

COLORADO DEPARTMENT OF CORRECTIONS



**Budget Hearing
January 6, 2014**

**RICK RAEMISCH
EXECUTIVE DIRECTOR**

**DEPARTMENT OF CORRECTIONS
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, January 6, 2014
1:30 pm – 5:00 pm**

1:30-1:50 INTRODUCTIONS AND OPENING COMMENTS

1:50-2:00 QUESTIONS COMMON TO ALL DEPARTMENTS

1. Please describe how the department responds to inquiries that are made to the department. How does the department ensure that all inquiries receive a timely and accurate response?

Answer:

While there are certain groups of specialty stakeholders that respond to legislative concerns and the media, the vast majority of public requests are routed through the office of Constituent Services. It is the policy of the Department of Corrections (Administrative Regulation 1350-03) to provide efficient, effective and elegant customer service through the provision of a Constituent Services Office (CSO) which serves to coordinate timely and accurate responses to requests, inquiries, and concerns from internal and external stakeholders on behalf of the Colorado Department of Corrections.

By policy, issues shall be investigated, resolved, and/or responded to within 30 calendar days, with each inquiry received documented and tracked within the CSO database. It is the responsibility of the Constituent Services Coordinator to follow up on all inquiries past the 30 day deadline to ensure for resolution and response.

The Constituent Services Office can be reached through the link on the Department of Corrections website, via telephone or through written correspondence.

Additionally, in 2012, the Department created an Open Records Liaison and policy to establish consistent procedures and processes for the routing and timely response to requests for documents.

Stakeholders can contact the Constituent Services Office and/or the Open Records Liaison through the CDOC website at www.doc.state.co.us.

2:00-2:30 DEPARTMENT OVERVIEW

2. How does the department plan for controlled maintenance? What maintenance will be required in the future? Discuss cost issues related to older prisons.

Answer:

Plan for Controlled Maintenance

The DOC Facilities Management Services (FMS) oversees controlled maintenance and has developed several tools to assist with the planning process including:

- *Tracking the progress of current Controlled Maintenance (CM) projects;*
- *Planning for future CM requests at each facility with the physical plant staff and management;*
- *Maintaining a DOC wide Controlled Maintenance Matrix that organizes all potential CM needs by facility and building system; and*
- *Developing a DOC wide prioritized project list/5 year plan.*

A CM Matrix and DOC wide prioritized project lists are created by FMS through the Annual Physical Plant Assessment Process (APPAP). Every January each facility identifies building systems that require corrective repairs or replacement. The plant manager submits these projects along with detailed information that outlines the severity of the problem, proposed solutions, preliminary cost estimates, and suggested alternate funding sources. FMS tours with each plant manager to confirm the items requested and to assist with prioritizing the projects by facility.

A proactive approach to identifying the long term needs for replacement or major repair of individual building systems/equipment, i.e. roofs, HVAC, electrical, security, plumbing, etc. is also used. This approach determines the remaining useful service life of each system, identifies those that exceed or are near the end of service life, and includes those systems in the CM Matrix.

Some of the more specialized or complex building systems require additional professional consultant services to verify the system condition and life expectancy. When a need for additional services of an outside consultant is identified, those are also included on the CM Matrix.

Information gathered from FMS, facility personnel, and outside reports are used to develop a comprehensive list of DOC projects. This list is further reviewed by the DOC Executive Staff to prioritize the critical projects. FMS then develops CM Requests for each critical project and submits them annually to the Office of the State Architect.

The critical projects are established and developed into CM requests for the following reasons:

- Physical condition has deteriorated or is nearing the end of its useful life,*
- Functional condition of the system no longer meets the current industry standards, and / or*
- Current codes, health, energy and/or penal standards are not met by the existing system.*

The condition and performance of items not submitted to the Office of the State Architect are monitored throughout the year by maintenance personnel and FMS, then re-prioritized each year based upon additional degradation of the system.

Maintenance required in the future

The DOC operates 20 State Correctional Facilities comprised of 594 buildings totaling 6.8 million square feet with an estimated current replacement value (CRV) of approximately 1.4 billion dollars. Because DOC buildings range in age from 5 to 143 years, it is a major challenge for the Department to maintain the complex physical plants at each unique facility. For FY 2014-15 the Department submitted 17 CM project requests totaling \$13.7 million. The Five Year Plan for CM totals approximately \$42.4 million and contains 44 projects.

Discuss cost issues related to older prisons

The age of the Department's 20 facilities, not including CSP II, span between 13 and 143 years with an average of 40 years. Due to continued deferred maintenance, project need continues to escalate. The ability to repair many of the DOC building systems has passed, particularly where funding for Controlled Maintenance has been severely limited.

As stated in the Office of the State Architect, FY 2014-15 Annual Report, "Industry standards continue to emphasize that without an annual Reinvestment Rate of 3% to 4% of the Current Replacement Value (CRV) of a building inventory, conditions cannot be upgraded or maintained at acceptable levels and will continue to deteriorate." As mentioned in the previous question, the CRV for the inventory of buildings assigned to the DOC is \$1.4 billion. A Reinvestment Rate of 3% to 4% translates to \$42 million to \$56 million per year.

With limited funding available for CM, the DOC has used additional methods to fund much needed corrective repair and replacement of the aging physical plants. They include:

- *Office of the State Architect Emergency Fund is used on an as-needed emergency basis throughout the fiscal year. These projects must meet the emergency criteria that requires the project is immediate in nature and directly affects the health, safety, and welfare of the public as well as day-to-day operations of the agency*
- *Energy Performance Contracts are utilized as an alternate funding source to improve facilities while increasing the energy efficiency of the physical plants. Energy Performance Contracts are being used at the following DOC facilities:*
 - *Arkansas Valley Correctional Facility*
 - *Buena Vista Correctional Complex*
 - *Colorado Territorial Correctional Facility*
 - *Fremont Correctional Facility*
 - *Limon Correctional Facility*
 - *Sterling Correctional Facility*
- *Department Maintenance Contingency funds. A percentage of the overall DOC maintenance operating budget is held in contingency each year to fund the unexpected emergency repairs that are inevitably required.*

The Prison Utilization Study examined the State of Colorado's short and long term needs for prison capacity. The study addressed the amount of capacity required and the types of beds needed, taking into consideration operational efficiency and programmatic needs. It also addressed the Department's needs to rely on both state and private prisons.

3. Why is the Department's OIT spending so high? Why does the Department use so much IT? What systems does the department have, what divisions use the IT, how many PCs does the department have, what type of communications systems does the department have, etc.?

Answer:

The Office of Information Technology determines the cost allocations to the Department, and requests budget changes for the Department through common policy requests based on OIT's analysis.

As per the most recent allocation common policy from OIT, some costs include:

- *\$2.0 million for Digital Trunk Radio charges;*
- *\$800,000 for agency mainframe support;*
- *\$700,000 for server hosting charges;*
- *\$600,000 for email services;*
- *\$4.0 million for Enterprise Deskside support and Service Desk;*
- *\$2.2 million for Agency Line of Business Applications;*
- *\$600,000 for GGCC True up costs;*
- *\$2.6 million for Colorado State Network charges;*
- *\$700,000 for Security Enterprise Infrastructure;*
- *\$800,000 for MNT True up costs; and*
- *\$200,000 for IT security charges.*

The Department of Corrections (DOC) computer programs utilized by all departments are spread across three different technologies based upon when they were initially implemented.

Department of Corrections Information System (DCIS) is the agency's legacy-based green-screen applications that run in terminals or within terminal emulation software. The system was implemented in the early 1990s and remains relatively unchanged since that time. There are 1,093 application programs in DCIS which track offender information. In an OIT study of the State's computer systems, it was determined that DCIS was one of ten computer systems that pose the greatest risk to the State. Of the top ten riskiest systems, DCIS is the only one for which there is not an active, funded project to replace or modernize the system. There is a current request before the Capital Development Committee to address this need.

Personal Computer Department of Corrections Information System (PCDCIS): The Department began to modernize their computer systems beginning around 2000 by creating new programs written in client/server technology and designed to run on personal computers running Microsoft Windows. By about 2006, Windows-based programs were already being made obsolete with the advent of Web or Browser-based applications. There are 55 application programs in PCDCIS.

Department of Corrections Intranet (DOCNET): The Department's DOCNET applications are browser-based web-enabled applications using the latest web-based programming languages. All new application development is done using web-based programming languages and procedures. There are 93 application programs in DOCNET.

The Department has submitted a capital construction IT request for electronic health records (EHR) system and a complete offender management system. The Department currently uses multiple information systems to capture, retain, and access health information for the offender population. Although some health information is currently entered electronically, the system is not integrated as an EHR. DOC is requesting capital construction funds to implement a fully-integrated Electronic Health Records system within its 20 state correctional facilities. This system will replace the current systems ranging from paper charts to health information data recorded in DCIS (Department of Corrections Information System - the Department's 20 year old legacy system). This project will allow EHR capabilities and integrate those systems with a Health Information Exchange so that health data can be shared with state, local, and federal agencies for public health purposes. This is a part of the statewide Health Information Exchange initiative in collaboration with the Departments of Health Care Policy and Financing and Public Health and Environment.

Table 1 - Department of Corrections Information Technology Computers	
Dell Workstations for 6,035.3 FTE	4,473
Dell Laptops	500

4. How is earned time accumulated on parole? Explain mandatory and lifetime parole. What percent of offenders are on mandatory or lifetime parole? What is Maine doing that allows it to be on the low end of the parole chart and the low end of the incarceration-rate chart? What is the new director's philosophy on these matters and how does it compare with Colorado's past philosophy? Do inmates react negatively to being on parole? Should there be any changes?

Answer:

Earned Time on Parole

Earned time for parolees is very similar to earned time for incarcerated inmates. While a mandatory parole term is a component of most sentences imposed, it is a separate term from the prison sentence. Therefore, whenever an offender is released from prison (released from inmate status) to begin serving his/her mandatory term of parole, all of the earned time already earned is disregarded (it has been

utilized to establish the offender's eligibility dates for release to mandatory parole) and earned time accumulation begins over to be applied to reduce the parole termination date of the mandatory parole term. The Department follows the same statute that allows 30% maximum accumulation of earned time (30% of the governing sentence imposed) toward the parole term. For example, on a one-year mandatory parole term, the offender would be statutorily eligible for a maximum accumulation of 108 days of earned time (30% of one year-- a timecomp year is 360 days for purposes of calculation only). On a five year parole term, the offender could earn a maximum of 1 year 6 months earned time. Many parolees with certain crimes or the higher classes of felonies will not be eligible to earn enough earned time to make it to the 30% max, but will more likely accumulate 25% of the mandatory parole term, or 3 months on a 1-year parole term; or 1 year 3 months on a 5-year parole term.

Mandatory and Lifetime Parole

Mandatory parole was enacted through HB 93-1302, which became effective for all persons sentenced to prison for a felony offense committed on or after July 1, 1993. This bill added a split sentence for convictions, mandating a period of parole for all offenders after completion of their prison sentence.

Periods of mandatory parole:

Class 1 felonies = life sentences

Class 2 and 3 felonies= 5 years mandatory parole

Class 4 felonies= 3 years mandatory parole

Class 5 felonies= 2 years mandatory parole

Class 6 felonies= 1 year mandatory parole

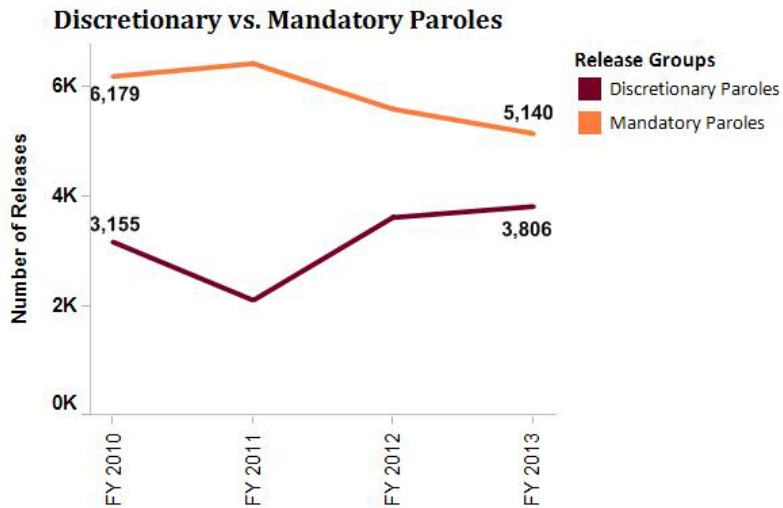
**Currently, 99% of inmate releases to parole are serving mandatory parole sentences.*

It should be noted that a "mandatory release" to parole occurs when an offender is released to parole upon completion of his/her full prison sentence (less earned time). A discretionary release occurs when an offender is released to parole after reaching his/her parole eligibility but before serving his/her full prison sentence, and then in most cases goes on to serve his/her mandatory parole sentence.

Lifetime parole is a subset of mandatory parole for sex offenders sentenced under the Lifetime Supervision Act, which was enacted through HB 98-1156. This bill mandates an indeterminate sentence for sex offenders with a maximum sentence of life. Lifetime supervision offenders are eligible for sentence discharge after completing a minimum of 10 or 20 years on parole, determined by the seriousness of the offense. As of June 30, 2013, there were 240 lifetime supervision offenders on parole, which was 2.1% of the parole population.

Chart 1 shows the relationship between discretionary and mandatory parolee numbers in the Department. Just under 34% of mandatory/discretionary releases in 2010 were discretionary, which rose to 43% in 2013.

Chart 1



Incarceration: Colorado vs. Maine

In 2012, Colorado’s incarceration rate per 100,000 residents was 392, which is below the national average of 418 according to the Bureau of Justice Statistics. However, Maine had an incarceration rate of 145, which was the lowest of any state. There are many factors that are related to states’ differences in incarceration rates, including differences in demographics, crime rates, policing, sentence rates, and sentence length.

Colorado and Maine have very different demographic profiles. Colorado is more densely populated, and its population is more than three times larger than Maine’s. A greater percentage of the population is over the age of 50 in Maine as compared to Colorado (39% vs. 30%).

In 2012, Colorado had higher rates than Maine of violent crime (407 vs. 123 per 100,000) and property crime (2,685 vs. 2,510 per 100,000), according to the FBI Uniformed Crime Reporting Statistics. In addition to a higher crime rate, Colorado also had a higher rate of full-time law enforcement employees (347 vs. 217 per 100,000 in 2009). Colorado’s higher crime rate and greater law enforcement presence, along with sentencing practices, contribute to Colorado’s higher incarceration rate.

Parole - Colorado vs. Maine

In 2012, Colorado’s parole rate was 288 per 100,000 residents, whereas Maine had the lowest parole rate of all the states. This is primarily because Maine stopped allowing prisoners the option of serving part of their sentence on parole for offenses committed after 1976, whereas in Colorado mandatory parole sentencing was implemented in 1993. Even if offenders are denied early release by the Parole Board, they will be released onto parole on their mandatory release date, guaranteeing an incremental decrease in supervision as well as access to re-entry services.

Executive Director’s Philosophy

Earned time is a valuable tool in correctional settings; it is an incentive for offenders to behave appropriately. The Department has utilized this incentive in the past and continued reliance on earned time is good public policy. In a broader policy sense, rather than investigate a specific state experience in Maine whose demographics draw a stark contrast to Colorado’s, it may be more beneficial to look at the possibility of engaging The Bureau of Justice Assistance’s “Justice Reinvestment Initiative” to look at different policy approaches from a nationwide perspective.

Parolee Reactions

Individuals react differently to parole supervision and to complying with the specific conditions of parole

as set by the Parole Board. Many times, those who react most negatively are those who are at the highest risk and require the most direct supervision. Alternatively, there are individuals who react very well to the structure that parole supervision provides in assisting them with transitioning from institutional confinement to the community.

Any changes?

There has been discussion within the General Assembly to address contradictory or conflicting statutory language. Should it so choose, the General Assembly could assist with this clarification. Section 17-22.5-302 (4) C.R.S. Earned Time states that “earned time deduction authorized by this subsection (4) shall not vest upon being granted and may be withdrawn once it is granted.” Parole Section 17-22.5-405 (3) Earned time - earned release time - achievement earned time regarding performance record reviews states that “...Such review shall be conducted annually...and shall vest upon being granted.” These two sections seemingly contradict each other as they simultaneously prohibit and require the vesting of earned time.

Administrative Regulation 550-12 Earned Time is attached as a resource of information regarding how earned time is awarded.

5. How long was the daily rate for private prisons constant? What has happened to the rate as adjusted for inflation? Provide a chart with both private prisons and Community Corrections similar to the chart JBC staff produced for Community Corrections.

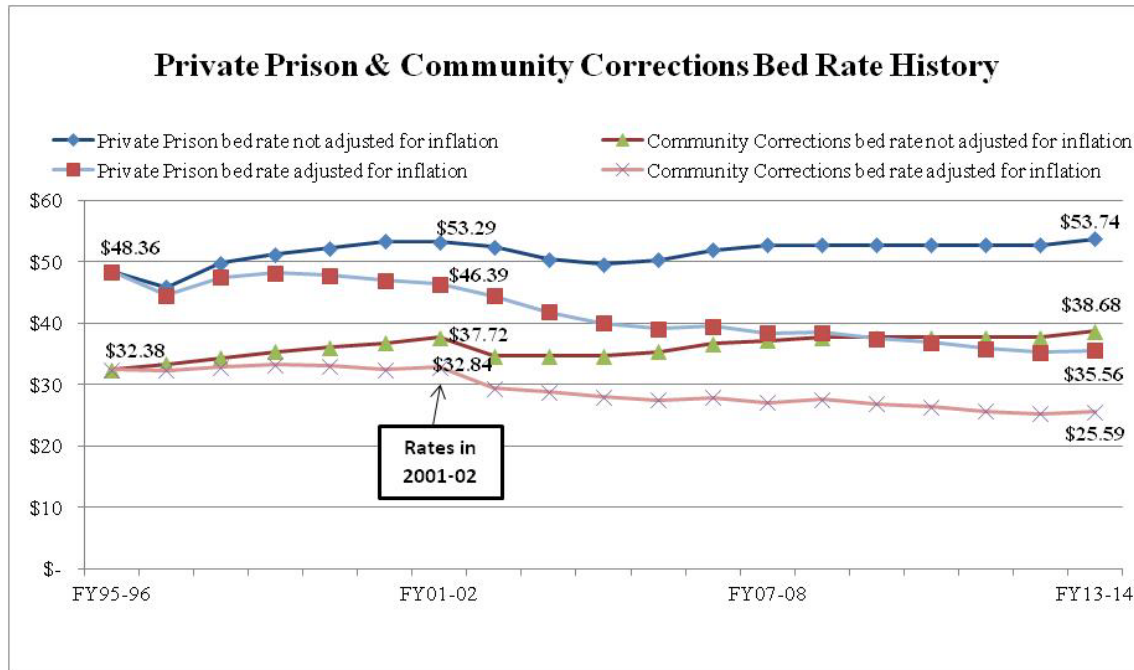
Answer:

The private prison per diem rate remained at \$52.69 per offender per day for four and one half years (January 2009 through June 2013) after a mid-year budget reduction in FY 2008-09 reduced the rate to FY 2007-08 levels. It increased in FY 2013-14 to \$53.74.

In 2005, the per diem rate was reduced by \$.81 to offset the elimination of the in-state monitoring fees (\$.81) as the Department converted PPMU to the General Fund. A 1.5% common policy rate increase is included in the FY 2013-14 budget request to bring the per diem rate up to \$54.55.

The following graph shows the community corrections regular bed rate with and without an inflation adjustment, as well as the private prison per diem rates with the same adjustments. While the community corrections rates showed a decline of 22.1% of the inflation-adjusted rate since FY 01-02, the private prison per diem rate has declined 23.3% (\$46.39 in 2001-02 to \$35.56 in 2013-14).

Chart 2



6. How much do other states use private prisons? How many don't use them at all? Do any use them exclusively? Compare Colorado to others.

Answer:

According to the Bureau of Justice Statistics report *Prisoners in 2012*, approximately 19% of federal inmates and 7% of state inmates are housed in private prisons. In 2012, 17 states did not use private prisons at all (two more states reported no data in 2012 but reported no use of private prisons in 2011). No state uses private prisons exclusively; New Mexico has the highest utilization with 45% of their population in private prisons. Colorado ranked 9th highest among states for private prison utilization, about 12% higher than the state average with 19% of the inmate jurisdictional population housed in private prisons.

2:30-3:00 DECISION ITEMS AND OTHER BUDGET CHANGES

7. **R3. Parole Placeholder.** Outline the Department's plans. What does the Department plan to do? How will this address the problems in parole? Will the entire \$10 million be needed? What is the purpose of assigning parole officers to correctional facilities and what will it accomplish? Added note: conveying information to the JBC via the media is not an effective means of communication.

Answer:

The Department's \$10.0 million parole placeholder request has three main components. These components and accompanying budget impact are as follows:

Preparation for release: 51.6 FTE and \$4.4 million

- CPOs in the Facilities – 19.2 FTE total and \$1.67 million;
- Increase Case Management – 26.9 FTE and \$1.9 million;
- Offender ID Program – 1.8 FTE and \$500,000; and
- Additional Pre-release Efforts – 3.7 FTE and \$400,000 million.

Transition Tools: 10.1 FTE and \$2.1 million

- Additional funding for parolee emergency assistance – \$800,000;
- Cognitive behavioral program funding for parolees – \$300,000;
- Employment & Training Navigators to assist with job placement – 3.7 FTE and \$300,000;
- Behavior Health (BH) positions – 4.6 FTE and \$400,000;
- Re-Entry staffing increase – 1.8 FTE and \$100,000; and
- Vivitrol Pilot Program – \$300,000.

Operational Enhancements: 12.0 FTE and \$1.5 million

- Staff Training Program – 7.3 FTE and \$0.6 million;
- Electronic Monitoring Post and On-call Pay – 4.7 FTE total and \$0.6 million;
- Safety Equipment Replacement Plan - \$0.2 million; and
- CWISE (Parole Information Technology Parolee Tracking System) Enhancements - \$60,000

The Department submitted these initiatives as part of the January 2, 2014 submission. These total \$8.0 million and 73.7 FTE. In addition, the Department is currently incorporating additional information with the most recent parole projections from the Division of Criminal Justice. As a result, the remaining \$2.0 million will be detailed in the January 15, 2014 submission with the Department's caseload supplemental and budget amendment requests. A summary of the parole placeholder request is also attached.

8. R4. Sex Offender Treatment and Monitoring.

- a. What is the status of the implementation of the new Sex Offender Treatment and Monitoring Program (SOTMP)? What changes are being made as compared with the old program? Will the new program be more or less expensive than the old SOTMP program? Are the offenders in this program subject to lifetime parole?

Answer:

The Implementation Plan that was provided in June of 2013 is progressing according to the timelines. The Department has filled the Psychologist position and the Trainer/Mentor position. As a primary response to the Evaluation, in assessing for the Risk, Needs, Responsivity model, the department has begun risk assessments using the Static-99 on all sex offenders within the DOC. Risk assessments started in April of 2013 and as of December 17th, there were 2,293 risk assessments completed of the total 5,162 sex offenders.

In addition to receiving the 2 positions noted above, the department also received 10 clinician positions. The Department is continuing to work on recruiting and retention efforts to fill and retain the staff necessary to increase the number of offenders in treatment.

Recruitment efforts include:

- 1) *American Professional Society on the Abuse of Children's website for the Psychologist – Sex Offender Treatment position;*
- 2) *Collaboration with various universities via job fairs, website links, and other initiatives to include meeting individually with six graduate students (Masters and PsyD) at the University of the Rockies who are interested in working with sex offenders;*
- 3) *Recruiting booth for two days at the Sex Offender Management Board Conference;*
- 4) *Participated in the University of the Rockies career fair, Job News Denver Health Care Career Faith, and Military Officers Association of America Job Fair;*

- 5) *Advertised in the Military Medical News, Heroes 2 Hire website, publichealthjobs.com, Colorado Workforce Centers, Denver Post, Pueblo Chieftan, Colorado Springs Gazette, and South Platte Sentinel;*
- 6) *National Health Mental Health/Social Services Career Network web network;*
- 7) *Sent out 2,861 recruiting postcards to licensed mental health professionals in Southern Colorado. (Applications still coming in);*
- 8) *National Health Services Corp.*

The following progress has been made on the Implementation Plan for the Sex Offender Treatment Program:

- 1) *The department is now measuring risk and addressing individualized treatment needs through risk assessments.*
- 2) *Individualized treatment based on risk and criminogenic needs was modified through revisions made to the treatment plans and training to clinicians on the delivery of developing treatment plans that are patient specific.*
- 3) *Treatment phases have been revised based on needed intensity of treatment. This is in direct correlation to the evaluation that concerned all offenders receiving the same dose, duration and frequency of treatment. With the modification of the treatment curriculum, the high and low risk offenders are not mixed and not receiving the same level of treatment. There is a capability within both tracks of treatment (high and low) for the offender to meet all criteria required by the SOMB.*
- 4) *Transparency in the SOMB program - the offenders and the staff that work where there is a Sex Offender Treatment Program are now provided with an orientation handout that details the program, program expectations, and criteria for successful completion.*
- 5) *Increased access to treatment - through alignment of offenders based on need, we are able to move offenders around in the program to balance the offenders that don't require higher intensity treatment - thereby increasing the slots for treatment in lower intensity treatment.*
- 6) *Continuity of Care - The department has developed a transition form which is accessible to Community Parole Officers and Community Re-Entry Specialists. This allows for the information sharing of the treatment modalities that the offender completed during incarceration that will assist in a continuum of care when the offender releases to community. Training was also completed to improve pre-parole documentation to ensure thorough communication so that the Parole Board receives a clear picture of treatment success.*
- 7) *Recruit and retain qualified staff through the examples as listed above for recruiting. The department is also reviewing all salaries of specialized sex offender treatment clinicians.*
- 8) *Improving the competency level of the Sex Offender Clinicians employed with DOC: Staff are receiving clinical training within the first 60 days of employment as well as ongoing coaching, mentoring and professional development opportunities; In April 2013, Client Centered and Outcome based treatment training was completed; In May 2013, Treatment Planning training was completed; In June 2013, Mandatory training for all clinicians on Risk Need Responsivity; August 2013 - Training on how to respond to on call/after hour crisis; Sept 2013, Training was delivered in Using the Sex Offense Evaluation for Treatment Planning. Ongoing training, in alignment with the recommendations in the Implementation Plan, is continuing.*
- 9) *The previous program was only allowing lifetime supervision sentences to participate - the new program assesses all sex offenders with determinate and indeterminate*

sentences. The criteria for admission to treatment is the same for Lifetime Supervision offenders as it is for determinately sentenced offenders. This was decided as an organization to ensure that all offenders are receiving treatment prior to returning to communities.

The overall program will ultimately be more cost effective as the lower risk offenders receive a lower, more appropriate dosage of treatment. However, in the interim, the additional funding received is needed to work through the current backlog of treatment needs.

The Sex Offender Treatment program covers offenders sentenced under the lifetime supervision act as well as those with determinate sentences. It is important for all offenders needing treatment to receive it.

- b. Describe the impact of this act on both the prison and parole populations, and on the associated supervision and treatment costs.

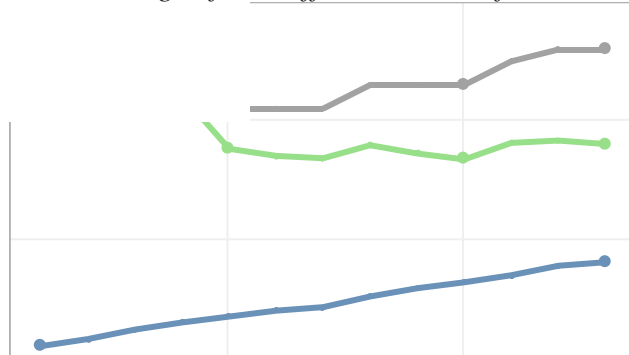
Answer:

The Lifetime Supervision of Sex Offenders Annual Report produced by the DOC, the Department of Public Safety, and the State Judicial Department provides information and data regarding the impact of this legislation on the prison and parole populations. The Department does not track the cost of sex offender treatment by conviction type (i.e., offenders convicted of a determinate vs. indeterminate sentence).

For your convenience, the Department has attached a copy of the Lifetime Supervision of Sex Offenders Annual Report. On pages 3-7, the report addresses the “Impact on Prison and Parole Populations”.

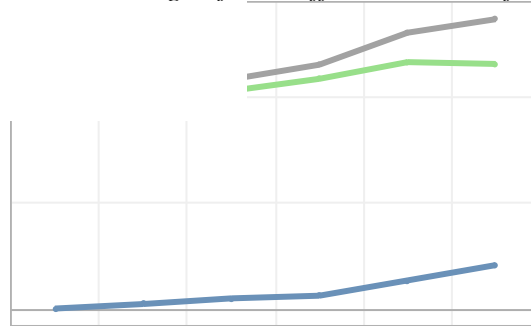
Page 4 of the report notes: “In order to assess the impact of the Lifetime Supervision Act on the prison population, the percentage of non-lifetime and lifetime sex offender inmates out of the total inmate population since 2001 was examined... Sex offenders are classified by DOC staff as those scoring 3-5 on a 5-point needs level severity index. The proportion of offenders sentenced under the Lifetime Supervision Act has been steadily increasing over the past decade. Conversely, non-lifetime sex offenders decreased in FY 2005 but have leveled off since then... Taken together, it seems that the increase in sex offenders among the inmate jurisdictional population since 2005 is largely due to lifetime supervision offenders.”

Chart 3: Percentage of Sex Offenders and Lifetime Sex Offenders out of the Prison Population



Page 7 of the report addresses the impact of the Lifetime Supervision Act on the parole population: “The majority of sex offenders under parole supervision are not under the provisions of lifetime supervision. Lifetime supervision parolees appear to be largely responsible for the recent increase of sex offenders on parole, although the proportion is still small (2.1%).” Of total parolees as of June 30, 2013, there were a total 1,559 with sex offender codes S3 through S5 (240 sentenced under the lifetime supervision act and 1,319 with determinate sentences).

Chart 4: Percentage of Sex Offenders and Lifetime Sex Offenders out of Total Parolees



- c. Has the Department or another state agency evaluated the impact of this act on public safety?

Answer:

The Department believes that the interagency-based Lifetime Supervision of Sex Offenders Annual Report is the only analysis conducted of the Act’s impact. The statute directs the DOC, the Department of Public Safety, and the State Judicial Departments to evaluate the impact on prison, parole, and probation populations but not the impact on public safety. Currently, there is an interagency task force working at the direction of the Colorado Commission on Criminal and Juvenile Justice to identify gaps and inconsistencies between agencies in an effort to improve the Lifetime supervision annual report. The work of this task force is still in progress, but it is likely that the challenges it identifies will limit the state’s ability to assess the impact of the Lifetime Supervision Act on public safety.

9. **R5. Prison Rape Elimination Act PREA.** What exactly does the federal PREA law require with regard to this? What does it say? How specific are the requirements? Is there flexibility?

Answer:

What exactly does the federal PREA law require with regard to this?

The Prison Rape Elimination Act (PREA) was passed in 2003 with unanimous support from both parties in Congress. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, recommendations, and funding to protect individuals from prison rape.” In addition to creating a mandate for significant research from the Bureau of Justice Statistics and through the National Institute of Justice, funding through the Bureau of Justice Assistance and the National Institute of Corrections supported major efforts in many state correctional, juvenile detention, community corrections, and jail systems.

The act also created the National Prison Rape Elimination Commission and charged it with developing draft standards for the elimination of prison rape. Those standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule. That final rule became effective August 20, 2012.

Compliance with the standards and specific subsections will be determined by a U.S. Department of Justice (DOJ) certified auditor using the PREA Auditor Compliance instrument for Adult Prisons and Jails. This is outlined in Subpart E Auditing and Corrective Action in the PREA standards. 115.401-405

One third of the DOC's facilities need to be audited each year. According to the PREA standards, "During the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency shall ensure that each facility operated by the agency, or by a private organization on behalf of the agency, is audited at least once."

In determining whether the state is in full compliance, the Governor shall consider the results of the most recent agency audits. The Governor will be required to certify compliance. A State whose Governor does not certify full compliance with the standards is subject to the loss of five percent of any Department of Justice grant funds that it would otherwise receive for prison purposes, unless the Governor submits an assurance that such five percent will be used only for the purpose of enabling the State to achieve and certify full compliance with the standards in future years. 42 U.S.C. 15607(c).

What does it say?

There are 43 standards that the Department must adhere to and document compliance. The main areas include:

- Prevention Planning - Prisons and Jails*
- Responsive Planning - Prisons and Jails*
- Training and Education - Prisons and Jails*
- Screening for Risk of Sexual Victimization and Abusiveness - Prisons and Jails*
- Reporting - Prisons and Jails*
- Official Response Following an Inmate Report - Prisons and Jails*
- Investigations - Prisons and Jails*
- Discipline - Prisons and Jails*
- Medical and Mental Care - Prisons and Jails*
- Data Collection and Review - Prisons and Jails*

How specific are the requirements?

There are standards that are specific for facility compliance and some require agency-level compliance. The wording used in each standard is deliberate, each one was carefully chosen and the meaning is literal. Vague statements in standards are also deliberate to allow leeway for correctional agencies. It allows the agency flexibility on how it will demonstrate compliance. In these cases, there can be more than one way to comply with a standard. For example, standard 115.11 (b) requires the agency to employ or designate an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. Standard 115.51 (a) requires the agency to provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

The standards are a floor, not a ceiling. The standards are focused on practice that the Department must demonstrate. Requirements are specific to the standard. For example; Standard 115.33 regarding inmate education states "Within 30 days of intake, the agency shall provide comprehensive education to offenders either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents."

Requirements and reporting are mandatory in order for the Department and facilities the DOC contracts with to be in compliance. If the Governor is unable to certify that the Department and private agencies are not in compliance, the Act specifies the state is subject to a five percent loss of any Department of Justice grant funds for prison purposes.

Is there flexibility?

No, there isn't flexibility on the standards. Every standard is mandatory. All standards will have a finding of Exceeds Standard, Meets Standard and Does Not Meet Standard. DOC must demonstrate compliance for each standard. The Department has requested \$252,000 General Fund and 2.7 FTE for FY 2014-15 to help DOC meet State and Federal PREA requirements to manage the program.

10. R6. Fugitive Apprehension Unit. How does this relate to R3, the parole placeholder?

Answer:

The Fugitive Apprehension Unit was the first of many initiatives addressing issues within the Division of Adult Parole. Given the public safety aspects of this request, it was requested as an emergency supplemental. The Department appreciated the committee's favorable funding decision in moving this unit forward.

As of December 30, 2013 the Fugitive Apprehension Unit has participated and assisted with the arrest of 330 wanted individuals; comprising 289 CDOC fugitive escapees/absconders and 41 collateral arrests of individuals wanted by other law enforcement agencies.

The parole placeholder request contains additional proposals addressing other aspects of preparing offenders for parole, assisting them to be successful while on parole, and various operational enhancements. Thus, while the parole fugitive unit and the parole placeholder are linked in their aim to improve the operations of the Division of Adult Parole, they are separate and distinct requests.

11. R9 and R10. Food Service Inflation and Offender Clothing Inflation. These increases seem high. Explain them.

Answer:

Food menus and quality are a critical issue for correctional facilities. The Department provides over 14 million meals each year. The food service inflation decision item shows a 3.5% percent increase for DOC raw food costs, and a cost per meal increase for the Department of Human Services, who provides meals to the DOC offenders housed at the Colorado Mental Health Institute - Pueblo campus. The DOC increase is based on the CPI used by the United States Department of Agriculture Economic Research Service showing a 2014 forecast of 2.5 to 3.5 percent increase in food costs. While DOC has collaborated with DHS and incorporated their request for a cost per meal increase, DHS staff would be best situated to provide the calculations and background for their portion of the request.

The offender clothing inflation request is based on compounded inflation rates since January 2006, the last time the Department received an increase. The unit price of the clothing items listed in the change request has remained the same since then. In contrast, during the period of January 1, 2006 through October 31, 2013, the Consumer Price Index has risen 37.769 (12/31/2005 = 195.3 and 10/31/2013 = 233.069) points or 19.4%.

The request is driven primarily by the increase of raw material fabric pricing changes per yard as outlined by the following table.

Table 2 ~ Raw Material Fabric Pricing Changes Per Yard				
Fabric	Per Yard 2006 Pricing	Per Yard 2013 Pricing	Increase Per Fabric Yard	Percentage Increase
Green Twill	\$1.85	\$2.39	\$0.54	29.2%
Khaki Twill	\$1.41	\$2.40	\$0.99	70.2%
Brown Duck	\$1.79	\$3.69	\$1.90	106.2%
Flannel Liner	\$1.73	\$2.49	\$0.76	43.9%
Pique Knit	\$2.60	\$4.55	\$1.95	75.0%

12. **R11. Technical adjustments.** Education appropriations are being reduced to align them with CF and RF revenue. What was the source of cash fund revenues and how does it compare to the education spending resulting from H.B. 12-1223 savings?

Answer:

The cash and reappropriated funds spending authorities within the Education subprogram reflect past revenue streams earned by the heavy equipment programs. At their peak, these programs completed large projects for the Bureau of Land Management and construction of various municipalities' fire houses. In addition, the heavy equipment program was realigned to Colorado Correctional Industries (CCi) and its corresponding revenue stream is now earned within CCi's spending authority. The move of the heavy equipment program to CCi coincided with the decrease of other CCi revenue sources and in this case, a new program for CCi did not produce a need for increased spending authority.

The Department's FY 2014-15 budget request includes an additional \$1,474,355 for General Educational Development testing preparation, vocational certification programs, vocational education programs, and parole wrap-around services resulting from H.B. 12-1223 savings. The expanding vocational education programs include culinary programs at Limon and Trinidad Correctional Facilities and the establishment of Level I welding training at Limon. The expansion of these vocational education programs has been factored into the Department's request to reduce cash funds and reappropriated funds spending authorities.

13. **R18. Communicable Disease Prevention.** Does the Department test for antibiotic resistant TB? What would the Department do if a resistant strain was discovered in DOC facilities?

Answer:

At this time, the Department is not doing any TB testing for staff. The Decision Item the Department submitted in November would allow for annual TB screening for all employees.

Regarding offender TB testing, the Department does not test for any antibiotic-resistant TB.

If a resistant strain were discovered in a DOC facility in an offender case, the Department would respond as it does for any potential or confirmed active TB case. Steps include:

- Perform a skin test to determine presence of TB.*
- Examination by a medical provider to include a chest x-ray.*
- Inconclusive or abnormal chest x-ray would result in the offender being isolated in a negative*

airflow room at the Denver Reception and Diagnostic Center (DRDC) infirmary.

- *Three sputum samples are obtained and sent to the Colorado Department of Public Health and Environment (CDPHE). Treatment cannot begin until all required samples are received by CDPHE.*
- *All samples are analyzed and results shared between CDPHE and DOC.*
- *An offender who tests positive is not allowed to refuse medications for active TB.*
- *An offender must remain isolated until the following occur:*
 - *Treatment timeframe of 2-3 weeks*
 - *Favorable clinical response to treatment, exhibited by a reduction in symptoms*
 - *Three negative sputum samples collected on different days after treatment has begun*

If a staff member is diagnosed with active TB by his/her medical provider, ideally the provider would relay this information to CDPHE, and CDPHE and the provider would discuss the necessary treatment and isolation for that staff member. If a staff member was exposed to an offender with active TB, this staff case would likely be managed by Risk Management and be reported to CDPHE. Necessary treatment and isolation procedures should be discussed, and the staff member would likely be placed on leave related to a worker compensation claim.

14. S.B. 13-200 annualization. What is the department doing to access Medicaid funding for offenders?

Answer:

The Department has set up a system so that offenders eligible to receive Medicaid funding can receive it after they have been admitted to a hospital for 24 or more hours. This funding mechanism became available starting January 1, 2014. The Department has been collaborating with the Department of Health Care Policy and Financing on this endeavor and has developed the following:

Table 3 - DOC - DHCPF Collaboration

Hospitalization > 24 hours	Releasing on Parole/Discharge	Other Activities Under Discussion
<p>• Offenders hospitalized outside the prison more than 24 hours may be Medicaid eligible</p> <p align="center">In 2014</p> <ul style="list-style-type: none"> • Offender is admitted to hospital • DOC nurse case manager submits Medicaid applications to Maximus (contractor hired to process applications) • Maximus expedites the application • Providers bill Medicaid • Medicaid pays through standard process <p align="center">Expected Outcomes</p> <ul style="list-style-type: none"> • Offenders receive same care they do now • Most will be newly eligible (100% Federal Medical Assistance Percentage) • DOC will not pay higher rates on these individuals anymore; hospitalizations will be covered at the Medicaid rates 	<ul style="list-style-type: none"> • Majority have behavioral health needs • Most will be Medicaid eligible as Adults with Dependent Children (AwDC), parents or disabled <p align="center">In 2014- Phase I</p> <ul style="list-style-type: none"> • Fill out Medicaid application • Maximus will post-date eligibility to release • Send behavioral health transition form to Behavioral Health Organization • Behavioral Health Organization will schedule first appointment (Once new contracts are signed between HCPF and Behavioral Health Organizations; appointments will be scheduled within 2 weeks of release) <p align="center">In 2014 Phase II</p> <ul style="list-style-type: none"> • Add transfer of physical health information to Regional Care Collaborative Organization; Regional Care Collaborative Organization will schedule appointment <p align="center">Expected Outcomes</p> <ul style="list-style-type: none"> • Offenders can maintain health gains made in prison (detoxed, stabilized diabetes, etc.) • May reduce recidivism and promote reintegration • May lower risk of medical complications 	<ul style="list-style-type: none"> • Using Medicaid dollars to cover medications given to offenders upon release • Getting coverage for individuals in Community Corrections • Training and outreach to parole officers to help them understand the new resources available, how to coordinate with Regional Care Collaborative Organizations and Behavioral Health Organizations, and their own roles in supporting parolees' access to care • Outreach to individuals already on parole to get them (and their families) signed up for Medicaid or the Marketplace • Defining the technical requirements for the "suspend" function in Colorado Benefit Management System

3:00 – 3:45 OTHER QUESTIONS.

15. The Department of Human Services has requested funding for a new medical records/pharmacy system for the mental health institutes. Is DOC's system adequate? Would there be any benefit to addressing needs in both departments at the same time?

Answer:

No, DOC's system is not adequate. Furthermore, both Departments' needs cannot be addressed by the same system. A system appropriate for the state hospitals does not meet the needs of a correctional system. A combined request is not feasible. The Department has conducted a thorough system analysis to identify the software and programmatic needs for an effective, efficient and secure electronic health records program in a correctional setting. The Department has submitted a capital construction budget amendment for consideration for an electronic health record and DCIS replacement system (DOC's primary offender management system) – \$5.8 million in FY 2014-15 with a total 3-year project cost of \$19.8 million.

16. The Prison Utilization Study discusses several options for addressing YOS space needs. Why did you choose the option reflected in your capital construction request?

Answer:

The Department values the work conducted by the Prison Utilization Study. The study recognized that the YOS facility has limitations in the physical plant for additional programming and recreational space. In the report, page 10, the consultants recognized that "there does not appear to be an existing available site that provides an improvement over the conditions that presently exist at YOS." Moving the YOS campus would be contingent upon a reduction in the female population, which has not been realized at this time.

The study identified the possibility of obtaining land and/or buildings from CMHI-P. There are challenges and expenses with retro-fitting older buildings including but not limited to requirements for asbestos abatement. The Department identified the construction of a multi-use building as the best alternative to provide programming and recreation for the YOS population. This is a continuation project; Phase I was funded in FY 2009-10.

The YOS program population is capped at 256 by statute. Moving the program back to the La Vista Correctional Facility (LVCF) campus would not be economically sound, as the LVCF campus is larger, housing over 500 offenders, and the female population continues to require this bed space.

17. What does the department plan to do to address the high level of sex assaults at the Denver Women's Prison? What are the Department's plans and how will the Department address the issue?

Answer:

The Department does not tolerate staff sexual misconduct. Each allegation is thoroughly investigated and employees have been and will continue to be held accountable. While the Department has taken a number of steps to enhance security and to do everything possible to ensure offender safety, the Department retained the services of the Moss Group to conduct a sexual safety assessment. The Moss Group is a nationally recognized criminal justice consulting firm specializing in staff sexual misconduct and PREA to assist with further improvements.

The Department fully investigates any claim of sexual misconduct, and pursues criminal prosecution in all founded cases. The Department has implemented additional security protocols to ensure that every offender at DWCF is housed in a safe and secure environment. The measures the Department has taken do not diminish the seriousness of the findings in the BJS report.

- *Training - All DOC staff members receive training on the Prison Rape Elimination Act during Basic Training and during Annual Refresher Training.*
- *Increased Security Measures - Installation of more than 200 additional cameras at DWCF to increase surveillance ability in areas frequently occupied by offenders and areas which were vulnerable to seclusion.*
- *Increased Security Measures - Janitorial closets and other supply room doors were identified as vulnerable to seclusion and were replaced with glass doors/doors with windows to increase visibility.*
- *The Department provides a free tips line for offenders to report issues and incidents. Since 2008, there has been a decline, department-wide, in the number of sexually-related incidents received on the TIPS line.*

Finally, DWCF has been prioritized for the national PREA audit in March 2014. An internal PREA audit was conducted in August 2013.

18. Discuss the Department's use of moneys from the Correctional Treatment Cash Fund (CTCF), including the following:

- a. Detail the allocation of CTCF moneys by line item appropriation for FY 2013-14.

Answer:

The Department receives a total of \$3,002,227 in Correctional Treatment Cash Fund moneys in three line item appropriations in FY 2013-14. Two budget lines are in the Drug and Alcohol subprogram and the third is in the Parole subprogram:

- 1. Drug and Alcohol Treatment Subprogram, Services for Substance Abuse and Co-occurring Disorders - \$995,127 Reappropriated Funds (RF)*
- 2. Drug and Alcohol Treatment Subprogram, Contract Services - \$250,000 (RF)*
 - *1 & 2 to be used for Case Management - \$1,245,127*
- 3. Parole Subprogram, Contract Services - \$1,757,100 (RF)*
 - *To be used for Substance Abuse Treatment - \$1,259,100*
 - *To be used for Substance Abuse Monitoring (Urinalysis) - \$498,000*

- b. Describe the nature of the expenditures supported by the CTCF within each line item appropriation, including the types of services or treatment that are provided.

Answer:

The Department has implemented a comprehensive case management and drug-use monitoring system with Peer Assistance Services (TASC, Inc.). Over the course of the contractual relationship, the division and TASC have developed a unique relationship in assessing and treating the offender population with respect to their substance use needs. The core service provided by TASC is comprehensive case management. TASC does not provide

substance use or mental health treatment services.

TASC assesses offenders utilizing an assessment tool and, in collaboration with the community parole officer (CPO), determines the appropriate treatment plan for the offender. Utilizing pass-through treatment/drug monitoring funding from the Department (HB 1352, \$1,757,100), TASC issues vouchers and refers offenders to the appropriate substance use Approved Treatment Provider (ATP)(over 65 state-wide). TASC services are funded from the Correctional Treatment Fund (\$3,002, 227 in FY 2013-14, \$3,357,227 projected in FY 2014-15).

TASC provides the following services:

- *Comprehensive offender case management, drug use monitoring for those offenders in treatment, substance use treatment referral and compliance (with respect to the Parole agreement) to over 9,000 offenders annually,*
- *Daily reports provided to parole staff indicating non-compliance in the interest of public safety,*
- *Provides services in 10 offices statewide (Pueblo, Colorado Springs, Englewood, Denver, Westminster, Longmont, Ft. Collins, Greeley, Grand Junction and Durango),*
- *TASC case managers travel to 15 rural areas to provide case management services,*
- *Skilled staff who are trained in the mandated Standard Offender Assessment (SOA-R) and are Certified Addictions Counselors (CAC),*
- *Provide baseline urine analyses (UAs) for parolees (according to statute),*
- *Capable of handling co-occurring (substance use & mental health) offender assessment and case management, and*
- *Record and document offender treatment contact information in the Department's Colorado Web-based Integrated Support Environment (CWISE) system.*

FY 2013-14 appropriations from the Correctional Treatment Cash Fund are allocated to the following treatments/

<i>Case Management =</i>	<i>\$1,245,127</i>
<i>Substance Abuse Treatment =</i>	<i>\$1,259,100</i>
<i>Substance Abuse Monitoring (Urinalysis) =</i>	<i><u>\$498,000</u></i>
<i>(\$12 per test x 41,500 tests)</i>	
<i>TOTAL</i>	<i>\$3,002,227</i>

- c. Describe the types and numbers of offenders who benefit from such expenditures, including: (1) whether they are juveniles or adults; and (2) whether they are serving a diversion sentence, serving a probation sentence, on parole, sentenced or transitioned to a community corrections program, or serving a sentence in a county jail or are receiving after-care treatment following release from jail.

Answer:

**Table 5: Colorado TASC State Wide Summary (Adults)
FY12-13**

Office	***Total offenders Enrolled	Case Manage	Monitored Sobriety	UA Only	TASC Staff	ISP or ISP-I Offenders	CRCF Offenders	Individuals Receiving Vouchers for Tx
Southeast	3246	1818	487	941	15	483	26	1469
Mile High	2489	2036	181	272	12	359	0	1366
Western	709	408	177	124	6	185	0	566
Northeast	2606	2086	255	265	14	426	30	1596
Total	9050	6348	1100	1602	47	1453	56	4997

The CTCF board is working to collect data from each agency to determine where consistencies/differences in data collection exist. The collection of this data will also help determine the broad scope of offender population that is being served. This is something the Board will be working on over the next year.

19. Discuss how the Department would utilize the funding increases proposed by the Correctional Treatment Board for FY 2014-15.

Answer:

The Treatment Board is proposing that the Department of Corrections will receive an additional \$355,000 increase in Correctional Treatment Funding for FY 2014-15. The Department anticipates the following programs will be funded with the proposed increase:

- 1) *Synthetic Drug Testing = \$55,000**
**additional drug testing for synthetic substances (bath salts, etc.) beyond a "normal" UA.*
- 2) *Clean Urinalysis co-pay incentives = \$200,000*
- 3) *Expanded Parole Rural Case Management = \$100,000***
***additional rural case management funding would be applied to the base contract (a per/offender/day rate) that will allow TASC to supply case management services to approximately 122 more offenders on an ADP basis (\$100,000/[\$2.23/offender/ day]/ 365).*

20. Does the statutory provision governing the use of CTCF moneys preclude services or treatment expenditures that would be appropriate and justifiable? Does it preclude the provision of services to certain juvenile or adult offenders that would be appropriate and cost-effective? If so, please explain.

Answer:

The Correctional Treatment Board has reviewed the statutory language in HB12-1310 to ensure that it corresponds with the current funding structure that exists. Resources from the cash fund support the Summit View program in Mesa County, which is a pre-trial program for high risk/high need offenders. There is currently no language in the bill that corresponds to this specific type of program. The Board is working with Mesa County to develop appropriate language and seek legislative change this next session. As the Board continues to work with local boards and identify gaps in programming and services, it will continue to assess the statutory language and seek adjustments where necessary. Right now, the only change in language that is being pursued is the addition of pre-trial programming such as Summit View. No final language recommendations have been made; possible language revisions are still being discussed.

21. Describe how the Department evaluates (or plans to evaluate) the effectiveness of treatment and services that are supported by the CTCF.

Answer:

The Topic of effective treatment is something the Correctional Treatment Board is starting to discuss. While there is no clear path to large-scale outcome research, it is largely agreed that any efforts must be done in strong partnership with the treatment community. Currently, the Correctional Treatment Board is looking at existing agency measures and will then determine which ones hold value and are feasible to collect for outcome research. Gathering information from treatment providers will be critical, but establishing consistent, electronic reporting formats across treatment providers poses a significant challenge. This is not an easy or quick task, but it is something the Board is looking to address over the long-term.

Currently, the Department is conducting a process and outcome evaluation of prison therapeutic communities. Therapeutic communities are an intensive treatment modality delivered to high risk, high need substance abusers. Previous research, both nationally and locally, has shown therapeutic communities to be highly effective. However, it is the Department's position that updated research is needed to ensure that the same high quality treatment is being delivered over time.

An independent evaluation of TASC services was conducted by OMNI Institute, funded by DOC through the Peer Assistance Services contract. This evaluation, completed in September 2013, was a rigorous outcome study designed to evaluate program effectiveness by comparing TASC participants to a matched group of parolees who did not receive TASC services. Results indicated better one-year outcomes for TASC participants who spent at least 6 months in the parole program compared to those who spent 6 months on parole without TASC services. Conversely, there were no better outcomes for TASC participants who spent fewer than 6 months in the program, which is consistent with literature that finds dosage is an important component of successful treatment.

22. Describe whether and how the Department monitors or evaluates the reasonableness of rates charged by treatment and service providers.

Answer:

The Department collaborates with the Department of Human Services, Office of Behavioral Health to determine appropriate industry substance abuse treatment charges.

The Correctional Treatment Board has put the issue of treatment rates on its annual work plan for the next year given a concern over rising rates. The Board is collecting information about each agency's existing policies/practices around payment of treatment rates and will then discuss the concept of standard rates, assess the impact on the availability of treatment providers - particularly in rural communities - and then develop a policy around the issue of whether or not the state should be setting rates for treatment. As with treatment effectiveness, this is not a quick or easy task, but it is one the Correctional Treatment Board is working to address.

From the Peer Assistance (TASC) contract:

Contractor shall only invoice for the referred and authorized Approved Treatment Providers (ATP) substance use services and shall adhere to all provisions and costs for treatment services as set forth by the ATP program. ATP program costs are as follows:

Table 6: TASC SUBSTANCE ABUSE TREATMENT SERVICES COST:
Intake: \$40.00 (per session)
Weekly Outpatient Group (WOP): \$25.00 (per group)
<ul style="list-style-type: none"> • Minimum of 2 hours per week according to the standards established by the Division of Behavioral Health within the Colorado Department of Human Services.
<ul style="list-style-type: none"> • Frequency and intensity of education and treatment services shall be based on client assessments or as required by referring criminal justice agencies, but shall not be less than two (2) hours per week.
Enhanced Outpatient Program (EOP): \$75.00 (per week), 3 hours per week minimum.
Intensive Outpatient Program (IOP): \$100.00 (per week), 9 hours per week minimum.
Individual Session: \$ 50.00 (per session and session must be at least 50 minutes long).
Co-Occurring Weekly Outpatient: \$35.00 (per session).
Books/Materials: \$20.00 (per book).

23. Does the Department make any effort to require offenders to pay a portion of the cost of services provided, if they are able to do so?

Answer: At this time, the DOC does not require offenders to pay for a portion of the cost of substance abuse services provided whether they are able to pay or not. The majority of offenders and parolees do not have the resources to pay for these services.

3:45-4:00 BREAK

4:00-4:30 ISSUE: THE UNANTICIPATED COST OF S.B. 13-210 OVERTIME

24. Would the department prefer the flexibility of compensatory time as opposed to monetary reimbursement for overtime?

Answer:

The flexibility to provide compensatory time in lieu of overtime payments can be beneficial to both the employee as well as the Department. It is beneficial to the employee in allowing time off at a later date when desired as well as creating additional mechanisms for the Department to manage the overall personal services budget; however, the Department defers to state statute and state personnel rules on compensation practices.

25. Should it be up the employee to choose which to take, compensatory time or monetary benefit?

Answer:

The flexibility to provide compensatory time in lieu of overtime payments can be beneficial to both the employee as well as the Department. It is beneficial to the employee in allowing time off at a later date

when desired as well as creating additional mechanisms for the Department to manage the overall personal services budget. As such, the Department recognizes the benefits of the flexibility associated with providing compensatory time in lieu of overtime payment in addressing overtime compensation; however, the Department defers to state statute and personnel rules on compensation practices.

26. Does the Department agree with the JBC staff calculations? Will a supplemental be submitted for the needed money? What does the Department suggest to resolve this situation? Does the department believe the results they are experiencing were what was intended by the legislation and that the fiscal note was just in error?

Answer:

- a. *The Department appreciates JBC staff's thorough analysis of the history and impact of SB 13-210. Based on the DOC's initial interpretation SB 13-210, the Department agrees with the JBC staff assessment. However, after a more thorough assessment of the statutory language pursuant to SB 13-210, including an analysis by the drafter, a review of public testimony, and discussions with external stakeholders, the Department has determined that the bill is intended to apply only to those correctional officers who work consecutively 12 or more hours in a single shift. Therefore, moving forward, the Department anticipates the overall costs associated with SB 13-210 to decrease significantly and align more closely with the fiscal note produced at the time of passage.*
- b. *Given the current effort to align the Department's interpretation of the bill to the original intent and the corresponding reduction in overtime expenses moving forward, the Department will work to manage the overtime expenses through existing personal services appropriations. At this time, the Department does not anticipate requiring a supplemental appropriation and believes that it will be able to manage the additional overtime costs within existing resources.*
- c. *See question 27*
- d. *See question 28*

27. What are the Department's recommendations concerning SB 210?

Answer:

As a result of an extensive review of the legislation, the Department has determined that the bill is intended to apply only to those correctional officers who work shifts that total twelve or more hours (total of 12 or more consecutive hours worked). Based on this analysis, the Department believes that it can mitigate the unanticipated costs associated with SB 13-210 through a variety of administrative actions. Those actions include:

- *Amending AR 1450-14 to define that overtime will be paid out at a rate of one and one-half times at the regular rate of pay for the time that a correctional officer works that exceeds eight and one half hours in circumstances in which correctional officers work twelve or more consecutive hours.*

- Utilizing Compensatory time where possible and ensuring that overtime pay is limited (e.g. those serving in Correctional Officer I, II, and III positions per SB 13-210).
- Postponing work involving personal services contracts to the extent possible.
- Other specific management efforts to delay costs in the current year.

28. Why did the Department grossly underestimate the costs of SB 210 in the fiscal note?

Answer:

The Department works diligently to provide the General Assembly with accurate and timely information to calculate fiscal impact of legislation. The Department's fiscal note was a valid assessment based upon calculations as the Department understood the legislation at that time. Those calculations only included overtime payments for eligible employees who work twelve or more consecutive hours in a single shift within a twenty-four hour period.

As the legislation was implemented, the Department misinterpreted the bill, culminating in substantially larger overtime payouts than intended. Rather than limiting overtime payments to employees who work a shift of twelve or more consecutive hours, the Department misinterpreted the legislation to apply to employees in additional circumstances (for example, an employee who worked swing shift until late evening and then came in the next day to work day shift, though not working 12 or more consecutive hours would earn 8 hours of overtime).

Now, with additional information available, the Department has sought guidance and clarification as to its interpretation of the bill. Based on that guidance, which included an exchange with the bill drafter as well as reviews of public testimony and meetings with external stakeholders, the Department believes that its current implementation of the bill was not in line with the General Assembly's intent. As such, the Department is planning to adjust its interpretation of the legislation to be consistent with the original intent of the General Assembly and to coincide with how the bill was interpreted during the fiscal note process. This adjustment will result in a dramatic reduction in the current cost trends associated with the legislation and will allow the Department to manage overtime payouts within its existing appropriation.

29. Please describe the software that the Department uses to track time for payroll. Is it adequate?

Answer:

The department uses a manual timekeeping process and an antiquated software system to interface with the state's CPPS payroll system. This software lacks modern functionality and is cumbersome to utilize. In fact, there is only one programmer in the state that has expertise and experience on the system. The lack of functionality of the current timekeeping and payroll systems are some of the impetus behind the requirements of SB 13-210 to "collaborate with the department of Personnel and the Office of Information Technology on their existing efforts to modernize the State's Personnel Timekeeping systems in order to produce a system that is transparent, accountable, and easily employed by department personnel."(CRS 17-1-103 (1) (q)). These efforts to collaborate are a part of the budget request

submitted November 1, 2013 for a complete and consistent statewide timekeeping, scheduling, and leave tracking system. This new system will resolve many of the inadequacies of the current system.

30. Why did the software that the Department uses to track time for payroll not report the true costs of SB 210?

Answer:

The Department's payroll software does report out the actual costs of overtime each month without any problems. The issue with the current system is the ability to evaluate the data and pull down information for reporting purposes. As the bill was initially implemented based on a misinterpretation of the bill, it was difficult to pull down information from the system to understand how much overtime was due to officers exceeding the new 85 hour work period limit or due to working 12 or more hours. There is also an inherent lag in receiving overtime information as the payment of overtime occurs the month after it is earned. However, now that the information has been obtained and the new interpretation of the bill is being implemented, the Department does not anticipate additional issues.

31. Is the department interpreting the law in a way that is adding to the bill's cost and leading to over expenditures? Are other interpretations possible?

Answer:

Yes. While the fiscal analysis of SB 13-210 focused on shifts of twelve or more hours, the Department initially implemented the bill to apply to all work time within a twenty-four hour period. As a result, the Department is paying overtime to employees who work split shifts. Split shifts occur when a correctional officer works a regular shift, has some amount of time off, and then returns to work for an additional full or partial shift within 12 hours of the prior shift ending. These split shift situations have resulted in a situation where the Department has been experiencing an extremely high rate of overtime costs compared with previous years.

These higher than expected expenditures have led the Department to seek additional clarification as to the accurate interpretation of the bill. As a result of those exchanges, it appears that overtime was not intended to apply when a corrections officer works two separate shifts. Rather, it was only intended to cover those employees working twelve or more consecutive hours.

32. How is the Department currently paying for the bill? Where is the money coming from? Is it coming from another line item? What will happen if the Department doesn't get supplemental funding?

Answer:

The Department is working to manage the overtime expense through existing personal services appropriations. At this time, due to the adjustment to the interpretation of SB 13-210, the Department does not anticipate requiring a supplemental appropriation and anticipates being able to manage costs within existing resources. Without an adjustment to the interpretation of the bill, a supplemental request would have been unavoidable.

4:30-5:00 PRESENTATION BY THE PAROLE BOARD

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

1. Provide a list of any legislation that the Department has: (a) not implemented or (b) partially implemented. Explain why the Department has not implemented or has partially implemented the legislation on this list.

Answer:

HB 10-1083, Concerning the Authority of the State to Enter Into Lease-Purchase Agreements for a Day Surgery Center, was introduced and signed into law by Governor Bill Ritter on April 21, 2010. At the time the legislation was envisioned, the CDOC believed that significant cost savings could be achieved by performing outpatient surgeries at a CDOC surgical facility rather than having them done in hospitals or public ambulatory surgical centers. However, due to a lower number of surgeries appropriate for the ASC and higher construction and operating costs due to construction and design deficiencies, the Department no longer believes that an ASC is the best possible use for the facility. At the current number of eligible procedures, there are insufficient appropriate surgeries to implement the intent of the bill. At the current time, the Department believes that repurposing the ASC into a dedicated dialysis center is the most viable option.

The Department currently houses a total of 26 offenders who require dialysis treatment, but has in the past provided treatment to as many as 34 DOC offenders as well as inmates housed in the Denver County jail, on an a- needed contract basis. On average, dialysis occurs three times per week per patient, resulting in approximately 78 dialysis treatments per week at the current time. While the CDOC operates a single dialysis unit at DRDC, the unit only has eight chairs and does not meet the Department's needs. Furthermore, the current dialysis unit is not in compliance with best industry practices. Therefore, it is recognized that there is an enhanced need for an expanded, dedicated, modern, on-site dialysis unit. The Department believes that the present ASC could serve as an excellent location for this unit and that it is in the best interest of the state to repurpose the ASC.

SB 13-210, Concerning Employment Conditions for Correctional Officers, and, in connection therewith, making an appropriation was introduced and signed into law by Governor Hickenlooper on May 24, 2013. In summary, the legislation requires the Department to establish staffing levels at each correctional facility and private prison by security level; develop a criteria when a corrections officer works two consecutive shifts and to pay overtime; and establish a new work period for staff subject to Fair Labor Standards Act (FLSA) 28 day work schedule. Additionally, the Department is required to provide all Department employees with a paystub that clearly and accurately reflects all hours worked and to collaborate with the Department of Personnel and Administration (DPA) and the Governor's Office of Information Technology (OIT) on their efforts to modernize the state's personnel timekeeping systems. These last two statutory mandates are in process. The Department has collaborated with DPA and OIT on identifying programming capabilities that meet Department needs and statutory criteria. The OIT has submitted a Capital Construction request that is under consideration by the Capital Development Committee for funding in FY 14-15.

While not part of any recently passed legislation, there is a widely reported pending class action lawsuit related to the recreation space at the Department's high custody facility. At this time, options are being evaluated for constructing recreation yards at Colorado State Penitentiary.

2. Does Department have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's

Office on June 30, 2013? What is the department doing to resolve the outstanding high priority recommendations?

[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)

Answer:

The Department has no outstanding financial, performance and/or IT audit recommendations. As noted on page 23 of the “Annual Report of Audit Recommendations not Fully Implemented”:

Financial Audit Recommendations

As of June 30, 2013, the OSA’s follow-up audit process determined that all of the financial audit recommendations that the Department agreed or partially agreed to implement have been fully implemented. In our 2012 Annual Report of Audit Recommendations Not Fully Implemented (2012 Annual Report), the Department had no outstanding financial audit recommendations.

Performance and/or IT Audit Recommendations

As of June 30, 2013, the Department reports that all of the performance and/or IT audit recommendations that the Department agreed or partially agreed to implement have been fully implemented. In our 2012 Annual Report, the Department had no outstanding performance and/or IT audit recommendations.

3. Does the department pay annual licensing fees for its state professional employees? If so, what professional employees does the department have and from what funding source(s) does the department pay the licensing fees? If the department has professions that are required to pay licensing fees and the department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

Answer:

The Department does not pay annual licensing fees for its professional employees whose positions require a license. Each employee is required to personally pay to maintain required professional licensure. The Department employs 673 staff with professional licenses.

4. Does the department provide continuing education, or funds for continuing education, for professionals within the department? If so, which professions does the department provide continuing education for and how much does the department spend on that? If the department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?

Answer:

The Department does not provide funding or reimbursement for continuing education for professionals within the Department. The Department does provide these professionals with reasonable training time to participate in required continuing education programs to maintain licensure requirements.

5. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the department because the starting salary that is offered is not high enough?

Answer:

The Department does not maintain hiring data regarding the ranking of a candidate selected for a position or if the hiring authority offered the position to multiple candidates prior to filling the position. The hiring authority has up to six candidates to consider for a position. Although the candidates are

ranked, the hiring authority has full discretion to choose any of the six for a position. The first ranked candidate may have tested well but may not be the best overall candidate for a position. This may become apparent during the interview process. The Department has several classifications that hire at entry-level of the range such as correctional officer and correctional support trade supervisor. The hiring authority has discretion to offer a salary above the entry-level if it is within the budget and the individual's experience supports a higher wage. Additionally, the hiring authority may offer a salary above entry level for those classifications that are competitive with private industry such as nurses, mid-level providers, and other positions in clinical services.

6. What is the turnover rate for staff in the department?

Answer:

The Department of Personnel provided a statewide report in response to this question during the Department of Personnel's hearing with the Joint Budget Committee, but DOC has repeated it here for your convenience.

Table 7: Department of Corrections: Job Class Turnover Rate by Number of Separations								
Class & Separations					Employees in Quartile of Class Salary Range			
Class	Class Title	Separations	Employees in Class	Turnover Rate	1st	2nd	3rd	4th
A1D2	CORR/YTH/CLIN SEC OFF I	340	2,619	13.0%	314	7	4	15
A1D3	CORR/YTH/CLIN SEC OFF II	70	839	8.3%	37	2	4	27
A1L1	CORR SUPP TRADES SUPV I	56	594	9.4%	40	4	3	9
C6S1	NURSE I	22	170	12.9%	0	15	7	0
H7A1	STATE TEACHER I	19	173	11.0%	13	1	3	2
Top Classes Total		507	4,395	11.5%	404	29	21	53
Department Total		733	6,703	10.9%				

Table 8: Department of Corrections: Job Class Turnover Rate by Total Employees in Class								
Class & Separations					Employees in Quartile of Class Salary Range			
Class	Class Title	Separations	Employees in Class	Turnover Rate	1st	2nd	3rd	4th
A1D2	CORR/YTH/CLIN SEC OFF I	340	2,619	13.0%	314	7	4	15
A1D3	CORR/YTH/CLIN SEC OFF II	70	839	8.3%	37	2	4	27
A1L1	CORR SUPP TRADES SUPV I	56	594	9.4%	40	4	3	9
A1D5	CORR/YTH/CLN SEC SUPV III	18	277	6.5%	5	2	2	9
A3C1	COMMUNITY PAROLE OFF	18	232	7.8%	13	2	0	3
Top Classes Total		502	4,561	11.0%	409	17	13	63
Department Total		733	6,703	10.9%				

STATE OF COLORADO

COLORADO DEPARTMENT OF CORRECTIONS



John W. Hickenlooper
Governor

Rick Raemisch
Executive Director

The Department of Corrections has taken specific steps to improve the overall operations of the Department, increase offender success, and enhance overall operations. These steps include engaging the National Institute of Corrections for a review of Parole operations, The National Center for State Courts for a Time and Workload Study, as well as many internal reviews of policies and operations. This document summarizes the specific proposals and initiatives from these efforts.

Division of Adult Parole Reform Initiatives

Parole Placeholder Summary

Preparation for release: 51.6 FTE and \$4.4 million

- CPOs in the Facilities – 19.2 FTE total and \$1.67 million;
- Increase Case Management – 26.9 FTE and \$1.9 million; and
- Offender ID Program – 1.8 FTE and \$0.5 million.
- Additional Pre-release Efforts – 3.7 FTE and \$0.4 million;

Transition Tools: 10.1 FTE and \$2.1 million

- Additional funding for parolee emergency assistance – \$0.8 million;
- Cognitive behavioral program funding for parolees – \$0.3 million;
- Employment & Training Navigators to assist with job placement – 3.7 FTE \$0.3 million;
- Behavior Health (BH) positions – 4.6 FTE and \$0.4 million;
- Re-Entry staffing increase – 1.8 FTE and \$0.1 million; and
- Vivitrol Pilot Program – \$0.3 million.

Operational Enhancements: 12.0 FTE and \$1.5 million

- Staff Training Program – 7.3 FTE and \$0.6 million;
- Electronic Monitoring Post and On-call Pay – 4.7 FTE total and \$0.6 million;
- Safety Equipment Replacement Plan - \$0.2 million; and
- CWISE (Parole Information Technology Parolee Tracking System) Enhancements - \$60,000

Background

In May 2013, the US Department of Justice National Institute of Corrections (NIC) agreed to provide technical assistance to the Colorado Department of Corrections (CDOC) to examine organizational

policies and offender management practices both within institutions and parole with the goal to improve CDOC operational approaches. The NIC determined that the technical assistance would be provided in three phases.

First, the NIC engaged in an analysis of current CDOC policies and practices regarding the use of electronic monitoring technology for offenders on parole and offer suggestions regarding CDOC's practices. Secondly, the NIC engaged key CDOC managers in a "CDOC System Mapping" exercise that would help to identify critical decision points in the offender management process and then attempt to develop consensus regarding those topics that may be in need of further attention. Finally, technical assistance would be offered to CDOC that could assist the organization in making specific improvements in offender management practices in the areas identified through the technical assistance effort.

The technical assistance provided by the US Department of Justice National Institute of Corrections (NIC) assisted with the identification of "priority areas" within the system, and the recommendations and provisions for follow-up technical assistance regarding these priority areas.

The NIC produced in two specific reports sixteen (16) separate recommendations designed to improve operations and improve offender reentry.

Recommendations from NIC System Mapping Evaluation:

1. Improve opportunities to identify and collect meaningful offender criminogenic needs information at intake, and use this information in making institutional placement.
2. Create a unified institutional case plan.
3. Reduce institutional moves of inmates.
4. Expand available institutional programs.
5. Expand available community services, programs and options.
6. Provide staff with more guidance regarding the use of discretion.
7. Review the imposition and decision making regarding Intensive Supervision Parole (ISP) and the use of Electronic Monitoring (EM).
8. Reduce the number of work groups, issues being explored, and work requirements that have a lower priority.

Recommendations from NIC Electronic Monitoring Evaluation:

9. Define "why" electronic supervision is being used.
10. Identify specific roles and tasks for staff to move CDOC toward reaching the "why" of electronic supervision.
11. Develop policies and procedures that stipulate direct oversight and contact with the central monitoring center.
12. Review equipment vendor services.
13. Develop nuanced response protocols.
14. Establish partnerships with other law enforcement agencies to assist with responding to alerts.
15. Develop, deliver, and refresh training.
16. Conduct routine process and outcome evaluation.

In June of 2013, the Colorado Department of Corrections (CDOC) contracted Court Consulting Services National Center for State Courts (NCSC) to conduct a thorough and comprehensive

Community Parole Officer Time and Motion Workload Study. This was not designed as an audit, but rather an analysis to determine how long it takes CPOs to do the work expected and to what extent they have an adequate amount of time to do what is expected of them. The scope of the study includes a review of current policies, a time and motion workload study, and a case-file audit. Together, a thorough review of these three elements will help the NCSC to determine what Community Parole Officers (CPO's) in Colorado are expected to do, how long it takes them to do the work, and the degree to which CPOs are actually engaging in all of the activities they are expected to undertake.

Next Steps:

In response to both the NIC System Mapping evaluation and the NCSC CPO Time and Motion Work load Study, the Department is pursuing a multi-faceted and multi-phased approach to addressing programmatic issues.

As part and in addition to the work being conducted to implement the recommendations from the US Department of Justice National Institute of Corrections (NIC) and the National Center for State Courts (NCSC), the Department analyzed system wide operations from initial intake of offenders into the prison system through discharging from parole to look for opportunities to better prepare offenders for release, provide greater opportunities for offenders to successfully transition back to our communities, enhance public safety, and augment action plans from the NIC & NCSC recommendations.

The results from this internal analysis created a plan of action that will guide the Department to accomplish several short, medium, and long term goals targeted to:

- Increase pre-release and facility In-Reach services to augment current efforts to prepare offenders for successful release;
- Provide additional tools for success in the transition from incarceration to the community; and
- Enhance operations via staff training and augmented offender supervision initiatives.

Increase Offender Preparation for Release through additional pre-release type activities

Although the Department currently provides pre-release classes in the state prison facilities, there is currently very little pre-release interaction between offenders and Community Parole Officers. An essential component of the pre-release process is developing relationships between Community Parole Officers and offenders prior to release which will assist the offenders in understanding what to expect when released and to be prepared to meet those expectations when released.

According to the report "Putting Public Safety First - 13 Parole Supervision Strategies to Enhance Reentry Outcomes", "As recommended by the National Research Council (2007, 82), 'parole authorities and administrators of both in-prison and post-release programs (should) redesign their activities and programs to provide major support to parolees and other releases at the time of release. Many studies argue that the beginning supervision is so critical to individual success that parole agencies should not wait for the individual to be released to the community to develop and implement a supervision plan. Parole staff will ideally be involved in pre-release planning activities and help support and coordinate supervision interventions just after release. Early involvement by parole officers can contribute to increased offender success through

helping the parolee understand the conditions of release and the expectations of the conditions of parole once release occurs.

The Department is requesting 19 FTE to allow CPO's to be assigned pre-release duties in the public and private prison facilities (19.2 FTE and \$1.7 million). These POST-certified staff will be in the facilities to bridge the gap between facility and parole operations: providing group and one-on-one contact with offenders in prison but also rotating back into the community to remain current with field work trends and current community resources. These officers will provide contact to offenders in state and private facilities, complimenting the case manager and pre-release specialists with additional pre-release efforts in those facilities. These officers will also be available to assist with transporting high risk / high needs offenders from the institutions to parole offices upon release, ensuring for seamless transition and supervision.

- Group classes conducted by the CPO will provide an overview of the parole process during the pre-release module "Living Under Supervision" (terms and conditions of parole, what offenders can expect during supervision, and answering general questions about the parole process). The class will also be provided to other offenders outside of the pre-release module.
- One-on-one contact with offenders will assist facility-based case managers with pre-parole planning (such as housing options and condition of parole placements that would contribute to the reduction of homeless parole plans), pre-parole investigations (employment needs), and obtaining community contacts and referrals for treatment services.
- Duties will also include the transport of high risk / high needs offenders (those offenders who are sexually violent predators, or releasing from administrative segregation as well as some of those who are severe mentally or physically ill) to the parole office when they release from prison. In FY 2012-13, approximately 8% of DOC releasing offenders (860) were seriously mentally ill, 3% (307) were seriously physically ill, less than 1% (85) were released from administrative segregation or were sexually violent predators (47).

The Department is also requesting four Pre-Release Specialist FTE to be placed in current facilities that have high demand for pre-release programs (about \$265,000). These staff provide training in job skills using the SKYTRAIN program, assisting the offenders in online application processes and resumè production, doing mock interviews, and other classes to prepare the offender for success upon release.

In addition to providing opportunities for the pre-release preparation and interaction with community parole officers prior to release, the Department determined that additional resources were needed to allow facility based case managers the ability to more fully implement the recommendations from the NIC evaluation that indicated a need to create more thorough institutional case plans that are offender specific and address specific criminogenic needs. With ratios of over 90 offenders per case manager, implementation of this recommendation would be difficult. With the reduction of caseloads to 80:1 for general population offenders and 60:1 for high needs populations, resources will be better aligned to assist offenders with more services and personalized case planning. Total funding required to reduce these caseloads is approximately \$1.9 million.

The last component identified to assist offenders in preparing for release is ensuring each has an official identification document. For many offenders, this is something they already have and the Department is simply returning it to them as they release. However, for many offenders, they do not have identification nor the documents required to get one. Without a process in place to work through the barriers and collaborate with the Department of Revenue, many offenders will find it difficult, if not impossible, to find employment or otherwise interact with modern society that relies heavily on official identification documents. Total funding needed to establish this process is approximately \$436,000.

Provide Additional Tools to Offenders for Successful Transition

Once released from a facility into the community, it will be important for offenders to have the necessary tools to be successful. Some offenders struggle with homelessness and unemployment, others with mental illness, others with drug addictions and others with all of the above. When looking at providing the best possible chance of success for each offender, the Department must be flexible and broad in its approach. The proposed tools for offenders include:

- A consolidation of emergency assistance contract funding in one line is being proposed. As part of this request, in the Parole subprogram proposes to expand funding for inpatient residential treatment, housing, psychotropic medication for parolees, transportation assistance, clothing, employment assistance, and any other specialized needs that may impact a parolee's transition. On any given day, parolee needs can change depending on their particular circumstances and thus a consolidation of these line items will provide the necessary flexibility to meet these needs and an increase in total amount will enable more of the needs to be met. Total approximate increase of \$773,000.
- Evidenced Based Cognitive Behavioral program contract funding to provide officers with a referral program to help parolees struggling to leave criminal thinking in the past. Total increase in funding proposed is \$300,000.
- Behavioral Health – community-based mental health consultants are requested for each of four regions in the state to provide case planning, consultation and training to CPO's to direct the parolee to the right community based service providers to meet their individual needs. A supervisor is also requested. These positions will be funded and monitored by the Mental Health subprogram to provide oversight from those experienced in the behavioral health issues of offenders. Total cost of \$361,000.
- Four regional Employment and Training Navigators to coordinate with the Colorado Department of Labor and Employment to assist in contacting employers and obtaining general leads for employment opportunities for parolees. Total cost of approximately \$282,000.
- Additional Re-Entry Specialists will be placed in heavier workload areas to assist parole officers and consult with parolees on contacts for job and housing assistance, transportation needs, and other re-entry challenges. Total cost of approximately \$300,000.
- Vivitrol pilot program continuation and expansion project. Vivitrol is designed to remove cravings for opiate narcotics and free offenders from their addictions. Total cost of \$250,000.

Public Safety Enhancement

At the center of the Department's initiatives will be a heightened focus on staff training, strict

accountability, and a commitment to seeing that the public is protected while assisting and preparing offenders to succeed.

To address these issues the Department is collaborating with Judicial Department Probation Services to establish a model from which to develop a staff training and development curriculum. The Department will use this model to enhance basic training for new parole employees, develop annual in-service training for parole staff, and create a staff development within the Division of Adult Parole to prepare and supervise offenders through successful reintegration.

The Department Training Academy will rely heavily upon the success achieved by the Colorado Judicial Department Probation Services and their training and staff development programs. To accomplish this, the Department is requesting 7.0 training coordinators: one in each of four regions with an additional trainer in the Denver metro area, as well as 2.0 FTE in the training academy to focus on parole specific training and 1.0 administrative assistant to support the additional training activity. The total cost of this request is approximately \$600,000.

While the Department does not control offenders who are in the community, there must be a level of responsiveness to issues when they are known (or should be known) where the public can be confident that the Department is exercising judicious authority when appropriate.

To this end and to address response protocols in National Institute of Corrections (NIC) recommendation #5 in the August 2013 Electronic Monitoring Study, the Department is requesting an electronic monitoring unit that will monitor tamper and other alerts to electronic monitoring units assigned to high risk parolees. Staff will review the alerts against a pre-established hierarchy of alerts, assign appropriate response protocols, clear alerts if possible, and if not possible, then escalate response protocols if the offender or officer cannot be reached. This unit will monitor alerts 24 hours a day, 7 days a week to ensure alert information is processed and addressed in a timely manner for the safety of Colorado citizens. This will ultimately allow parole officers to have more focus on their active caseload of parolees and respond to the alerts while independent staff process and clear alerts when possible and dispatching officers when necessary.

Permanent funding for teams of officers to be on call during nights and weekends is also being requested. The total cost of the Dispatch Post and on-call funding is approximately \$650,000.

There also exists a need for long-term plan to ensure that community parole officers have the necessary officer safety equipment to protect them to the extent possible. This equipment (radios, ballistic vests, etc.) has been dealt with in one-time manners but a long term approach needs to be established within the Department's budget. Included in this request is a long-term replacement plan for the essential officer safety equipment (approximate cost of \$200,000).

Long Term IT upgrades

In the long run, an upgraded IT infrastructure will be necessary to fully resolve all issues within the department. The challenge of preparing an offender to return to our communities begins the day they are admitted into the Department of Corrections and only ends when they successfully transition back into society. The long-term phase of these initiatives includes a capital construction IT request for a comprehensive unified offender management system, which will follow the offender through the corrections system from intake to release from parole. This is

part of an overall long term help in preparing offenders for release as well as managing them on parole. This request was submitted as an IT Capital Construction request in December 2013 to the Capital Development Committee as a FY 2014-15 Budget Amendment.

When complete, the project will include the entire unified offender management system, including components from education, clinical treatment with electronic health records (medical, mental health, sex offender, and substance abuse), offender assessments for needs and risk level, community corrections referrals, pre-parole planning, conditions of parole, and parole supervision / monitoring. In the short run, the Department is coordinating with the University of Cincinnati to provide a stand alone IT program that will create a meaningful, individualized, case plan that follows the offender through incarceration and parole supervision¹. This functionality will be integrated into the larger unified offender management system in later phases but in the meantime, it will begin to provide for automation of individualized case plans sooner.

¹ National Institute of Corrections Technical Assistance Report, NIC TA No. 13C1052, Technical Assistance Recommendation #2, pg. 13

Lifetime Supervision of Sex Offenders

Annual Report



November 1, 2013

Colorado Department of Corrections
Colorado Department of Public Safety
State Judicial Department

Lifetime Supervision of Sex Offenders | 2013

November 1, 2013

Division of Criminal Justice
Office of Domestic Violence and Sex Offender Management
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Please contact Jesse Hansen (see contact information below) or visit the Sex Offender Management Board website at <http://dcj.state.co.us/odvsom> if you would like copies of the following attachments:

Attachment A:

*Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders
Lifetime Supervision Criteria*

Attachment B:

Sexual Predator Risk Assessment Screening Instrument

Attachment C:

Sexual Predator Risk Assessment Screening Instrument Handbook

Attachment D:

SOMB Provider List

Attachment E:

Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines

Attachment F:

2011 Adult Standards and Guidelines Outcome Evaluation

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INTRODUCTION

The Colorado Department of Corrections (CDOC), Colorado Department of Public Safety (CDPS) and the State Judicial Department has collaborated to write this Annual Report on lifetime supervision of sex offenders. The report is submitted pursuant to Section 18-1.3-1011, C.R.S.:

“On or before November 1, 2000, and on or before each November 1 thereafter, the department of corrections, the department of public safety, and the judicial department shall submit a report to the judiciary committees of the house of representatives and the senate, or any successor committees, and to the joint budget committee of the general assembly specifying, at a minimum:

- (a) The impact on the prison population, the parole population, and the probation population in the state due to the extended length of incarceration and supervision provided for in sections 18-1.3-1004, 18-1.3-1006, and 18-1.3-1008;
- (b) The number of offenders placed in the intensive supervision parole program and the intensive supervision probation program and the length of supervision of offenders in said programs;
- (c) The number of sex offenders sentenced pursuant to this part 10 who received parole release hearings and the number released on parole during the preceding twelve months, if any;
- (d) The number of sex offenders sentenced pursuant to this part 10 who received parole or probation discharge hearings and the number discharged from parole or probation during the preceding twelve months, if any;
- (e) The number of sex offenders sentenced pursuant to this part 10 who received parole or probation revocation hearings and the number whose parole or probation was revoked during the preceding twelve months, if any;
- (f) A summary of the evaluation instruments developed by the management board and use of the evaluation instruments in evaluating sex offenders pursuant to this part 10;
- (g) The availability of sex offender treatment providers throughout the state, including location of the treatment providers, the services provided, and the amount paid by offenders and by the state for the services provided, and the manner of regulation and review of the services provided by sex offender treatment providers;
- (h) The average number of sex offenders sentenced pursuant to this part 10 that participated in Phase I and Phase II of the department's sex offender treatment and monitoring program during each month of the preceding twelve months;
- (i) The number of sex offenders sentenced pursuant to this part 10 who were denied admission to treatment in Phase I and Phase II of the department's sex offender treatment and monitoring program for reasons other than length of remaining sentence during each month of the preceding twelve months;

- (j) The number of sex offenders sentenced pursuant to this part 10 who were terminated from Phase I and Phase II of the department's sex offender treatment and monitoring program during the preceding twelve months and the reason for termination in each case;
- (k) The average length of participation by sex offenders sentenced pursuant to this part 10 in Phase I and Phase II of the department's sex offender treatment and monitoring program during the preceding twelve months;
- (l) The number of sex offenders sentenced pursuant to this part 10 who were denied readmission to Phase I and Phase II of the department's sex offender treatment and monitoring program after having previously been terminated from the program during the preceding twelve months;
- (m) The number of sex offenders sentenced pursuant to this part 10 who were recommended by the department's sex offender treatment and monitoring program to the parole board for release on parole during the preceding twelve months and whether the recommendation was followed in each case; and
- (n) The number of sex offenders sentenced pursuant to this part 10 who were recommended by the department's sex offender treatment and monitoring program for placement in community corrections during the preceding twelve months and whether the recommendation was followed in each case."

This report is intended to provide the Colorado General Assembly with information on the thirteenth year of implementation of the Lifetime Supervision Act in Colorado. The report is organized into three sections, one for each of the required reporting departments. Each department individually addresses the information for which it is responsible in implementing lifetime supervision and associated programs.

IMPACT ON PRISON AND PAROLE POPULATIONS

The legislation enacting the Lifetime Supervision Act of sex offenders (CRS 18-1.3-1004, CRS 18-1.3-1006, and CRS 18-1.3-1008) affected persons convicted of sex offenses committed on or after November 1, 1998. The first prison admission for the qualifying lifetime supervision sexual offenses occurred in the Fall of 1999.

Admissions and Discharges for FY 2013

During fiscal year (FY) 2013, 144 new court commitments were admitted to CDOC under the lifetime supervision provisions for sex offenses, plus 8 offenders returned on their original lifetime sex offender sentence after they had been released from their prison sentence by the courts (i.e., court ordered discharge, release to probation). Offenders may be admitted to prison with a conviction for a nonlifetime supervision offense along with a concurrent or consecutive lifetime supervision sentence to *probation* for the qualifying sex offense, but these offenders are not included among those counted as lifetime supervision sex offenders. Also during the fiscal year, 19 offenders discharged their sentence: 9 received court-ordered releases (one was a parolee), 8 died (3 were parolees), and 2 were released by the courts to probation.

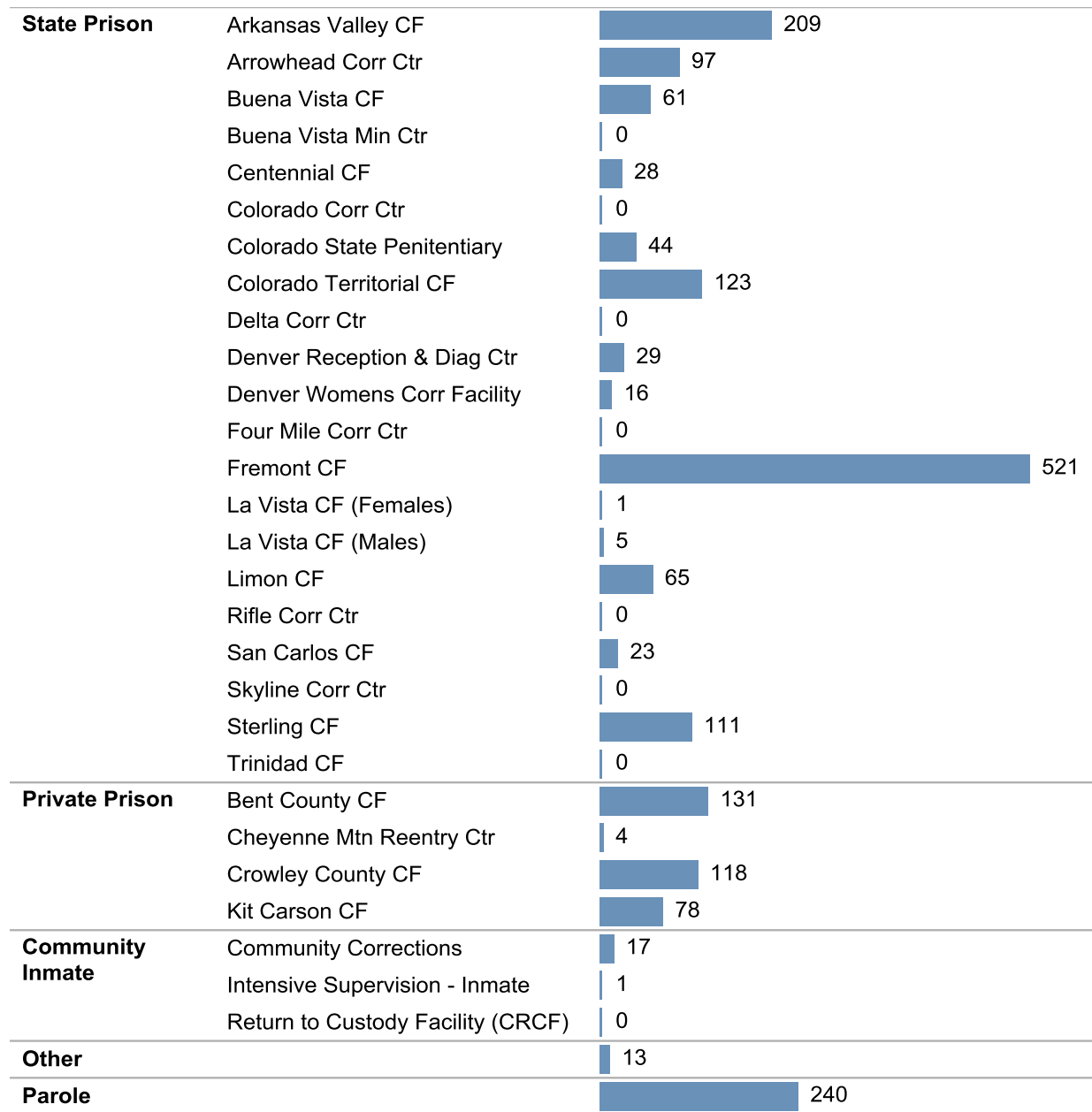
Offenders who receive prison sentences may have their sentences amended from a determinate sentence to a lifetime sentence or vice versa. A history of amended mittimus is not recorded electronically, so it is impossible to identify all sex offenders who have had their sentences amended in the midst of serving their sentence. However, point-in-time data, such as that used to describe the current population in the next section, accurately reflects offenders who are serving lifetime sentences.

Current Population

As of June 30, 2013, 1,935 offenders were under CDOC supervision for sexual offense convictions sentenced under the lifetime supervision provisions. Of these, 1,333 were in state prisons, 331 were in private prisons, 18 were in community inmate placements, 240 were on parole, and 13 were in other locations (e.g., jail backlog and interstate compact). Figure 1 breaks these placements out further.

Of the 1,935 lifetime supervision offenders currently under CDOC supervision, almost all are male (99%) and the median age is 44. Fifty-seven percent of these offenders are Caucasian, 27% are Hispanic, 13% are African American, and 3% are other ethnicities. Eleven of these offenders had a more serious offense than the lifetime sex offense as their controlling offense.

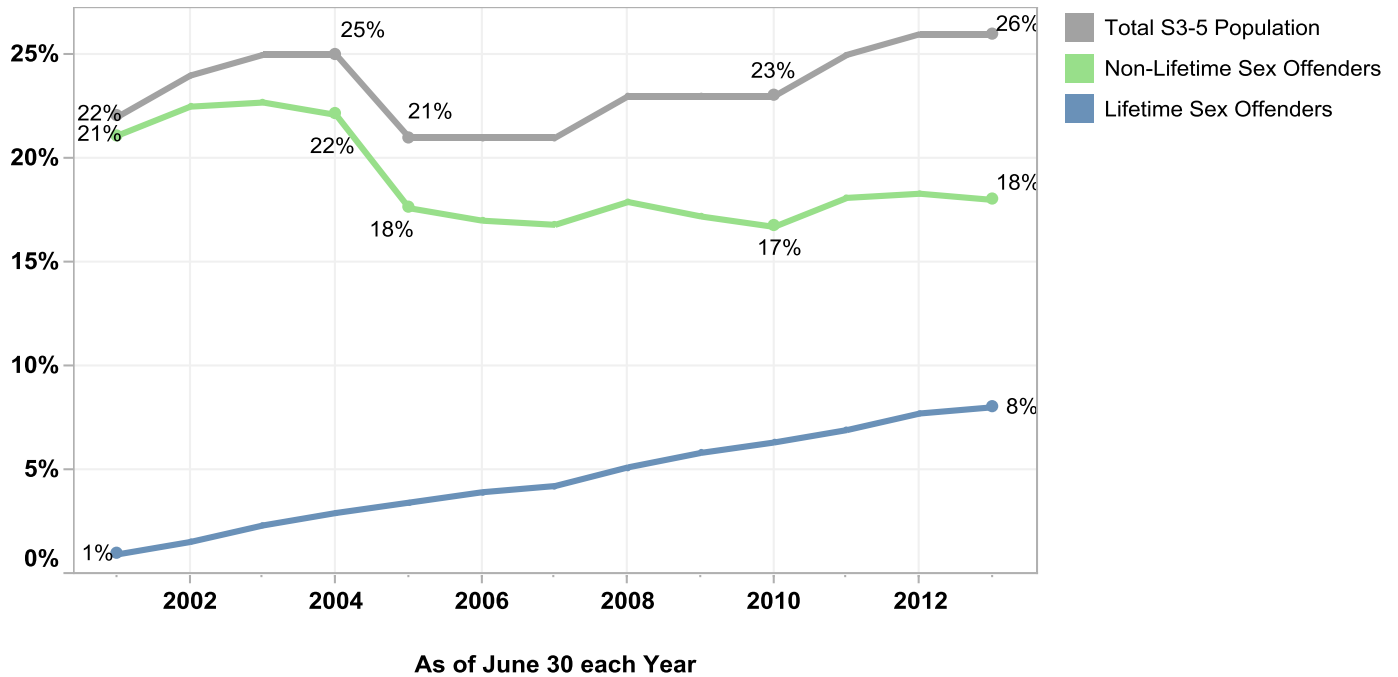
Figure 1. Location of Lifetime Supervision Sex Offenders as of June 30, 2013



Impact on Prison

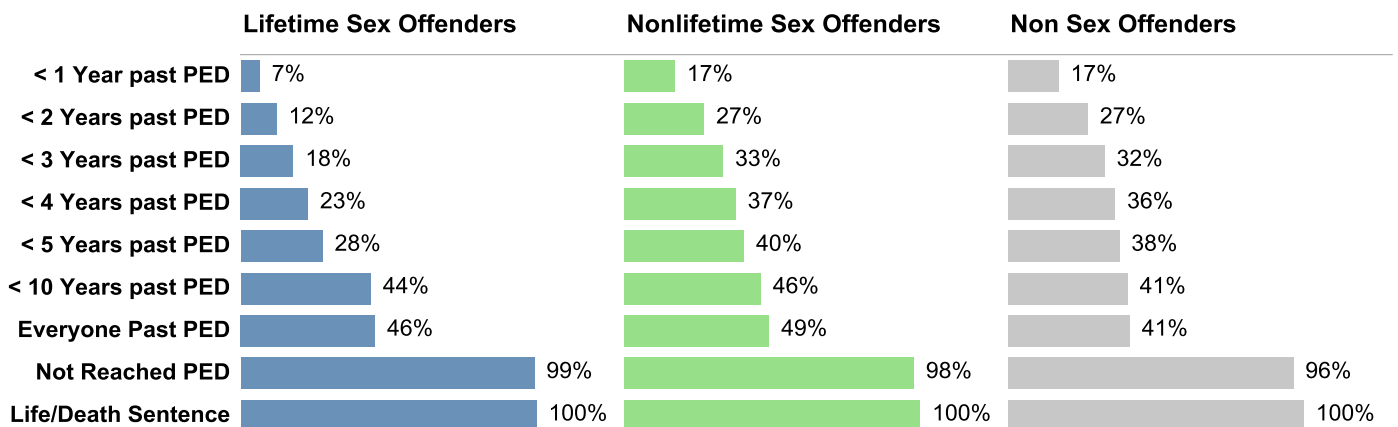
In order to assess the impact of the Lifetime Supervision Act on the prison population, the percentage of nonlifetime and lifetime sex offender inmates out of the total inmate population since 2001 was examined (see Figure 2). Sex offenders are classified by DOC staff as those scoring 3-5 on a 5-point needs level severity index. The proportion of offenders sentenced under the Lifetime Supervision Act has been steadily increasing over the past decade. Conversely, nonlifetime sex offenders decreased in FY 2005 but have leveled off since then. It is not known why the rate of nonlifetime sex offenders dropped so suddenly, but it seems likely that there was a change in how sex offenders were being classified by DOC. Taken together, it seems that the increase in sex offenders among the inmate jurisdictional population since 2005 is largely due to lifetime supervision offenders.

Figure 2. Percentage of Sex Offenders and Lifetime Sex Offenders Out of the Prison Population



In order to further assess the impact of prolonged lifetime supervision sentences on the Colorado prison population, parole eligibility dates (PED) were examined for inmates according to whether they were lifetime sex offenders, nonlifetime sex offenders, or nonsex offenders (see Figure 3). PED represents the earliest date that an offender is eligible for parole; some offenders with life sentences do not have parole eligibility dates because they are not eligible for release. The data indicate that sex offenders are more likely to be past their PED than those who are not sex offenders, but lifetime offenders are slightly less likely to be past their PED than nonlifetime sex offenders. However, lifetime offenders who are past their PED are more likely to be 5 or more years past their PED than nonlifetime sex offenders; 18% of lifetime offenders were more than 5 years past their PED (46% past PED minus 28% < 5 years past PED) compared to 9% of nonlifetime sex offenders (49% past PED minus 40% < 5 years past PED).

Figure 3. Cumulative Rates by Parole Eligibility Blocks and Offender Type



Note. Each column is cumulative; therefore, each row includes data from the previous row.

Impact on Parole

There have been 274 offenders under lifetime supervision who have released to parole through June 30, 2013. Of these offenders, 106 paroled for the first time under their lifetime supervision sentence during FY 2012-13. Some who had their parole revoked have reparaoled second and third times, so there have been a total of 299 releases to parole since the inception of the Act. Figure 4 details the raw and cumulative number of initial releases and reparaoles of lifetime supervision offenders by year.

Figure 4. Lifetime Sex Offender Releases by Year

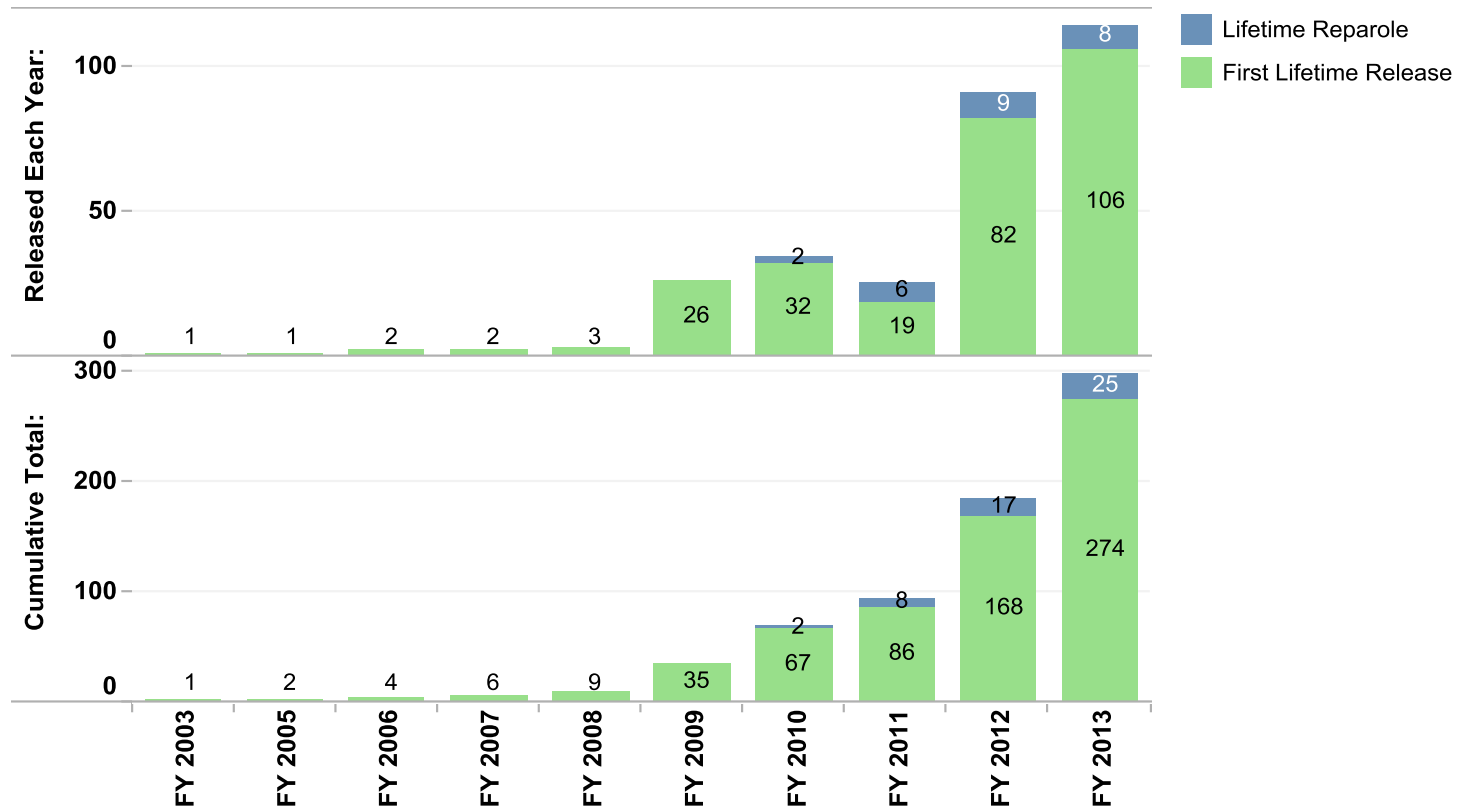


Figure 5 displays length of stay on parole as of June 30, 2013, both for active parolees (green) and those who have had their parole terminated (blue) due to revocation, death, or sentence change. The longest a lifetime offender has been under parole supervision is 8 years and the average is 18 months. Sixty-three of the 274 offenders (23%) released to parole supervision in another state. One hundred and thirty, or 47%, of the lifetime supervision parolees who released from prison since the act began have spent at least a portion of their parole period in intensive supervision parole when they had an active lifetime sex offender sentence. Since the Act began, 199 lifetime sex offenders participated in intensive supervision parole, with median length of time spent on intensive supervision parole through June 30 of about 9 months. This number was a total of every time an offender participated in intensive supervision parole, which was at most three times.

Figure 5. Parole Length of Stay

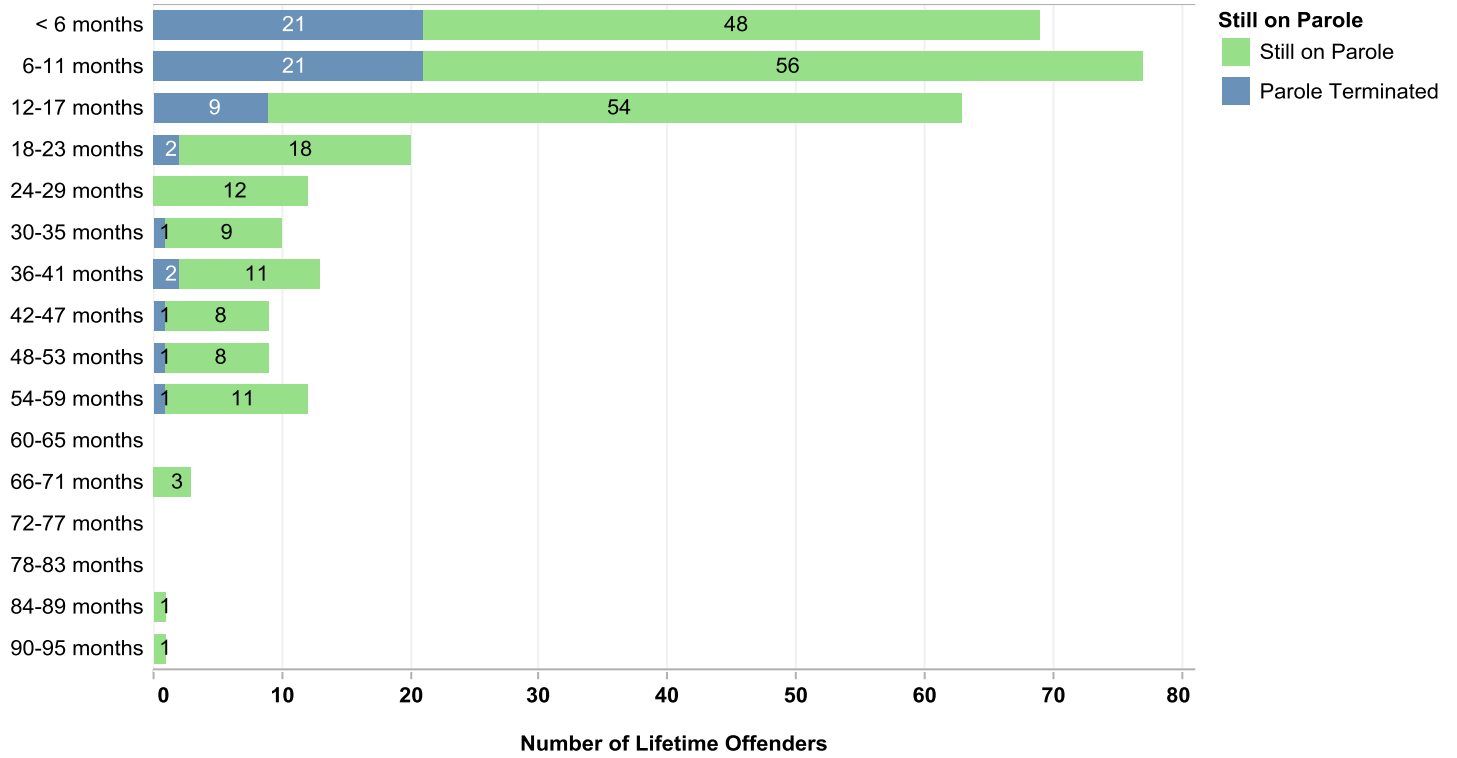
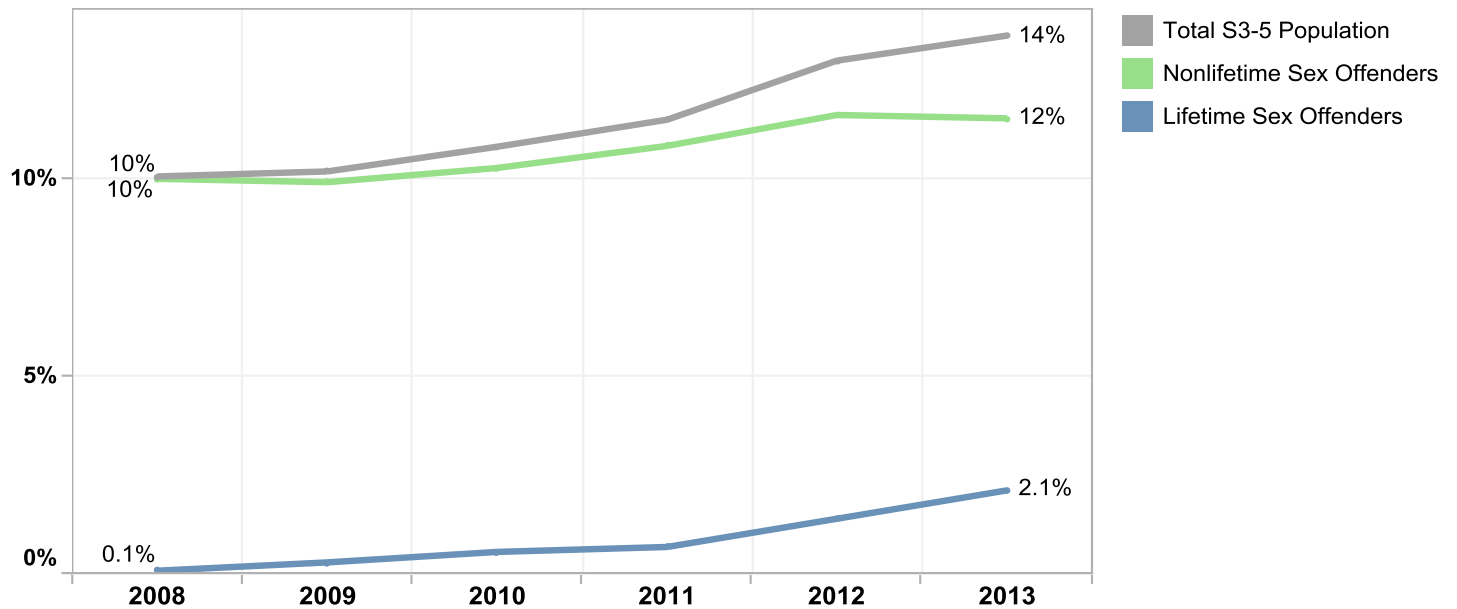


Figure 6 shows the percentage of parolees who are sex offenders (as defined by sex offender needs levels 3-5), broken out by lifetime and nonlifetime supervision sex offenders. The majority of sex offenders under parole supervision are not under the provisions of lifetime supervision. Lifetime supervision parolees appear to be largely responsible for the recent increase of sex offenders on parole, although the proportion is still small (2.1%).

Figure 6. Percentage of Sex Offenders and Lifetime Sex Offenders Out of Total Parolees



Parole Release Hearings

The Parole Board completed 887 release hearings for 731 lifetime supervision sex offenders during FY 2013; some offenders had multiple hearings over the course of the year. The Parole Board granted discretionary release in 96 of the 887 hearings. Some of the offenders granted release had not yet paroled by the end of the fiscal year.

Parole Revocation Hearings and Number of Parole Revocations

The Parole Board completed 30 revocation hearings for 29 lifetime supervision offenders in FY 2012-13, with a decision to continue parole in 6 cases and to revoke parole in 24 cases (one offender was revoked twice during the year). These figures exclude hearings held where a decision was not reached (i.e., hearing continued). Additionally, one offender self-revoked his parole.

Of the 299 releases to parole since the Lifetime Supervision Act went into effect, 64 have resulted in revocation (some offenders have released and been revoked multiple times). Of the 64 revocations, 5 offenders returned with six convictions incurred while on parole: one escape, three escape attempts, one failure to register as a sex offender, and one count of menacing. None of these were during FY 2013.

Parole Discharge Hearings and Number Discharged from Parole

According to CRS 18-1.3-1006, the period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life. The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least 20 years and a maximum of the remainder of the sex offender's natural life. The longest period of parole to date for a lifetime offender is 8 years, so no discharge hearings have been held yet and are not expected for at least 2 more years.

SUMMARY OF EVALUATION INSTRUMENTS

Release to parole or community corrections is subject to the discretion of the Parole Board. CDOC informs the Parole Board if offenders have participated in treatment and have met the Sex Offender Management Board's criteria for successful progress in prison treatment. (See ATTACHMENT A).

ATTACHMENT A: *Sex Offender Management Board Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders; Lifetime Supervision Criteria;*

Standards for Community Entities That Provide Supervision and Treatment for Adult Sex Offenders Who Have Developmental Disabilities

SEX OFFENDER TREATMENT AND MONITORING PROGRAM (SOTMP)

All providers in CDOC must comply with the standards and provider qualifications of the Colorado Sex Offender Management Board (SOMB).

Sex Offender Treatment Phases

Following the release of a comprehensive evaluation of The Sex Offender Treatment and Monitoring Program (SOTMP), the programming and curriculum was revised and updated based on the evaluation recommendations beginning April 2013. In order to implement positive change to programming and treatment, key positions were filled to include:

- Psychologist to complete assessments;
- Staff to complete risk assessments and deliver treatment;
- A Clinical Trainer to train, mentor, and coach treatment providers and develop training curriculum.

The Sex Offender Treatment and Monitoring Program (SOTMP) provides comprehensive assessment, evaluation, treatment, and monitoring services to sexual offenders who are motivated to eliminate sexual abuse behaviors. SOTMP is responsible for assessing the offender's progress when recommending specific SOTMP phases for participation. SOTMP offers:

Phase I

Phase 1 used to be a time-limited phase but now successful completion is based on meeting the SOMB criteria. This phase includes cognitive behavioral psycho-educational therapeutic groups focusing on the common problem areas of sex offenders. The program is offered at Fremont Correctional Facility, Arkansas Valley Correctional Facility, Colorado Territorial Correctional Facility, Denver Women's Correctional Facility, and the Youthful Offender System. Hearing impaired offenders are accommodated at Colorado Territorial Correctional Facility. The goals and curriculum of Phase I were revised, now covering a "core" program that all offenders in treatment will be offered so as to meet SOMB criteria with the successful completion of Phase I Core. Offenders assessed as low and low-moderate will complete only Phase I Core; those assessed as moderate-high and high will continue on in Phase II. The goals of Phase I Core include:

- The offender is initially assessed on the Static-99R, but risk assessment is ongoing throughout treatment with multiple instruments to include a dynamic assessment. This ongoing risk assessment determines the level of treatment needed.
- The offender takes full responsibility for his/her sexually abusive behavior.
- The offender identifies, in depth, problem areas he/she needs to continue to work on if continuing on to Phase II.
- The offender demonstrates a willingness to utilize the treatment program to make changes to prevent further sex offense behavior through participation in the treatment group and behavior in the institution.
- The offender will have the opportunity to meet the SOMB criteria with a report to the Parole Board that these criteria have been successfully met.
- To further evaluate the offender's motivation for treatment and willingness to commit himself/herself to the change process.

Phase II

This phase consists of cognitive behavioral groups focusing on changing the offender's distorted thinking and patterns of behaviors, as well as helping the offender develop effective relapse prevention plans (i.e., personal change contracts). Offenders who continue on in Phase II are still categorized into specialized treatment formats (standard or modified) based on sentence length. This is offered as a modified Phase II program at Arrowhead Correctional Center, Arkansas Valley Correctional Facility, and Fremont Correctional Facility. It is also offered in a regular group format at Colorado Territorial Correctional Facility, Denver Women's Correctional Facility, and the Youthful Offender System. The goals of Phase II include:

- The offender receives further evaluation of his/her treatment needs and problems areas including ongoing risk assessment to determine treatment needs.
- The offender applies and incorporates the material learned in Phase I into his/her lifestyle.
- The offender identifies and changes distorted thinking.
- The offender prepares for living a responsible lifestyle in the community.
- The offender realizes the importance of developing a balanced lifestyle and monitoring his/her thoughts and behaviors for the rest of his/her life.
- The offender identifies his/her relapse cycle and methods for intervention in the cycle.
- The offender realizes the importance of sharing his/her relapse cycle and methods of intervention with significant others in his/her life.
- The offender identifies an approved support person in the community, often a family member though it is not a requirement that this identified person is a family member.
- The offender practices and incorporates a model for solving problems.

Specialized Services: SOTMP also offers, to the extent that resources permit, specialized services to the following sex offenders: females, youth, Spanish speaking, and offenders with medical restrictions, hearing impairments, developmental disabilities, and chronic mental illness.

Specialized Treatment Formats for Lifetime Supervision of Sex Offenders

The 1998 passage of the Colorado Lifetime Supervision Act requires that offenders must serve the term of their minimum sentence in prison and participate and progress in treatment in order to be considered a candidate for parole. CDOC has designed treatment formats that motivate offenders to progress in treatment and be considered a candidate for parole based on their minimum sentence. There is no distinction between the specialized formats when offenders are in Phase I, but offenders are placed into the different treatment formats during Phase II. The treatment formats were designed with the following assumptions:

- Although specialized formats are designed to encourage cooperation with and progress in treatment, they do not ensure it.
- Sex offenders will continue in treatment and supervision if placed in community corrections or on parole.
- Offenders need to be willing to work on problems and demonstrate motivation to change.
- The Parole Board will be informed when offenders meet the SOMB criteria for successful progress in prison treatment.

Modified Format: Offenders with two to five years minimum sentence.

The SOTMP informs the Parole Board and/or Community Corrections Boards when offenders meet the following SOMB criteria for successful progress in treatment in prison:

- Is actively participating in treatment and applying what he or she is learning.
- Completes a full disclosure of their sexual history as verified by a nondeceptive polygraph assessment of his or her deviant sexual history.
- Completes a comprehensive Personal Change Contract (relapse prevention plan) which is approved by the SOTMP team.
- Identifies, at a minimum, one approved support person who has participated in SOTMP family/support education. The SOTMP also must have received an approved copy of the offender's Personal Change Contract through participation in a SOTMP therapist facilitated disclosure session with the offender.
- Practices relapse prevention as verified by any recent monitoring polygraphs and has had no institutional acting out behaviors within the past year (e.g., a history of engaging in high risk behavior or committing violations of institutional rules reflective of ongoing criminal behavior).
- Stays compliant with any DOC psychiatric recommendations for medication which may enhance his or her ability to benefit from treatment and/or reduce his or her risk of re-offense.
- Demonstrates the ability to be supervised in the community without presenting an undue threat (e.g., indications of undue threat may include a history of sadistic behavior or fantasy, a diagnosis of psychopathy based on the PCL-R, or a history of lethality in offense behavior or fantasy).

Standard Format: Offenders with six years or more minimum sentences and all non-lifetime supervision offenders.

The SOTMP informs the Parole Board or Community Corrections Boards when offenders meet the following SOMB criteria for successful progress in treatment in prison:

- Is actively participating in treatment and applying what he or she is learning.
- Completes a full disclosure of their sexual history as verified by a non-deceptive polygraph assessment of his or her deviant sexual history.
- Defines and documents his or her sexual offense cycle.
- Identifies, at a minimum, one approved support person who has participated in SOTMP family/support education. The SOTMP also must have received an approved copy of the offender's sexual offense cycle through their participation in a SOTMP therapist facilitated disclosure session with the offender.
- Practices relapse prevention as verified by any recent monitoring polygraphs and has had no institutional acting out behaviors within the past year.
- Stays compliant with any DOC psychiatric recommendations for medication which may enhance his or her ability to benefit from treatment and or reduce his or her risk of re-offense.
- Demonstrates the ability to be supervised in the community without presenting an undue threat.

In an effort to meet the growing treatment needs of lifetime supervision offenders with CDOC's limited treatment resources, the following changes were implemented to increase treatment opportunities for offenders:

- Developed a Modified Phase II program at Arrowhead Correctional Center in May 2010, Fremont Correctional Facility in September 2008 and Arkansas Valley Correctional Facility in March 2010 for lifetime supervision offenders with short minimum sentences to help them progress through the program more quickly.
- Developed a Phase II outpatient program at Colorado Territorial Correctional Facility for offenders who cannot progress to Arrowhead Correctional Center in August 2008.
- Moved the Phase I program at Sterling Correctional Facility to Arkansas Valley Correctional Facility in October 2008. This location improves the CDOC's ability to recruit and retain therapists.
- Established a priority list to assign sex offenders to treatment openings in June 2010. Since lifetime supervision sex offenders must progress in treatment to be considered a candidate for parole, they are given first priority for the limited treatment openings. The CDOC is currently in the process of changing administrative regulation 700-19 so that the SOTMP will prioritize offenders for treatment based on risk level and their parole eligibility date. The department will assess the treatment needs of offenders, in addition to providing an ongoing dynamic risk assessment administered at different designated times based on treatment goals met. The department will no longer use sentence type (indeterminate or determinate) as a criterion for treatment priority. Offenders that

score moderate-high and high on treatment need will be grouped together and receive a more intensive level of treatment. Those offenders who score low and low-moderate level of treatment needs will be grouped together and receive a lower level of intensity of treatment. However, for FY 2013, prioritization was as follows:

- First Priority – Lifetime supervision offenders who are within four years of their parole eligibility date will be the highest treatment priority.
 - Second Priority – Convicted sex offenders with traditional sentences who are within four years of their parole eligibility date.
 - Third Priority – Offenders who are determined to be sex offenders through administrative review procedures.
- Active communication with the Parole Board, the Colorado Association of Community Corrections Boards, and the Colorado Community Corrections Coalition regarding community transition for lifetime supervision sex offenders.
 - Obtained a Bureau of Justice grant to increase sex offender community transition options and resources October 2010 through September 2012.

COMMUNITY CORRECTIONS AND PAROLE SUPERVISION

The CDOC Division of Adult Parole, Community Corrections and Youthful Offender Services have specially trained officers who supervise sex offenders in the community and under parole supervision through the Community Parole Sex Offenders Program (CPSOP). The program is designed to have a caseload ratio of ten parolees to one community parole officer (CPO). The offenders are supervised on a three tier system of supervision, as outlined in Table 1. As part of the CDOC approved treatment provider process, the department periodically audits service providers.

Table 1. Three Tier System of the CPSOP

Level	Contact with Community Parole Officer or Program Contract Worker
1	Eight face-to-face contacts per month
2	Six face-to-face contacts per month
3	Four face-to-face contacts per month

Note. Program contract workers may include an approved treatment provider, TASC contract worker, reentry specialist or designated law enforcement representative.

At a minimum, four of these face to face contacts must be made by the CPO. On each of the levels the contacts can consist of any of the following combinations:

- Daily telephone contact through the Colorado Web-based Integrated Support Environment (CWISE) which shall include a detailed itinerary.
- Two mandatory face-to-face home contacts per month, one of which may be a collateral contact (only for levels one and two).

- Employment visitation and monitoring two times per month, which may be a personal visitation, verification by pay stub, or telephonic verification.
- Treatment monitoring, once per month, to verify participation and progress.
- Treatment staffing, as needed, to be scheduled by the CPO, at least quarterly.
- Collateral contacts, as needed.
- Surveillance activities, as needed, to be staffed with the team leader and approved by the supervisor.
- Office visits, as needed.
- Curfew monitoring, to include electronic monitoring.
- Restitution payments.

The level of supervision shall be measured by behavior that indicates lessened risk, not by the passage of time. The sex offender's community parole officer and treatment provider shall make recommendations to the parole board concerning whether the sex offender has met the requirements specified such that the level of parole supervision should be reduced for each level. Criteria to be met, including but not limited to:

- Offender is taking responsibility for their offense.
- Offender understands their offense cycle.
- The offender has demonstrated full compliance with treatment expectations.
- The offender has demonstrated full compliance with supervision.
- Offender is in compliance with any medication requirements.
- Offender demonstrates stable residence and employment for previous 12 months.
- Community supervision team members agree to a reduction in supervision.
- The offender has provided two nondeceptive maintenance polygraphs.
- The offender has completed and found nondeceptive on part one and two of the sexual history polygraph.
- Offender has established an appropriate community support person who has participated in offense specific education.
- Completion of, or progress in, any substance abuse treatment requirement.

- The offender demonstrates they have developed leisure activities that are appropriate, legitimate, legal and of benefit to the sex offender.
- The offender has and is utilizing an appropriate relapse prevention plan.
- Parole Board notification and concurrence.

COST OF SEX OFFENDER TREATMENT

The FY 2013 CDOC budget included \$2,989,285 for assessment, treatment, testing (including polygraphs), program evaluation, and registration coordination for incarcerated sex offenders in state facilities. Of the total, approximately \$99,569 was allocated for polygraph testing. For offenders on parole, \$1,034,756 was spent for approved sex offender treatment provider services for FY 2013. As seen throughout this report, the department continues to organize resources to maximize opportunities for lifetime supervision sex offenders to participate in treatment.

REFERRAL TO SEX OFFENDER TREATMENT

A statewide referral process was created for CDOC behavioral health treatment in prison. One of the goals of the referral system was to establish a referral list for all sex offenders who meet the requirements for sex offender treatment. Both lifetime supervision and nonlifetime sentenced sex offenders who meet the requirements are placed on a statewide priority referral list for treatment. Offenders must be within four years or less of their PED to be placed on the list. In addition, offenders who are classified as a low treatment priority are not placed on the priority referral list. Offenders may be classified as having a low treatment priority if they have a sex offense that has not been decided by a court yet. The statewide list ensures offenders are moved to a facility offering SOTMP when they are prioritized to start treatment.

As of June 30, 2013, a total of 1,737 sex offenders were on the referral list for treatment with 366 of these being lifetime supervision offenders. Of the 1,737 sex offenders, 1,516 were referred to Phase I and 221 were referred to Phase II.

DENIED ADMISSION OR READMISSION TO PHASE I AND PHASE II

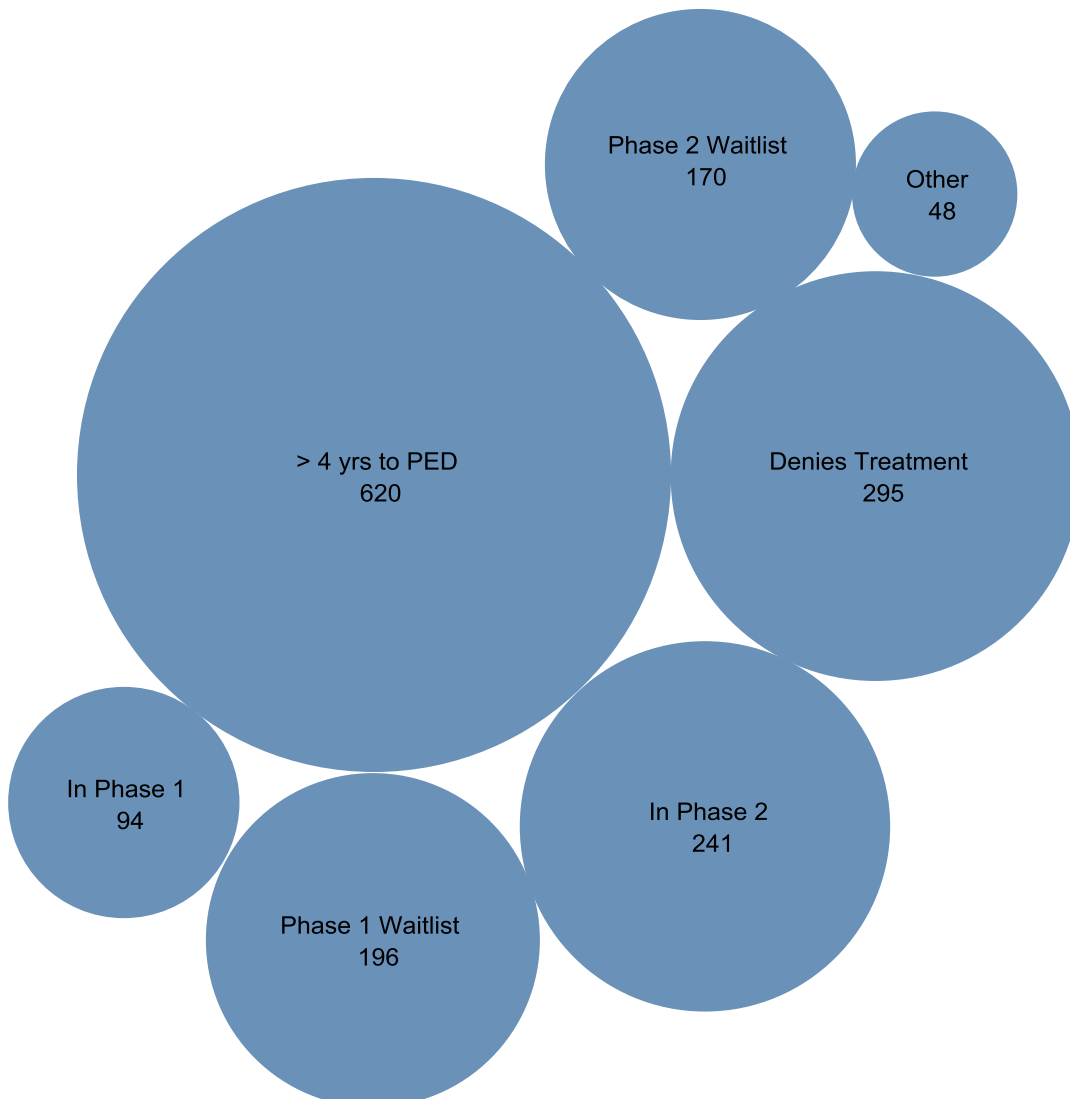
Offenders must meet basic eligibility criteria in order to be placed in treatment. The requirements for admission into sex offender treatment are listed below:

- Must have four years or less to parole eligibility date to be placed on the priority referral list.
- Must admit to sexually abusive behavior and be willing to discuss the details of their behavior.
- Must be willing to admit to problems related to sexually abusive behavior and work on them in treatment.

- Must demonstrate a willingness to participate in group treatment at the level recommended by the program.
- Must sign and comply with the conditions of all SOTMP treatment contracts.

Offenders are interviewed and screened prior to participation in treatment using these criteria. Even if the offender does not initially meet participation requirements, the requirements and the specific reasons for the requirements are explained, and the offender is encouraged to reapply when he or she meets the criteria in the future. Typically, offenders are able to meet the criteria and become amenable to treatment over time. The cumulative number of inmates who do not meet treatment criteria is difficult to measure due to the dynamic nature of their status. Offenders are re-interviewed and screened upon request for reconsideration and may change from not meeting criteria to meeting criteria within the course of the year.

Figure 7. Treatment status of lifetime sex offenders as of June 30, 2013



The treatment admission and participation status of all incarcerated lifetime supervision offenders on June 30, 2013 (N = 1,664), was reviewed. Based on time to parole eligibility, 620 lifetime supervision offenders did not meet the time criteria (i.e., four years to parole eligibility) for the global referral list. Of the remaining 1,044 offenders, 335 offenders were assigned to treatment, 366 offenders were on the global referral list, 295 denied their sex offense or refused treatment, two had a medical reason for not being in treatment, and the remaining 46 offenders were waiting to be assessed for treatment.

Sex offenders may initially refuse to participate in treatment, may not progress in treatment, may cease complying with treatment requirements, or may drop out of treatment. These offenders are encouraged to reapply for treatment as soon as they are willing to comply with the requirements. Offenders who drop out of Phase I treatment or are terminated due to lack of progress or failing to comply with treatment requirements can be placed back on the program referral list upon completion of assignments regarding their treatment issues.

Satisfactory completion of Phase I is an automatic acceptance into Phase II. Only those offenders who refuse Phase II treatment are not placed on the waitlist for Phase II; therefore, no offenders are denied Phase II admission. Offenders who unsuccessfully terminate from treatment may request to be reconsidered at any time. Seventy-seven lifetime supervision offenders were reviewed for re-admission to Phase II treatment in FY 2013, and all were placed on the global referral list.

PARTICIPATION IN PHASE I AND PHASE II

During FY 2013, 502 lifetime supervision offenders participated in treatment. Their participation in treatment may not be continuous for various reasons, including successfully completing a phase of treatment and waiting for the next phase. The number of lifetime supervision sex offenders participating in sex offender treatment each month is provided in Table 2. Length of participation during the fiscal year for lifetime supervision offenders in Phase I and Phase II was compiled using the first program participation admission and termination dates, or June 30, 2013, if the offender was still in the program on that date. For lifetime supervision offenders who participated in treatment at any point during FY 2013, the average length of stay in treatment within the fiscal year was 7.9 months in Phase I, 20.3 months in Phase II therapeutic community and 12.5 months in Phase II modified treatment.

Table 2. End of Month Treatment Participation of Lifetime Supervision Offenders, FY 2013

Program	July	August	September	October	November	December	January	February	March	April	May	June	Average
Phase I	126	128	113	111	121	108	119	120	119	117	99	105	116
Phase II TC	121	121	122	122	118	118	116	116	113	114	112	109	117
Phase II Mod	97	93	95	95	96	101	103	103	101	100	101	100	99
Maintenance	54	51	45	47	45	47	45	42	42	40	43	45	46
Total	398	394	375	375	380	374	383	381	375	371	355	359	378

Note: 20 offenders were not counted because they enrolled and terminated before the end of the month. 165 offenders had more than one level of treatment in FY 2013. The same offender may be included in more than one program category each month; therefore, these numbers may not match Figure 7.

TERMINATIONS FROM PHASE I AND PHASE II

Standardized program termination types are used for all program and work assignments throughout the department and describe positive and negative termination reasons. Terminations may also be administrative in nature to include situations such as medical emergencies or movement from the facility for security reasons. Terminations from Phase I and Phase II have been grouped into the following categories for this report:

- **Dropped Out/Self Terminated:** offender decides to discontinue treatment or stops attending groups and informs the treatment staff that they are no longer interested in participating in treatment.
- **Expelled and/or Lack of Progress:** offender is terminated from treatment for a group contract violation. In the majority of cases, the offender is terminated after being placed on probation and given opportunities to improve his/her participation. If the offender is terminated, completion of assignments is required before readmission to treatment is allowed. This category includes offender behaviors that threaten the safety and security of other treatment participants. Termination from treatment without a period of probation may result based on the seriousness of the behaviors.
- **Finished program/Satisfactory completion:** offender completes a time limited group, meeting the group's goals.
- **Transferred from program:** Offender transfers to another facility, releases to parole, or discharges his sentence.
- **Administrative termination/Administrative segregation:** offender is terminated due to medical reasons or because they were moved to administrative segregation.
- **Unsatisfactory/Administrative completion:** If the offender needs more time to understand the material or achieve the group goals, he/she unsatisfactorily completes and may be recommended to repeat the group.

As of April 2007, CDOC instituted a due process system for sex offender treatment terminations due to treatment noncompliance or lack of progress. Under this system, the therapist recommends offenders for termination based on their behavior. The facility sex offender treatment team reviews the therapist's recommendation. If the team supports the termination recommendation, the offender is suspended and served with a Notice of Right to Termination Review. The offender can request a termination review where a three member panel evaluates all information presented by the offender and his or her therapist. A disposition is issued regarding the termination. Table 3 shows SOTMP terminations. The number of lifetime supervision offenders who received achievement earned time for reaching a milestone in treatment was 65 for Phase I and 38 for Phase II.

Table 3. Lifetime Supervision SOTMP Terminations by Program, FY 2013

Termination Type	Phase I		Phase II Mod		Phase II TC		Maintenance		Total	
	n	%	n	%	n	%	n	%	N	%
Dropped out/Self terminated	7	7%	2	14%	4	6%	1	3%	14	6%
Expelled from program	10	10%	2	14%	4	6%	0	0%	16	7%
Finished/Satisfactory	65	63%	n/a	0%	n/a	0%	n/a	0%	65	30%
Transferred from program	2	2%	9	65%	43	68%	36	97%	90	41%
Admin termination/Ad seg	7	7%	1	7%	3	5%	0	0%	11	5%
Unsatisfactory	12	11%	0	0%	9	15%	0	0%	21	11%
Total	103	100%	14	100%	63	100%	37	100%	217	100%

Note: For offenders who had multiple termination codes within FY13, the most recent termination code within each phase was selected. Termination codes of “inter-program transfer” and “computer terminated no attendance entries” were not included because most of the offenders with those codes remained in treatment. Offenders in Phase II outpatient and Phase II developmental disabilities, as well as Phase II modified were included in the Phase II mod category.

MET CRITERIA FOR COMMUNITY OR RELEASE TO PAROLE

All lifetime supervision offenders meeting the statutory and departmental criteria are referred to community corrections providers unless the offender chooses to waive his or her rights. Criteria for lifetime supervision sex offenders to progress to the community include the following (described in more detail in Administrative Regulation 700-19):

- Active participation in treatment
- A non-deceptive polygraph
- An approved support person (or a plan to establish one depending on minimum sentence length)
- Relapse prevention (depending on minimum sentence length)
- Compliance with DOC psychiatric recommendations for medication
- Must be able to be supervised in the community without presenting an undue threat

Lifetime supervision offenders actively participating in treatment are individually staffed to determine whether they meet the SOMB criteria for successful progress in prison treatment. Sex offender program therapists work closely with community corrections providers that accept sex offenders into transitional programs and the respective community parole officers.

During FY 2013, 89 lifetime supervision sex offenders met criteria for successful progress in prison treatment. Forty-six of these were released to parole and 8 were placed at community corrections centers during FY 2013. The remaining 35 were still incarcerated at the end of the fiscal year. Because treatment participation is only one of several criteria for progress to the community, the number of successful treatment completions does not equal the number of offenders who met criteria for placement in the community or on parole. As well, there may be a delay between meeting criteria and being placed in the community or on parole.

PROBATION POPULATION IMPACT

The sex offender intensive supervision program (SOISP) is designed to provide the highest level of supervision to adult sex offenders who are placed on probation, pursuant to §18-1.3-1007(2). Although initially created in statute in 1998 to address the risk posed by lifetime supervision cases, the legislature made a significant change to the statute in 2001. Pursuant to HB01-1229, **all** felony sex offenders convicted on or after July 1, 2001, are statutorily mandated to be supervised by the SOISP program.

Any adult convicted of a felony sex offense and receives a sentence to probation is required to be supervised by the sex offender intensive supervision program (SOISP). The goal of SOISP is to minimize risk to the public to the greatest extent possible, by holding probationers accountable for their present and past anti-social and criminal behavior, encouraging pro-social skill building, and assisting the probationer's ability to repair the harm caused by their actions, when possible. SOISP should include a combination of high level surveillance and monitoring; evidenced-based and best practice supervision strategies, physiological monitoring, and collaboration with Community Supervision Teams. Some sex offenders cannot or will not respond to treatment and there is no implication that all sex offenders can be successful in treatment. Depending on the probationer, elements of community supervision may include severely restricted activities, daily contact with the probationer, curfew checks, home visitation, employment visitation and monitoring, drug and alcohol screening, and/or sex offense specific treatment to include the use of polygraph testing. SOISP consists of three phases, each with specific criteria that must be met prior to a reduction in the level of supervision. Movement within all phases is behaviorally-based and guided by specific criteria. The program design anticipated a two-year period of supervision in the SOISP program but due to additional requirements developed since program inception, the average length of time for completion has increased to approximately 4 years. There were originally 46 FTE appropriated for the program. Caseload sizes were capped at 25 offenders, for a program capacity of 1,150. Those offenders that satisfactorily meet the requirements of the program are then transferred to non-SOISP, sex offender regular probation for supervision of the remainder of their sentence.

Between July 1, 2012 and June 30, 2013, 334 adults were charged in district court with one of the 12 mandatory lifetime eligible sex offenses identified in statute and were sentenced to probation. Of these, 74 offenders (22.2%) received an indeterminate sentence to probation of at least 10 or 20 years to a maximum of the offender's natural life and, in addition, were sentenced to Sex Offender Intensive Supervision Probation (SOISP). As a condition of probation 5 of these offenders were sentenced to community corrections and 17 offenders were ordered to serve a Department of Corrections sentence prior to being supervised by probation.

House Bill 12-1310 removed the "economic sexual crimes" previously listed under §18-1.3-1004(4)(b)(I-IX) from the list of offenders who may have been subject to indeterminate sentences if certain conditions were met.

Using E-Clipse/ICON, the State Judicial Department's case management information system, staff at the Division of Probation Services selected all sex offender cases eligible for mandatory indeterminate sentences, as well as all applicable sex offender cases which terminated probation supervision, during Fiscal Year 2012–2013. The following statutory charges were reviewed and included in this analysis:

I. Offenders who **must** be sentenced to an indeterminate term:

18-3-402 C.R.S.	Sexual Assault; or Sexual Assault in the First Degree, as it existed prior to July 1, 2000
18-3-403 C.R.S.	Sexual Assault in the Second Degree, as it existed prior to July 1, 2000
18-3-404(2) C.R.S.	Felony Unlawful Sexual Contact; or Felony Sexual Assault in the Third Degree, as it existed prior to July 1, 2000
18-3-405	Sexual Assault on a Child
18-3-405.3 C.R.S.	Sexual Assault on a Child by One in a Position of Trust
18-3-405.5(1) C.R.S.	Aggravated Sexual Assault on a Client by a Psychotherapist
18-3-305 C.R.S.	Enticement of a Child
18-6-301 C.R.S.	Incest
18-6-302 C.R.S.	Aggravated Incest
18-7-406 C.R.S.	Patronizing a Prostituted Child
18-3-306(3) C.R.S.	Class 4 Felony Internet Luring of a Child
18-3-405.4 C.R.S.	Internet Sexual Exploitation of a Child

Criminal attempts, conspiracies and solicitations of the above offenses, when the original charges were class 2, 3 or 4 felonies, were also included in the selection.

An effort was made in 2002 to install coding in E-Clipse/ ICON that would differentiate between lifetime and non-lifetime cases. As an ongoing check to determine that the coding changes provide the necessary level of detail required for this report a manual review of the dispositions of 594 active cases was completed. This report also required the review of an additional 396 cases terminated from probation supervision for lifetime eligible offenses during Fiscal Year 2012-2013.

The following table reflects an analysis comparison of sentences to probation for lifetime eligible offenses for Fiscal Years 2009 through 2013:

Table 4: Placement of New Cases Eligible for Indeterminate Lifetime Term Sentences to Probation for Fiscal Years 2009-10 through 2012-13:

Type of Supervision	Fiscal Year							
	2009-10		2010-11		2011-12		2012-13	
	n	%	n	%	n	%	n	%
Lifetime Probation with SOISP	107	28.3	123	33.9	121	35.4	74	22.2
SOISP (Non-lifetime Probation for felony sex offenses with SOISP)	138	36.5	231	63.6	204	59.6	259	77.5
Intensive Supervision Program (ISP) or Domestic Violence Programs (DV)	5	1.3	2	0.6	1	0.3	1	0.3
Regular Probation (Cases Ineligible for Lifetime or SOISP and/or sex offense reduced to misdemeanors)*	128	33.9	16	1.9	16	4.7	0	0.0
TOTAL CASES	378		342		342		334	

Note: **Offenders whose offense date is prior to November 1, 1998 are ineligible for indeterminate sentences and not eligible for SOISP as created in 16-13-807 C.R.S

A comparison of data for Fiscal Year 2011-12 to 2012-2013 reflects a 13.7% (47 cases) decrease in the number of offenders eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

As of June 30, 2013, there were approximately 1,412 offenders under active Sex Offender Intensive Supervision (SOISP). Of these, approximately 767 (54.3%) offenders are under lifetime supervision.

PROBATION DISCHARGE HEARINGS AND DISCHARGES

For Fiscal Year 2012-2013, 26 offenders under a lifetime supervision sentence completed SOISP and were transferred to regular probation and are currently under supervision.

PROBATION REVOCATION HEARINGS AND REVOCATIONS

During Fiscal Year 2012-2013, ninety-seven (97) sex offenders had their lifetime supervision sentences terminated. The following represents the termination status for these probationers:

Table 5. Probationer Termination Status, FY 2013

Probationers	Termination Status
3	probation revoked; new felony
2	probation revoked; new misdemeanor
49	probation revoked; technical violations
2	deported
5	died
19	absconded; warrants issued and remain outstanding
17	terminated successfully

There were three probationers revoked for new felony convictions. The convictions and revocation sentencing outcomes are as follows:

1. Possession of a dangerous weapon by a previous offender (F6). The probationer was subsequently sentenced to eighteen months in the Colorado Department of Corrections.
2. Interstate Compact Case: Failure to Register (F6) and returned to New Mexico for sentencing.
3. Failure to Register (F6): received Probation and Community Corrections as a condition.

Probation revocations for new misdemeanor convictions and sentencing outcome of the revocation are as follows:

1. Violation of a Protection Order (M1). Received 2 years to Life sentence to The Department of Corrections.
2. Theft (M1). Received 10 years to Life sentence to the Department of Corrections.

COST OF SERVICES

In July 1998, the SOISP program was created with a General Fund appropriation for 46.0 FTE probation officers and funding to provide treatment services. In FY 2000-01 all expenses associated with SOISP were transferred from General Fund to the Offender Services Cash Fund. Section 18-21-103 C.R.S. requires that sex offenders pay a surcharge, with collected revenue deposited in the Sex Offender Surcharge Fund. A portion of the funds are appropriated to Judicial and partially meet expenses associated with completion of the offense specific evaluations required by statute and case law.

Table 6: Treatment and Evaluation Costs by Fund

YEAR	PURPOSE	CF - SEX OFFENDER SURCHARGE	CF - OFFENDER SERVICES FUND	TOTAL
FY 04	SOISP Treatment	\$0	\$383,207	\$720,667
	Evaluation	\$202,933	\$134,527	
FY 05	SOISP Treatment	\$0	\$454,547	\$850,847
	Evaluation	\$200,400	\$195,900	
FY 06	SOISP Treatment	\$0	\$524,608	\$873,625
	Evaluation	\$172,245	\$176,772	
FY 07	SOISP Treatment	\$0	\$434,416	\$1,119,894
	Evaluation	\$275,029	\$410,449	
FY 08	SOISP Treatment	\$0	\$771,186	\$1,659,578
	Evaluation	\$253,704	\$634,688	
FY 09	SOISP Treatment	\$0	\$974,996	\$2,014,100
	Evaluation	\$247,664	\$791,440	
FY 10	SOISP Treatment	\$0	\$960,239	\$2,259,704
	Evaluation	\$226,522	\$1,072,943	
FY 11	SOISP Treatment	\$0	\$988,809	\$2,327,071
	Evaluation	\$226,522	\$1,111,740	
FY 12	SOISP Treatment	\$0	\$931,861	\$2,282,138
	Evaluation	\$247,664	\$1,102,613	
FY 13	SOISP Treatment	\$0	\$995,049	\$2,336,896
	Evaluation	\$289,948	\$1,051,899	

The costs expended for adult polygraphs for FY 2012-13 were \$387,365 this is a 10% increase from last fiscal year. The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the child contact assessments are increasing annually. Probation funds have been required to pay for these evaluations and assessments to avoid any delays in case processing for the courts and to ensure that probationers who are unable to pay all of the costs associated with court ordered evaluation and treatment are not returned to court for revocation based on non-payment. Revocations generally result in sentences to DOC, a significantly higher cost option for the state. The expenditure of \$2.3 million for adult sex offender related evaluation and treatment costs represents approximately 23% of the total dollars (\$9.9 million) expended in FY 2013 for treatment and service support for all offenders on probation. The adult sex offender population represents approximately 3.6% of the adult offender population. The Judicial Department continues to seek options for the containment of these costs.

SUMMARY OF EVALUATION INSTRUMENTS

The Sex Offender Management Board (SOMB) has participated in the development of two distinct evaluation processes for convicted sex offenders. The first is the sex offense-specific evaluation process outlined in the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, referred to in this document as the Standards (**ATTACHMENT A**). The second is the Sexual Predator Risk Assessment Screening Instrument (**ATTACHMENT B**), developed in collaboration with the Office of Research and Statistics in the Division of Criminal Justice, Department of Public Safety. Each type of evaluation is described below:

Sex Offense-Specific Evaluation

The sex offense-specific evaluation is to be completed as a part of the pre-sentence investigation, which occurs post-conviction and prior to sentencing. It is intended to provide the court with information that will assist in identifying risk and making appropriate sentencing decisions. All offenders sentenced under the Lifetime Supervision Act receive a sex offense-specific evaluation as a part of their Pre-Sentence Investigation Report (PSIR).

The process requires that certain areas or components be evaluated for each offender, and identifies a number of instruments or methods that may be utilized to accomplish each task. This allows each evaluator to design the most effective evaluation for each offender, based on the individual behaviors and needs of the offender. It also ensures that each evaluation performed under the Standards will encompass the appropriate areas necessary to assess risk and recommend appropriate interventions.

According to the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, Standard 2.020, each sex offender shall receive a **sex offense-specific evaluation** at the time of the pre-sentence investigation. The sex offense-specific evaluation has the following purposes:

- To document the treatment needs identified by the evaluation (even if resources are not available to adequately address the treatment needs of the sexually abusive offender);
- To provide a written clinical evaluation of an offender's risk for re-offending and current amenability for treatment;
- To guide and direct specific recommendations for the conditions of treatment and supervision of an offender;
- To provide information that will help to identify the optimal setting, intensity of intervention, and level of supervision, and;
- To provide information that will help to identify offenders who should not be referred for community-based treatment.

Please refer to **ATTACHMENT A** for additional information on mental health sex offense-specific evaluations located in Section 2.000 of the Standards. For information that outlines criteria and

methods for determining a sex offender's progress through treatment and for successful completion under Lifetime Supervision, please see the Lifetime Supervision Criteria also in **ATTACHMENT A**.

ATTACHMENT A: *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders, Standards 2.000 Sex Offense-Specific Evaluation;*

Lifetime Supervision Criteria

Sexual Predator Risk Assessment Screening Instrument

In response to federal legislation, the Colorado General Assembly passed legislation regarding the identification and registration of Sexually Violent Predators (Section 16-11.7-103 (4) (c.5), C.R.S.). A person who is found to be a Sexually Violent Predator by the courts or Parole Board is required to register quarterly rather than annually (Section 16-22-108 (1) (d), C.R.S.), be posted on the internet by the Colorado Bureau of Investigation (Section 16-22-111 (1) (a), C.R.S.), and, as of May 30, 2006, subject to community notification (Section 16-13-903, C.R.S.).

Instrument

Pursuant to Section 16-11.7-103 (4) (c.5), C.R.S., the Sex Offender Management Board collaborated with the Office of Research and Statistics in the Division of Criminal Justice, to develop criteria and an empirical risk assessment scale for use in the identification of Sexually Violent Predators. The criteria were developed between July 1, 1998 and December 1, 1998 by representatives from the Sex Offender Management Board, the Parole Board, the Division of Adult Parole, the private treatment community and victim services agencies. The actuarial scale was developed by the Office of Research and Statistics in consultation with the SOMB over a three-year period and will require periodic updating. An update occurred in June 2006 that included a smaller actuarial risk scale required for offenders who decline to be interviewed, insuring that all offenders will be assessed per the intent of the legislation. In May 2007, the SOMB approved language changes in the description of items in the SOMB Sex Offender Risk Scale (SORS) ten-point scale.

In August of 2010, the Office of Research and Statistics, on behalf of the Sex Offender Management Board, developed a new, updated instrument (**ATTACHMENT B**) and handbook (**ATTACHMENT C**). The Sexual Predator Risk Assessment Screening Instrument (SVPASI) was designed to predict supervision and treatment failure. Follow-up analyses, conducted by the Office of Research and Statistics in 2010 concluded that the SORS instrument reliably predicts both new sexual and violent crime arrests within five years.

Implementation

Currently, when an offender commits one of five specific crime types or associated inchoate offenses, the Sexual Predator Risk Assessment Screening Instrument is to be administered by either Probation Services or the Department of Corrections and an SOMB Approved Sex Offender Evaluator. Effective May 30, 2006, all offenders convicted of attempt, conspiracy, and/or solicitation to commit one of the five specific crime types is referred for a Sexual Predator Risk Assessment (Section 18-3-414.5, C.R.S.). If the offender meets the criteria outlined in the instrument, he or she is deemed to qualify as a

Sexually Violent Predator. The authority to designate an offender an SVP rests with the sentencing judge and the parole board.

Training

Numerous trainings have been conducted on the instrument, process, and research supporting the instrument statewide, since the implementation of the instrument. In the summer of 2010, five trainings were conducted throughout the state on the new, updated instrument. Additionally, updates regarding the Sexual Predator Risk Assessment Screening Instrument are presented at the various Sexually Violent Predator Community Notification meetings held throughout the state.

Case Law

Several recent Colorado Supreme Court decisions have raised some important legal and policy implications for both the Sexually Violent Predator Risk Assessment as well as its enabling statute. In response to this case law, the SOMB has convened a committee with various judicial stakeholders to evaluate how to address these issues within the assessment protocol and possibly by recommending statutory changes.

ATTACHMENT B: Sexual Predator Risk Assessment Screening Instrument

ATTACHMENT C: Sexual Predator Risk Assessment Screening Instrument Handbook

AVAILABILITY AND LOCATION OF SEX OFFENDER SERVICE PROVIDERS

Currently, there are 228 SOMB approved treatment providers in Colorado (Figure 8) located in 21 of the 22 judicial districts in the state (Figure 9). Most approved providers offered services in multiple counties. On average, providers operated in 6 different counties. The following table lists the number of providers approved in each specialty area:

Table 7. SOMB Approved Provider Total, FY 2013

Type of Provider	Full		Associate		Provisional		Totals	
	n	%	n	%	n	%	N	%
Treatment Provider	136	59.6	89	39.0	3	1.3	228	100.0
Treatment Provider DD	24	80.0	6	20.0	0	0.0	30	100.0
Evaluator	64	75.3	21	24.7	0	0.0	85	100.0
Evaluator DD	10	90.9	1	9.1	0	0.0	11	100.0
Polygraph Examiner	20	76.9	6	23.1	0	0.0	26	100.0
Polygraph Examiner DD	9	81.8	2	18.2	0	0.0	11	100.0

The SOMB approved 13 new adult applicants and conducted 46 adult re-applications which are included in the numbers above. There were 16 applicants that either moved up or over in status.

Please refer to **ATTACHMENT D** for the SOMB Provider List for the approved service providers and their locations throughout the state.

Figure 8. Number of SOMB Approved Service Providers by Fiscal Year

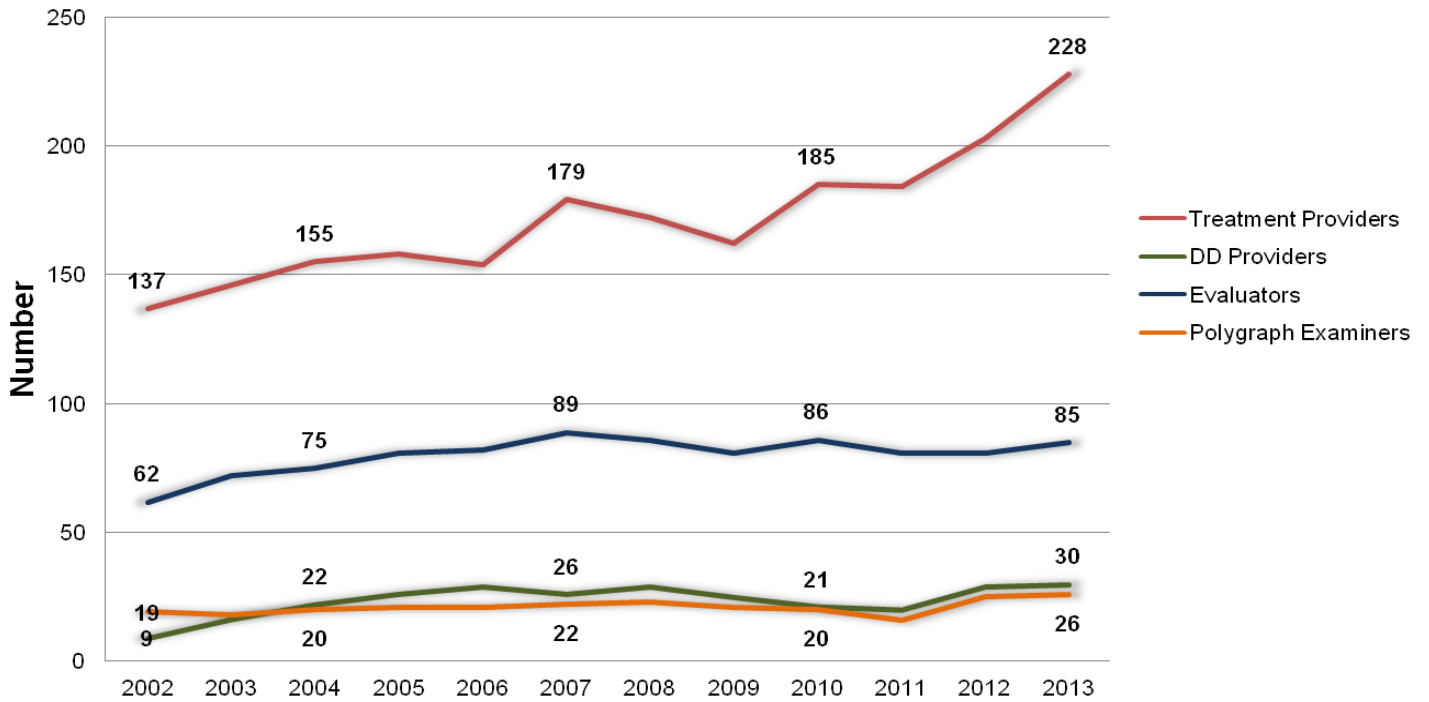
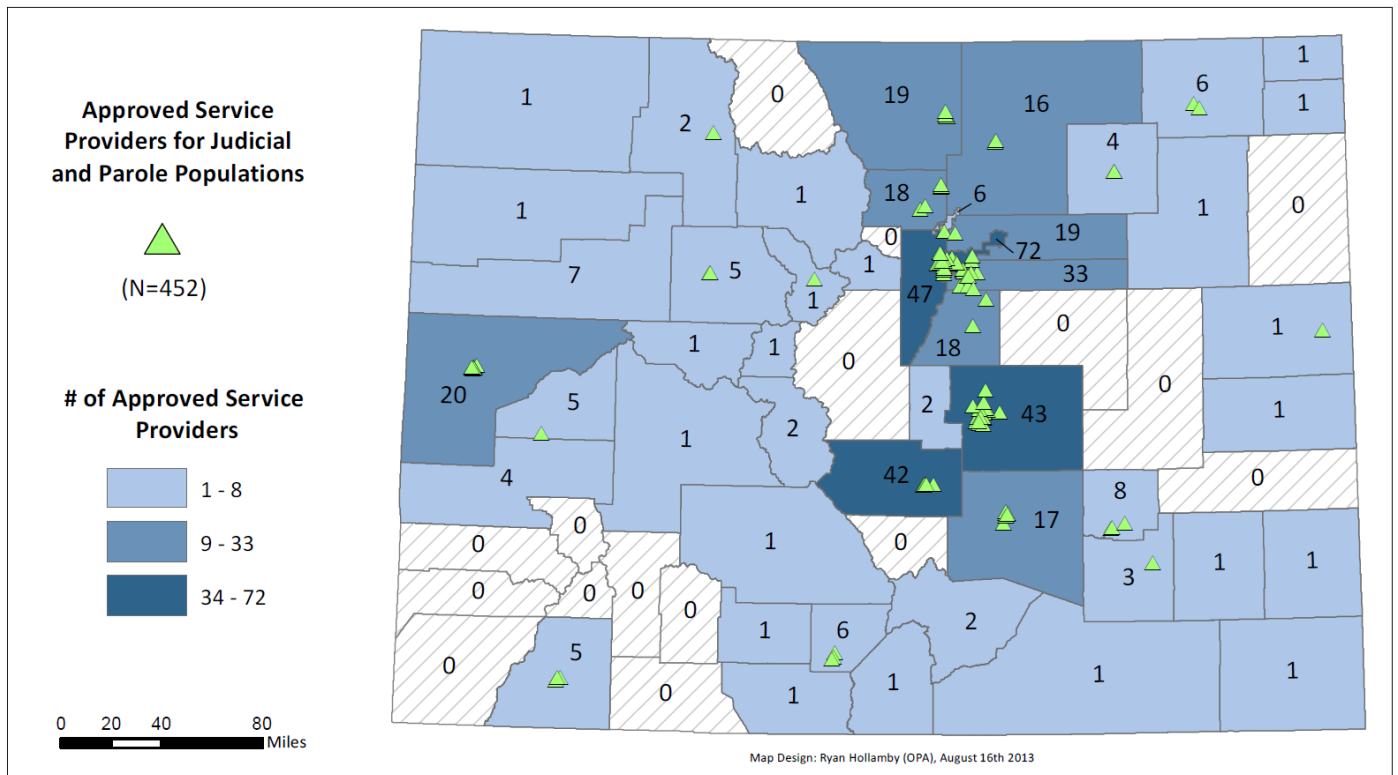


Figure 9. Number and Location of SOMB Service Providers by County, 2013



Note: The total number of service providers that are approved to practice are listed by county. These figures denote higher frequencies as service providers may be approved to operate in multiple counties.

ATTACHMENT D: SOMB Provider List

COST OF SERVICES

The average costs of services in Table 8 (below) were determined by surveying SOMB listed providers throughout the state. Many providers offer services on a sliding scale, dependent on the offender's income. Some providers charge an additional fee for conducting an evaluation in jail. In community based programs, most sex offenders are expected to bear the costs of treatment and behavioral monitoring themselves. The Standards require weekly group treatment and polygraph examinations every six months at a minimum. Most programs require some additional services during the course of treatment. Of those surveyed, approximately 79.5% (n = 31) of treatment providers had 25 or more clients per month. Roughly 87.2% reported to individualize treatment by the offender's risks, needs, and responsivity through offering a wide-range of therapeutic modalities. Additionally, 56.4% of treatment providers offered treatment services designed specifically for the 18-25 year old population.

Table 8. Average Cost of Services by Judicial District

Judicial District	Mental Health Sex Offense Specific Group Treatment Session	Mental Health Sex Offense Specific Individual or Other Adjunct (i.e., family or couples counseling) Treatment Session	Sex Offense Specific Evaluation, including a PPG or VRT, or Both	Polygraph Examination
1 st	\$55.00	\$81.00	\$1000.00	\$250.00
2 nd	\$57.00	\$80.00	\$1015.00	\$250.00
3 rd	X	X	X	\$250.00
4 th	\$54.00	\$66.00	\$1035.00	\$250.00
5 th	\$56.00	\$78.00	\$1015.00	\$250.00
6 th	\$45.00	\$78.00	\$1000.00*	\$250.00
7 th	\$45.00*	\$70.00*	X	\$250.00
8 th	\$56.00	\$82.00	\$1208.00	\$250.00
9 th	\$44.00	\$56.00	\$1200.00*	\$250.00
10 th	\$48.00	\$55.00	\$850.00	\$250.00
11 th	\$53.00	\$62.00	\$950.00	\$250.00
12 th	X	X	X	\$250.00
13 th	\$53.00	\$80.00	\$1213.00	\$250.00
14 th	\$53.00	\$85.00	\$1213.00	\$250.00
15 th	\$50.00*	\$75.00*	\$800.00	\$250.00
16 th	X	X	X	\$250.00
17 th	\$56.00	\$76.00	\$1010.00	\$250.00
18 th	\$55.00	\$76.00	\$1022.00	\$250.00
19 th	\$48.00	\$76.00	\$1154.00	\$250.00
20 th	\$54.00	\$75.00	\$1059.72	\$250.00
21 st	\$44.00	\$69.00	\$850.00	\$250.00
22 nd	\$50.00*	\$70.00*	X	\$250.00
Average	\$52.00	\$73.00	\$1,026.00	\$250.00
Range	\$35.00 - \$68.00	\$40.00 - \$68.00	\$750.00 - \$2000.00	\$250.00

Note: 'X' denotes services that were not provided by the local providers contacted, no response from the service provider contacted, or there were no providers in that judicial district. Figures were obtained in September 2013 and are rounded to the nearest dollar. Across the state, the Average cost of an evaluation including only a Penile Plethysmograph (PPG) and Visual Reaction Time (VRT) is \$955.00 and \$972.12 respectively. * Denotes only one responding provider from that Judicial District.

The average number of treatment sessions a typical adult offender receives, reported by therapists throughout the state, was 5 sessions per month. This typically included four group treatment sessions and one individual treatment session per month. Some treatment providers vary the amount of

treatment sessions by adjusting containment based upon the risks, needs and responsivity of the offender.

Figure 10. Average Costs of Approved Provider Services by Fiscal Year



Figure 10 illustrates the average costs of approved provider services by fiscal year. Average costs for group treatment, individual treatment, and polygraph examinations have remained relatively stable. However, while the costs for a sex offense specific evaluation have fluctuated over the last 10 years, its statewide average for FY 2013 exceeded \$1,000 dollars for the first time.

The SOMB recommended that \$302,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2013-14. These funds are used for sex offense-specific evaluations and assessments for pre-sentence investigation reports for indigent sex offenders and for assistance with polygraph examination costs post-conviction. These funds are made available to all indigent sex offenders through local probation departments. The SOMB recommended that \$302,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department for Fiscal Year 2014-15 for the same purposes.

REGULATION AND REVIEW OF SERVICES PROVIDED BY SEX OFFENDER TREATMENT PROVIDERS

Application Process

The SOMB works to process the applications of treatment providers, evaluators, and clinical polygraph examiners to create a list of these providers who meet the criteria outlined in the Standards and whose programs are in compliance with the requirements in the Standards. These applications are reviewed through the SOMB Application Review Committee.

The Application Review Committee consists of Sex Offender Management Board Members and other appointed members who work with the staff to review the qualifications of applicants based on the Standards. The application is also forwarded to a private investigator (who is contracted by the Division of Criminal Justice) to conduct background investigations and personal interviews of references and referring criminal justice personnel. When the Application Review Committee deems an applicant approved, the applicant is placed on the SOMB Provider List. When a provider is listed in the Provider List, it means that he/she (1) has met the education and experience qualifications established in the Standards and (2) has provided sufficient information for the committee to make a determination that the services being provided appear to be in accordance with the Standards. In addition, each provider agrees in writing to provide services in compliance with the standards of practice outlined in the Standards.

Placement on the SOMB Provider List is neither licensure nor certification of the provider. The Provider List does not imply that all providers offer exactly the same services, nor does it create an entitlement for referrals from the criminal justice system. The criminal justice supervising officer is best qualified to select the most appropriate providers for each offender.

The reapplication process for approved providers has changed since last fiscal year. Approval for placement on the SOMB Provider List is still valid for a three-year period. However, in August of 2012, the SOMB Application Review Committee received a staff presentation which presented outcome data on the reapplication process, including required application information and processing time among other data, for approved SOMB providers. The reapplication process outcome data is of importance for two distinct reasons: (1) to increase SOMB capabilities for oversight of approved provider compliance with the Standards through efficient and cost-effective use of limited staff resources by determining which factors enhance or do not enhance provider competency in the current reapplication process; and (2) to decrease the time required for provider reapplication approval. In short, this presentation was the first step by the Reapplication Process Workgroup in modifying existing reapplication requirements and processes based on a comprehensive evaluation of the current reapplication process.

Over the course of FY 2013, the workgroup met monthly to evaluate the entire reapplication process. Three recommendations were ultimately agreed upon and presented to ARC in this initial phase of reapplication process evaluation. The first recommendation involved expediting the required background check required of all approved providers seeking reapplication to ensure this information is available for ARC review after the reapplication has been reviewed and is ready for approval. This enhanced efficiency should significantly reduce the turnaround time for reapplication approval.

The second recommendation called for ARC to curtail its extensive reapplication requirements into a more abbreviated reapplication form, which once signed by approved providers, serves as an summary attestation of compliance with SOMB Standards. This recommendation would effectively replace the previous format which required approved providers to submit specific information about clinical experience and continuing education attended during the renewal period, as well as provide copies of work product as documentation of compliance.

With this time-consuming, inefficient, and ineffective aspect of quality assurance removed from the ARC's oversight, a third recommendation sought to improve ARC's capabilities to assess compliance with SOMB Standards by introducing Quality Assurance Reviews (QAR). The recommended QAR process would involve SOMB staff and the ARC to conduct a thorough review of Standards compliance

on the part of the approved provider through file review and consultation with the provider on either a random basis or for cause based on concerns raised to the ARC. As a result, these three recommendations intend to provide ARC with a more in-depth and accurate picture of service delivery on the part of approved providers subject to QAR. In July of 2013, ARC approved both of these recommendations and implementation is currently underway.

Sex Offender Service Providers

The *general* requirements for service providers are as follows:

- *Treatment Provider – Full Operating Level:* In addition to meeting all the other applicable Standards, a Treatment Provider at the Full Operating Level has accumulated at least 1000 hours of clinical experience working with sex offenders in the last five years (and in no less than one year), and may practice without supervision.
- *Treatment Provider – Associate Level:* In addition to meeting all the other applicable Standards, a Treatment Provider at the Associate Level has accumulated at least 100 hours of co-facilitated clinical experience working with sex offenders in the last five year (and not less than one year), and must receive regular supervision from a Treatment Provider at the Full Operating Level.
- *Evaluator – Full Operating Level:* In addition to meeting all the other applicable Standards, an evaluator has conducted at least 30 mental health sex offense-specific evaluations of sex offenders in the last five years.
- *Evaluator – Associate Level:* In addition to meeting all the other applicable Standards, an evaluator at the Associate Level has conducted 10 adult sex offense specific evaluations in the past five years and is receiving supervision from an Evaluator at the Full Operating Level.
- *Clinical Polygraph Examiner – Full Operating Level:* In addition to meeting all the other applicable Standards, a Clinical Polygraph Examiner has conducted at least 200 post-conviction sex offender polygraph tests and has received 100 hours of specialized clinical sex offender polygraph examiner training.
- *Clinical Polygraph Examiner – Associate Level:* In addition to meeting all the other applicable Standards, a Clinical Polygraph Examiner at the Associate Level is working under the guidance of a qualified Clinical Polygraph Examiner listed at the Full Operating Level while completing 50 post-conviction sex offender polygraph tests as required for Clinical Polygraph Examiners at the Full Operating Level.
- *Intent to Apply for Listing:* Non-listed providers working towards applying for listed provider status are able to provide services under the supervision of a full operating level provider. These non-listed providers are required to submit a letter of Intent to Apply to the SOMB within 30 days of beginning to provide services to sex offenders covered under the Standards, undergo a criminal history check, provide a signed supervision agreement, and agree to submit an application within one year from the date of Intent to Apply status.

Competency Based Model

It is important to note, however, that the SOMB has been working on making some significant changes to section 4.00 of the *Standards and Guidelines*. The Best Practices Committee has been developing

new criteria for approving treatment providers and evaluators using a Competency Based Model. This model would utilize qualitative as well as quantitative measures to assess the proficiency level of both existing approved providers as well as candidates for provider approval. There are a number of specific content areas deemed crucial to becoming an effective treatment provider or evaluator such as *Knowledge and Integration of SOMB Standards* and *Clinical Intervention and Goal Setting* skills. These requirements are still in draft form and subject to change pending final approval by the SOMB.

For a comprehensive list of requirements, please refer section 4.00 of the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*.

ATTACHMENT A: *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders;*

Lifetime Supervision Criteria

PROGRAM EVALUATION

The SOMB has a legislative mandate to evaluate the system of programs initially developed by the SOMB and to track offenders involved in the programming (Section 16-11.7-103 (4) (d), C.R.S.). This mandate was not originally funded by the state. The SOMB unsuccessfully requested funding through the state budget process in Fiscal Year 1999 to enable compliance with this mandate.

In Fiscal Year 2000, DCJ was awarded a Drug Control and System Improvement Program Grant (Federal dollars administered through the Division of Criminal Justice). This grant funded a process evaluation to evaluate compliance with the Standards throughout the state and the impact of established programs.

In December, 2003, this evaluation (**Attachment E**) was completed by the Office of Research and Statistics in the Division of Criminal Justice (Section 16-11.7-103(4)(d)(II), C.R.S.). The report was a first step in meeting this legislative mandate. Evaluating the effectiveness of any program or system first requires establishing whether the program/system is actually implemented as intended and the extent to which there may be gaps in full implementation. The second step in evaluating effectiveness requires a study of the behavior of those offenders who are managed according to the *Standards and Guidelines*.

The SOMB undertook the second portion of this evaluation and submitted a final report (**Attachment F**) to the legislature in December of 2011. Specifically, the study focused on the behavior of offenders subject to the *Adult Standards and Guidelines* by examining 1-and 3-year recidivism rates. The sample consisted of 689 sex offenders (Probation n = 356, Parole n = 333) who successfully discharged or completed from a parole or probation sentence between July 1, 2005 and June 30, 2007. In order for adult sex offenders to successfully discharge from criminal justice supervision, all areas of the *Adult Standards and Guidelines* must be sufficiently completed. Table 9 presents the findings from the report.

Table 9. Probation and Parole Recidivism Outcomes

Recidivism Type		Probation	Parole	TOTAL
One Year	No Recidivism	339	260	599 (86.9%)
	New Sexual Crime	3	2	5 (0.7%)
	New Violent, Non-Sexual Crime	5	33	38 (5.5%)
	New Non-Violent, Non-Sexual Crime	9	38	47 (6.8%)
TOTAL		356	333	689 (100%)
Three Year	No Recidivism	319	117	496 (72.0%)
	New Sexual Crime	8	10	18 (2.6%)
	New Violent, Non-Sexual Crime	10	64	74 (10.7%)
	New Non-Violent, Non-Sexual Crime	19	82	101 (14.7%)
TOTAL		356	333	689 (100%)

Note: Recidivism was defined in this evaluation as the occurrence of new court filings within one year and within three years of termination of supervision. This new court filing method uses new prosecutions as a conventional approach adopted by varying agencies throughout the state. New convictions are concededly lower than court filings, while new arrests are much higher. As a result, court filings are a more neutral measure of recidivism which neither overestimate arrest rates nor underestimate conviction rates.

Compared nationally and the current literature, sex offender recidivism rates in Colorado were consistent with national trends. Less than one percent of the sample (n = 5) had new sexual crime recidivism one year after successful discharge from supervision, while 2.6% (n = 18) had a new sexual crime three years after successful discharge from supervision.

Since the release of this report, the SOMB has begun engaging in several strategic planning sessions with multiple stakeholders aimed at developing collaborative systems which assess and evaluate programmatic outcomes related to tracking sex offenders.

External Evaluation

In FY 2013, the Joint Budget Committee authorized through Senate Bill 2013-230 to fund \$100,000 for an external evaluation of the SOMB. Specifically, the external evaluation sought to “conduct a thorough review, based on risk-need-responsivity principles and the relevant literature, with recommendations for improvement as warranted, of the efficacy, cost-effectiveness, and public safety implications of Sex Offender Management Board programs and policies with particular attention to:

1. The Guidelines and Standards to treat adult sex offenders issued by the Sex Offender Management Board pursuant to Section 16-11.7-103 (4) (b), C.R.S.;
2. The Criteria for Release from Incarceration, Reduction in Supervision, Discharge for Certain Adult Sex Offenders, and Measurement of an Adult Sex Offender’s Progress in Treatment issued by the Sex Offender Management Board pursuant to Section 16-11.7-106 (4) (f), C.R.S., and;
3. The application and review for treatment providers, evaluators, and polygraph examiners who provide services to adult sex offenders as developed by the Sex Offender Management Board pursuant to Section 16-11.7-106 (2) (a), C.R.S.”

At the time of publishing this report, the evaluation process was underway with an anticipated completion date of January 2nd. Updated information regarding the findings of the investigation will be made available upon completion.

Lifetime Supervision Data Committee

In March of 2013, the SOMB discussed the following CCJJ Sex Offender Work Group recommendation:

“A committee shall be created including, but not limited to, representatives from the Department of Corrections, the Colorado Bureau of Investigation, the Division of Criminal Justice, and the Judicial Branch, to evaluate and improve the consistency of data collected across agencies to facilitate the study of the impact of the Lifetime Supervision Act. The collaborating agencies should identify and resolve gaps and inconsistencies in electronic databases. The agencies shall review and provide recommendations to improve the annual Lifetime Supervision Report by July 1, 2012.”

An interagency committee was convened for the purpose of addressing this recommendation. Representing members of each department met three times between July 2013 to October 2013 and discussed several issues with data concerning the Lifetime Supervision Act. The committee is currently working on its response to the CCJJ work group and will provide that information after it has finalized its recommendation.

ATTACHMENT E: *Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines*

ATTACHMENT F: *2011 Adult Standards and Guidelines Outcome Evaluation*

SUMMARY

This report is intended to provide the Colorado General Assembly with information on the thirteenth year of implementation of the Lifetime Supervision Act in Colorado. The Department of Corrections, The Judicial Department, and the Department of Public Safety work collaboratively in implementing the comprehensive programs for managing sex offender risk in Colorado.

In FY 2013, 144 lifetime supervision offenders were admitted to prison and 19 discharged their sentence. As of June 30, 2013, 1,935 offenders were under CDOC supervision for sexual offense convictions sentenced under the lifetime supervision provisions. A total of 274 offenders under lifetime supervision have released to parole, with 106 paroling for the first time in FY 2013. The Parole Board conducted 30 revocation hearings for lifetime supervision offenders in FY 2013 with a decision to revoke parole in 24 cases. And, no parole discharge hearings have occurred for offenders sentenced under the Lifetime Supervision Act, as offenders would need to complete a minimum of 10 - 20 years on parole, dependent upon their conviction. Figures 2 and 6 illustrate that the Lifetime Supervision Act may be at least partially responsible for the increase in the percentage of sex offenders among prison and parole populations within Colorado.

The Sex Offender Treatment and Monitoring Program (SOTMP) for DOC inmates was designed to utilize the most extensive resources with those inmates who have demonstrated a desire and motivation to change. Because the Lifetime Supervision legislation is not intended to increase the minimum sentence for sex offenders, the Department of Corrections has designed treatment formats that provide offenders the opportunity to progress in treatment and be considered a candidate for parole within the time period of their minimum sentence. During FY 2013, 502 lifetime supervision sex offenders participated in the SOTMP.


As of June 30, 2013, there were approximately 1,412 offenders under SOISP probation supervision. Of these, approximately 767 (54.3%) offenders were under lifetime supervision. A comparison of data for Fiscal Year 2011-2012 to 2012-2013 reflects a 13.7% (47 cases) decrease in the number of offenders (2) eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the Child Contact Assessments are increasing annually. Probation funds have been required to pay for these evaluations and assessments to avoid any delays in case processing for the courts and to ensure that offenders who are unable to pay all of the costs associated with court ordered evaluation and treatment are not returned to court for revocation based on non-payment. Revocations generally result in sentences to DOC, a significantly higher cost option for the state. The Judicial Department is seeking alternative options in order to manage and curb these rising costs.

The number of approved service providers has been increasing since the creation of this report with exception to the number of approved polygraph examiners which has remained relatively stable since FY 2007. The availability of services across the state has been improving incrementally as more providers are seeking approval to operate within some of the underserved rural counties. Notwithstanding the average cost for sex offense specific evaluations, average costs for services have also remained fairly stable. As a result of this increase in service providers, the workload for the Sex Offender Management Board (SOMB) staff has expanded substantially.

The results to the external evaluation will provide the SOMB with current research and evidence-based practices in the field of sex offender management. These results of this evaluation are planned to be incorporated during its upcoming revision to the *Adult Standards and Guidelines* which may have policy implications for Lifetime Supervision.

In summary, sex offenders subject to Lifetime Supervision in prison and in the community are rising which has resulted in increased caseloads for those agencies responsible for the management of sex offenders. Additionally, it appears likely that more sex offenders will be identified, including those subject to lifetime supervision. In an effort to achieve community safety, accurate static and dynamic risk assessments must be an element of sex offense specific evaluations to insure the proper placement of sex offenders in an appropriate level of supervision, and thereby using available resources wisely. Accordingly, the Department of Corrections, the State Judicial Department, and the Department of Public Safety will continue to evaluate the impact of the Lifetime Supervision Act for sex offenders both in prison and in the community.

<u>ADMINISTRATIVE REGULATION</u>		REGULATION NUMBER	PAGE NUMBER
		550-12	1 OF 11
COLORADO DEPARTMENT OF CORRECTIONS		CHAPTER: Offender Case Management	
		SUBJECT: Earned Time	
RELATED STANDARDS: ACA Standards 2-CO-1E-05, 4-4097, 4- APPFS-2E-01 and 4-4461		EFFECTIVE DATE: August 21, 2012	
		SUPERSESSION: 08/01/11	
		Tom Clements Executive Director	
OPR: OOS	REVIEW MONTH: MAY		

I. POLICY

It is the policy of the Department of Corrections (DOC) to ensure that eligible offenders receive earned time in a timely and appropriate manner that conforms with applicable statutes and regulations. [2-CO-1E-05][4-4097] The standards set in this policy are not retroactive.

II. PURPOSE

The granting of earned time is one graduated response to addressing compliant and non-compliant behavior. [4-APPFS-2E-01]. The purpose of this administrative regulation (AR) is to provide consistent, fair, and appropriate guidelines for case managers and community parole officers (CPO's) to follow regarding the granting or withholding of earned time for offenders.

III. DEFINITIONS

- A. Colorado Web-Based Integrated Support Environment (CWISE): The Division of Adult Parole, Community Corrections, and YOS system for electronically entering case contact, surveillance, and supervision information performed by division DOC employees and contract providers. The system is a single source of consolidated information that, in conjunction with the call center, provides multiple methods of data entry and retrieval, via the Internet or by calling a live operator. This system allows for real time management reports, as well as instant feedback at the officer level for case management and self audit of performance. The system is designed to provide better accuracy, faster access to information, and easier statistical tracking
- B. DOC Employee: Someone who occupies a classified, full or part-time position in the State Personnel System (including management profile positions) in which the Department has affect over pay, tenure, and status.
- C. Earned Time: Time deducted from an offender's sentence upon a demonstration to the Department that the offender has made substantial and consistent progress in defined areas including: work and training, group living, counseling and progress toward goals and programs established through the diagnostic program.
- D. Electronic Parole Interstate Community (EPIC): An electronic system for keeping chronological records of offender contacts used by the Division of Adult Parole and Community Corrections.
- E. Master Program Scheduling (MPS): A data system and method for evaluating offender assignment and program performance in order to provide data directly and accurately to the offender pay system.

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- F. Offender: Any individual under the supervision of the criminal justice system to include community correction clients, parolees, correctional clients, probationers, interstate compact individuals, or individuals sentenced to the Youthful Offender System.
- G. Provisional Earned Time: Two days in addition to earned time for offenders who are serving Class 4, 5, or 6 felonies who maintain eligibility criteria, as described in this administrative regulation.
- H. Therapeutic Program: A structured behavioral health group process containing a defined curriculum with demonstrated goal achievement and time intensity.

IV. PROCEDURES

A. GENERAL

1. Eligible offenders can earn up to ten days of earned time, per month, plus any additional earned time that may be available.
2. The total time granted for earned time educational earned time, provisional earned time, and disaster relief time combined shall not exceed 30 percent of the sentence.
3. On sentences of indeterminate to lifetime supervision (sentenced pursuant to 18-1.3-1004), the statutory maximum earned time of 30 percent will apply only to the minimum portion of the sentence.
4. Time Release Operations has final authority regarding the granting or withholding of earned time.

B. EARNED TIME ELIGIBILITY

1. The case manager or CPO shall determine which offenders on his/her caseload are eligible for earned time.
2. Offenders re-incarcerated after revocation of parole will be eligible to receive earned time but will not receive earned time for the month of the revocation.
3. When an offender is eligible to receive earned time (including achievement earned time and exceptional conduct earned time), the case manager or CPO shall enter the earned time by the 10th of the month, each month.
4. For offenders in community based programs, the CPO shall utilize the earned time program in EPIC.
5. Case managers will audit all cases that are within 180 days of release to ensure all earned time has been granted for which the offender is eligible. Grants/reviews for missed earned time, will not be allowed once the offender is less than 90 days to release.
6. Offenders who believe they have not received earned time to which they were entitled may grieve the issue no later than 30 days after the occurrence.

C. INELIGIBILITY, LIMITING CRITERIA AND LOSS OF EARNED TIME

1. The following offenders are NOT eligible for any type of earned time:
 - a. Violent offender enhancement (as defined by CRS 17-22.5-403 and/or as clarified by Time Comp.).
 - b. Offenders who have accumulated maximum earned time. (Except for Achievement and Exception Conduct Awards).
 - c. Offenders in Colorado under the interstate corrections compact agreement.

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- d. Offenders serving one day to life, life, life with or without parole eligibility, or are under the death penalty.
- e. Offenders on abscond or escape status. (This applies even if the offender is in custody outside of the state of Colorado).
- f. Offenders who have been sentenced to the DOC but remain in the county jail and are unavailable to be delivered to the diagnostic unit. (Offenders in the county jail who are available for delivery but are delayed due to DOC backlog are eligible for earned time/delivery award.)
- g. Offenders who have been writted to court, sentenced, and are serving a consecutive misdemeanor sentence in county jail before being returned to DOC to resume serving their felony sentence (pursuant to CRS 18-1.3-501(1)(c)).

2. Limiting Criteria

- 1. Offenders who have harassed the victim of their current offense will be ineligible for any type of earned time for the month of the complaint.
- 2. Offenders who have been found guilty of a COPD violation will be ineligible for any type of earned time for the time indicated below, depending on the class of conviction. Offenders receiving probated sanctions are still ineligible due to the finding of guilt.
 - a) Class I convictions will be ineligible for the month of the conviction and the two months following the conviction.
 - b) Class II convictions will be ineligible for the month of the conviction and the following month.
 - c) Class III convictions will be ineligible for the month of conviction only.
- 3. Non-disciplinary incident resolution actions are not applicable to these limiting criteria but may be used to document reduction of the earned time grant in other factor areas.

3. APCCYOS Loss of Earned Time

- a. Offenders under the supervision of Adult Parole, Community Corrections and Youthful Offender System are subject to loss of earned time for violations listed on the "Earned Time Violation Penalties" grid (Attachment "A").
- b. For offenders in custody with pending criminal charges, CPOs shall withhold earned time only during the month in which the incident occurred and/or was discovered, unless the offender's behavior while in custody in subsequent months constitutes additional non-compliance.

D. EARNED TIME AWARDS

- 1. General Assessment Criteria for Earned Time: *Case managers may grant all or part of the maximum allowable earned time for that factor area. [4-4461]* Case managers shall assess their case load and determine whether the offender has made substantial and consistent progress in the following categories.
 - a. ***Work and Training: Including attendance, promptness, performance, cooperation, care of materials, and safety. Maximum award is four days. [4-4461]***
 - b. Progress toward the goals and programs established by the Colorado Diagnostic Program and self help programs. Maximum award is four days.
 - c. Group Living: Including, but not limited to: housekeeping, personal hygiene, cooperation, social adjustment, and double bunking (if applicable). Maximum award is two days.

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2. Assessment Criteria for Offenders Classified as Administrative Segregation:

- a. Offenders classified as administrative segregation will become eligible for earned time 90 days after the EAO has been issued for placement on administrative segregation status.
 - 1) Earned time will be awarded in accordance with the criteria listed in this section and section IV. B. and C. of this administrative regulation.
 - 2) Offenders must be at privilege level III or above to receive earned time.
- b. Work and Training: Including attendance, promptness, performance, cooperation, care of materials, and safety. Maximum award is one day.
- c. Progress toward the goals and programs established by the Colorado Diagnostic Program and self help programs and programs made available for administrative segregation offenders. Maximum award is two days.
- d. Group Living: Includes, but is not limited to: housekeeping, personal hygiene, cooperation, social adjustment, and double bunking (if applicable). Maximum award is two days.

3. Documentation of Compliance or Non-Compliance: If less than the maximum earned time amount is granted, the reason must be entered into the earned time database program. Documentation must be available to support the decision. The following are examples of the documentation needed for each factor area:

- a. Participation in work and/or training programs are allocated up to four days of earned time. Work and training documentation will be found in the Master Program Schedule (MPS) program indicating the job performance. Work evaluations below a rating of "3 Fair" on the aptitude and attitude MPS "Employment/Academic/Vocational Evaluation" are cause for denial of or reduction in the maximum grant of up to four days. Offenders who are unassigned due to new arrival, medical restrictions (no fault of their own), or classified as "ADA unassigned" will be eligible for this grant as long as they have not refused an assignment.
- b. Established diagnostic programs are allocated up to four days of earned time. Established diagnostic programs are indicated by an Initial Needs Assessment (INA) level of "3" or higher in the areas of substance abuse, sexual violence, and psychological programs. Self help groups are those programs that are not included in any of these categories, but have some relation to prerelease preparation or personal development. Self help will only be considered once all other diagnostic programs are determined to be in compliance. Grants will be based on the compliance with diagnostic programs considering sexual violence first, substance abuse second, mental health third, and self help last.
 - 1) Sexual violence determinations will be made using the sub codes to the INA levels that are level "3" or higher.
 - a) A sub code of "D" or "P" indicates non-compliance and renders the offender ineligible for earned time for this area. The "D" or "P" sub code indicates denial, previous denial, or refusal to participate in the diagnostic program. Offenders will not receive earned time for this area until they are actively involved in the program for 30 days, indicating satisfactory progress prior to being eligible to earn time for this area.
 - b) All other sub codes ("I," "T," "E," "R," "J") will be treated as compliant in the area.
 - c) Refusal to participate in sexual violence programs (when identified as "3," "4," "5" and sub coded "D or P") will make the offender ineligible for all four days of earned time for diagnostic programs.

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- 2) Substance abuse determinations will be determined by the offenders' amenability to treatment, not the availability of treatment programs. Only offenders with an INA level of "3," "4," or "5" will be considered. The SOA-R scores and qualifiers will identify compliant and non-compliant offenders and if available, will override any INA score.
 - a) Offenders with an SOA-R qualifier code of "N" have been given the opportunity to participate and have refused or have been removed from the program due to their behavior or failure to meet program expectations. These offenders will be considered non-compliant.
 - b) Offenders who have been in group and terminated due to their behavior or failure to meet program expectations (coded "N") will be ineligible to earn time for this area until they are actively involved in the program for 30 days, indicating satisfactory progress by the program provider (indicated by a code other than "N").
 - c) Offenders on the waiting list for the first time will be considered compliant.
 - d) Refusal to participate in substance abuse programs (when sub coded "N") will make the offender ineligible for all four days of earned time for diagnostic programs.
 - 3) Psychological levels of "3" or higher indicate needs for other mental health counseling or programs. The mental health evaluation will identify the specific programs deemed necessary. These will be treated as diagnostic programs.
 - a) First time placement on the waiting list will count as participation.
 - b) Offenders who have been in group and terminated due to their behavior or failure to meet program expectations will be ineligible to earn time for this area until they are actively involved in the program for 30 days, indicating satisfactory progress by the program provider.
 - c) Refusal to participate in mental health programs (when identified as "3," "4," or "5") or failure to take prescribed medications will make the offender ineligible for all four days of earned time for diagnostic programs.
 - 4) Self help will apply to those programs that are not included in any of the above categories and participation in sessions with the case manager in development of prerelease plans, job assignments, program referrals, and grievance resolution.
 - a) Self help will only be considered once all other diagnostic programs are determined to be in compliance.
 - b) If needs are not listed at a level "3" or above, participation in self help groups will be considered. No more than two days may be withheld for failure to participate in self help groups.
 - 5) Group living grants will be determined on the housing reports, non-disciplinary incident resolution actions (if appropriate), and documented observations made by housing officers.
4. Additional Earned Time:
- a. Educational Earned Time (not available to offenders on parole or community status): Offenders that have been identified by the Department's education office and meet the following criteria will be reviewed for the possibility of five days of earned time, per month, for participating in the Correctional Education Program, established pursuant to CRS 17-32-105. This is granted annually in July for the previous year's participation. Academic Standards (criteria listed below must be met):

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- 1) Enrollment in an academic class to improve reading, math, and/or language.
- 2) Has two years or more to mandatory release date (MRD) and is past or within five years to PPED with the opportunity to achieve functional literacy, specifically the ability to read and write the English language and the ability to perform routine mathematical functions prior to release.
- 3) Academic diagnostic levels of “3,” “4,” or “5,” as defined below:
 - a) Level 3: Without High School Diploma: Literate - Does not have a high school diploma, a General Educational Development (GED) certificate, or a special education diploma, and scores at the 9.0 grade level or above in all basic skills on the Test of Adult Basic Education (TABE) will enter directly into the GED program.
 - b) Level 4: Without High School Diploma: Functionally Illiterate - Does not have a high school diploma, a GED certificate, or a special education diploma, and scores between the 4.0 and 8.9 grade level in one or more of the basic skills on the TABE. The offender must enter the ABE program to raise skill levels to the 9.0 grade level before entering the GED program.
 - c) Level 5: Without High School Diploma, Illiterate - Does not have a high school diploma, a GED certificate, or a special education diploma, and scores at the 3.9 grade level or below in one or more of the basic skills on the TABE. The offender must enter the ABE program to raise skill levels to the 9.0 grade level before entering the GED program.
 - d) MPS AP score of 1-3 and an MPS AT score of 1-3.
 - e) Measurable monthly education progress.
- 4) Vocational Standards (criteria listed below must be met):
 - a) Enrollment in a vocational class to learn a trade/skill.
 - b) Has two years or more to mandatory release date (MRD) and is past or within five years to PPED.
 - c) Current Vocational Diagnostic Levels:
 - i. Level 5: Special Needs - Has some form of disability which prevents normal fulltime employment.
 - ii. MPS AP score of 1-3 and an MPS AT score of 1-3.
 - iii. Measurable monthly education progress.
- 5) The awarding will be done as follows:
 - a) Involvement in the correctional education/vocational program (one day) as determined by the education department.
 - b) Making consistent and substantial progress (four days) - must show one grade level advancement per year.
 - c) Termination from program, yearly grant will not be awarded.
 - d) Regressive movement out of the facility due to offender’s behavior, yearly grant will not be awarded.

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- e) Limiting criteria and ineligibility criteria as described in part IV. C. 1. and 2. will apply to the granting or limiting the grant of educational earned time.
- b. Disaster Relief Earned Time (not available to offenders on parole or community status)
 - 1) Disaster relief time will be granted at a rate of one day of earned time for each day spent working at a disaster site. This will be granted by the supervisor of the disaster relief crew.
 - 2) Time will not be granted retroactively for participation in past details for which the offender believes may be disaster related.
 - 3) Limiting criteria and ineligibility criteria as described in part IV.E and IV.F. will apply to the granting or limiting the grant of disaster relief earned time.
 - c. Achievement and Exceptional Conduct Earned Time
 - 1) The maximum combined allowable earned time awarded between achievement time and exceptional conduct time is 120 days per incarceration.
 - 2) Once achievement or exceptional conduct earned time has been granted it cannot be revoked absent showing of error in the award.
 - 3) Offenders are eligible to receive achievement and/or exceptional conduct earned time provided their sentence allows them to be eligible to receive any earned time.
 - 4) The Executive Director, in consultation with Time Comp may approve modifications to grants of earned time for exceptional conduct and achievement earned time when the offender has reached 90 days to release so that the grant will not result in less than 45 days to release.
 - 5) No earned time award will be granted which would allow the offenders release date to have passed.
 - d. Achievement Earned Time
 - 1) Offenders who successfully complete a milestone or phase of an educational, vocational, therapeutic or reentry program are eligible to receive earned time awards of up to 60 days per program milestone or phase completion per incarceration.
 - 2) Offenders will not receive additional earned time for repeat completion of a milestone or phase of an educational, vocational, therapeutic or reentry program during the same incarceration.
 - 3) Milestones/Phases and award amounts are listed on Attachment "B".
 - 4) Completion of a milestone or phase shall be documented by program staff (counselors, clinicians, teachers) or CPO into the appropriate data system (MPS, C-WISE or EPIC).
 - 5) For programs completed while in Community Corrections, Parole or Intensive Supervision Parole (ISP) the instructor or the CPO is responsible for entering the earned time award upon completion of a designated program.
 - e. Exceptional Conduct Earned Time

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- 1) Exceptional conduct earned time approvals and amounts awarded are at the discretion of the Executive Director but shall not exceed 60 days per instance.
 - 2) Offenders may receive earned time for demonstrating exceptional conduct that promotes the safety of DOC employees, contract workers and volunteers or other offenders.
 - 3) Exceptional conduct includes, but is not limited to, the following:
 - a) Saving or attempting to save the life of another person;
 - b) Aiding in the prevention of serious bodily injury or loss of life;
 - c) Providing significant assistance in the solving of a cold case, as defined in C.R.S. 24-4.1-302(1.2);
 - d) Acting to prevent an escape; or
 - e) Providing direct assistance in a documented facility or community emergency.
 - 4) In order to receive exceptional conduct earned time, the exceptional conduct must be documented on AR Form 550-12C by a DOC employee, contract worker or volunteer.
 - a) AR Form 550-12C and any accompanying incident reports or other documentation (whether electronically or paper format), will be reviewed and verified by the administrative head of the facility/office or to the assistant director of parole (if the offender is a parolee) and forwarded to the Executive Director/designee for decision.
 - b) The Executive Director/designee will determine whether the conduct meets the standards for exceptional conduct and will determine the amount of earned time to be awarded.
 - c) The Executive Director/designee will return AR Form 550-12C, with approval and amount of earned time noted to Time/Release Operations and to the administrative head of the facility/office or to the assistant director of parole (if the offender is a parolee) who will forward the form to the offender's case manager or CPO for offender notification and placement in the offenders working file.
- f. Provisional Earned Time: Provisional earned time will be granted effective July 1, 2009, at a rate of two days, per month, to offenders who are serving Class 4, 5, or 6 felonies. This excludes those currently or previously convicted of a crime in sections 18-3-303, 18-3-305, 18-3-306, 18-6-701, 18-7-402 to 18-7-407, CRS; section 18-12-102, CRS; section 18-12- 109, CRS; or a crime listed in section 24-4.1-302 (1), CRS. Offenders must meet the following criteria:
- 1) Have not received any Class I COPD convictions (regardless of sanction) during the previous 24-month period.
 - 2) Have not received any Class II COPD convictions (regardless of sanction) during the previous 12-month period.
 - 3) Must be program compliant during the current month.
- g. Earned Release Time
- 1) The Parole Board is authorized to grant a release up to 60 days, prior to MRD, to an offender with a Class 4 or 5 felony or up to 30 days, prior to MRD, to an offender with a Class 6 felony, if the offender meets the following criteria:

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- a) Offenders who are serving Class 4, 5, or 6 felonies, excluding those currently or previously convicted of a crime in sections 18-3-303, 18-3-305, 18-3-306, 18-6-701, 18-7-402 to 18-7-407, CRS; section 18-12-102, CRS; section 18-12-109, CRS; or a crime listed in section 24-4.1-302(1), CRS, are eligible for earned release time.
 - b) Has not received any Class I COPD convictions (regardless of sanction) during the previous 24-month period.
 - c) Has not received any Class II COPD convictions (regardless of sanction) during the previous 12-month period.
 - d) Is currently program compliant.
 - e) Has been ordered to parole on MRD.
- 2) Failure to maintain eligibility criteria will result in the loss of earned release time.
 - 3) The Parole Board and Time Release Operations will coordinate scheduling and release of these offenders.

E. Earned Time from Concurrent Incarcerations in Non-Colorado Jurisdictions

1. Time may be granted to offenders who have served Colorado sentences concurrently with a sentence in another state or jurisdiction.
2. It is the offender's responsibility to provide documentation of program compliance, disciplinary history, work, and housing ratings that cover the entire time being requested. Failure to provide adequate documentation and/or contact information needed to verify the provided information may result in determining that insufficient information is available to make a grant and time will not be awarded.
3. Requests for this grant will be forwarded to the case manager, who will forward to Time Release Operations, via interdepartmental mail.
4. Limiting criteria and ineligibility criteria as described in part IV.E and IV.F. will apply to the granting or limiting the grant of concurrent incarceration earned time.

F. Review and Restoration of Earned Time

1. Upon receipt, and when the offender is within 180 days of release, case managers will review the offender's previous earned time grants to ensure all periods of incarceration have been addressed.
2. Modifications will not be accepted when the offender is within 90 days of MRD or discharge.
3. Restoration will be made when the original circumstances that made the offender ineligible of earned time are reversed or expunged.
4. There will be no provision for restoration of earned time when the original circumstances that made the offender ineligible still exist.

V. RESPONSIBILITY

- A. It is the responsibility of the Office of Offender Services to ensure the overall compliance with this AR.

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- B. It is the responsibility of case management and Community Parole supervisors to ensure the time transactions for their facilities are entered correctly and on time. This includes:
1. Monitoring disciplinary entries to ensure the offender is not granted earned time when a disciplinary conviction has been made for that month, but has yet to be entered.
 2. Ensuring that expungement of disciplinary convictions includes the re-evaluation of the earned time grant for that period.
 3. Ensuring that offenders with identified diagnostic programs meet the criteria to earn time for that factor area prior to receiving the time grant.
- C. It is the responsibility of the case manager and CPO to grant earned time to eligible offenders and to adhere to the provisions of this administrative regulation.
- D. It is the responsibility of the SOTMP and substance abuse program providers to ensure the qualifier codes are entered in a timely manner and accurately reflect the participation status of the offender.

VI. AUTHORITY

- A. CRS 17-22.5-403. Parole eligibility.
- B. CRS 17-22.5-405. Earned time – earned release time- achievement earned time
- C. CRS 17-24-124. Inmate disaster relief program – legislative declaration.
- D. CRS 17-27-101. Legislative declaration.
- E. CRS 18-1.3-1004. Indeterminate sentence.
- F. 17-2-101. Division of adult parole.
- G. 17-2-102. Division of adult parole - general powers, duties, and functions.

VII. HISTORY

August 1, 2011
July 15, 2010
July 1, 2009
October 15, 2008
October 15, 2007
December 1, 2006
September 1, 2006
September 1, 2005

- ATTACHMENTS:
- A. AR Form 550-12A, Earned Time Violation Penalties
 - B. AR Form 550-12B, Achievement Earned Time Matrix
 - C. AR Form 550-12C, Exceptional Conduct Nomination Form
 - D. AR Form 100-01A, Administrative Regulation Implementation/Adjustments

PAROLE EARNED TIME VIOLATION PENALTIES*Earned time shall be taken for the following violations:**(note B violations would be within a **one month** time frame, with the exception of absconding supervision)*

Violation	Earned Time Taken
Release	
Failure to report upon release	10 days
Residence	
Residence violation (moving without permission)	4 days
Absconding supervision	10 days
Charges	
Felony or misdemeanor against persons	8 days
Misdemeanor (excluding crimes against persons)	5 days
Municipal violation (crimes against persons)	7 days
Municipal violation (excluding crimes against persons)	2 days
Report	
Failure to report/call in (not absconding)	4 days
Absconding supervision	10 days
Offender failure to permit PHV	8 days
Direct refusal to provide U.A.	8 days
Failure to provide U.A.	4 days
Failure to pay for U.A.	2 days
Failure to permit search	8 days
Weapons Violations	
Any weapons violation	8 days
Association	
Association	2-4 days
Employment	
Failure to seek/obtain	6 days
Failure to maintain	4 days
Alcohol/Drugs	
Positive U.A.	4-8 days
Positive B.A. or possession of alcohol	4-8 days
Child Support	
Failure to comply with court/admin order	3-8 days
CWISE	
Failure to call into CWISE	3-8 days
Additional Conditions	
Treatment	
Missed treatment	5 days
Frequenting a Liquor Establishment	
Bar or liquor store	4 days
AA/NA	
Failure to obtain sponsor	4 days
Failure to attend (if directed)	4 days
Driving	
Driving without permission	6 days
Restitution	
Failure to pay	3-8 days
Harassment	
Harassment of victim (without criminal charge)	2 days
Curfew Violations	
ISP Curfew Violations	0-7 days

Earned time may be deducted for violations not listed (with supervisory approval). Deviation from this list requires supervisory approval. ***In addition to the withholding of earned time, the parolee is still subject to arrest for parole violation, dependent upon the violation.*** Earned time days taken may be cumulative up to eight days unless the offender harassed his/her victim or absconded (10 days).

Name	Earned Time
THERAPEUTIC PROGRAMS	
Assertiveness-Practical Skills for Positive Communication	4 days
BRIGHT-Depression Management	8 days
CBT for Social Anxiety in Schizophrenia	4 days
CBT for Anxiety and Depression	4 days
CBT for Bipolar Disorder	4 days
CBT for Depression	4 days
CBT for Depression /Spanish Version	4 days
CBT for Psychotic Symptoms	4 days
CBT for Social Anxiety	4 days
Colorado Ext Anger Mgt (CEAMP)	10 days
Commitment to Change Vol I: Overcoming Errors in Thinking	4 days
Commitment to Change Vol II: Tactics-Habits that Block Change	4 days
Commitment to Change Vol III: The Power of Consequences	4 days
Controlling Anger and Learning to Manage It Program (CALM)	8 days
CTCF/PDP Support Group Level II Integration	4 days
CTCF/Institutional Coping Skills	4 days
CTCF/PDP Medication Mgt	4 days
CTCF/PDP Support Group Level III Maintenance	4 days
Dialectical Behavioral Therapy - Linahan	12 days
Drug and Alcohol Education	5 days
DUI Level II Education	5 days
Illness Management Recovery – Building Social Supports	1 day
Illness Management Recovery - Complete Program	12 days
Illness Management Recovery – Coping with Problems and Persistent Symptoms	1 day
Illness Management Recovery – Coping with Stress	1 day
Illness Management Recovery – Drug and Alcohol	1 day
Illness Management Recovery – Getting Your Needs Met	1 day
Illness Management Recovery - Orientation	1 day
Illness Management Recovery – Practical Facts About Mental Illness	1 day
Illness Management Recovery – Reducing Relapse	1 day
Illness Management Recovery – Stress Vulnerability and Treatment	1 day
Illness Management Recovery – Using Social Supports	1 day
Level 4c/d (Therapeutic Community)	30 days
Mental Health Orientation	4 days
Mind Over Mood	4 days
PDP Orientation Paid Program (CTCF only)	4 days
Rational Behavior Therapy ODOC	12 days
SAMSHA Anger Mgt	4 days
SCCF PDP Progression	6 days
SCCF PDP Support Group Level I Residential	6 days
Schema Therapy	4 days
Seeking Safety	8 days
SOTMP PH I	30 days
SOTMP PH II	30 days
Strategies for Self Improvement and Change Level 4a	5 days
Strategies for Self Improvement and Change Level 4b	5 days
Wellness Recovery Action Plan – WRAP	4 days
VOCATION AND EDUCATION PROGRAMS	
Aquaculture Certificate 1	45 days
Automobile Repair I Certificate Completion	32 days
Automobile Repair II Certificate Completion	26 days
Automobile Repair III Certificate Completion	38 days
CCNA Discovery Certificate 1	20 days
Collision Repair Technology Certificate 1	36 days
Collision Repair Technology Certificate 2	22 days
Computer Application Certificate 1	22 days
Cosmetology Program	45 days
Custodial Training Certificate 1	22 days
Customer Service Specialist Certificate 1	18 days
Diesel Repair I Certificate Completion	45 days
Electronics Technology Certificate 1	12 days
Floral Design Certificate 1	14 days
Food Production Management Certificate 1	32 days

Food Production Management Certificate 2	32 days
Foundation of Career Tech Ed Certificate 1	16 days
GED	45 days
Heavy Equipment Operations/Maintenance Certificate 1	45 days
Heavy Equipment Operations/Maintenance Certificate 2	10 days
Intro to Carpentry Certificate 1	18 days
Intro to Computer Info Systems/Personal Computer Specialist Certificate 1	24 days
IT Essentials (A+) Certificate 1	20 days
Nursery and Greenhouse Management Certificate 1	28 days
Printing Technology Certificate 1	14 days
Printing Technology Certificate 2	24 days
Renewable Energy Certificate 1	21 days
Small Engine Repair Certificate Completion	8 days
Upholstery Certificate 1	24 days
Upholstery Certificate 2	24 days
Welding Certificate 1	45 days
Welding Certificate 2	16 days
Wild Horse Inmate Program Certificate 1	34 days
Wild Horse Inmate Program Certificate 2	16 days
Wildland Firefighter Certificate 1	11 days
Wildland Firefighter Certificate 2	23 days
PAROLE, RE-ENTRY AND COMMUNITY CORRECTIONS PROGRAMS	
Bway Employment Class (OWDS)	2 days
CDOC Pre-Release Program	15 days
Community Based Therapeutic Community Program	5 days
Community Based Treatment: Milestone 1 (3 months active weekly participation in an ATP approved treatment program)	3 days
Community Based Treatment: Milestone 2 (6 months active weekly participation in an ATP approved treatment program)	3 days
Community Based Treatment: Milestone 3 (9 months active weekly participation in an ATP approved treatment program)	3 days
Community Based Treatment: Milestone 4 (12 months active weekly participation in an ATP approved treatment program)	3 days
12 semester/18 quarter/6 graduate level credit hours of college	30 days
24 semester/36 quarter/12 graduate level credit hours of college	30 days
36 semester/54 quarter/18 graduate level credit hours of college	30 days
48 semester/72 quarter/24 graduate level credit hours of college	30 days
Dialectical Behavioral Therapy	10 days
Domestic Violence	5 days
Flipping the Script	2 days
GED	45 days
IRT Program	5 days
IT Essentials (A+) Certification	20 days
Moral Reconation Therapy	10 days
Seeking Safety	10 days
Seven Habits	2 days
STIRRT Program	5 days
Strategies for Self Improvement and Change Phase I	5 days
Strategies for Self Improvement and Change Phase II	5 days
Strategies for Self Improvement and Change Phase III	2 days
Thinking for Change	5 days
Trauma Recovery and Empowerment Program	10 days
PRIVATE PRISON PROGRAMS	
Anger Management/Domestic Violence/Parenting I and II	4 days
Criminal Mind I and II	4 days
Masonry	30 days
OMI Therapy Groups	1 day
Plumbing Certificate I	30 days
Strategies for Self Improvement and Change/Level 4a	5 days
Strategies for Self Improvement and Change/Level 4b	5 days
Symptom Management I and II/Mental Health Support Group	4 days

**COLORADO DEPARTMENT OF CORRECTIONS
OFFENDER EXCEPTIONAL CONDUCT
EARNED TIME RECOMMENDATION**

Please submit this form along with applicable incident reports or other documentation confirming the conduct to the Executive Director.

OFFENDER NAME: _____

DOC #: _____ FACILITY : _____

DESCRIPTION OF CONDUCT:

CORRESPONDING INCIDENT REPORT #'s: _____

RECOMMENDED AMOUNT OF EARNED TIME AWARD (no more than 60 days): _____

Signature of DOC Employee making nomination: _____

DATE: _____ PHONE: _____ WORK UNIT: _____

Signature of Facility/Office Administrative Head: _____

Exceptional Conduct Award Recommended? _____ YES _____ NO

DATE: _____ PHONE: _____ Facility/Office: _____

Executive Director Signature: _____

DATE: _____ AMOUNT OF EARNED TIME APPROVED: _____

**ADMINISTRATIVE REGULATION
IMPLEMENTATION/ADJUSTMENTS**

AR Form 100-01A (04/15/08)

CHAPTER	SUBJECT	AR #	EFFECTIVE
Offender Case Management	Earned Time	550-12	08/21/12

(FACILITY/WORK UNIT NAME) _____
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN NOT APPLICABLE WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE INTENT
OF THE AR

(SIGNED) _____ (DATE) _____

Administrative Head

Attachment "D"
Page 1 of 1

**DEPARTMENT OF CORRECTIONS
FY 2014-15 JOINT BUDGET COMMITTEE HEARING AGENDA**

**Monday, January 6, 2014
1:30 pm – 5:00 pm**

1:30-1:50 INTRODUCTIONS AND OPENING COMMENTS

1:50-2:00 QUESTIONS COMMON TO ALL DEPARTMENTS

1. Please describe how the department responds to inquiries that are made to the department. How does the department ensure that all inquiries receive a timely and accurate response?

2:00-2:30 DEPARTMENT OVERVIEW

2. How does the department plan for controlled maintenance? What maintenance will be required in the future? Discuss cost issues related to older prisons.
3. Why is the Department's OIT spending so high? Why does the Department use so much IT? What systems does the department have, what divisions use the IT, how many PCs does the department have, what type of communications systems does the department have, etc.?
4. How is earned time accumulated on parole? Explain mandatory and lifetime parole. What percent of offenders are on mandatory or lifetime parole? What is Maine doing that allows it to be on the low end of the parole chart and the low end of the incarceration-rate chart? What is the new director's philosophy on these matters and how does it compare with Colorado's past philosophy? Do inmates react negatively to being on parole? Should there be any changes?
5. How long was the daily rate for private prisons constant? What has happened to the rate as adjusted for inflation? Provide a chart with both private prisons and Community Corrections similar to the chart JBC staff produced for Community Corrections.
6. How much do other states use private prisons? How many don't use them at all? Do any use them exclusively? Compare Colorado to others.

2:30-3:00 DECISION ITEMS AND OTHER BUDGET CHANGES

7. **R3. Parole Placeholder.** Outline the Department's plans. What does the Department plan to do? How will this address the problems in parole? Will the entire \$10 million be needed? What is the purpose of assigning parole officers to correctional facilities and what will it accomplish? Added note: conveying information to the JBC via the media is not an effective means of communication.

8. R4. Sex Offender Treatment and Monitoring.

- a. What is the status of the implementation of the new Sex Offender Treatment and Monitoring Program (SOTMP)? What changes are being made as compared with the old program? Will the new program be more or less expensive than the old SOTMP program? Are the offenders in this program subject to lifetime parole?
 - b. Describe the impact of this act on both the prison and parole populations, and on the associated supervision and treatment costs.
 - c. Has the Department or another state agency evaluated the impact of this act on public safety?
9. **R5. Prison Rape Elimination Act PREA.** What exactly does the federal PREA law require with regard to this? What does it say? How specific are the requirements? Is there flexibility?
10. **R6. Fugitive Apprehension Unit.** How does this relate to R3, the parole placeholder?
11. **R9 and R10. Food Service Inflation and Offender Clothing Inflation.** These increases seem high. Explain them.
12. **R11. Technical adjustments.** Education appropriations are being reduced to align them with CF and RF revenue. What was the source of cash fund revenues and how does it compare to the education spending resulting from H.B. 12-1223 savings?
13. **R18. Communicable Disease Prevention.** Does the Department test for antibiotic resistant TB? What would the Department do if a resistant strain was discovered in DOC facilities?
14. **S.B. 13-200 annualization.** What is the department doing to access Medicaid funding for offenders?

3:00 – 3:45 OTHER QUESTIONS.

15. The Department of Human Services has requested funding for a new medical records/pharmacy system for the mental health institutes. Is DOC's system adequate? Would there be any benefit to addressing needs in both departments at the same time?
16. The Prison Utilization Study discusses several options for addressing YOS space needs. Why did you choose the option reflected in your capital construction request?
17. What does the department plan to do to address the high level of sex assaults at the Denver Women's Prison? What are the Department's plans and how will the Department address the issue?

18. Discuss the Department's use of moneys from the Correctional Treatment Cash Fund (CTCF), including the following:
- a. Detail the allocation of CTCF moneys by line item appropriation for FY 2013-14.
 - b. Describe the nature of the expenditures supported by the CTCF within each line item appropriation, including the types of services or treatment that are provided.
 - c. Describe the types and numbers of offenders who benefit from such expenditures, including: (1) whether they are juveniles or adults; and (2) whether they are serving a diversion sentence, serving a probation sentence, on parole, sentenced or transitioned to a community corrections program, or serving a sentence in a county jail or are receiving after-care treatment following release from jail.
19. Discuss how the Department would utilize the funding increases proposed by the Correctional Treatment Board for FY 2014-15.
20. Does the statutory provision governing the use of CTCF moneys preclude services or treatment expenditures that would be appropriate and justifiable? Does it preclude the provision of services to certain juvenile or adult offenders that would be appropriate and cost-effective? If so, please explain.
21. Describe how the Department evaluates (or plans to evaluate) the effectiveness of treatment and services that are supported by the CTCF.
22. Describe whether and how the Department monitors or evaluates the reasonableness of rates charged by treatment and service providers.
23. Does the Department make any effort to require offenders to pay a portion of the cost of services provided, if they are able to do so?

3:45-4:00 BREAK

4:00-4:30 ISSUE: THE UNANTICIPATED COST OF S.B. 13-210 OVERTIME

24. Would the department prefer the flexibility of compensatory time as opposed to monetary reimbursement for overtime?
25. Should it be up the employee to choose which to take, compensatory time or monetary benefit?
26. Does the Department agree with the JBC staff calculations? Will a supplemental be submitted for the needed money? What does the Department suggest to resolve this situation? Does the

department believe the results they are experiencing were what was intended by the legislation and that the fiscal note was just in error?

27. What are the Department's recommendations concerning SB 210?
28. Why did the Department grossly underestimate the costs of SB 210 in the fiscal note?
29. Please describe the software that the Department uses to track time for payroll. Is it adequate?
30. Why did the software that the Department uses to track time for payroll not report the true costs of SB 210?
31. Is the department interpreting the law in a way that is adding to the bill's cost and leading to over expenditures? Are other interpretations possible?
32. How is the Department currently paying for the bill? Where is the money coming from? Is it coming from another line item? What will happen if the Department doesn't get supplemental funding?

4:30-5:00 PRESENTATION BY THE PAROLE BOARD

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

1. Provide a list of any legislation that the Division has: (a) not implemented or (b) partially implemented. Explain why the Department has not implement or has partially implemented the legislation on this list.
2. Does Division have any outstanding high priority recommendations as identified in the "Annual Report of Audit Recommendations Not Fully Implemented" that was published by the State Auditor's Office on June 30, 2013? What is the department doing to resolve the outstanding high priority recommendations?
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/\\$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/D36AE0269626A00B87257BF30051FF84/$FILE/1337S%20Annual%20Rec%20Database%20as%20of%2006302013.pdf)
3. Does the Division pay annual licensing fees for its state professional employees? If so, what professional employees does the department have and from what funding source(s) does the department pay the licensing fees? If the department has professions that are required to pay licensing fees and the department does not pay the fees, are the individual professional employees responsible for paying the associated licensing fees?

4. Does the Division provide continuing education, or funds for continuing education, for professionals within the department? If so, which professions does the department provide continuing education for and how much does the department spend on that? If the department has professions that require continuing education and the department does not pay for continuing education, does the employee have to pay the associated costs?
5. During the hiring process, how often does the number one choice pick candidate turn down a job offer from the Division because the starting salary that is offered is not high enough?
6. What is the turnover rate for staff in the Division?