skills, and preparation for progression to general population.

The Department continues to review and update its bed plan including the need for high custody beds. The lower custody offenders will be housed at private facilities which will necessitate a further increase in the Close Custody population in the state-run facilities. The completion of Centennial Correctional Facility and funding of one tower will alleviate some of the pressure for the current facilities housing Administrative Segregation (Ad Seg) offenders but will only meet the Department's needs for the short term.

The Department has also observed a developing trend in the offender population. Offenders are more difficult to manage today than in the past. The Department's many challenges include managing a growing security threat group (gang) population. The affiliation

with a gang may lead to individual disruptive behavior, but also leads to more disruptive/incidents between Security Threat Groups (STG). Although the average age of an offender has increased, the offender population appears to be more defiant and resistive to authority. This may be due to a reflection of society and/or the gang involvement.

Staffing

Due to budget constraints in the state of Colorado in 2002-2003, Department of Corrections lost 588.4 FTE positions and $56,431,571 in four budget cuts from FY 2001-02 through FY 2003-04. Now nine years later, the Department is still managing facilities with staffing ratios that have not recovered from the budget cuts. The Department identifies certain job duties, or "posts", that must be maintained at all times (called minimum staffing). Many facilities are at minimum staffing on a daily basis, which can be a stressful situation with the increasing number of higher custody offenders housed in today's state-run facilities.

In the Corrections system, staff levels and post coverage are critical, as the workload does not stop when a staff cannot work at their post: the same number of offenders need to be supervised, the same meals need prepared and served, the same laundry collected, cleaned, and distributed, the same movements monitored, medical/mental health/dental services must be provided, incidents reported and investigated, canteen orders delivered, etc. The safety and security of both offenders and staff depend upon adequate monitoring and supervision of offender activities. Existing staff must work overtime to cover absences due to annual leave (vacation), sick leave, turnover vacancies, Family Medical Leave absences, etc. In FY 2009-10, DOC spent $2,247,942 in overtime payments.

Centennial Correctional Facility (formerly known as CSP II)

In 2003, the General Assembly funded Certificates of Participation for CSP II, a 948 bed Level V facility to be located in Canon City. Litigation ensued, and the project was delayed 3 ½ years. The Department and state won the lawsuit, but cost of construction had increased due to various economic factors. The General Assembly funded a supplemental in FY 2005-06 to bring the project back within budget (with the exception of moveable equipment). In FY 2008-09, the Capital Development Committee approved $2,000,000 for moveable equipment for CSP II, which was half the amount required; the second $2,000,000 was allocated in FY 2009-10. The Department's Facility Management Services Subprogram has been overseeing construction of the new facility and the completion date was August, 2010.

Staffing and operating costs for opening the facility was requested as a Decision Item for FY 2009-10, which was not funded due to the fiscal year budget constraints. A Budget Amendment was submitted for the FY 2010-11 for the opening of one tower and was approved for funding for 316 beds.

The Department continues to review and update its bed plan including the need for high custody beds. If current trends continue, the Department believes additional state-run higher custody facilities will be needed. The lower custody offenders will be housed at

private facilities which will necessitate a further increase in the Close Custody population in the state-run facilities. The completion of Centennial will alleviate some of the pressure for the current facilities housing Administrative Segregation (Ad Seg) offenders but will only meet the Department's needs for the short term.

FY 2010-11 Budget Constraints

The State Revenue Forecast for FY 2008-09 and FY 2009-10 showed a deficit of approximately $1.4 billion. The State Revenue Forecast published June, 2010 for FY 2010-11 continues to show a revenue deficit of approximately $61.4 million. The Department of Corrections cuts for FY 2010-11 were:

PERA Reductions	($ 8,204,786)
Accelerated Transition Pilot Program	($ 5,713,692)
5% Operating Reduction	($ 303,980)
Boot Camp Decommissioned	($ 988,097) & (32.7) FTE
Total Reduction from General Fund	($15,210,555) & (32.7) FTE

Additional Budget Reductions submitted to Governor, August 2010 included:

20 Additional beds to "T" Buildings	($ 63,422)
Leased Space	($ 100,000)
Utilities	($ 350,000)
Dress Out	($ 250,000)
Parole Contract Services	($ 250,000)
Parole & ISP Contract Services	($ 250,000)
1% Across the Board Personal Services Reduction	($1,966,707)
Total Reduction from General Fund	($3,230,129)

Aging Facilities

In the 1980's and 1990's, Capital Construction funding was adequate, and Corrections was able to build several facilities: Centennial Correctional Facility (1980), Four Mile Correctional Center (1983), Arkansas Valley Correctional Facility (1987), Arrowhead Correctional Facility (1989), Denver Regional Diagnostic Center (1990), Limon Correctional Facility (1990), Colorado State Penitentiary (1993), San Carlos Correctional Facility (1995), Denver Women's Correctional Facility (1998), Sterling Correctional Facility (1998), and Trinidad Correctional Facility (1999). As a result, the physical plant infrastructure and facility equipment are aging and reaching the end of their life cycles at the same time.

Other facilities throughout the state have additional issues due to the age of the facilities: Buena Vista Correctional Complex (1889), Colorado Correctional Center (1939), Colorado Territorial Correctional Facility (1890), Colorado Women's Correctional Facility (1966), Delta Correctional Center (1864), Fremont Correctional Facility (1939), Ft. Lyon Correctional Facility (1867), Youthful Offender System (1932), Rifle Correctional Facility (1978), Skyline Correctional Center (1957), and LaVista Correctional Center (1935). Due to budget constraints and budget cuts from 2002-2004, controlled maintenance and equipment replacement cycles have had to be modified or eliminated to fund crucial daily operating expenses.

Some routine maintenance has had to be deferred to fund emergency repairs. Although the maintenance staff attempts to perform preventive maintenance and replace components that are at the end of their useful life before the systems completely fail, the lack of funding requires the DOC to patch, rebuild and repair components (pumps, valves, motors, etc.) when the systems should be replaced. The ultimate consequence of deferred routine maintenance is a significant increase in the number of controlled maintenance projects that will surface in the future.

Industry standards for institutional food service equipment replacement suggest that equipment should be replaced at an average rate of 10 percent per year. The Department's food service equipment expenditures have averaged less than five percent of the value of the inventory of food service equipment, or less than half the industry standard. This replacement rate will not meet the replacement needs due to the number of pieces of equipment that have exceeded, or are close to exceeding, the anticipated life cycle.

The Department considers the age of the equipment as well as present reliability, repair history, and anticipated future downtime/repair needs before replacement. The Department replaces equipment deemed to be mission essential and critical to the Food Service operation at the individual facility. The Department strives to phase equipment replacement based on the useful life of the equipment, although most replacement is long after the recommended useful life of the item. This practice allows the most use from the asset.

Adult Parole & Community Corrections

Adult Parole & Community Corrections continues to experience changes in both Parole and Community Corrections populations. Actual parole population figures as of June 30, 2010 showed an average decrease of 27 per month which was a result of HB 09-1351, which allowed offenders the potential of early release based upon the Parolees behavior while on parole. Division of Criminal Justice (DCJ), Summer, 2010 projects the population will increase to 8,973 or 37 per month and the projections of population continue to increase in future years. Two bills were passed in the 2010 Legislative session that has the potential to increase the parole population, HB 10-1360 and HB 10-1374 and the Department will need to monitor the increases in parolees for the impact of the two bills.

Contract service dollars remain a challenge for the Division. Approved Treatment Provider (ATP) services continue to increase. Approximately 28% (2,371) of the Division's parolees are mentally ill (P3 and above) while 13% (1,106) are considered Sex Offenders (S3 and above). Both of these populations need significant treatment in order to keep them from recidivating. Currently, 66% of the ATP funds are utilized for sex offender treatment and 34% for mental health treatment. For future funding purposes, ATP services are calculated to cost the Division $387/year/offender.

The need for Psychotropic Medications for offenders with mental illness is also growing along with the need to supply psychotropic medications to offenders in the IRT (Intensive Residential Treatment) programs. During FY 2009-10, 509 parolees participated in the medication fund program with the average voucher totaling $235.71 and containing 2.08 prescriptions. For future funding appropriations, the Division estimates Psychotropic Medications to cost $236/month/offender.

The Division utilizes the Colorado Web-Based Integrated Support Environment (C-WISE) as a primary computer-based supervision tool. C-WISE is an integrated electronic database specifically utilized to address the Division's need for a single source of consolidated information that, in conjunction with the C-WISE 24 hour call center, provides multiple methods of data entry and retrieval. This technology increases the effectiveness of the supervision of offenders in the community. For example, ATP services provided to offenders are currently tracked and invoiced via C-WISE. CWISE costs, per contract, are $.38/day/offender ($139/year/offender). As the population grows, the cost, per the contract, also grows.

Motivational Interviewing (MI) and Cognitive Behavioral Education (CBE) will be key to achieving the Division's goal of reducing not only technical parole violations but positively impacting the criminogenic thinking of offenders on supervision. The Division is a partner in a multi-agency (JAG Grant) initiative to bring MI and CBE skills to criminal justice professionals in three chosen sites. In addition, MI is currently being brought to scale in the Division statewide and a similar initiative is planned for CBE. Developing MI skills by divisional staff is crucial on several fronts; it operates to enhance productive communication between staff and offenders, to recognize and address criminogenic risks and needs by guiding offenders toward positive self-direction and to promote correct use and interpretation of the LSI-R. Motivational Interviewing and Cognitive Behavior Education are critical and foundational components in the Division's move toward improved offender outcomes through evidence-based supervision strategies.

The Transport Unit is comprised of six (6) Community Parole Officers responsible for and assigned the transport of "out of state" extraditions of Parole Violators and Community Corrections Inmate escapees. As the parole population continues to grow, the need for transportation services will also grow.

Offender Programs - Pre-Release/Community Re-Entry

The Department considers Pre-Release/Community Re-Entry "Overarching Case Management" services critical to the success of the offender's transition back into the community. Community Re-Entry provides services to those offenders most in need of transition assistance and most at risk of returning to prison.

The Community Re-Entry program provides comprehensive support services based on an intensive "containment model" in which multiple services are delivered and/or community based agencies used to assist in the offender's transition plan. Delivery of these services and programs are incentive based and part of the offender's community supervision plan. Services include, but are not limited to, short-term shelter, transportation, health, clothing, SSI/SSDI, employment, housing, and tools.

Housing is a major challenge upon an offender's release from prison. During FY 2009-10, the Division spent approximately $546,329 for offender housing an increase of 37.2% over FY 2008-09. The estimated need for housing exceeds $750,000/year.

The Pre-Release Program has been implemented in 18 prisons throughout the State with the highest rate of discharges to the community. The program, targeting offenders within 120 days of release, uses individual modules to allow for the flexibility, open enrollment, and transfer credit between facilities and into the community re-entry programs. Targeting the known barriers to successful community re-entry, 10 modules are designed to increase awareness, self-sufficiency, and action around critical reentry components. As the offender population continues to grow, the need for Pre-Release and Re-Entry services will also grow.

Workload Indicators

	Outcome	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation
Adult Offender Jurisdictional Population TOTAL (State and Private Prisons)	Benchmark	20,553	22,970	24,204	21,900
	Actual	19,597	20,021	19,463	
% Change in TOTAL Population		6.9%	16.85%	2.1%	(2.8)%
Adult Prison Population State-owned Prisons	Benchmark	14,506	15,589	18,760	17,659
	Actual	14,373	14,638	14,668	
Adult Male Offender Jurisdictional	Benchmark	12,990	14,073	16,582	16,244

	Outcome	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation
Population State-owned Prisons	Actual	12,915	13,228	13,187	
Adult Female Offender Jurisdictional Population State-owned Prisons	Benchmark	1,516	1,516	2,178	1,842
	Actual	1,458	1,410	1,481	
Adult Private Prison Population	Benchmark	5,967	7,381	5,444	
	Actual	5,224	5,383	4,795	4,241
Percentage in Private Prisons	Benchmark	30%	30%	30%	
	Actual	26.7%	26.9%	24.6%	
Parole Offender Population Supervised in Colorado (In State Only)	Benchmark	6,803	10,648	9,717	9,000
	Actual	8,783	9,016	8,535	
Parole Offender Caseload Ratio: Staff to Offender	Benchmark	1:60	1:60	1:60	1:60
	Actual	1:71	1:71	1:68	
Parole ISP Offender Population Supervised in Colorado	Benchmark	1,000	1,368	1,431	1,526
	Actual	1,318	1,334	1,630	
Parole ISP Offender Caseload Ratio: Staff to Offender	Benchmark	1:20	1:20	1:20	1:20
	Actual	1:22	1:22	1:23	
Community ISP Offender Population Supervised in Colorado	Benchmark	1,104	1,072	1,075	996
	Actual	966	799	746	
Community ISP Caseload Ratio: Staff to Offender	Benchmark	1:20	1:20	1:20	1:20
	Actual	1:24	1:23	1:25	

	Outcome	FY 2007-08 Actual	FY 2008-09 Actual	FY 2009-10 Actual	FY 2010-11 Appropriation
Community Offender Population Supervised in Colorado	Benchmark	1,656	1,668	1,672	1,850
	Actual	1,734	1,972	2,072	
Community Caseload Ratio: Staff to Offender	Benchmark	1:60	1:60	1:60	1:60
	Actual	1:60	1:60	1:60	
Total DOC Staff TOTAL (funded FTE Staff)	Benchmark	6,492.0	6,575.9	6,626.9	6,737.8
	Actual	6,310.9	6578.8	6,536.8	