

October 2016

# JAIL OVERCROWDING IN BOULDER COUNTY

*A Comprehensive Assessment and  
Recommendations for Change*

JUSTICE SYSTEM PARTNERS



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# Contents

Acknowledgements .....	ii
Executive Summary.....	1
Contract Goals and Objectives .....	1
Jail Overcrowding Context .....	1
Study Approach and Methodology.....	2
Overview of Findings and Recommendations.....	3
Introduction.....	7
Why This Assessment?.....	7
What was the Study Approach?.....	8
National Context for Jail Overcrowding .....	11
Applying the Risk Principle .....	13
Applying the Needs and Responsivity Principles.....	14
Overview of the Boulder County Criminal Justice System.....	17
System Coordination and Decision Making.....	17
Who is in Jail and Why? .....	19
Program Description and Analysis.....	38
Findings and Recommendations .....	40
System Coordination and Strategic Planning .....	41
Evidence-Based Decision Making and Case Processing .....	47
Programs and Interventions.....	53
Policy Options .....	64
Policy Levers.....	65
Conclusion .....	66
Bibliography .....	68

## Appendices

- Appendix A: Decision Points Survey
- Appendix B: Proxy Data Collection Tool
- Appendix C: Basis-24 (Behavior and Symptom Identification Scale)
- Appendix D: Proposed Causes of the Jail Crowding Problem
- Appendix E: Boulder County CJMB Team Status Questionnaire–Results Summary
- Appendix F: Housing Insecure
- Appendix G: Definition of Standards of Evidence
- Appendix H: Offender Programs Matrix
- Appendix I: Framework for EBDM in Local Criminal Justice Systems
- Appendix J: Napa County Community Corrections Service Center Logic Model
- Appendix K: 20<sup>th</sup> Judicial District of Colorado/Administrative Order 03-103

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The work of Community Justice Services, and in particular Business Services Manager Brian Ball, in managing this effort was essential to this analysis. CJS staff provided information on bail policies and practices, high-risk offender resource utilization, and data collection logistics for all populations under correctional supervision, all essential to this analysis. The CJS staff did their best to fulfill our data requests even when it required arduous tabulating and analysis of data. They also did an excellent job leading a team of program managers from the various criminal justice agencies to gather information and ensure understanding of the process. Finally, we are indebted to Program Assistant Laura Vandello for helping with everything from notes to formatting.

There are three groups of people who while too great in number were critical in our data gathering: Jail, Probation, and Pretrial staff collected our snapshot data. These staff and volunteers attended training sessions to learn how to collect the data and then assisted defendants and offenders to complete the survey. In addition, the Probation staff reviewed files to gather information. Their dedication and thoroughness is why we have both a high completion rate and confidence in the results.

Probation Chief Greg Brown and especially Supervisor Marcy Becker were instrumental in helping us to understand the probation violation process and the evidence-based principles applied to probationers within Boulder County. As part of this effort, we were able to audit several high-risk cases that helped us understand how these offenders are managed in Boulder County.

Members of the Criminal Justice Management Board (CJMB), led by Judge Maria Berkenkotter, gave generously of their time. The candor and insights provided about the current operation of the Boulder County criminal justice system was invaluable. The CJMB has been tackling the challenging issues in the criminal justice system for many years and remains important in affecting positive change.

Commissioner Deb Gardner is a wonderful example of a dedicated elected official who understands the importance of not just solving the problems before us today but thinking about the problems that may result in the future from our actions today. She reminded us to think "upstream."

Finally, the JSP consultant team went above and beyond in turning over every stone that might help to shed light on what is causing the Boulder County jail overcrowding. Claire Brooker provided important insight and understanding of pretrial practices in Colorado and nationally as well as “crunched” and “re-crunched” data for the team. Mike Wilson developed the population projections and modeled the impact on jail capacity of different policy options. He reminded us how policy and practice impact jail capacity. Gary Christensen brought his wisdom in jail operations to ensure that proposed recommendations are pragmatic and can be implemented. His extensive knowledge of the research and practice of implementing evidence-based assessments and policies nationally was invaluable in interpreting data and crafting recommendations. Bill Woodward continually astounded us with his knowledge of all aspects of program implementation and how to identify what programs best serve which populations both in jails and across community delivery systems. His knowledge of all aspects of the criminal justice system pushed the team to not fall into the trap of making the jail the provider for services better offered elsewhere. Nancy Campbell had the privilege of facilitating the team, leading the participants in Boulder and at JSP through this journey of endless learning, and ensuring that chocolate was equally shared.

# EXECUTIVE SUMMARY

## Contract Goals and Objectives

This report is intended to guide Boulder County in choosing the most effective and efficient ways to manage defendants and offenders in County custody. For purpose of this report, the term “defendant” refers to all people who were in pretrial status at the time of the study, and the term “offender” refers to those who were convicted and/or sentenced to some sanction or intervention within Boulder County. Regarding each of these groups, the report recommends programs and practices that have the highest proven likelihood of improving public safety, as measured by their impact on reducing recidivism and increasing compliance with court-mandated requirements. These recommendations are based on the best available research so that County dollars are spent wisely and efficiently. If the goals of efficiency and effectiveness clash, we chose recommendations that have the greatest probability of improving public safety.

Justice System Partners (JSP) prepared this report under a contract with the Boulder County Commissioners and the Boulder County Sheriff. Our contract calls for a holistic assessment of the drivers of the County’s criminal justice population. Requested areas of inquiry include:

- Providing a clear data analysis on how offenders are managed across multiple systems,
- Where are gaps in services and how do they impact use of the Jail (such as services for the mentally ill, substance abusers, and persons whose conditions of sentencing rely on treatment, stable employment, or housing);
- Where can resources be re-allocated to better serve at-risk offenders to prevent incarceration;
- What are the best options for moving low-risk offenders out of the Jail and into community-based alternative sentencing programs;
- How could better reentry services and Jail programming impact recidivism; and
- What options can the County consider to improve handling of mentally ill inmates through existing or modified community services?

## Jail Overcrowding Context

Although the County previously employed the services of other consultants and has undertaken several different types of study and problem-solving activities, no “definitive cause” for its Jail overcrowding was identified. However, the Request for Proposal noted that the following factors have contributed to overcrowding:

- Increases in the number of women and people with special needs;
- Backlogs in the Work Release program resulting in lower-risk individuals taking up high-risk beds; and
- Increased lengths of stay for populations such as the mentally ill, substance users, and the chronically homeless.

## Study Approach and Methodology

The JSP Consultant Team added several key data points to the information that Boulder County received in a 2014 Technical Assistance Report provided by the National Institute of Corrections.<sup>1</sup> To answer the question of how defendants and offenders are managed in Boulder County, the JSP Consultant Team had to gather three types of data.

First, we collected data to create a demographic profile of the criminal justice population. This includes information on who's in Jail, why, and how long they stay. We developed the profile by analyzing the following types of information:

- Jail Bookings, releases, average daily population, and length of stay broken out by age, gender, race, ethnicity, offense type, and inmate status;
- Description of Pretrial Defendants and Sentenced Inmates to include arraignments, releases, bond conditions, and dispositions broken out by age, gender, race, ethnicity, CPAT risk level, and offense type; and
- Probation and Community Corrections Populations including offense type, and supervision level broken out by age, gender, race, and ethnicity.

Second, we needed data to allow us to compare offenders across programs. In other words, in what ways are the offenders sentenced to different types of programs similar or different? JSP consultants expanded the information provided in the NIC demographic profile of the Jail population and other community-based programs by collecting a risk-and-needs snapshot of the following programs:

- Boulder County Jail: Pretrial and Sentenced Populations;
- State-run and privately contracted probation; and
- Boulder and Longmont Community Corrections Programs: Sentenced Populations.

Third, we catalogued and analyzed programs provided to defendants and offenders throughout the criminal justice system. This time-intensive effort gathers together for perhaps the first time all of the programs and assesses to what extent they are proven to reduce recidivism. While appropriate to have some programs in the Jail that serve the purpose of inmate management,<sup>2</sup> wherever possible programs should be designed to reduce recidivism.

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<sup>1</sup> National Institute of Corrections, Technical Assistance No. 14J1034, by David Bennett

<sup>2</sup> To ensure inmate and staff safety, it is important to provide constructive activities. Such activities can be designed to disrupt the cycle of criminality or to simply provide ways to help inmates pass the time without getting into conflict with other inmates or staff.

## Overview of Findings and Recommendations

Two findings supersede all others: First, while crime has steadily decreased in Boulder County since 1985, the incarceration rate has nearly tripled, growing faster than both Colorado and the nation as a whole. This indicates that overcrowding in the Boulder County Jail largely results from policy and practice changes, not changes in criminal activity.

Second, the lack of evidence-based practices is a major impediment to effective and efficient delivery of criminal justice services in Boulder County. Failing to use evidence-based practices consistently and in an organized manner results in less than optimal use of existing resources and squanders opportunities to achieve desired public safety outcomes.

Our findings and recommendations are organized into three broad categories: **system coordination and strategic planning; evidence-based decision-making and case processing; and programs and interventions.** We provide additional findings and greater detail in the full report.

While crime has steadily decreased in Boulder County since 1985, the incarceration rate has nearly tripled, growing faster than both Colorado and the nation as a whole. This indicates that overcrowding in the Boulder County Jail largely results from policy and practice changes, not changes in criminal activity.

### System Coordination and Strategic Planning

**Recommendation 1:** Develop a strategic plan for Boulder County’s criminal justice system. Currently the County has no interagency body charged with strategic planning for its criminal justice system to realize and enhance long-term public safety and rehabilitation outcomes. An authorizing body, often referred to as a Criminal Justice Coordinating Council (CJCC), should be created to develop such a plan for Boulder County.

**Recommendation 2:** Implement an evidence-based decision making protocol that’s consistent with the National Institute of Corrections Evidence-Based Decision Making Model. Our review found that low-, medium-, and high-risk defendants and offenders are being mixed together in the Jail and community options, contrary to evidence-based practice.

**Recommendation 3:** To the greatest extent possible, use the Jail primarily to incapacitate high-risk offenders and limit its use for other purposes. The current Jail population includes offenders who aren’t high risk, weren’t convicted of a person crime, and/or committed misdemeanors or municipal-level offenses.

**Recommendation 4:** Create an Alternative Sentencing Department with wide-ranging responsibilities for implementing and monitoring evidence-based recidivism reduction programs and supporting long-range planning. Without an entity to coordinate overarching strategy for its criminal justice system, Boulder County allocates resources inefficiently and risks public safety.

Our review found that low-, medium-, and high-risk defendants and offenders are being mixed together in the Jail and community options, contrary to evidence-based practice.

**Recommendation 5:** Every high-risk offender in the Jail should undergo a case management process that includes specified assessments and case reviews. Just as the IMPACT case management model has reduced costs in the juvenile system for high-risk juveniles, such a process can also reduce Jail costs. On average, a high-risk offender in Jail costs the County approximately \$39,000/year (\$110/day).

**Recommendation 6:** Require recidivism data to be collected to help the County measure its criminal justice programs' and policies' effectiveness. Currently these programs, policies, and practices are not being evaluated for their impact on recidivism.

**Recommendation 7:** Develop an integrated database accessible to all elements of the County's criminal justice system to aid planning, operations, and program evaluation. The County's current databases for programs, services, and interventions are disparate and independent and lack critical information on assessments, treatment, and outcomes.

## Evidence-based Decision Making and Case Processing

**Recommendation 8:** Implement consistent screening and assessment across all sentencing options and agencies. Currently offenders are neither screened nor assessed consistently across sentencing options. Among the various alternatives, we found significant differences.

**Recommendation 9:** Assess the risk of every pretrial defendant in Jail with the CPAT, and provide that information to the judge at first appearance. We found that roughly 10 percent of pretrial inmates in custody for more than a day did not have a CPAT score.

**Recommendations 10:** Revise or eliminate the use of secured money bonds to comply with Colorado law and avoid unnecessary incarceration of pretrial defendants. Forty-three percent of defendants in Jail are low risk. This equates to 95 beds being used for low-risk defendants; roughly half of these were for defendants unable to pay their secured money bond.

**Recommendation 11:** End the practice of excluding from bond review consideration of those pretrial defendants who have an out-of-jurisdiction charge or hold. Currently inmates identified with holds are excluded from formal bond review consideration.

**Recommendation 12:** Create a structured, system-level decision-making guideline to inform individualized, risk-based pretrial release and detention decisions, in accordance with Colorado state law and best practices. Colorado law<sup>3</sup> requires that conditions of release be the least-restrictive conditions necessary to reasonably ensure court appearance or public safety, and that conditions be individualized and take into consideration each defendant's financial condition.

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<sup>3</sup> C.R.S. §16-4-103

**Recommendation 13:** Offer gender-specific, evidence-based transition programs for higher-risk female offenders to address the higher level of female offenders dealing with mental health and criminogenic needs. Due to overcrowding, female offenders are being housed in other jurisdictions, which removes them from their families and support systems.

**Recommendation 14:** Identify opportunities to reduce the time it takes to process all types of cases by creating a quality assurance process for charging and sentencing practices. Length-of-stay has increased more than 10 percent for men and women over the past five years, likely due to a change in charging and/or sentencing practices.

**Recommendation 15:** Evaluate the use of evidence-based tools such as the CPAT to ensure that release and incarceration practices are consistent regardless of race or ability to pay. Black defendants currently are three times more likely than Whites or Hispanics to be booked into Jail.

## Programs and Interventions

### All Programs

**Recommendation 16:** Develop a process for program evaluations as part of strategic planning to ensure fidelity to evidence-based practices. Currently the County lacks a process to ensure criminal justice interventions are having the intended effect.

**Recommendation 17:** As part of strategic planning, ensure each program serving offenders has a vision and mission that aligns with shared goals of effectiveness. Boulder County operates about 77 programs providing services to offenders, but there doesn't appear to be any direction or coordination among them toward a common goal.

**Recommendation 18:** Provide Jail-to-community programming for cognitive behavioral treatment, mental health, and substance abuse. The transient nature of local incarceration requires treatment continuity and flexibility so that offenders can begin programs in Jail and complete them in the community, thereby preserving the most high-cost resource, Jail beds, while continuing to reduce recidivism through evidence-based programming.

**Recommendation 19:** Include a fidelity management component in all evidence-based programs. Without fidelity management the County does not know if its few evidence-based programs are being delivered as prescribed and/or if they are working.

**Recommendation 20:** Provide funding for an evidence-based private program in Boulder County that already meets high standards to train other County criminal justice entities on its practices. One evidence-based private program in the County uses a comprehensive assessment process and fidelity measures that could serve as a model county-wide.

### Jail Programs

**Recommendation 21:** Use a validated assessment such as LSI-R to assess higher-risk offenders and provide targeted evidence-based treatment/programming to mitigate high criminogenic needs. Higher-risk defendants/offenders are not likely to succeed without evidence-based treatment/programming.

**Recommendation 22:** Improve access to GED classes and testing for jailed offenders and encourage them to complete the program. Eighteen percent of inmates in Boulder County Jail lack a high school degree or GED, and none have received a GED in a few years.

### Work Release

**Recommendation 23:** Limit Jail's purpose to "incapacitation" consistent with evidence-based practices to reduce recidivism. Work release beds in the Jail should be eliminated and repurposed to manage the Jail population for those who need to be incapacitated.

### Community Corrections

**Recommendation 24:** Ensure all medium- and high-risk offenders in Community Corrections receive cognitive behavioral treatment. Most medium- and high-risk offenders in BCTC and LCTC are not receiving needed evidence-based cognitive behavioral programs and treatments designed and proven to decrease the risk to public safety.

**Recommendation 25:** Consider having the County either directly manage Community Corrections or require additional performance-based contracts with providers for recidivism reduction, escape mitigation, and successful terminations. BCTC and LCTC have little incentive to emphasize recidivism reduction or escape mitigation given that their programs already meet the state's minimum standards.

### Mental Health Programs

**Recommendation 26:** The County should take a number of steps to address the inadequacy of its mental health programming for offenders, including committing to request needed treatment for mentally ill offenders whether they're in Jail, on probation, or in Community Corrections, and expand mental health treatment for jailed offenders to include case management for those being released from Jail.

### Probation Programs

**Recommendation 27:** For the most part, Colorado 20th Judicial District Probation adheres to evidence-based principles. Areas that remain for improvement include the failure to monitor and address both the increase in the number and length of stay of offenders sentenced to jail for probation violations. The Court should advocate for immediate implementation of the State's new "Strategies for Behavior Change," a probation violation matrix that provides guidance to staff regarding how to address technical violations. Following these new guidelines could save the Jail beds on any given day.

# INTRODUCTION

## Why This Assessment?

Crime has steadily decreased in Boulder County since 1985, but the incarceration rate has nearly tripled, growing faster than both Colorado and the nation as a whole. While Boulder County still has a relatively low incarceration rate compared to national and state averages, this data makes clear that policy and practice changes—not changes in criminal activity—are driving the Jail’s overcrowding problem.

The Boulder County Jail is designed to house 287 inmates. Currently all cells are double bunked except in cases where classification issues such as gender, violence level, or treatment issues like mental health require single cells. While double bunking and other measures have increased the capacity to 510, the optimal capacity is between 433 and 459 (85 percent to 90 percent of capacity). At this level, there’s enough space to meet widely accepted jail classification standards that allow different groups of defendants and offenders to be separated and to conduct needed programs. Operating above the 90 percent of capacity level is dangerous to inmates and staff.<sup>4</sup>

The Jail typically houses 500 inmates; in the summer months, it often exceeds that number. Overcrowding of this nature puts staff and inmates at risk. Staff is unable to provide “direct supervision” and the time and attention required by all inmates. The staff also finds they can only address the most serious concerns. The level and type of programs recommended to reduce recidivism cannot be provided when overcrowding reduces program space and the time needed by staff to support the programs.

An increase in the female inmate population has resulted in housing female inmates at jails in neighboring counties. Moving these women away from their families and community support systems is detrimental to recidivism reduction efforts.

All stakeholders are in agreement that the Jail’s overcrowding presents unacceptable risks for staff and inmates but agreement has not been reached regarding the best short- and long-term solution to the problem.<sup>6</sup> The County Commissioners and the Sheriff expressed a desire to better understand what is causing this overcrowding and explore possible solutions.

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<sup>4</sup> Developing working relationships with offenders is critical to the safe operation of the Jail. Operating below 90 percent allows staff to see the early warning signs of criminal activity, suicide, anger, and depression. Operating above this level leaves staff blind to early warning signs of trouble in the Jail.

<sup>5</sup> A jail best practice, National Institute of Corrections.

<sup>6</sup> Stakeholders interviewed by JSP include the members of the Criminal Justice Management Board (CJMB) that has representation from the County Commissioners, the courts, jail, law enforcement, probation, prosecution, defense bar, mental health, and social services.

## What was the Study Approach?

### **System Coordination and Decision Making**

The first step to understanding the causes of jail overcrowding is to identify the level and quality of systems understanding by criminal justice stakeholders and the degree to which efforts to develop decision-making agreements are or are not made and implemented.

The challenges in Boulder County, as in every criminal justice system, include the inherent conflict built into it, such as the conflict between defense and prosecution and the very different nature of many elements, such as a court and a jail. Compounding the philosophical and functional differences is the nature of elected versus appointed roles and the different authorizing and funding sources within the system. For example, in Colorado probation is funded by the state, but probationers are housed in a county-funded jail. The Sheriff is elected; judges are not.

For this study, we used a multi-pronged strategy including surveys and a variety of exercises in large and small group meetings to learn what the County believes are the goals of its criminal justice system and what's causing the current Jail overcrowding. In March 2016, a JSP consultant met with members of the Boulder County Criminal Justice Management Board (CJMB) and asked them to identify what they believe are the top three causes of Boulder County's Jail overcrowding and who they believe should be held in Jail. Board members provided their answers confidentially.

Each CJMB member was asked to complete a Decision Points Survey<sup>7</sup> to prioritize at each decision point in the criminal justice system what he or she believes should be happening to impact the two drivers of Jail population: length of stay and/or admissions. Then, in April 2016, at the project's kickoff meeting with the CJMB, the board members spent two hours reviewing key decision points, including pretrial status decisions, arrest, charging, pleas, and sentencing. While the meeting didn't cover all of the criminal justice process decision points, the session provided insight into perceived causes of Jail overcrowding. This meeting also included an exercise designed to prioritize sentencing philosophies. The Operations Committee, consisting of appointees of CJMB members, engaged in the same exercises. Later we conducted a Collaboration Survey that gave us a better understanding of the nature of board member interactions.

We focused on the CJMB because most of the leadership of the criminal justice system and the community agencies they partner with are represented in this group and, while not always perfectly aligned, the attitudes, beliefs, and practices of leadership often reflects the same for their subordinates. Finally, the JSP consultants met with more than 20 system decision makers, agency representatives, and program service providers in individual and group meetings.

The data from all the exercises was analyzed to identify any trends, themes, or patterns in the understanding of CJMB members regarding the goals of the criminal justice system, the perceived causes of Jail overcrowding, and the level and type of functioning of the Board

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<sup>7</sup> See Appendix A

processes. CJMB members identified three sentencing priorities: Rehabilitation, Recidivism Reduction, and Restorative Justice. We used these priorities to guide our analysis.

## **Population Demographics**

To understand demographic trends of the Boulder County Jail, we analyzed population data for the last five years. This provided a profile of the Jail’s inmate population and the variables that describe who is being booked into and released from the Jail, as well as program or supervision conditions.

Not surprisingly, the data extraction process was challenging and required multiple efforts to create a database. The population data is based on bookings into the Jail for each year. The data analyzed includes inmate status (pretrial, sentenced, and/or probation violation), CPAT level, bond conditions, race and ethnicity, gender, crime type, length of stay, average daily population, program status (e.g., work release), and releases, including recidivism rates.

## **Risk and Needs Snapshot**

JSP consultants also worked with the Boulder County Community Justice Services (BCCJS) Jail, Probation, and Community Corrections staff to capture a snapshot of the criminogenic risk and behavioral health needs of the population. This process ensures that people in the various stages and programs of the criminal justice process are being assessed on the same measures.

The instrument used to capture the risk to re-offend—the Proxy Triage Risk Screener (Proxy)—can be found in Appendix B. This self-report screening tool is simple and easy to administer and has high predictive validity. It measures the risk of an individual to recidivate. It’s not meant to replace jail classifications systems that are designed to ensure safe and secure housing of inmates.

Those assessed are sorted into three groups indicating whether they have a low, medium, or high level of risk to re-offend. The Proxy is a straightforward, non-proprietary screening tool designed to get a “first cut” evaluation of the risk posed to the local community of the entire offender population to assist in triaging lower-risk offenders into lower-level supervision options or flagging higher-risk offenders who should receive a more comprehensive assessment and, ultimately, more intensive jail transition services.

The measure used for the behavioral health needs—the Behavior and Symptom Identification Scale (Basis-24)—is found in Appendix C. This assessment is a self-reported measure of mental health and substance abuse status (Idiculla, Speredelozzi & Miller, 2005). A valid and reliable assessment of a wide range of mental health symptoms and problems, the Basis-24 is not intended to be a diagnostic tool but rather classifies people according to the level of mental health need and provides a subscale for substance abuse need.<sup>8</sup>

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<sup>8</sup> Due to a misprint on the survey which disallowed the selection of “never” for the substance abuse questions, the substance abuse scores were adjusted to account for the possibility that when someone answered “rarely” that person may have meant “never.” Therefore, anyone who said “rarely” was scored as answering “never” to ensure that the assessment didn’t count people

The data from the risk and needs snapshot matches the individual risk and need of a defendant or offender with their current intervention providing policy makers a clear picture of how current resources are being used and if the practice aligns with what research indicates reduces recidivism and makes best use of limited resources. This information informs possible changes in practice that can help to reserve the most costly resources, like jail, for those defendants and offenders who pose the most serious risk to the community.

The JSP consultant team trained Boulder County staff on the use of these tools. County staff administered the survey on March 15, 2016, to all individuals in the Boulder County Jail facility, Community Corrections Diversion, Work Release inmates outside of the Jail facility, and offenders sentenced to Day Reporting. JSP consultants and Jail staff worked over a one-day period to attempt to assess all inmates housed in the Boulder County Jail with the Proxy.<sup>9</sup>

Because it was not possible to sample all those on probation supervision on any given day, to ensure a sufficient sample, intakes to probation were assessed over a one-month period. Additionally, the risk-needs survey was given over the course of one month to those doing an intake for probation and pretrial supervision in the community.

## **Program Assessment**

Two assessments were used to catalog and assess all programs offered in the Jail and the community for pretrial defendants and sentenced offenders. Assessments were designed to identify:

- What programs are delivered to what type of defendants/offenders and how frequently defendants/offenders of differing levels of risk are served together within the same program;
- The level of training and/or skill of those delivering the program;
- If the program follows evidence-based principles by targeting a specific criminogenic need, does it use a curriculum that research indicates reduces recidivism if applied with fidelity and the proper dosage;
- If the program addresses a treatment need, who does it serve, what is the level of training of those delivering the service, and is there research that indicates the treatment approach works with the targeted population;
- Are treatment providers educated regarding criminogenic issues;
- Has any research been conducted on the program and, if so, what does it indicate; and
- If the program is not addressing criminogenic needs, does it serve an offender management purpose.

This process included visiting some programs and having all programs provide information in the following areas:

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as having more of a substance abuse need than they truly do. However, this adjustment may also have the effect of underestimating the substance abuse need that is present.

<sup>9</sup> Boulder County inmates housed in other jails were not assessed.

- Name of program
- Person completing the assessment
- Program eligibility criteria
- Numbers served in the most recent year
- Average length of stay
- Criminogenic Need Targeted
- Curriculum – Name
- How program is evidence based
- Number of sessions per week
- Number of hours in sessions
- Number of weeks of the program
- Program type: Change core; Change supplemental; or Activity based

Each program was reviewed to determine what type of evidence underpins the program content and services. The level of evidence was discerned from any submitted research; citations for articles; the National Registry of Evidence-Based Programs and Practices (NREPP); the Washington State Institute of Public Policy; and CrimeSolutions.gov. The standards of evidence include:<sup>10</sup>

- Experimentally Proven
- Experimental
- Research Informed
- Opinion Informed
- Non-Criminogenic (activities)

After reviewing program content and services, JSP consultants made recommendations for program continuation, continuation with conditions, or discontinuation of the program.

## National Context for Jail Overcrowding

Throughout the United States, evidence-based policy and practice (EBP) continues to advance and contribute to cost efficiency and improved long-term public safety outcomes in local, state, and federal criminal justice systems. Evidence-based policy and practice relies on valid, objective, scientific measurement to inform and evaluate decision making throughout the criminal justice system. EBP offers practitioners specific guidelines to assist in program implementation.

The use of EBP reduces the potential for institutional and individual bias and inconsistency and provides measurable outcomes designed to assist policy-level stakeholders in evaluating the costs and benefits of local criminal justice decisions and interventions. These evaluations provide information regarding the local use and effectiveness of available sanctions and interventions. Criminal justice systems are moving toward the development of a matrix designed to ensure that each sanction and intervention is used appropriately, cost effectively, and in a manner that results in better long-term public safety outcomes.

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<sup>10</sup> Standards by the University of Colorado, Center for the Study and Prevention of Violence, Blueprints Program: [BlueprintsPrograms.com](http://BlueprintsPrograms.com).

EBP also offers a methodology to conduct empirical research and to evaluate the efficacy of local implementation efforts to ensure that they result in favorable, cost-effective outcomes. National demonstration projects funded by the National Institute of Corrections, such as the Transition from Jail to the Community Model<sup>11</sup> and the Evidence-Based Decision Making Model,<sup>12</sup> have furthered our understanding of the applied research and offer specific guidelines for the implementation of practices that are proven to enhance long-term public safety outcomes within local correctional systems such as Boulder County.

Research contributing to the development of the Risk, Need, Responsivity Model (RNR) has identified foundational, evidence-based practices that when applied realize best outcomes within any criminal justice systems (Andrews, Bonta and Wormith, 2006). The following principles underpin our findings and recommendations:

1. Evaluate, separate, and triage all defendants by the risk they pose to public safety and their likelihood to appear in court if released from custody;
2. Prioritize resources and inform criminal justice decisions using validated risk information (i.e., more costly, intense interventions for higher risk; less costly or no interventions for lower risk);
3. Assign, place, sanction, and communicate with criminal defendants in manner that best motivates them to change within an environment that is best suited to realize needed behavioral change;
4. Perform an actuarial assessment of criminogenic need on each higher risk/need person, pretrial or sentenced, who is being ordered into or offered treatment;
5. Develop a targeted case plan designed and intended to be shared system-wide that is individualized for each offender to mitigate/change his/her measured higher need areas;
6. Offer only programs or treatment that are proven to result in offender behavioral change when delivered to the proper people at the proper dosage;
7. Practice regular quality assurance to ensure that processes/policies are followed, interventions are assigned appropriately, and intended long-term public safety outcomes are obtained; and
8. Utilize continual quality assurance/evaluation information to revise criminal justice practices and decision making as necessary.

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<sup>11</sup> Available at <http://nicic.gov/jailtransition>

<sup>12</sup> Available at <http://info.nicic.gov/ebdm/?q=node/8>

## Applying the Risk Principle<sup>13</sup>

All defendants entering the criminal justice system must be screened to determine the risk they pose to the public and the likelihood they will reappear in court, should they be released from custody. Within Colorado, the Proxy screening tool (Proxy) and the Colorado Pretrial Assessment Tool (CPAT) are used widely for this purpose. The importance of these tools cannot be overstated. It's through the use of these tools that defendants should be triaged and placed in a "track" that is best determined to meet the jurisdiction's standard for cost-effectiveness and long-term public safety. These tools further enable a jurisdiction to evaluate daily practice and conduct meaningful comparison/evaluation of public safety outcomes for each local sanction, intervention, and decision. Across our country, these types of tools are the foundation for evidence-based practice within local jurisdictions (Christensen, Jannetta, Buck-Willison, 2012).

Risk screening tools help to inform the decision making of local officials throughout a defendant's interface with the criminal justice system and evaluate the effectiveness and cost efficiency of a given criminal justice intervention. Comparing one intervention to another within the same system requires knowledge of what types of defendants are in each intervention to draw valid conclusions regarding costs and benefits. For example, within Colorado the CPAT has been validated and proven quite predictive of defendants' pretrial success while not in custody. Figure 1 illustrates the effectiveness of the CPAT in stratifying pretrial defendants into four categories (CPAT 1-4) and predicting their likelihood of incurring a new infraction/violation or failing to appear in court while on pretrial release (Pretrial Justice Institute & JFA Institute, 2012).

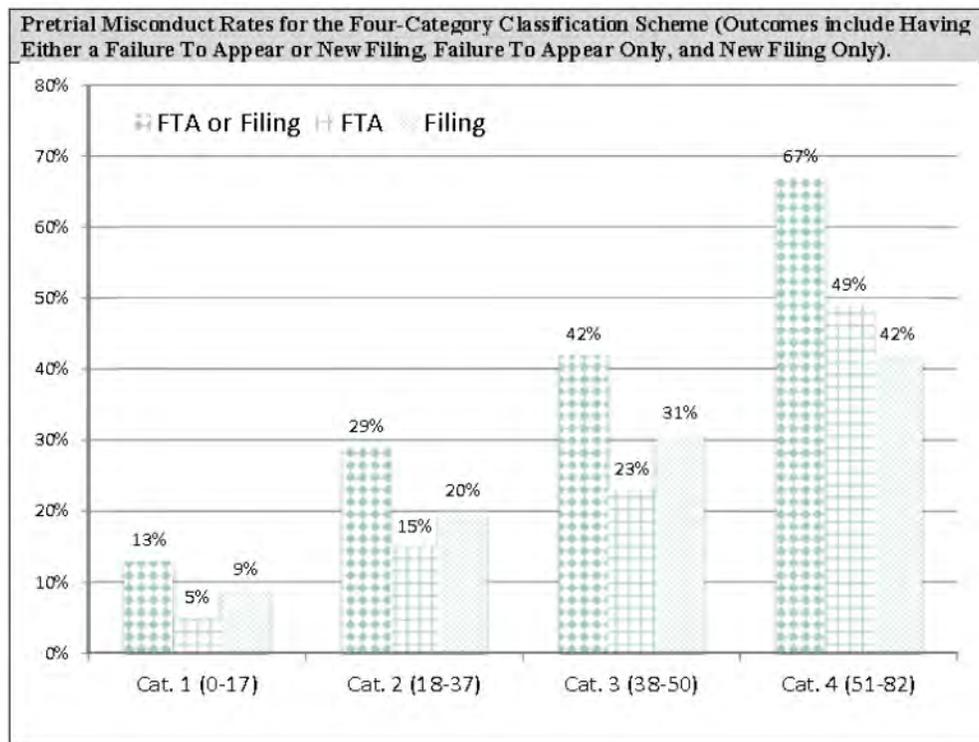


Figure 1: CPAT Predictive Effectiveness

<sup>13</sup> The risk principle of RNR is outlined in principles 1-2.

This example illustrates the importance of risk screening and offers one example showing how risk information can be used to inform and evaluate local criminal justice decision making. Current research demonstrates that the longer pretrial defendants spend in jail, the more likely they are to re-offend (Lowenkamp, VanNostrand, & Holsinger, 2013). Considering this with local data regarding recidivism rates for jailed defendants it is difficult to justify, both in terms of cost and public safety, the use of jail beds for non-violent defendants in CPAT Categories 1 and 2. Of course, understanding the reasons for this particular practice and implementing change related to it is more complicated than can be articulated within this section.

## **Applying the Needs and Responsivity Principles<sup>14</sup>**

For those found guilty of a crime, punishment is a valid component of the criminal justice process; however research has concluded that punishment in any form, including sanctions such as intensive supervision and incapacitation through incarceration, has, at best, no effect on behavioral change (Andrews, 1994). Behavioral change only occurs when an offender is motivated to change and is taught skills to change behaviors correlated with the commission of crime. Treatment needs correlated with criminal conduct are measurable and have been termed “criminogenic needs.”

Objective actuarial assessments must be conducted to first measure criminogenic need and then to drive treatment decisions for each person targeted for treatment. Within the State of Colorado, the Level of Service Inventory Revised (LSI-R) is used for this purpose. Benefit-cost analyses have proven that intensive, costly interventions, such as jail-based programming, should be prioritized for higher-risk defendants while lower-risk defendants are best served by less intensive strategies within the community while their criminal case is adjudicated (Christensen, Jannetta, Buck-Willison, 2012; Andrews, Bonta, and Wormith 2006). For lower-risk, non-violent defendants, a primary focus of criminal justice decision-making should be the preservation of existing protective factors, such as a current job and/or prosocial support. Higher-risk defendants, who pose significant risk to the local community, are best managed through evidence-based treatment to mitigate criminogenic needs identified by their LSI-R.

It is important to note that, regardless of a defendant’s circumstances, mental status, or criminal history, the research implores the use of an actuarial tool such as the LSI-R to inform treatment decisions and, as stated above, intensive treatment should be prioritized for higher-risk defendants, regardless of mental illness. This principle bears repeating, for many across the country make the mistake of treating all mentally ill defendants solely for their mental illness and not for criminogenic need. While lower-risk mentally ill defendants may be best served by treatment for their mental illness within the community, higher risk criminal defendants’ mental illness must be treated as co-occurring and their criminogenic need must be treated as with any other higher-risk defendant (Morgan, Flora, Kroner, Mills, Varghese & Steffan, 2012; Latessa & Smith, 2015; Skeem, J.L., Winter, E., Kennealy, E., Eno Loudon, J. & Tatar II, J.R., 2013; Skeem, J.L. and Peterson, J., 2011).

Only programming or treatment that is evidence-based should be offered both in custody and in the community for higher risk defendants/offenders.<sup>15</sup> Simply sending an offender to treatment,

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<sup>14</sup> The risk and needs principles are principles 3-6.

without understanding what the treatment is, whom it is appropriate for, and how it affects offender behavioral change, is another common resource-wasting mistake that nets unfavorable public safety outcomes. Very specific criteria that qualify a program as evidence based have been reported and recognized widely (Washington State Institute for Public Safety, 2006). Using these criteria, jurisdictions can and should evaluate the services and treatment they offer within both custody and community settings to ensure that their resources are not wasted on programs that have been proven to have little or no effect on offender behavior change. While initially time consuming and costly, advanced jurisdictions have implemented ongoing quality assurance to monitor all services offered to offenders. These jurisdictions realize that the best of intention and practice goes awry if all things are done correctly to identify treatment needs but the treatment provided is not evidence based.

Evidence-based case planning is also essential and is perhaps most important in local jurisdictions, due to the unpredictable, transient nature of local criminal justice populations (Warwick, K., Dodd, H. & Neusteter, S.R., 2012). For higher-risk offenders, EBP case plans directed by a validated assessment such as the LSI-R and, based upon identified higher needs, guide treatment decisions and placements delivered within custody and community settings. EBP case plans should also be designed to share pertinent information among all criminal justice stakeholders involved with each offender to provide clarity regarding the timing and purpose of each assignment and to enhance continuity from one treatment provider to another. Communication and dialogue with the affected offender has also proven to enhance the likelihood that case plans are followed and, in turn, net the best possible public safety outcomes.

## **Using Data to Guide Daily Practice and Effect System Change**

Effective quality assurance relies heavily on the use and application of each of the foundational principles outlined above. If any principles are shortchanged, the ability to measure with clarity and learn from the effect of specific actions, placements, etc. on targeted groups of people can be severely compromised. Data specific to each of the foundational areas outlined above should be recorded electronically in a data management system that accommodates ongoing quality assurance review and longer-term outcome analyses. A data management system containing these and other pertinent data should be easily navigable by line staff and management who are not highly skilled in working with computers or conducting more complex statistical analyses. The data management system should provide managers process and outcome information to work with subordinates to ensure accurate implementation of programs and processes.

For example, using the CPAT longitudinal study referenced in Figure 1, it's clear that very different outcomes should be expected for pretrial defendants rated CPAT 1, 2, 3, and 4. Indeed, the research tells us that lower-risk defendants should not co-habitate with higher-risk defendants given their very different criminal history and criminogenic needs (Lowenkamp & Latessa. 2004). In fact, co-habitation of defendants of differing levels of risk actually does little to help either group and those who are lower risk are often harmed by interventions that are appropriate for higher-risk defendants (Lowenkamp & Latessa. 2004). Therefore, if quality

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<sup>15</sup> Most jurisdictions create administrative rules or pass legislation that leave some room for innovation but, as discussed later, programs that are experimental must be monitored and evaluated to determine efficacy.

assurance measures found that a mixture of defendants rating CPAT 1, 2, 3, and 4 were assigned regularly to a given program, it would make clear that a policy change should be considered to remedy the issue of mixing populations.

Experience applying these principles across the country has shown they are best implemented and sustained when overseen by a policy-level entity, such as a local criminal justice coordinating council (CJCC). The National Institute of Corrections offers guidelines to set up such a body (Cushman, 2002). Regardless of its title, a CJCC must be collaborative and staffed by policy-level criminal justice stakeholders and/or officials empowered with policy-level decision-making authority. Through a collaborative process, using all of the information outlined above, officials in jurisdictions across the United States have realized that their goals related to overarching criminal justice practice and long-term public safety are far more alike than they are different. EBP offers a CJCC a means to evaluate criminal justice practice, process, and outcomes objectively and to enact system-wide change as necessary to realize, advance, and sustain cost-effective practices that result in the best possible long-term public safety outcomes.

A critical role of a CJCC is to ensure programs are delivered with fidelity so desired outcomes are achieved and to constantly evaluate intermediate measures that are indicators of long-term outcomes. Quality assurance strategies and outcome evaluations must be ongoing and analyzed to determine if goals set by a CJCC are being achieved. It's not enough to espouse adherence to evidence-based policy and practice; we must be able to prove interventions and decisions are cost effective and, in fact, improve public safety. Effective, ongoing quality assurance practices give criminal justice stakeholders measures that can be used daily to ensure a given program or practice is being implemented with fidelity. When fidelity is achieved, evaluations that measure the effect of specific practices, treatments, decisions, and/or placements as they are applied to targeted groups should yield desired outcome results. Outcome analyses provide a factual basis for day-by-day decision making as well as funding decisions that consider the cost of placements, programs, treatment, etc. versus the benefit derived.

# OVERVIEW OF THE BOULDER COUNTY CRIMINAL JUSTICE SYSTEM

## System Coordination and Decision Making

### **The Data We Gathered**

The JSP consultant team undertook several efforts to develop an understanding of the stated policies and practices of the criminal justice decision makers and service providers as well as the beliefs and understanding that underlie these policies and practices. As discussed in the National Context section of this report, the first principle of evidence-based practice is to understand what, if any, theory grounded in research is driving system and program design. Given the complexity of the criminal justice system, it's impossible to understand every system and program nuance. However, we did our best to understand the theoretical underpinnings of Boulder County's criminal justice system.

Given the complexity of the criminal justice "system," it's not surprising that beliefs and understanding about the goals and objectives of the system vary widely. Criminal justice systems that are most effective at controlling the use of expensive resources do so through a process of collaboration to identify goals and implement practices consistent with current research to achieve those goals.

Several themes were heard repeatedly as the JSP team began this work. First, the criminal justice system decision makers and their community partners said that they collaborate well. Second, there was a belief that there is more than enough data to answer the question of what to do about Jail overcrowding, and that decision makers understand and use this data well. Finally, there was a relatively pervasive belief that system decision makers and service providers were adhering to evidence-based practices.

### **What We Learned**

Trend data show that Boulder County has a relatively low incarceration rate: roughly 70 percent of the national and state average. This demonstrates the County's commitment to invest in a wide array of alternatives to incarceration. The CJMB prioritized "Rehabilitation, Recidivism Reduction, and Restoration" as their goals for the criminal justice system. The sheer number of programs delivered in the Jail and the community—77—speaks to the high level of concern and commitment to these principles.

#### **Beliefs About What's Causing Jail Crowding**

We learned that there is significant disagreement regarding what's causing Jail overcrowding and what should be done to address it.<sup>16</sup> Our attempts to complete a Decision Point Analysis both through in-person exercises and survey strategies, frankly failed. Surveys were often not

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<sup>16</sup> Appendix D shows the array of responses we received in this regard.

completed and typically not fully completed. The reasons varied, but are in large part a result of the purpose of the CJMB not being one of a governance structure.

Some CJMB members are in agreement on how to solve the Jail overcrowding issue, but there is wide disagreement among the broader group about the best way to move forward. A subset of the board members believe a new facility designed to provide residential and non-residential program services is the best way to resolve overcrowding. Other members believe changing current policies and practices can resolve the problem.

### Lack of Strategic Planning and Monitoring

Further, we heard significantly different perspectives on the desired direction of the criminal justice system. Fifteen of the 16 CJMB members completed the Collaboration Survey. For the most part, the meetings are seen as a good forum for information sharing. CJMB meetings appear to be of greater value for members who work directly in the criminal justice system than for those who are engaged in providing services to the system.

Forty seven percent of respondents to the Collaboration Survey indicate there are not clear goals or a purpose for the CJMB. Lack of clear goals produced the highest level of agreement among CJMB members. Seven out of ten comments about how to improve the group focused on becoming more mission and goal driven.<sup>17</sup> The theme of wanting the group to have a defined mission or purpose that has clear goals and objectives was also echoed in the confidential interviews we had with every CJMB member.

### Lack of Consensus About Collaboration

There are many examples of excellent collaboration occurring in several areas of the criminal justice system in Boulder County. The best example is the work accomplished to reduce the incarceration rates of juveniles by intervening early when they have problems with the law and providing the level and type of programs that are proven effective to reduce recidivism (the IMPACT initiative). Another example is the intensive work on individual adult cases that present very complicated issues. The Court brings together system decision makers to craft solutions to these important cases.<sup>18</sup>

However, many CJMB members do not see this group as being highly collaborative. A significant number do not feel their perspective is heard or considered seriously when issues are brought to the CJMB.<sup>19</sup> This too is reflected in the Collaboration Survey; only 40 percent of respondents indicate they have considerable influence on what takes place in meetings. Members appropriately reflect the reality that several of them represent functions that oppose one another in the system, which creates an inherent challenge in such a group.

### Lack of Data and Understanding of EBP

Finally, as in most criminal justice systems, there is a plethora of information but not the type of information needed by decision makers at the time they need it to make decisions. The task of

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<sup>17</sup> See Appendix E for the Collaboration Survey Results.

<sup>18</sup> The Early Case Resolution Project (ECR) is a good example of system collaboration.

<sup>19</sup> This was expressed openly in the confidential interviews.

getting information that can inform evidence-based decision making is arduous and difficult. Further, with the exception of a few entities, most decision makers continue to rely on their personal judgments and beliefs, not evidence supported by research.

The Jail's operations and analyst staff, the CJS staff, and the Probation Department leadership appear to have a clear understanding of evidence-based theory and practices. While all groups expressed interest in solving Jail overcrowding, these three groups demonstrated the deepest understanding of where Boulder County's criminal justice system does not align with current research and the evidence-based policies and practices that stem from it.

## Who is in Jail and Why?

### **Profile of the Justice Involved Population**

This section of the report describes incarceration trends over the last five years, providing a context for Boulder County's criminal justice system. We analyzed these data to project (later in the report) what Boulder County's Jail population would likely be if it continues on the same trajectory. In addition, we used a one-day snapshot of the current population to describe in greater detail the profile of the incarcerated population. The description includes legal status, types of placement, and a variety of demographic information for individuals in the Sheriff's custody on any given day. This provides the backdrop for recommendations we present later in the report.

#### **Crime and Incarceration Trends**

Crime in Boulder County has followed the same trends as the rest of the country (Figures 2 and 3). Property and violent crime rates are down considerably since the 1980s. Property crime has fallen faster in Boulder and Longmont, with 61 percent and 66 percent declines, respectively. Both cities have property crime rates that are now slightly below the national average. Violent crime rates in Boulder and Longmont are below the national average as well. The decline since 1985 is less in Boulder than the country as whole—20 percent compared to 33 percent—and Longmont's violent crime rates are slightly higher now than they were in 1985.

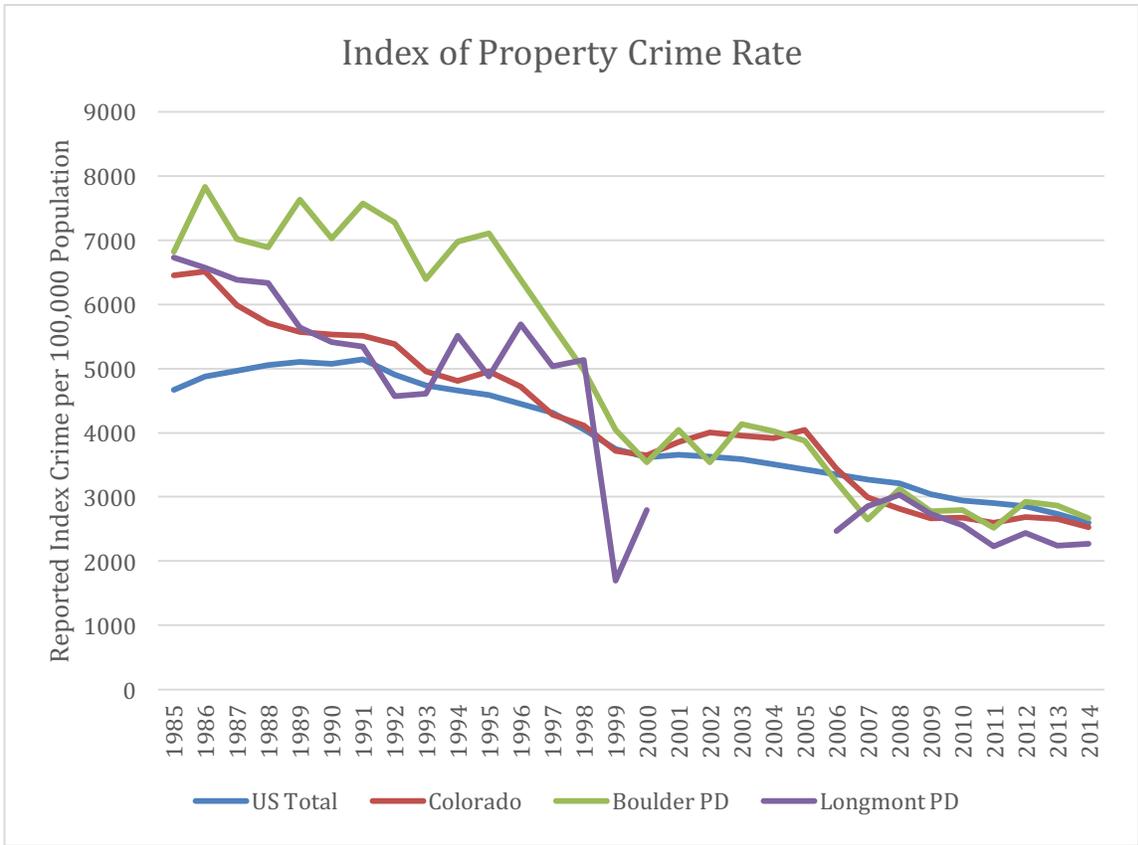


Figure 2: Index of Property Crime

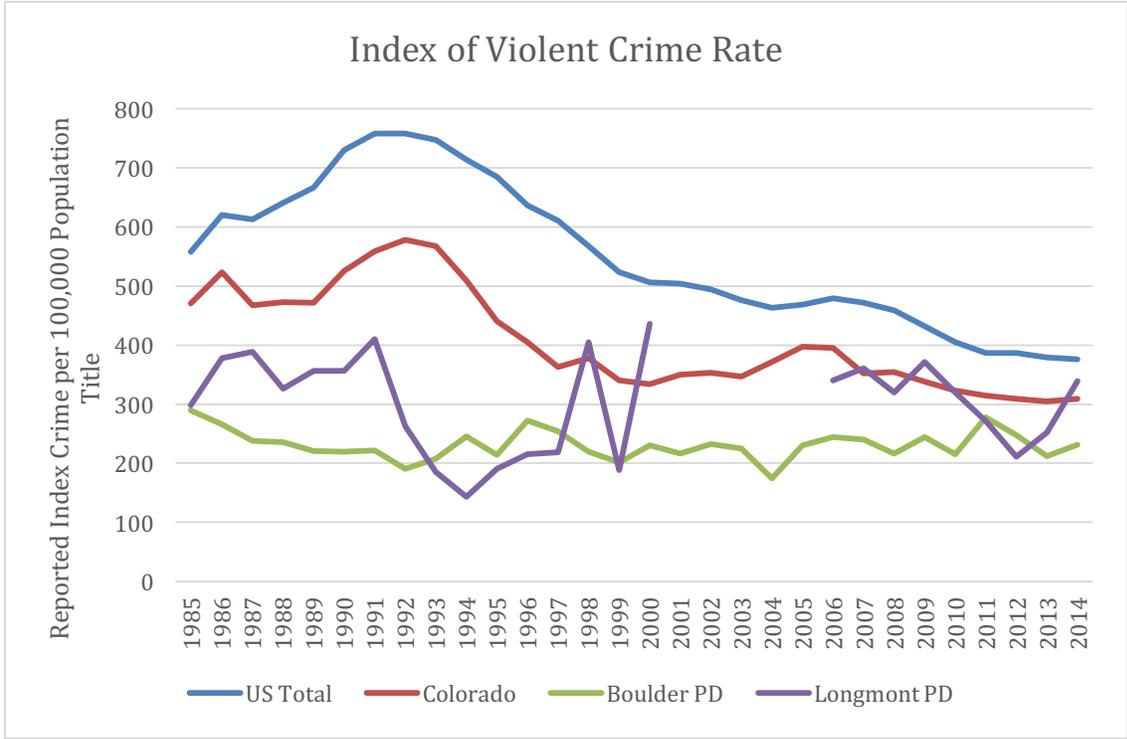


Figure 3: Index of Violent Crime

While crime has steadily decreased in Boulder County since 1985, the incarceration rate has nearly tripled and grown faster than both Colorado and the nation as a whole. Despite the tremendous growth in its Jail population, Boulder County’s incarceration rate is roughly 70 percent of the national and state average, as depicted in Figure 4. (The incarceration rate data in Figure 4 were retrieved from the Vera Institute’s Incarceration Trends Tool<sup>20</sup> and were not provided directly from Boulder County.)

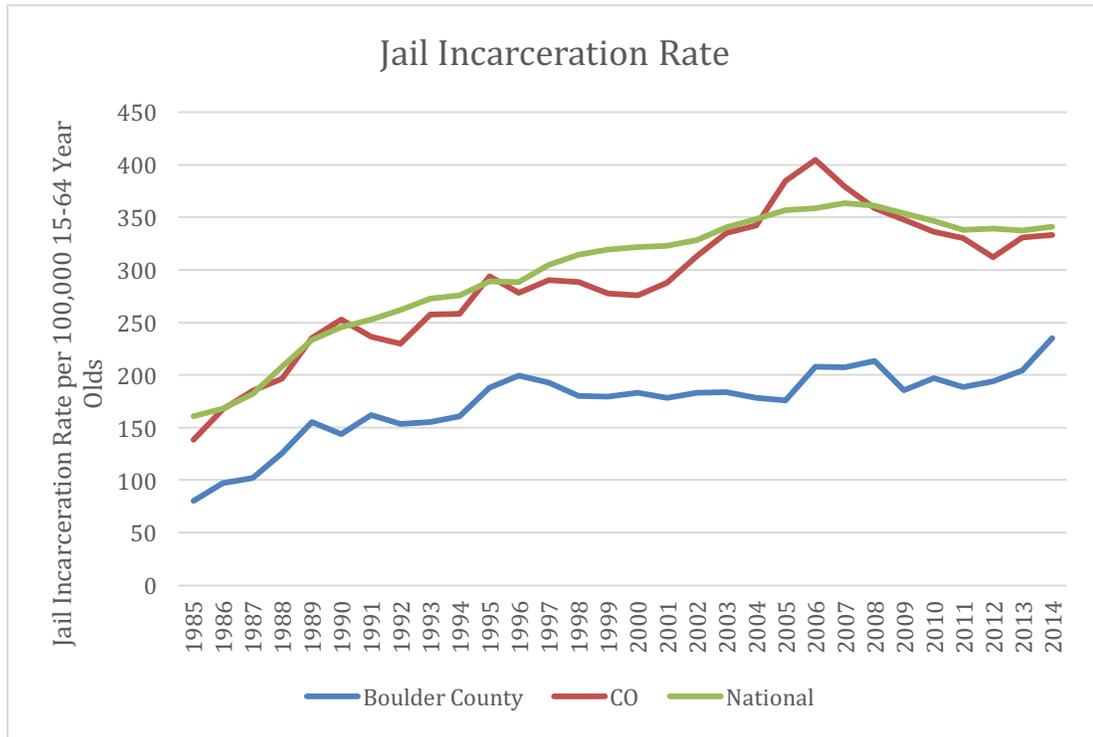


Figure 4: Jail Incarceration Rate

### Bookings

The Boulder County Sheriff’s Office (BCSO) provided five years’ worth of retrospective individual-level data on bookings and releases. These data included demographics, length of stay, facility type, crime type, and other fields. The tables and figures below on Jail trends were created using this data set.

Overall the numbers of beds/slots under the Sheriff’s custody has stayed relatively flat over the past five years, increasing only about 10 percent since 2011.

Over the past five years, Jail bookings decreased by more than eight percent but the Jail population increased over the same period for both males and females. The decrease in bookings is almost entirely from male bookings, as female bookings remained flat. However, the average daily population for females increased much more rapidly. Between 2011 and 2015, the female population increased by 32 percent while the male population increased by only one percent.

<sup>20</sup> <http://trends.vera.org/#/incarceration-rates>

While the females make up only 13 percent of those incarcerated in the Jail, the average daily population of women is increasing more rapidly than that of men.

**Table 1: Average LOS, Bookings and Bed Usage by Facility Type (2011–2015)\***

Year	BCSO			AITC, DITT, BCTC, LCTC, other alternatives			Rental Beds			Other Facility			Total Bed Usage
	Bookings	LOS	Bed Usage	Bookings	LOS	Bed Usage	Bookings	LOS	Bed Usage	Bookings	LOS	Bed Usage	
2011	9410	16.4	423	1,042	47.5	136	8	113.4	2	683	58.5	110	670
2012	9380	17.5	450	1,000	52.5	144	16	26.2	1	758	66.9	139	734
2013	8658	20.4	483	1,054	50.9	147	37	19.9	2	744	64.2	131	763
2014	8576	18.9	444	1,139	45.4	142	95	22.4	6	854	58.5	137	728
2015	8634	19.6	464	938	48.8	126	138	26.9	10	830	58.3	133	732

\*Annual data runs from April 1 through March 31 of the following year.

**Table 2: Total Jail Bookings (2011 to 2015)\***

Year	Total Jail Bookings	Male Bookings	Female Bookings
2011	9408	7378	2030
2012	9379	7298	2081
2013	8656	6746	1910
2014	8576	6533	2043
2015	8633	6619	2014

\*Annual data runs April 1 through March 31 of following year.

The three largest categories of bookings were for drugs/DUI, person, and “other,” making up 60 percent of all bookings. The “other” category is comprised mostly of traffic offenses, failure to comply, and administrative charges. Figures 11 and 12 in the report show that on the day of the snapshot the percentage of inmates remaining in Jail for person crimes and probation violations is significantly higher than their intake percentage reported in Figure 6 below. This is due to the fact that the length of stay for individuals charged with these types of crimes is much longer than the average length of stay for all individuals charged with other types of crimes.



Figure 5: Bookings by Crime Level

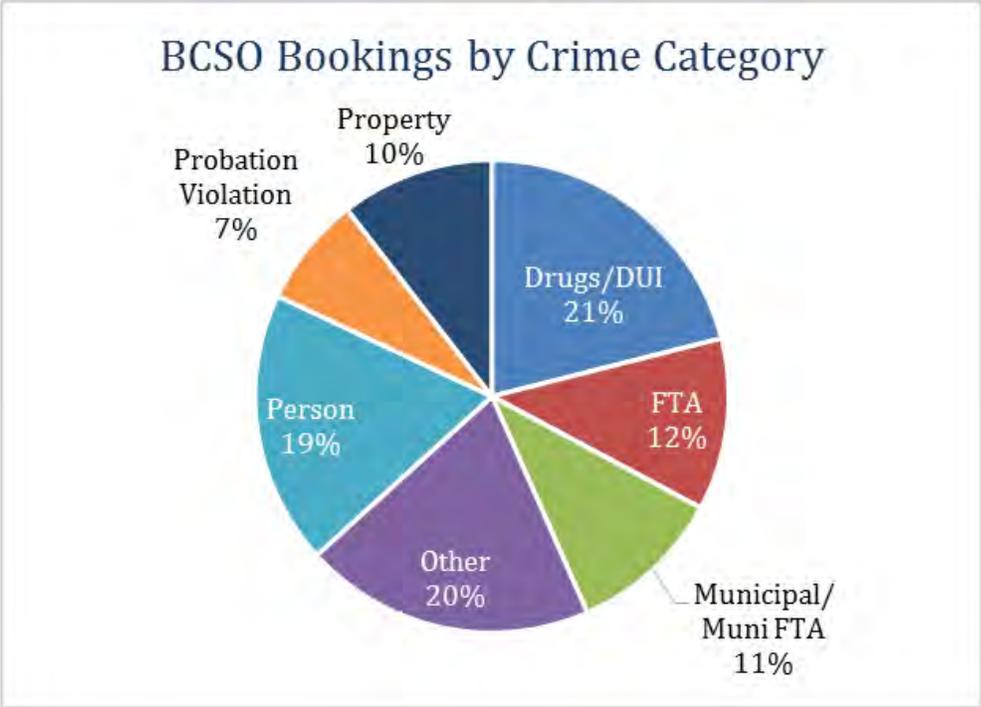


Figure 6: Bookings by Crime Category (2011-2015)

Bookings have decreased the most for drugs/DUI and the "other" category, with 18 percent and 21 percent reductions since 2011. About 75 percent of the reduction in bookings was from fewer DUIs and driving with a suspended license. While bookings have decreased for the majority of crime categories, bookings for probation violations have more than doubled since 2011. (See Table 3.) As stated above, it must be noted that the increase in jailed probationers results in an exponential increase in Jail bed days due to the fact that probationers tend to remain in Jail significantly longer than almost every other group.

**Table 3: Bookings by Crime Type (2011-2015)**

Year	Drugs/ DUI	FTA	Municipal/ Muni FTA	Other	Person	Probation Violation	Property
2011	2,223	1,001	1,107	2,164	1,541	296	1,076
2012	2,165	1,097	1,068	2,123	1,478	466	982
2013	1,891	963	1,052	1,889	1,387	577	897
2014	1,876	892	864	1,899	1,457	679	909
2015	1,817	1,017	913	1,715	1,616	651	904

Consistent with national trends, people of color have higher booking rates than whites. (Subramanian, R., 2015) Boulder County's population is 1.2 percent Black, but Blacks account for 4.3 percent of the Jail bookings. In 2015, as a percentage of the population, Blacks were three times more likely than Whites or Hispanics to be booked into Jail. (See Tables 4 and 5.)

**Table 4: Bookings by Race (2011-2015)**

Year	Black	Hispanic	White	Other
2011	438	1,176	7,611	183
2012	393	1,293	7,515	178
2013	377	1,178	6,967	134
2014	353	1,159	6,927	137
2015	380	1,258	6,824	171

**Table 5: Bookings as Percentage of Population by Race (2011-2015)**

Year	Black	Hispanic	White	Other
2011	11.6%	2.8%	3.1%	1.0%
2012	9.9%	3.0%	3.0%	0.9%
2013	9.0%	2.7%	2.8%	0.7%
2014	7.9%	2.6%	2.8%	0.7%
2015	8.1%	2.7%	2.7%	0.8%

## Length of Stay

Men stay nearly twice as long in Jail as women. The overall length of stay has increased by more than 10 percent for both males and females, as depicted in Table 6.

**Table 6: Average LOS by Gender (2011 to 2015)**

Year	Male ALOS	Female ALOS	Total ALOS
2011	18.5	8.6	16.4
2012	19.6	10.2	17.5
2013	23.1	10.8	20.4
2014	21.2	11.4	18.9
2015	22.1	11.3	19.6

We also saw large differences in the average length of stay (ALOS) by race. Over the past five years, the ALOS for Blacks was more than 50 percent longer than for Whites, while the ALOS for Hispanics was 44 percent longer than for Whites (Table 7). We also observed disparities in the average length of stay by race across most crime types (Table 8).

**Table 7: Average LOS by Race (2011-2015)**

Year	Black	Hispanic	White	Other
2011	20.3	28.0	14.4	14.6
2012	21.9	22.5	16.4	19.1
2013	27.5	26.0	18.8	30.1
2014	33.6	23.3	17.4	17.7
2015	27.6	23.2	18.6	14.2

**Table 8: Average LOS by Race/Crime Category (2011-2015)**

Crime Category	ALOS		ALOS		ALOS
	Black	% Different than White	Hispanic	% Different than White	White
Drugs/DUI	15.5	47%	28.0	164%	10.6
FTA	12.0	16%	12.9	25%	10.4
Municipal/Muni FTA	4.2	-6%	5.8	32%	4.4
Other	23.1	35%	22.3	30%	17.2
Person	50.1	96%	36.2	41%	25.6
Probation Violation	48.3	11%	40.9	-6%	43.6
Property	35.1	44%	25.6	5%	24.4

The disparate rates of incarceration and length of stay reported above are indeed concerning. However, additional comparative analyses that are beyond the scope of this report should evaluate factors such as criminal history, environment, criminogenic need, risk to re-offend, mental illness, etc. to understand fully the effect of race on incarceration in Boulder County.

## **A Demographic Snapshot of the County Jail Population**

Another way to look at the Jail population is to use a “snapshot” of everyone in custody on one day. Snapshot data help to understand the average daily population which, as referenced earlier in this report, is a function of the number of intakes and the length of time in custody.<sup>21</sup>

The Boulder County Sheriff’s Office provided a snapshot of everyone in its custody on March 15, 2016. On that day, there were 841 people in the Sheriff’s custody; 518 of them were in the Boulder County Jail facility. Of the 518 in Jail that day, 376 (73 percent) completed the risk-need survey.

There are a variety of placements within the Sheriff’s custody, both in and out of the secured Jail facility. Figure 7 lists the placement types on the day of the snapshot and displays the number and percentage of their use.

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<sup>21</sup> While the snapshot is a good approximation of ADP, the count of inmates on any given day will be a little higher than the ADP since some inmates come and go over the course of just a few hours.

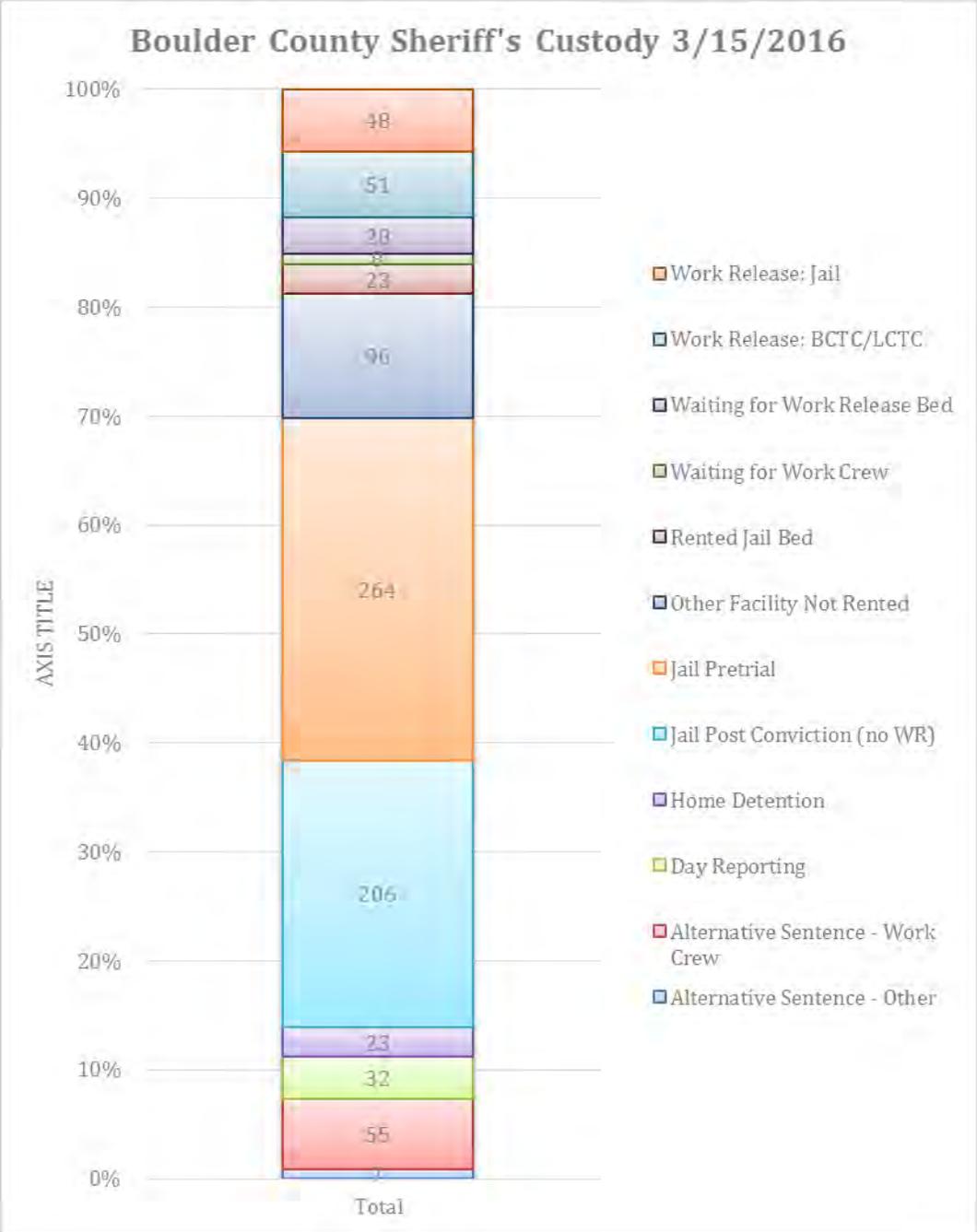


Figure 7: Status of Persons in Sheriff's Custody March 15, 2016

The following figures categorize individuals in the Jail on the day of the snapshot.

Over 50 percent of these individuals were pretrial, 40 percent were convicted and not in work release, and 9 percent were in work release. Eighty-seven percent were male and 13 percent were female.

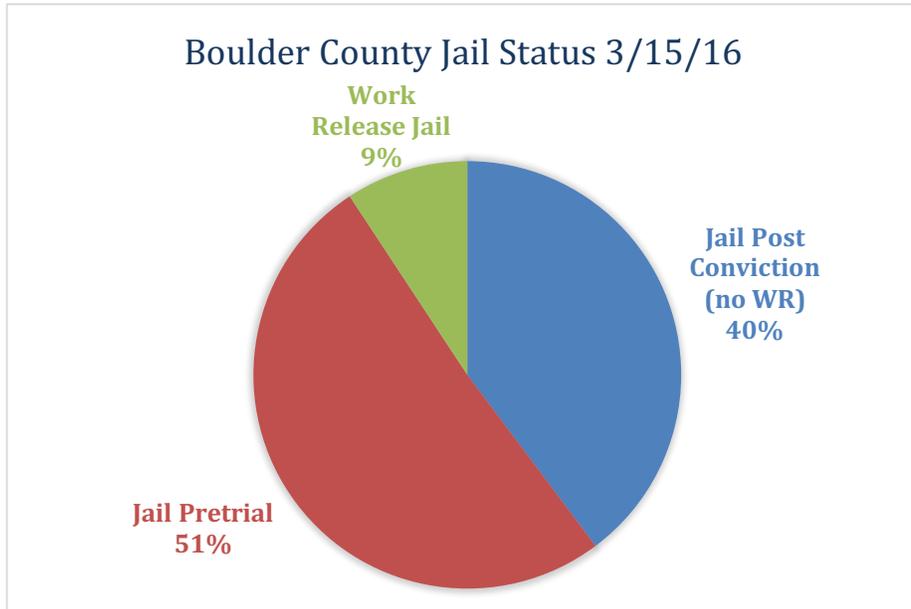


Figure 8: Status of Persons in County Jail March 15, 2016

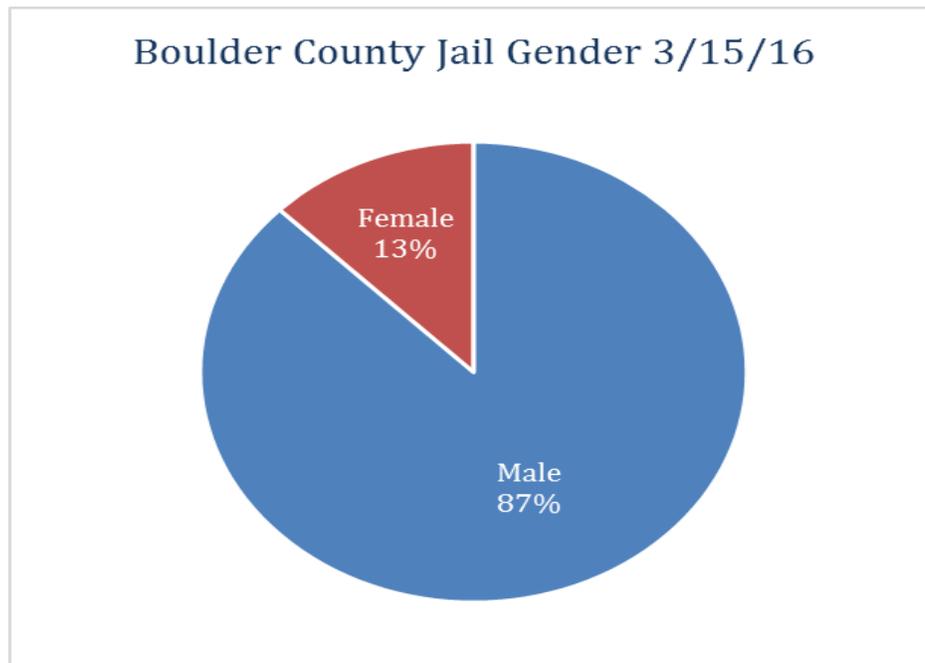


Figure 9: Gender of Persons in County Jail March 15, 2016

As noted in the trend data above, the vast majority of persons booked into Jail are White. On the day of the snapshot, 75 percent of the inmates were White, 17 percent were Hispanic, and 6 percent were Black (Figure 10).

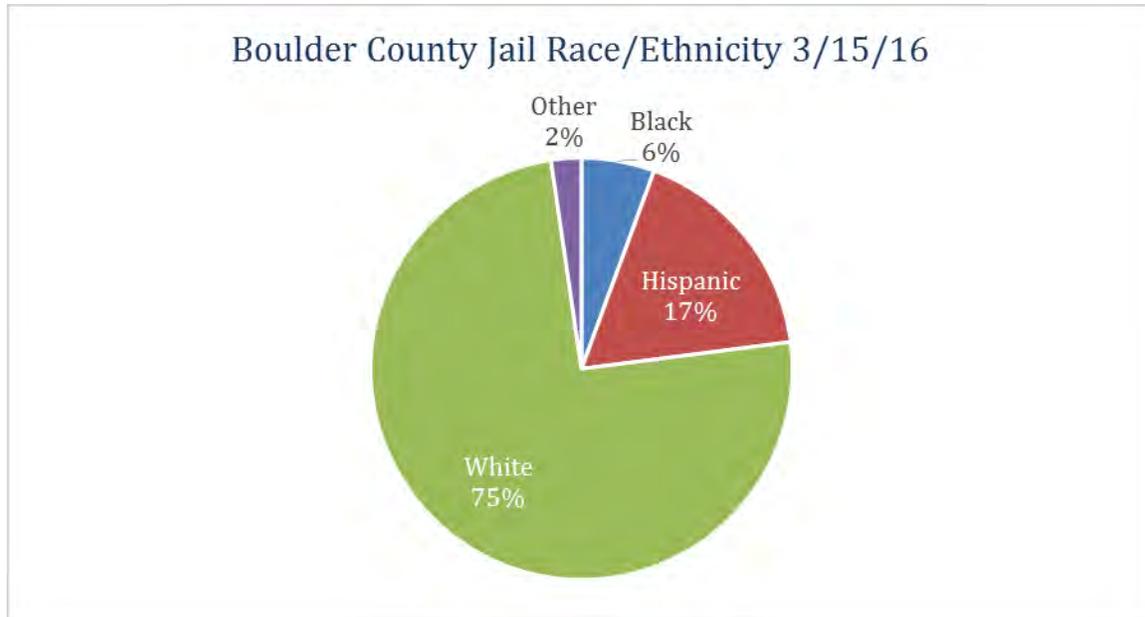


Figure 10: Ethnic Composition in County Jail March 15, 2016

Thirty-five percent of the people incarcerated graduated from high school or have a GED, and an additional 36 percent have some college. Only 12 percent indicate they are students. Twenty-eight percent have less than a high school education.<sup>22</sup> Thirty-nine percent of those interviewed did not have a job, while 41 percent worked more than 30 hours per week and 19 percent worked 1-30 hours per week. Eight percent receive medical disability benefits and three percent receive disability benefits for psychiatric care.

Fifty-six percent indicated they have never been married, 29 percent are divorced or separated, and 11 percent are married. Thirty-six percent of those interviewed indicated they did not have secure housing. (See Appendix F.)

### Nature of Charge or Crime

On the day of our snapshot, the majority of inmates, 57 percent, were being held for felony offenses. Misdemeanants comprised 32 percent, and 3 percent of the population was being held on municipal charges. The "Other" category, 8 percent, covers failure to comply, writs, violations, failure to appear, and other special cases. (Note: The top charge is the charge keeping the person in Jail on the day of the snapshot.)

While misdemeanors are the most common booking, on any given day, there are more individuals in Jail charged with felonies. This is because, on average, individuals charged with

<sup>22</sup> When totals do not add up to 100 percent, it's because some of those interviewed did not complete that field in the survey; in this case, one percent.

felonies have a much longer length of stay. As stated earlier in this report, the difference in the percentage of bookings and the number of people actually held in Jail by charge type differs significantly due to differences in length of stay.

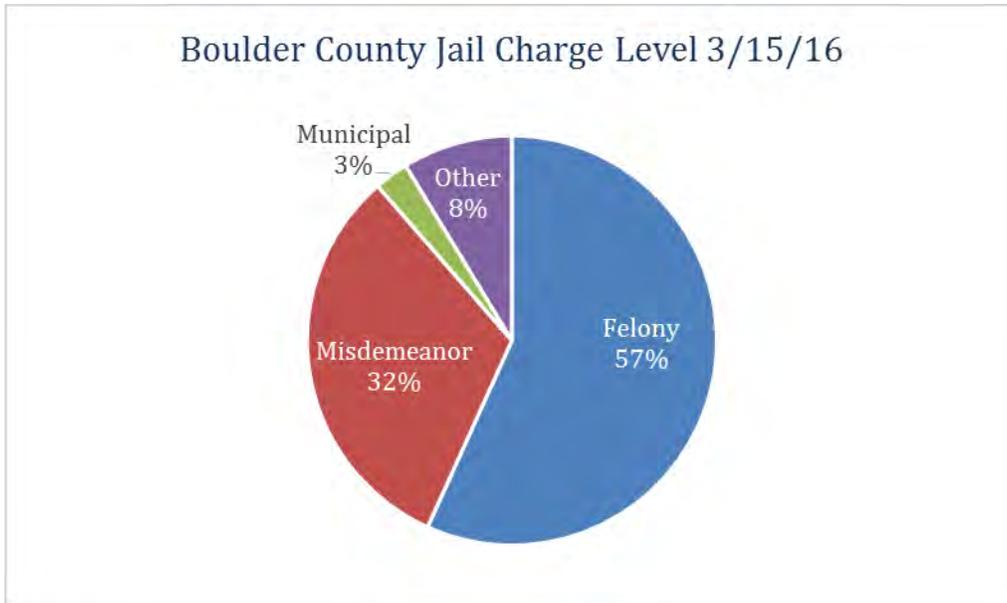


Figure 11: Top Charge Level for Jail Inmates March 15, 2016

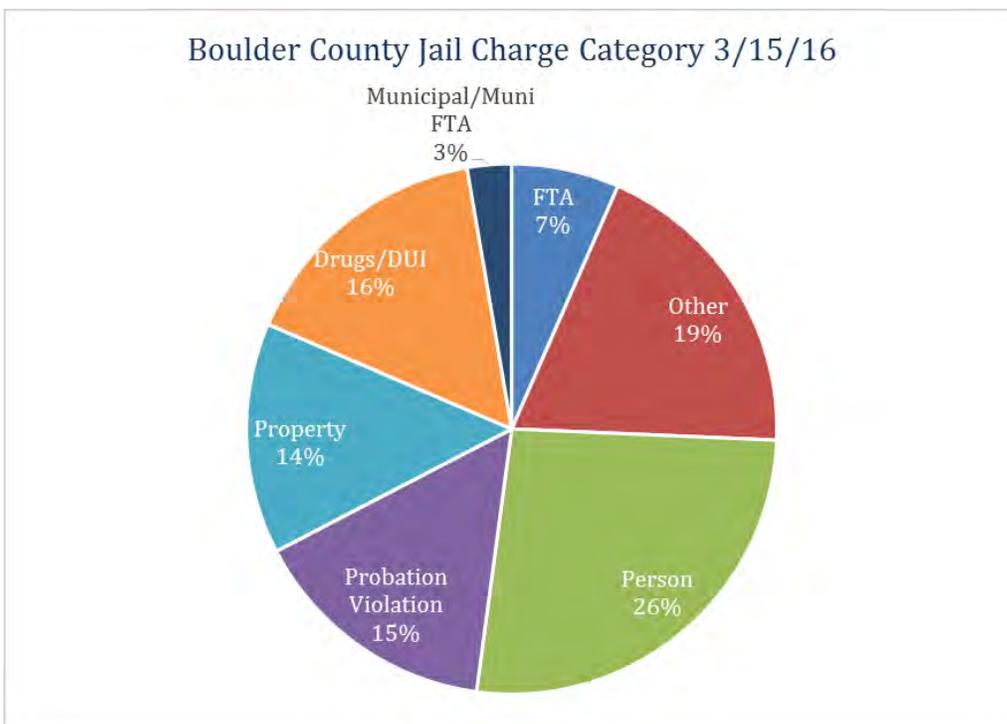


Figure 12: Top Charge Category for Jail Inmates March 15, 2016

## Risk-Need Demographic Information

Having reviewed the basic demographics of the criminal justice population by trend and snapshot data, we turn to reviewing specific sub-populations based on risk for pretrial misconduct for defendants or criminogenic risk and behavioral health needs for offenders.

As discussed above, evidence-based policy and practice can assist policy-level stakeholders in evaluating the costs and benefits of local criminal justice decisions. In order to do this, policy makers must have information regarding both the risk and needs of the population being served. To determine the risk of pretrial misconduct for defendants, defendants were assessed using the CPAT. To determine the criminogenic risk and behavioral health profile of the sentenced population involved in the Boulder County criminal justice system, the Proxy and Basis-24 were administered on March 15, 2016.<sup>23</sup>

The Proxy and Basis-24 tools break the population into the categories displayed by the Criminogenic Risk and Behavioral Health Needs Framework. Using this framework, the JSP consultant team further separated out the low-, medium- and high-criminogenic-risk groups to produce a total of 12 risk-need categories for the analysis.

### Pretrial Defendants

There were 264 people in the Jail on March 15, 2016, on pretrial status. We reviewed the cases to determine if there was a bond set that the person could post to be released from the Sheriff's custody. The Boulder County Sheriff's office staff indicated that the data provided listed the top charge keeping the person in Jail on that day. We excluded cases that had a "no bond" hold set<sup>24</sup> on their top charge and also those who were booked less than one day before the snapshot, assuming they either did not have a bond set yet or potentially didn't have time to post their bond at the time of the snapshot.

Of the Jail inmates on pretrial status on the day of our snapshot, 220 had a bond set and had at least one full day to bond out of Jail. Boulder County uses the Colorado Pretrial Assessment Tool to determine defendants' likelihood to appear for all their court dates and not incur any new charges during their pretrial period. This information assists the court in making release and detention decisions pretrial. The CPAT categorizes people into four risk categories with category one posing the lowest risk and category four posing the highest risk. (See Figure 1 on p. 13.)

Figures 13, 14, and 15 illustrate the risk profiles of the incarcerated defendants who had been in Jail for more than one day with the ability to post a bond on their top charge, in total and broken out by charge level and category.

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<sup>23</sup> See Appendices B and C for the Proxy and Basis-24 information for pretrial defendants surveyed. While this data may be helpful for some purposes, the CPAT is the best assessment tool for this population.

<sup>24</sup> Boulder County staff looked up cases where the Jail's data did not show a bond to determine if there was in fact a "no bond" hold on those defendants. Boulder County staff also looked up those pretrial defendants in the Jail that may have another type of hold on them to determine if there was a different reason other than not paying a monetary bond amount for why the Boulder County jail facility was holding them in custody on that day.

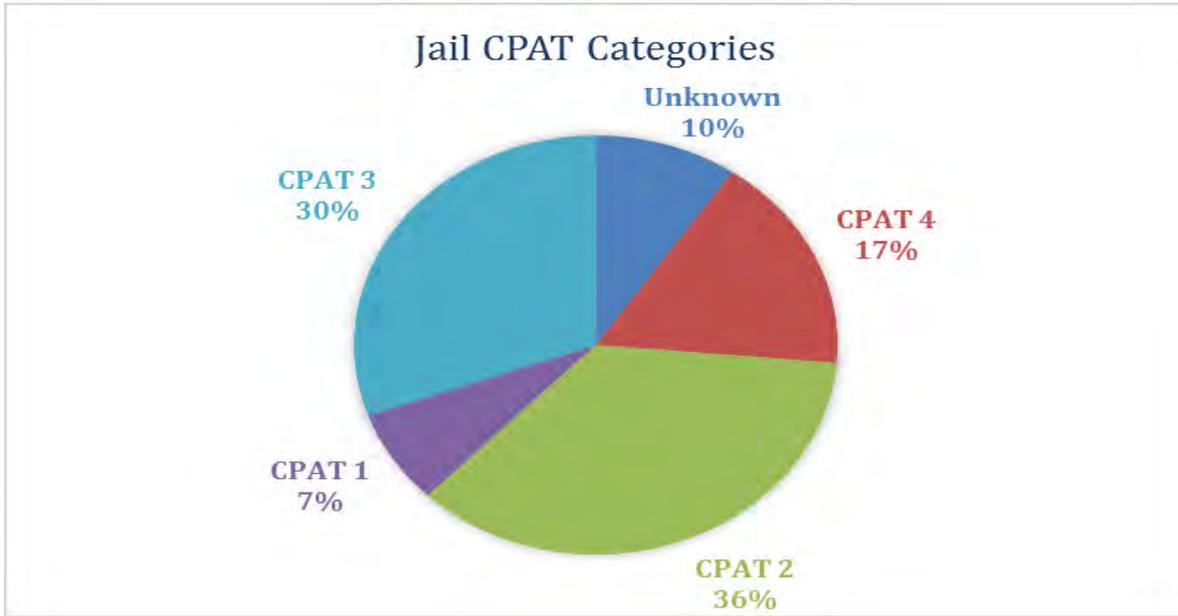


Figure 13: Jail CPAT Categories

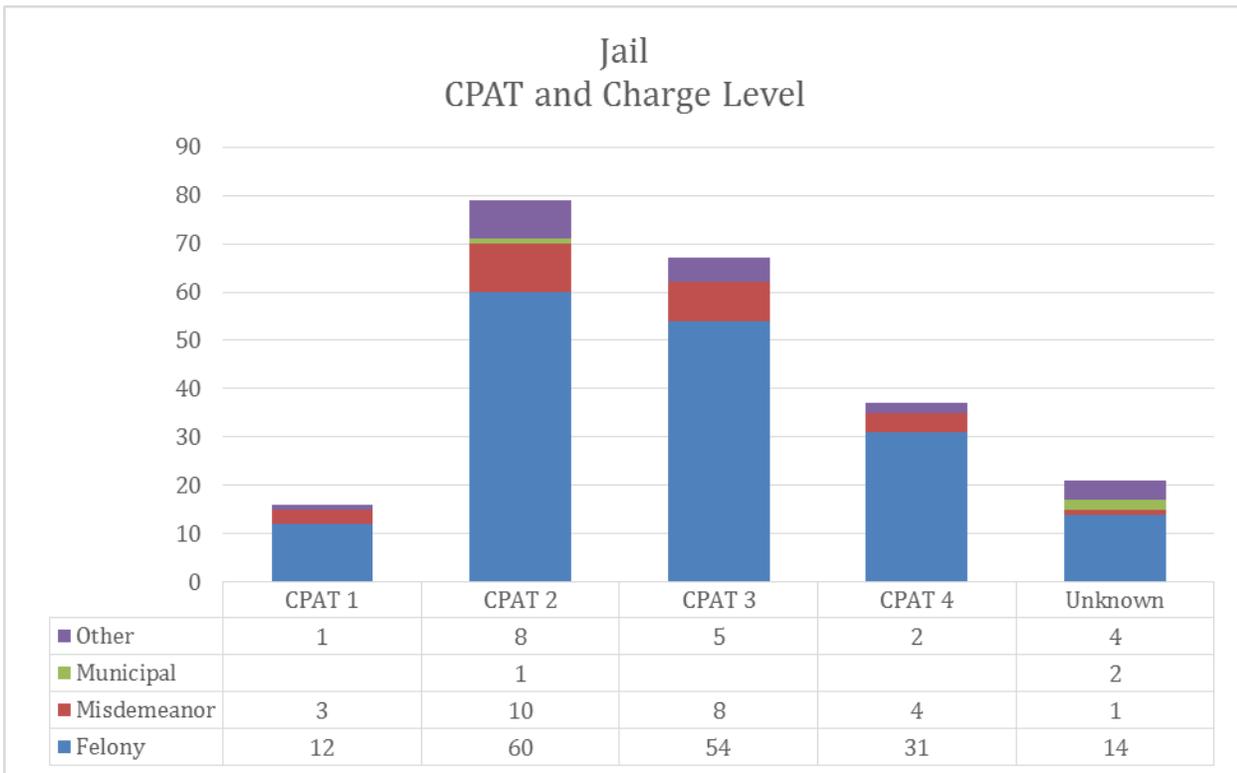


Figure 14: Jail CPAT and Charge Level

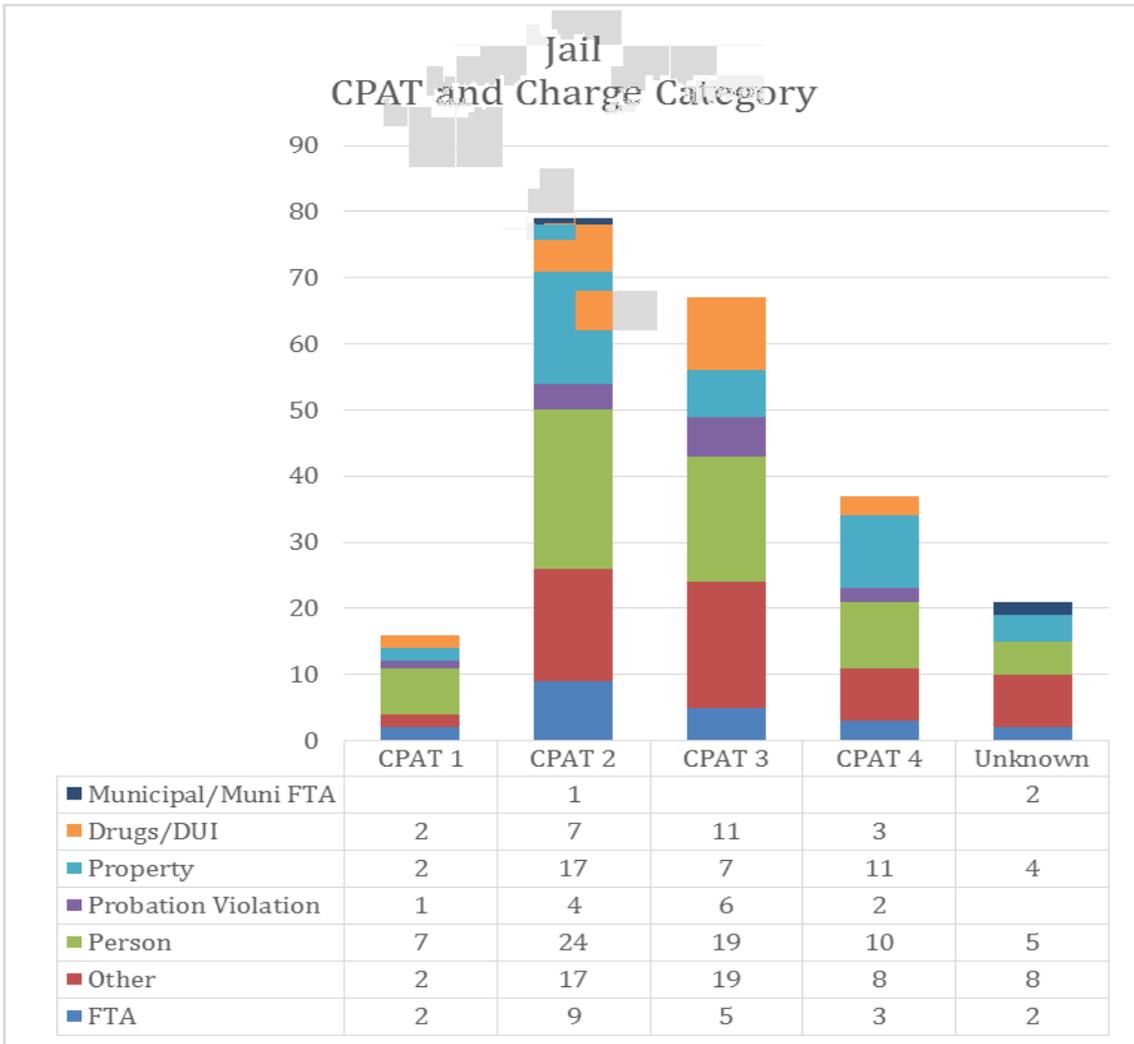


Figure 15: Jail CPAT and Charge Category

Local staff also surveyed intakes of defendants on pretrial community supervision over the course of one month in the spring of 2016 to provide a picture of the CPAT breakout by charge level and category for those 61 people. While the Jail snapshot was used to evaluate the average daily population, which accounts for both intakes and length of stay, the survey of community supervision intakes is not representative of those on community supervision. Therefore, the percentage of risk level breakouts in the intake sample cannot be compared to those of the Jail snapshot. Rather, this comparison is useful to contrast the types of people entering community pretrial supervision with those remaining in Jail.

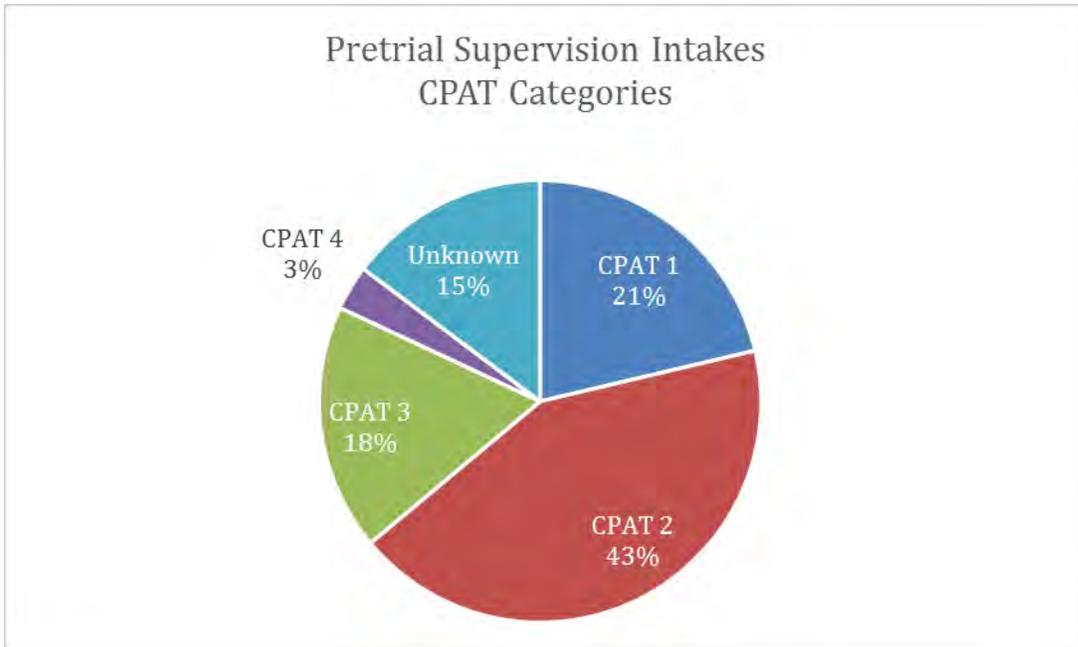


Figure 16: Pretrial Supervision Intakes CPAT Categories

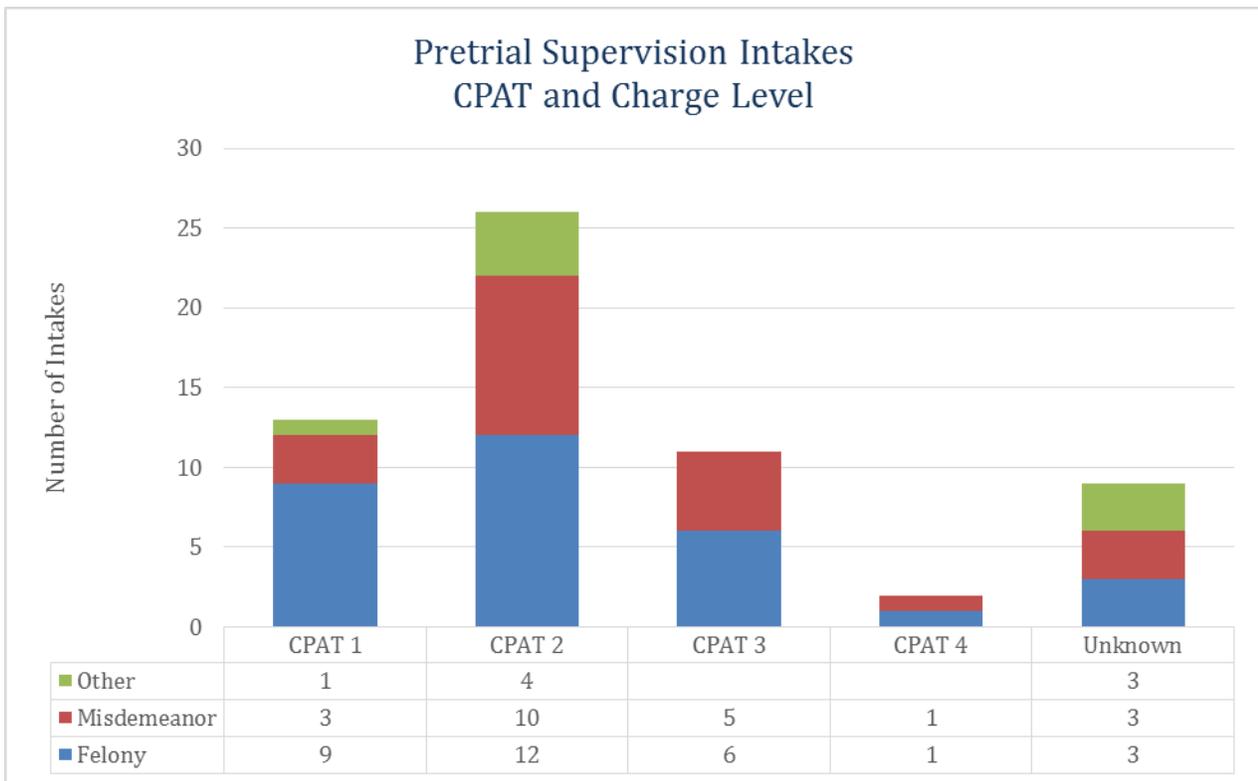


Figure 17: Pretrial Supervision Intakes CPAT and Charge Level

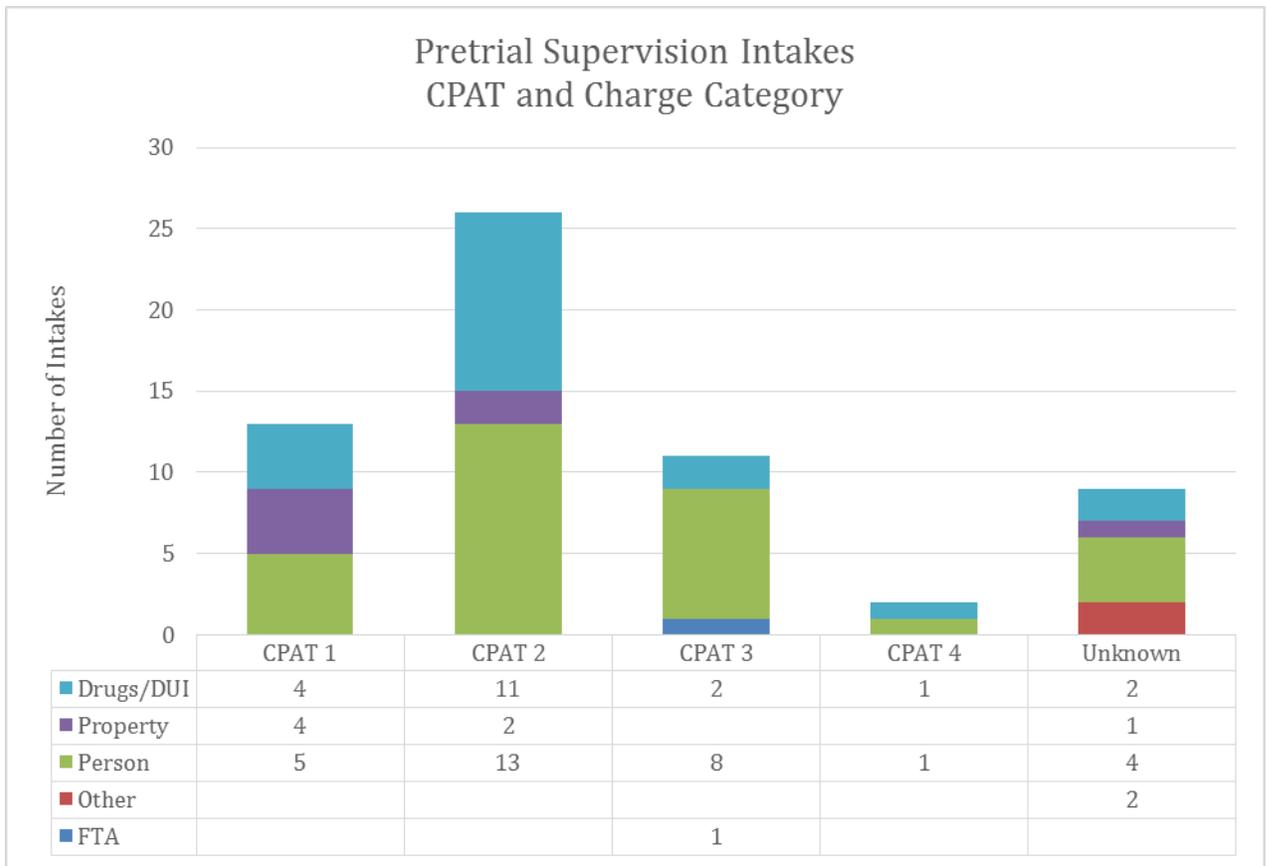


Figure 18: Pretrial Supervision Intakes CPAT and Charge Category

### Sentenced Offenders

There were 770 people in the sentenced population analysis. The 128 probation supervision cases resulted from surveying people who reported for an intake at Probation over the course of one month in the spring of 2016. The rest come from the snapshot of the population involved in the Boulder County criminal justice system on March 15, 2016. Boulder County staff was able to obtain a completed Criminogenic Risk and Behavioral Health Needs survey from 461 people (60 percent) of this sentenced population. As discussed above in the pretrial section, the snapshot of Jail, day reporting center, and BCTC/LCTC populations are not comparable to the sample of probation intakes because it only accounts for people coming into a program, while the snapshot population is a result of intakes plus length of stay. Therefore, the risk level distribution of probation intakes is informative but cannot be directly compared to the risk distribution of the snapshot data.<sup>25</sup> However, while not conclusive, these data do provide information to contrast the types of people sentenced to various sanctions within Boulder County.

Figure 19 shows the distribution of the sentenced population by risk and need. The data show that low-risk (Categories 1-4), medium-risk (Categories 5-8), and high-risk (Categories 9-12) defendants and offenders are mixed in the Jail and community options. Contrary to the

<sup>25</sup> The distribution of risk levels seen in intakes and stock populations can be different from each other. For example, if lower risk people have a lower length of stay then stock population distribution would have higher percentages in the higher risk categories.

perceptions of many criminal justice stakeholders, the Jail—the most costly resource and the resource with the greatest deprivation of liberty—is not reserved for the most serious offenders measured by criminogenic risk.

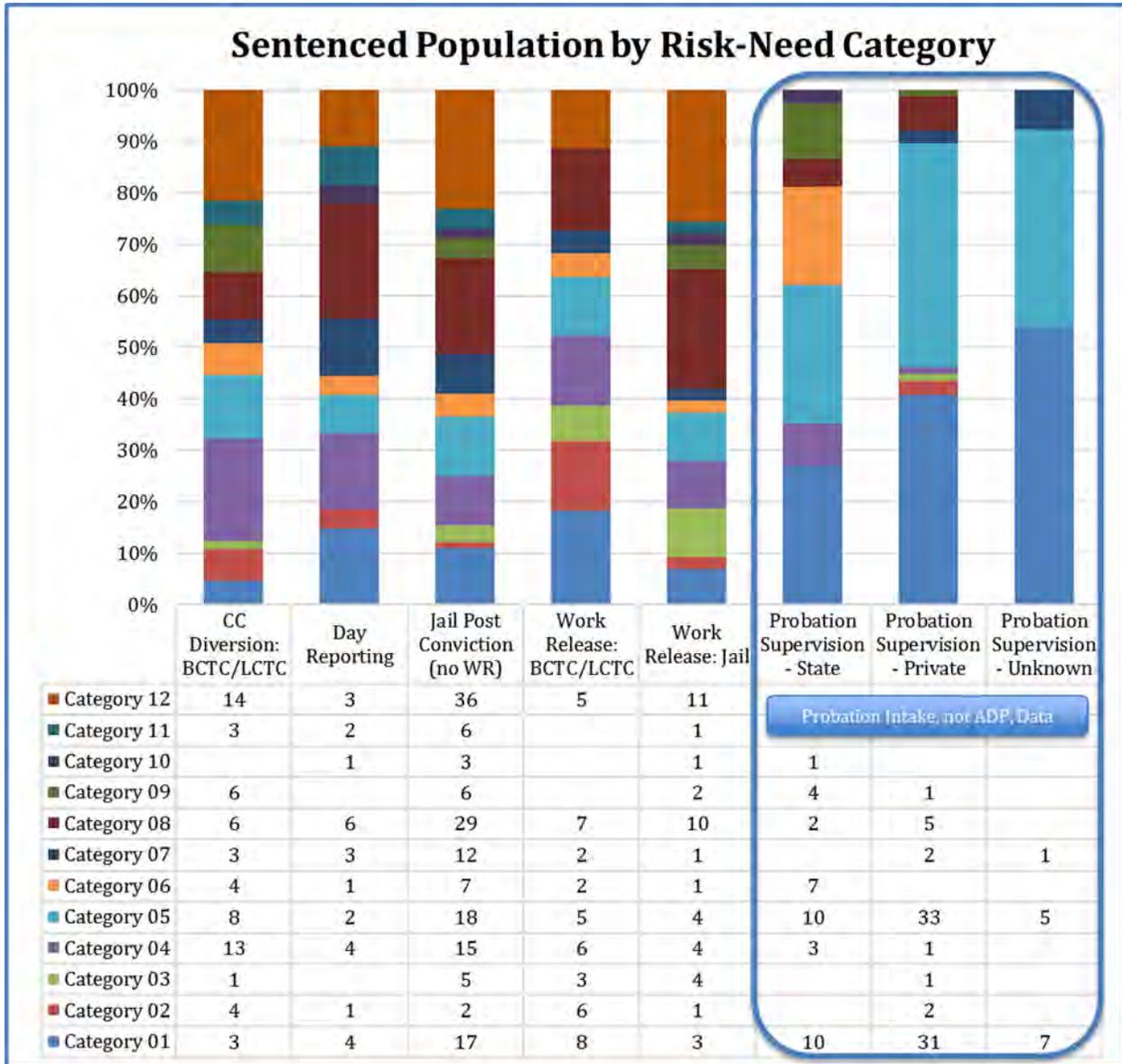


Figure 19: Sentenced Population by Risk-Need Category

Using a different measure of most serious offender—criminal charge—a similar pattern holds true, as seen in Figure 20. The data show that offenders with felony and misdemeanor charges are mixed in the Jail and community options. Again, the Jail—the most costly resource and the resource with the greatest deprivation of liberty—is not reserved for the most serious offenders measured by charge class.

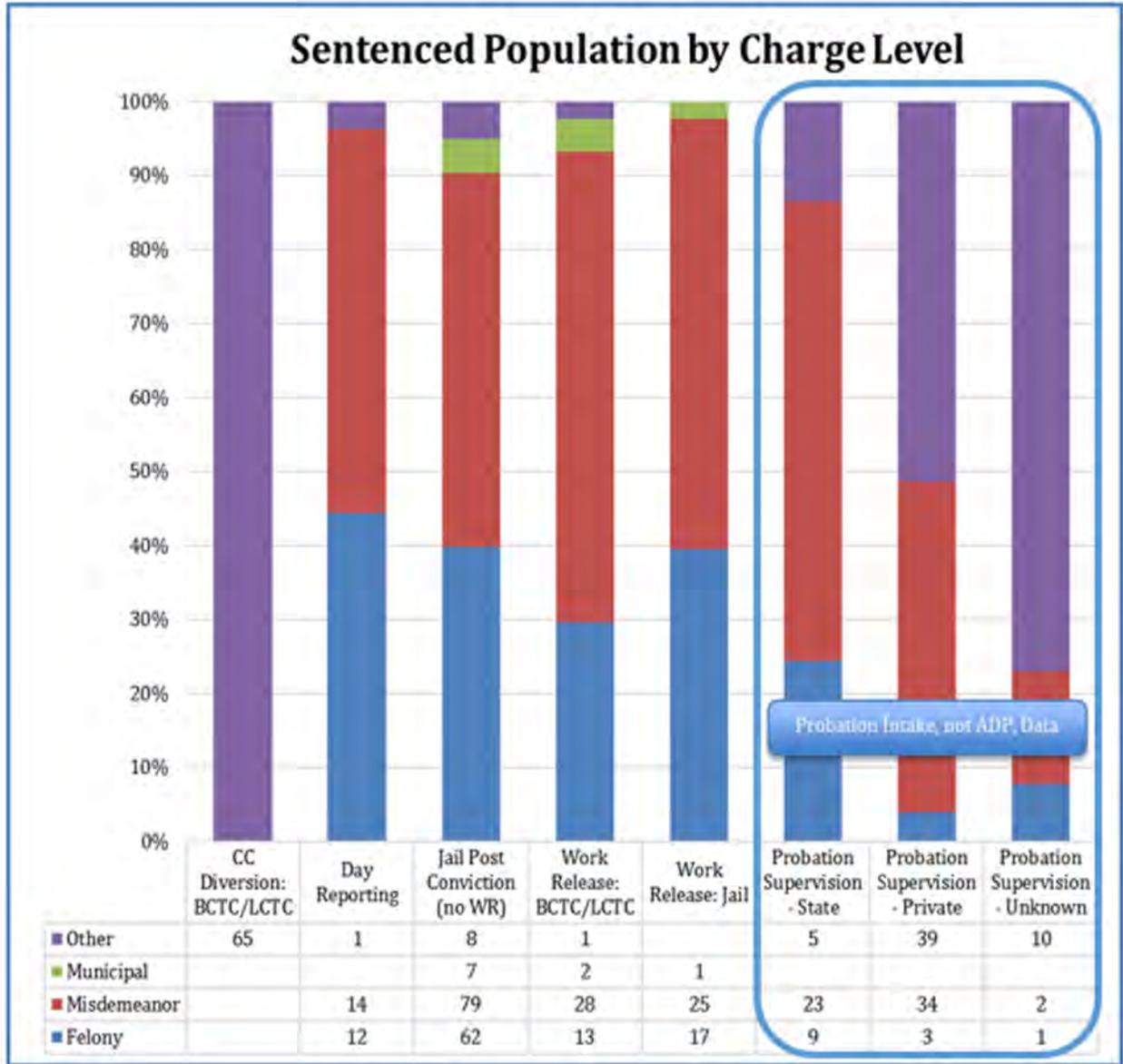


Figure 20: Sentenced Population by Charge Level

## Probation Violators

The most serious charge for 79 (15 percent) of the 518 people in the Jail on the day of the snapshot (sentenced no Work Release, Jail Pretrial, and Jail Work Release) was a probation violation. Probation violation bookings have increased substantially over the past five years (see Table 3), and while they accounted for seven percent of the total bookings (see Figure 6) they make up 15 percent of the Jail's daily population (see Figure 12). This is because they have a longer length of stay than other populations in the Jail.

Of these 79 people, Probation staff reviewed each case and determined that 30 (38 percent) were booked into the Jail only on a technical probation violation. Staff was careful to note that the technical nature of the violation could be quite serious and longstanding, resulting in their belief that a violation warranted a punishment of incarceration. However, further analysis of the 30 cases indicates it's likely that many of these cases could be addressed with sanctions other than incarceration.

Upon further review of the 30 cases in Jail only for technical violations, we found the following types of violations:

- Drinking while in DITC
- Positive drug test
- Failure to comply
- Checked self out of inpatient treatment
- Stopped reporting to probation
- Use abuse, testing
- Refused to disclose living location
- Standards violation

## Program Description and Analysis

### **Standards to Identify Evidence-based Programs**

As defined in the National Context section above, many evidence-based programs have been found to be effective not only in reducing the problem behaviors, but also may be the most cost-effective approaches to offender management. As such they meet the criteria of finding the most effective and efficient approach to corrections. Most effective means that the program will in the long term reduce recidivism. Most efficient means that the program will pay for itself in the long term by limiting the use of jail and prison space as well as community resources.

Using evidence-based programs and practices meets both these goals. However, there are often other goals the criminal justice system must meet. For example, in the jail it's also important to manage inmates in a manner that reduces violence and disruption of the daily activities and priorities. These programs are often referred to as activity-focused interventions and are often needed for sound jail functioning.

Programs such as Yoga and art-based programs may fall into these categories and are often useful. In general, these programs should continue with one caveat: it's necessary to monitor them for any anti-social activities. For example, in one program recently visited, the program

allowed offenders participating to espouse anti-social beliefs like “we should kill that officer someday” and “let’s get some meth tomorrow.” In neither case did the facilitator intervene and confront the statement. So while such activity-based programs are necessary to jail operations, there must be a clear set of ground rules that are clearly enforced by the person running the group. Increases in recidivism are likely for offenders who are referred to more non-criminogenic than criminogenic interventions (Carter, Sankovitz, 2014).

The standard used to determine if programs are in fact evidence based is based on the documented system set up by to Board of Directors of the Blueprints Programs at the University of Colorado. In reviewing various standards for using the term “evidence based,” we found these standards to be the best available and are acknowledged nationally to be the most thorough standards available.<sup>26</sup> These standards were applied to the programs we reviewed with some modifications. These standards are fully described in Appendix G. A simplified version is shown in Table 9 below.

**Table 9: Standards of Evidence 1**

Level	Evidence Based	Evidence Continuum	Type of Evidence	Confidence Continuum That Program Will “Work”
1	x	Experimentally Proven	Randomized Control Trials (with replication)	High
2	x	Experimental	Regression, interrupted time series, matched comparison groups – NREPP/WSIPP/Other submitted documentation	Moderate
3		Research Informed	Correlational Study, pre-post outcome survey; post-test outcome survey	Low
4		Opinion Informed	Satisfaction survey; Personal experience; Testimonials, anecdotes	Very Low

## What We Learned

We found that 17 of the 77 programs are activity based and may be necessary for the functioning of the criminal justice system but don’t specifically address offenders’ criminogenic needs.<sup>27</sup> This would include programs such as “knitting” or “pop culture” study, which may keep offenders busy in a pro-social activity.

<sup>26</sup> <http://dx.doi.org/10.1016/j.evalprogplan.2014.08.004>

<sup>27</sup> See Appendix H for a matrix that reviews all programs.

The remaining 60 programs that, according to the program operators/designers/advocates, address offenders' criminogenic needs are divided into following three categories:<sup>28</sup>

1. Evidence Based: Thirty percent of these programs are "evidence based" indicating "moderate to high" confidence the program will successfully reduce recidivism. An example is Strategies for Self Improvement and Change. (Randomized Control Trial, Regression discontinuity, interrupted time series, or Matched comparison group study)
2. Research Informed: Thirty percent are "research informed," which indicates "low" confidence the program will successfully reduce recidivism. For example, there is a "Meditation" program being used but it's not evaluated. There are meditation programs that have been evaluated that could be substituted. (Correlational study, pre-post outcome survey, post-test outcome survey)
3. Opinion Informed: Thirty eight percent are "opinion informed," which indicates "very low" confidence the program will successfully reduce recidivism. For example, "socialization" may work, but finding no validation research and no similar programs with validation research, there is little likelihood of recidivism reduction. (satisfaction surveys, personal experiences, testimonials, and/or anecdotes)

## FINDINGS AND RECOMMENDATIONS

Boulder County's Jail is overcrowded and exceeds design and operational capacity. Over the next 10 years, if County population growth and local criminal justice decision making remains constant, this Jail population is expected to grow by 16 percent, or 79 beds.<sup>29</sup> Without changes in policy and practice, the County will have to expend significant resources to expand the Jail, pay to house inmates in other jails, and/or develop some other type of additional bed capacity.

On the day of the snapshot, 592 people were either sentenced to the Jail proper, Jail work release, work release in the community, or were in the Jail or a rented jail bed on pretrial status. Of these, 347 were either high risk or charged with a person, drug, or DUI/DWAI offense.<sup>30</sup> Fifty-five of the 347 were in Jail on pretrial status with a bond set and were listed as being CPAT 1 or 2. The JSP consultant team believes this equates to approximately 292 people who are serious enough in criminogenic risk and/or had a serious charge and pose the type of public safety risk that requires incarceration in the most secure setting. The remaining incarcerated individuals could not only be safely served in other settings, doing so should decrease their recidivism risk.

The following findings and recommendations provide an alternative roadmap. The JSP consultants found that by implementing proven evidence-based practices, the County can significantly reduce its Jail population. Some recommendations are aimed at creating immediate relief to overcrowding; others require incremental change that will save Jail beds over the long

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<sup>28</sup> Adapted from "Standard of Evidence" developed by expert panel headed by Dr. Delbert Elliott, Distinguished Professor, Institute of Behavioral Science, University of Colorado.

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<sup>29</sup> See Figure 21 on p. 64.

<sup>30</sup> The Proxy and Basis-24 surveys were not administered to the 23 inmates in rented jail beds.

term. By combining many of these recommendations, the County can meet the immediate need to reduce the Jail population, restore a safer environment for staff and defendants/offenders, and reduce future bookings and/or reduce the length of stay in the years ahead.

In the short term, changes in work release can provide immediate relief to Jail overcrowding and provide a narrow window of opportunity to develop a strategic plan for reducing the number of defendants and offenders in Jail who could be safely and better served in community options. The County will have to commit to reorganizing some current resources, adding others and, most importantly, providing the data to hold all system actors accountable.

While this report presents an array of suggested policy and practice changes, to realize and sustain maximum reduction in the Jail population, it's essential to develop a strategic plan that identifies the timing, cost, fit, and expected outcomes of various implementation steps.

Within any criminal justice system, policy and practice issues are complex and affect one another, making it nearly impossible to change any one policy or practice in isolation. Despite this reality, for clarity purposes we've organized our recommendations into three categories: **System Coordination and Strategic Planning**, **Evidence-Based Decision Making and Case Processing**, and **Programs and Interventions**. We based each recommendation on a careful review of our findings, which are discussed below.

## System Coordination and Strategic Planning

### **Recommendation 1: Develop a strategic plan for Boulder County's criminal justice system.**

The County Commissioners should create a criminal justice coordinating council, as they're typically called, to develop a criminal justice strategic plan (Cushman, 2002). It should include policy-level criminal justice stakeholders, service providers, and funders who agree to be held accountable for a mutually agreed upon strategic plan. It should have dedicated staff who work for the council as a whole, independent from any one stakeholder group (Jones, 2012).

Currently, the County has no interagency body charged with strategic planning aimed at enhancing long-term public safety and rehabilitation outcomes. While several groups—including the CJMB—engage in problem solving, it tends to be at a tactical level and often in response to a crisis. Groups like CJMB bring together a wide array of stakeholders. However, many people we interviewed do not feel clear about the mission or goals of CJMB, nor do they feel it's tasked with collaborative strategic planning that could strengthen overarching criminal justice decision making that ensures Jail beds are used in the best interest of public safety throughout Boulder County.

#### KEY FINDINGS

- *Boulder County's criminal justice system has no strategic plan.*
- *Groups such as the Criminal Justice Management Board focus on problem solving at a tactical level.*

## **Recommendation 2: Implement evidence-based decision making protocol to identify sentencing options for various offender groups.**

### **KEY FINDINGS**

- *The County currently places low-, medium-, and high-risk defendants and offenders together in all pretrial and sentencing options.*
- *Available risk-needs data are not used regularly in placement decisions.*
- *Providing across-the-board services regardless of offender type or sentencing option limits program effectiveness.*

Boulder County should implement an evidence-based decision making protocol consistent with the National Institute of Corrections' Evidence-Based Decision Making Model (EBDM).<sup>31</sup> This model has been developed over five phases of implementation in many jurisdictions throughout the country. Appendix I provides an example from another Colorado county.

The Evidence-Based Decision Making Model informs decision making on a day-by-day basis by identifying the types of offenders who should be managed in each of the County sentencing options and triaging or tracking defendants/offenders consistent with public safety goals, as defined by Boulder County policy makers and funders. Using guidelines published by the National Institute of Corrections, the County criminal justice system decision makers and community stakeholders should develop a set of recommended sentencing alternatives based on the risk, criminogenic

needs, and mental health and substance abuse needs of various offender groups.

We found defendants and offenders of all risk levels being placed in any pretrial or sentencing option. Our risk and needs data show low-, medium-, and high-risk defendants and offenders mixed together in the Jail and community options. Given the evidence of mixed assignments throughout pretrial and sentencing options, it's clear that available risk and needs data are not used regularly to inform pretrial and sentencing options.

There are a number of reasons to treat offender types differently. For example, placing medium- to high-risk offenders in community options with appropriate programs reduces their chance for re-offending, thereby increasing public safety. Also, mixing offenders of different risk levels, particularly low- and high-risk, actually increases recidivism for low-risk offenders. Low-risk offenders are likely to be contaminated by the high-risk offenders and therefore recidivate more, while higher-risk offenders don't get the proper program dosage to maximize the effectiveness of interventions proven to promote prosocial behavioral change.

All the County's sentencing options provide services for all offender types. As a result, no sentencing option provides optimal services for any offender. For example, if the Jail must incapacitate, assess, monitor, and treat all offenders, it's hard to do any one of these things well. If the same mix of offenders is sent to probation, day reporting, work release, and/or Community Corrections, they too have the same problem focusing on specific treatments for specific types of offenders. This is an ineffective use of resources that does not produce optimal public safety outcomes.

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<sup>31</sup> Available at <http://info.nicic.gov/ebdm/?q=node/8>

**Recommendation 3: To the greatest extent possible, use the Jail primarily to incapacitate high-risk offenders and limit its use for other purposes.**

The Jail’s primary purpose, as much as possible, should be to incapacitate high-risk offenders. It can also serve as a partner in the delivery of system-wide, evidence-based jail transition services for higher-risk offenders. It should not be used as the primary treatment provider, work release facility, or to hold defendants who cannot afford to post a secured money bond.

The Jail is the most expensive resource in the Boulder County criminal justice system and should be reserved for the most serious offenders. The CJMB described the population that should be incarcerated as those who are violent, high risk, and/or committed person crimes. In fact, the Jail currently is used to house all types of offenders from low to high risk, low to high mental health needs, and low to high substance abuse needs. On the day of the snapshot, 184 Jail inmates were not high risk and did not have a person crime as their top charge. In addition, 78 inmates had misdemeanor or municipal level charges.

The presentenced population placed in the Jail and those placed in the community include an array of risk levels. The CPAT risk data shows that defendants at lower risk for re-offense and failure to appear in court are not being released and, conversely, some defendants with a higher risk for re-offense and/or failure to appear in court are being released. The sentenced inmate population also shows an array of risk and needs categories per the Proxy and Basis-24 across sentenced placements both in the Jail and in the community.

**Recommendation 4: Create an Alternative Sentencing Department with wide-ranging responsibilities for implementing and monitoring evidence-based recidivism reduction programs and supporting long-range planning.**

A County department should be assigned to oversee a new Alternative Sentencing Department (ASD).<sup>32</sup> This new ASD would provide data needed by criminal justice decision makers to

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<sup>32</sup> An example of a model to consider for the ASD is Napa County’s Community Corrections Service Center logic model, described in Appendix J. Mary Butler, Chief Probation Officer in Napa County, California, indicates this alternative sentencing program has a 22 percent recidivism rate.

**KEY FINDINGS**

- *Jail is the most expensive resource in Boulder County’s criminal justice system and should be reserved for the most serious offenders.*
- *The jail population includes offenders who aren’t high risk, weren’t convicted of a person crime, and/or committed misdemeanors or municipal-level offenses.*
- *Jailed defendants at low risk for re-offense and/or failure to appear in court are not being released, while some with higher risk are being released.*

examine the impact of their decisions and provide Jail-to-community transition services. Its staff would have expertise for delivering evidence-based services as well as providing or overseeing contracts for these programs in the Jail and the community. In addition, the ASD would staff the entity assigned to develop the strategic plan (see Recommendation 1).

This recommendation includes a 50-bed minimum security facility. The proposed residential population is assumed to be medium- or high-risk. In our sample, 52 medium- and high-risk offenders were in Jail work release or community work release. Over time we anticipate the low-risk offenders would be only on probation and possibly assigned to day reporting. The facility should be designed to minimize contact between medium/high-risk offenders and low-risk offenders. This allows for maximum programming of offenders with higher needs.

The ASD should provide residential and non-residential assessments and programs offering the following services:<sup>33</sup>

<p><b>KEY FINDINGS</b></p> <ul style="list-style-type: none"> <li>• <i>Without an entity to coordinate strategy for its criminal justice system, Boulder County allocates resources inefficiently and risks public safety.</i></li> <li>• <i>Criminal Justice decision makers do not have the data they need to assess the impact of their decisions.</i></li> <li>• <i>There's not a central source with expertise on evidence-based programs or to monitor and evaluate contracted programs.</i></li> </ul>
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- Work Release
- Workenders
- Midweeks
- Electronic monitoring
- Community service
- GED classes
- Cognitive Behavioral Treatment
- PACE (perhaps when current contract ends)
- EDGE
- Offender case planning
- Referral to appropriate community resources
- Case management of homeless offenders

If the County pursues a residential program, a facility similar to Larimer County's ASD could be built near the current Jail. We suggest the ASD immediately assume oversight of the community-based work release program. The County should directly manage this program, which could be paid for in part from funds currently paid to contract with private community corrections for work release services. At

present, low-risk work release offenders are housed in contact with offenders sentenced to Community Corrections who are mostly medium to high risk. Mixing higher-risk offenders with lower-risk offenders increases recidivism for the low-risk offenders, which over time increases Jail bookings.

Boulder County's current lack of an entity to coordinate overarching strategy for its criminal justice system results in inefficient use of resources and increases risk to public safety. When

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<sup>33</sup> Klamath County's Community Corrections program provides an excellent model of possible services for all levels of offenders in a day treatment-type setting, including cognitive behavioral treatment, monitoring, and case management of all types of offenders.

offenders are sentenced without considering varying levels of risk to sentencing options and programs, efforts to improve system efficiency and public safety outcomes are likely to fail. Criminal justice systems that increase public safety through recidivism reduction do so by considering risk and needs of offenders in the sentencing process and ensuring that funds spent on evidence-based treatment programs are targeted appropriately.

**Recommendation 5: Every high-risk offender in the Jail should undergo a case management process that includes specified assessments and case reviews.**

Just as the IMPACT case management model has reduced costs in the juvenile system for high-risk juveniles, every high-risk offender in the Jail should undergo a case management process that includes mental health, substance abuse, medical, and criminogenic assessments. It also should include case reviews that involve representatives from Probation and Community Corrections, as well as corrections and service providers representing the needs identified in the assessments.

**KEY FINDING**

- *Higher-risk offenders should undergo targeted case management to reduce costs and improve public safety outcomes.*

Based on a 10 percent random sample of 80 high-risk offenders in Jail, we found the average high-risk offender utilized 357 Jail bed days over the course of a Jail stay. At a jail cost of \$39,000/year (\$110/day), these 80 high-risk offenders account for a disproportionate percentage of the overall budget, costing the County over \$3.1 million during their incarcerations. They each had an average of six arrests and 15 court hearings. Only one was not Medicaid eligible. Information about their health care costs and mental health costs were not available due to HIPAA restrictions. None of these offenders were ever sentenced to Community Corrections.

The case management process recommended would ensure that plans and alternatives are developed to better manage these offenders and to reduce the very high cost they incur in the criminal justice and other behavioral health and health systems.

**Recommendation 6: Require recidivism data to be collected that will help the County measure its criminal justice programs' and policies' effectiveness.**

At a minimum, the County should require the recidivism data listed below to be collected and maintained by the ASD to measure the outcomes of all sentencing options.<sup>34</sup>

**KEY FINDINGS**

- *County-managed programs, policies, and practices are not evaluated for their impact on recidivism.*
- *The County receives recidivism data from the State but does not require such data to be collected at the county level.*

<sup>34</sup>See [http://www.urban.org/sites/default/files/recidivism-measures\\_final-for-website.pdf](http://www.urban.org/sites/default/files/recidivism-measures_final-for-website.pdf). A typical time period for measuring recidivism is three years.

Other short-term measures also should be adopted, such as the percentage of medium- and high-risk offenders who complete the required dosage of treatment. The measures adopted by Napa County for its Day Reporting Center also should be considered.<sup>35</sup>

The following reincarceration measures, calculated using only Boulder County Sheriff's data, will provide a basis for comparing and evaluating effectiveness:

- Reincarceration rate as measured by a Jail booking for a new offense
- Reincarceration rate as measured by a Jail booking for any reason

Currently there are no recidivism measures in place for any County-managed program, practice, placement, or intervention, nor are there policies to require capturing recidivism data.<sup>36</sup> Community Corrections in Boulder County only receives recidivism data from the State of Colorado; it has not completed a recidivism study of county community corrections since 2012.

### **Recommendation 7: Develop an integrated database accessible to all elements of the County's criminal justice system to aid planning, operations, and program evaluation.**

#### **KEY FINDINGS**

- *The County's criminal justice system databases for programs, services, and interventions are disparate and independent.*
- *Agency staff needing to access these databases—jail, probation, community corrections, community justice (pretrial), MHP—must do a tedious name-by-name search of each one.*
- *Current databases lack critical information on assessments, treatment, and outcomes.*

An integrated database should be developed as part of the strategic planning process. Existing databases should be integrated and/or enhanced so that all criminal justice system actors can access information regarding the assessment, programs, and treatment of a defendant/offender, including all relevant information about prior behavior.

The database should also contain targeted case planning information that outlines conformance with the intensity and dosage of each treatment deemed appropriate. Without the ability to share pertinent information such as this among criminal justice stakeholders, the County can't forecast programming and/or treatment needs to meet recidivism targets.

We found the County's databases for programs, services, and interventions to be disparate and independent. The Jail database cannot share data with the Probation database, which cannot share data with the Community Corrections database, which cannot share data with the Boulder County Community

Justice Services (CJS) database (pretrial), which cannot share data with the MHP databases (for completion or assignment data only) without doing a name-by-name search using the same identifiers (e.g., Social Security number, date of birth, name, fingerprints).

<sup>35</sup> See Appendix J.

<sup>36</sup> An exception in this regard is Pretrial. Recidivism data captured on AITC, DITT, and Pretrial.

Current databases also lack critical information on assessments, targeted treatment, and results. For example, there are no comprehensive records of treatment for work release offenders, making it nearly impossible to determine the programs and treatment an offender has engaged in while in various sentencing options. There’s no way to know if a given offender was assessed to receive cognitive behavioral treatment, if the offender showed up for that treatment, or if the offender completed any or all assigned treatment.

## Evidence-Based Decision Making and Case Processing

### Recommendation 8: Implement consistent screening and assessment across sentencing options and agencies.

Screening and assessment should be managed consistently across all agencies to maximize the ability to identify and deliver programs for higher-risk offenders. It should occur at the first point of entry to triage and classify offenders by the risk they pose to re-offend, and assessment should be used for higher-risk offenders to determine what programs they need to address recidivism. While the screening tool (the Proxy) takes less than three minutes to administer, the Jail may need more resources to complete additional assessments such as the LSI-R.

**KEY FINDING**

- *Offenders in Boulder County aren’t screened or assessed consistently across all sentencing options.*

Currently offenders are neither screened nor assessed consistently across sentencing options. Among the various alternatives, we found significant differences.

Tables 10 and 11 show current assessment practices in the County and what’s needed.

**Table 10: Types of Assessments Currently Performed**

	Proxy	LSI-R	ASUS	DV Assmt	SO Assmt	MH
Jail						x
Jail WR						x
Jail CC Diversion						x
Probation		x	x	x	x	x <sup>a</sup>
Community Corrections		x	x	x	x	
Day Reporting						

<sup>a</sup> Some offenders are assessed.

**Table 11: Types of Assessments Needed<sup>a</sup>**

	Proxy <sup>b</sup>	LSI-R	ASUS	DV Assmt	SO Assmt	MH <sup>c</sup>
Jail	x	x <sup>d</sup>	x	If needed	If needed	x
Jail WR <sup>e</sup>	x	x <sup>d</sup>	x	If needed	If needed	x
Jail CC Diversion	x			If needed	If needed	x
Probation	x			x	x	x
Community Corrections	x	x	x	x	x	x
Day Reporting	x	x	x	x	x	x

- <sup>a</sup> Other optional assessments for medium- and high-risk offenders that improve treatment include the Mini Mental State Examination (MMSE) and the Treatment Motivation Questionnaire (TMQ).
- <sup>b</sup> Proxy identifies higher-risk offenders who need a more extensive assessment such as the LSI-R.
- <sup>c</sup> Recommend the Basis-24 be used for the basic assessment and/or the Diagnostic Decision Tree.
- <sup>d</sup> Only if the person scores 5 or higher on the Proxy.
- <sup>e</sup> This program would be run by the ASD if adopted.

**Recommendation 9: Assess the risk of every pretrial defendant in Jail with the CPAT, and provide that information to the judge at first appearance.**

**KEY FINDING**

- *Roughly 10 percent of pretrial inmates in custody for more than a day did not have a CPAT score.*

When making pretrial release and detention decisions, judges must balance the goals of the community—ensuring public safety and defendants’ court appearances—with the pretrial defendant’s right to liberty (National Institute of Corrections, Fundamentals of Bail, 2014). Colorado is fortunate to have a locally validated pretrial risk assessment tool, the Colorado Pretrial Assessment Tool. However, we

found that approximately 10 percent of pretrial inmates in custody for more than one day did not have a CPAT score.

Using an actuarial risk assessment instrument in combination with professional judgment improves decisions (National Institute of Corrections, 2010).

## **Recommendation 10: Revise or eliminate the use of secured money bonds to comply with Colorado law and avoid unnecessary incarceration of pretrial defendants.**

Colorado law requires a presumption of release under the least-restrictive conditions unless the defendant is eligible for preventive detention.<sup>37</sup> To ensure release, the use of secured money bonds should be revised or eliminated.<sup>38</sup>

Colorado law also allows a judge to set a secured monetary condition of bond. However, the judge must determine that the condition is “reasonable and necessary to ensure the appearance of the person in court or the safety of any person or persons or the community.”<sup>39</sup> The judge must take into consideration the individual defendant’s financial condition,<sup>40</sup> and must “consider all methods of bond and conditions of release to avoid unnecessary pretrial incarceration.”<sup>41</sup>

With the CPAT, the 20<sup>th</sup> Judicial District has one of the best risk assessment tools in the country. The district’s pretrial supervision agency already is supervising defendants in the community who are in CPAT Categories 1, 2, 3, and 4. Therefore, the County, its Jail, and the courts should make every effort to release defendants who are low risk to re-offend and are being held for failure to pay bond.

Some defendants may well need to be in Jail, under certain circumstances or when a serious crime has been committed. However, the majority of lower-risk defendants fare better when they remain in the community while facing their criminal charges. Current research shows that incarceration increases the likelihood of re-arrest after release and this relationship applies especially at lower risk levels. Extending a stay in jail for pretrial defendants as little as 48 hours also can increase post-release recidivism rates (Lowenkamp, VanNostrand & Holsinger, 2013). In addition, research shows incarceration reduces employment opportunities (Bushway, 2011), stigmatizes those confined and spawns antisocial attitudes (Spohn, 2007), and increases recidivism after release (Cullen, Johnson and Nagin, 2011).

### **KEY FINDINGS**

- *43 percent of pretrial defendants in jail are low risk.*
- *This equates to 95 beds being used for low-risk defendants. Of these 95 beds, roughly half were for defendants unable to pay their secured money bond.*

<sup>37</sup> C.R.S. §16-4-103 (4) (a)

<sup>38</sup> See Pretrial Justice in Criminal Cases: Judges’ Perspectives on Key Issues and Opportunities for improvement by the National Judicial College (2013) where The Conference of Chief Justices and the Conference of State Court Administrators recommend moving from the traditional money bail system to a risk-based system for making decisions on detention or release and for setting pretrial release conditions.

<sup>39</sup> C.R.S. § 16-4-104 (1) (c), 16-4-105 (7)

<sup>40</sup> C.R.S. § 16-4-103 (3) (a)

<sup>41</sup> C.R.S. § 16-4-103 (4) (c)

Our review found that 43 percent of defendants in the Boulder County Jail for more than one day are low risk (CPAT 1 and 2), which equates to 95 beds being used for low-risk defendants.<sup>42</sup> Excluding those incarcerated for person crimes (31), DUI (9), and probation violation (5) from the group of 95 low-risk pretrial defendants, 50 Jail beds were still being used by low-risk defendants because they were unable to pay their secured money bond.

Not only is incarceration damaging to these defendants, it's also costly to use jail beds inefficiently. Furthermore, the Conference of Chief Justices and the Conference of State Court Administrators has endorsed moving from traditional money bail systems to a risk-based system for making detention or release decisions (Conference of Chief Justices, Resolution 3, 2013).

**Recommendation 11: End the practice of excluding from bond review consideration those pretrial defendants with an out-of-jurisdiction charge or hold.**

**KEY FINDINGS**

- *Most inmates with out-of-jurisdiction criminal charges or holds have a secured money bond and can be released from Boulder County jail.*
- *Those inmates who need to remain in the system can be transferred to the custody of the entity issuing the hold.*

Boulder County staff reviews the pretrial Jail population to try to determine whether defendants truly need to be in custody or not. As part of this effort, staff identifies those pretrial defendants who have criminal charges or holds from another jurisdiction. The identified inmates are then excluded from formal bond review consideration.

However, only 12 of the 132 inmates in Jail for at least one day and flagged as having a hold on the day of our snapshot were for a true “no bond” hold. All the rest had a secured money bond on a local charge that they could post to be released from the Boulder County Jail.<sup>43</sup>

Based on these findings, we recommend that pretrial defendants with an out-of-jurisdiction criminal charge or hold not be excluded from local bond review consideration. While a defendant may not be released from the criminal justice system upon satisfying the release conditions imposed in Boulder County, that person no longer needs to be housed in Boulder County’s Jail facility and can be transferred to the entity issuing the custody hold.

<sup>42</sup> There were an additional six inmates in a rented jail bed that fit these criteria.

<sup>43</sup> Staff indicated that the designation of having a hold comes from information on the jail’s “Hard Card.” Looking at the hold remarks provided, it appears this information ranges from indicating true “no bond” holds to providing information about why the person was brought in, such as failure to comply, or needing to retrieve an inhaler that is jail property from the inmate before he can process out. Boulder staff looked up all cases that did not have a “bail amount” listed for the main charge in the data provided by the jail to determine whether there was a bond amount set or whether it was “no bond” hold.

**Recommendation 12: Create a structured, system-level decision-making guideline to inform individualized, risk-based pretrial release and detention decisions in accordance with Colorado state law and best practices.**

Colorado law<sup>44</sup> requires that conditions of release be the least-restrictive necessary to reasonably ensure court appearance or public safety. Moreover, those conditions must be individualized and take into consideration each defendant’s financial condition.<sup>45</sup> Colorado law<sup>46</sup> also states, “if practicable and available in the jurisdiction, the court shall use an empirically developed risk assessment instrument designed to improve pretrial release decisions” when “determining the type of bond and conditions of release.”<sup>47</sup>

These statutory provisions are supported by best practices in the field of using a combination of professional judgment and an actuarial risk assessment tool (National Institute of Corrections, 2010).

**KEY FINDING**

- *On the day of our snapshot, there were 220 people in Boulder County jail for more than a day with a monetary bond; 43 percent of them were low risk.*

The 20<sup>th</sup> Judicial District Administrative Order 03-103 “Criminal Bonding Procedures and Appointment of Counsel,” dated August 25, 2014, appears to be primarily a charge-based monetary bond schedule that is neither individualized nor risk based as required by Colorado statute.<sup>48</sup> There are provisions within the Administrative Order regarding the ability of bond commissioners to recommend personal recognizance bonds that take into account some individual factors. Additionally, Boulder County staff stated it’s the policy for bond commissioners to recommend a PR bond for all CPAT Categories 1 and 2 with some exceptions.<sup>49</sup> However, on the day of our snapshot, 220 people were in the Jail for more than one day with a monetary bond, 43 percent of whom were low risk (CPAT 1 and 2).

The structured decision-making guideline we recommend should incorporate local system values and professional judgment with the results of a valid pretrial risk assessment. This guideline should be developed by the larger criminal justice system stakeholders and function as the starting point for release and detention considerations by all agencies involved in the administration of bail: pretrial services, public defenders, district attorneys, and judges.

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<sup>44</sup> C.R.S. § 16-4-103

<sup>45</sup> C.R.S. § 16-4-103 (3) (a)

<sup>46</sup> C.R.S. § 16-4-103

<sup>47</sup> C.R.S. § 16-4-103 (3) (b)

<sup>48</sup> See Appendix K.

<sup>49</sup> Exceptions provided by Boulder County Staff: “1. Felony 1 or Felony 2, because the admin order prevents us from doing an assessment in the first place. 2. Any cases involving unlawful sexual behavior as defined in section 16-22-102(9) would **not** receive a PR recommendation at this point. 3. Any Multiple DUI case of 3 or more would **not** receive a PR bond recommendation at this point. Note: A current charge for a DUI that has not been resolved will also count as a prior incident.”

**Recommendation 13: Offer gender-specific, evidence-based transition programs for higher-risk female offenders to address the higher level of female offenders with mental health and criminogenic needs.**

While bookings over the past five years have decreased for males, bookings for females have remained flat. However, the length of stay for females has increased, resulting in an increase in the number of women held in Jail at any given time. Due to overcrowding, female offenders are being housed in other jurisdictions, which removes them from their families and support systems.

If implemented, the recommendations offered throughout this report should provide relief to crowding within the Boulder County Jail and allow female offenders to remain in Boulder County. However, best practice research indicates that females who are involved criminally present with higher levels of mental illness and additional criminogenic needs. Therefore, after ensuring that evidence-based pretrial practices are followed and lower-risk females are released from custody, Boulder County should offer gender-specific, evidence-based transition programming for the higher-risk women who remain incarcerated but will transition back to local communities. Of the eight programs in place for women, only three are evidence based.

**Recommendation 14: Identify opportunities to reduce the time it takes to process all types of cases by creating a quality assurance process for charging and sentencing practices.**

**KEY FINDINGS**

- *Length-of-stay has increased more than 10 percent for men and women over the past five years.*
- *This increase is likely due to a change in charging and/or sentencing practices.*

The length of stay in Jail for both men and women has increased by more than 10 percent over the last five years. While there has been some change in Jail bookings, it is likely that increasing lengths of stay for specific groups are due to a change in charging and/or sentencing practices.

The County should review system decision-making and the speed with which cases of all types are processed and develop a system of quality assurance to monitor this issue. Delays in case processing due to factors such as excessive adjournments result in a large increase in

the use of Jail beds and, most often, due to longer lengths of stay, actually increase recidivism.

**KEY FINDINGS**

- *The number of women in Boulder County jail at any given time has gone up, due to increased length-of-stay for female offenders.*
- *Overcrowding in the County jail is causing a higher number of women to be jailed in other jurisdictions.*

**Recommendation 15: Evaluate use of evidence-based tools such as CPAT to ensure release and incarceration practices are consistent regardless of race or ability to pay.**

**KEY FINDING**

- *Black defendants are three times more likely than White or Hispanic defendants to be booked into the County jail.*

In Boulder County, 1.2 percent of the population is Black, yet Black defendants account for 4.3 percent of Jail bookings. In 2015, they were three times more likely than White or Hispanic defendants to be booked into Jail.

The average length of stay also varies by race. Over the past five years, the length of stay for Black inmates

has been more than 50 percent longer than for White inmates, while Hispanic inmates' stays have been 44 percent longer than that of White inmates. We observed disparities in average length of stay by race across most crime types over the past five years.

The County should evaluate its use of evidence-based tools such as the CPAT with defendants/offenders of color to ensure that release and incarceration practices are consistent regardless of race or ability to pay. This evaluation should help the County identify policies and practices that need to be revised to address the disproportionate booking of Black defendants and longer lengths of stay for Black and Hispanic defendants.

## Programs and Interventions

### All Programs

**Recommendation 16: Develop process for program evaluations as part of strategic planning to ensure fidelity to evidence-based practices.**

Boulder County's criminal justice system's policies and practices fail to ensure the use of evidence-based programs. Where evidence-based programs are used, they don't follow an agreed upon strategy to assure fidelity to evidence-based interventions. The absence of such a process prevents valid evaluation and ongoing monitoring of outcomes to determine if interventions are having the intended effect.

**KEY FINDING**

- *The County lacks a process to ensure criminal justice interventions are having the intended effect.*

A strategic plan such as that described in Recommendation 1 should address and delineate the methodology to ensure all interventions are evidence-based, appropriate, and delivered accurately. The use of evidence-based policy and practice provides a policy-level body such as a criminal justice coordinating council a means to evaluate practice, process, and outcomes objectively. Informed by such evaluations, this body can enact system-wide changes that produce the best possible long-term public safety outcomes.

The body in charge of strategic planning should adopt recommended levels of evidence-based practice, such as those with prior research. All programs should be designated “Experimentally proven” or “Experimental,” or have a clear offender- behavior management purpose and a clear plan for the evaluation of the program.

The County should support program evaluation to prove the effectiveness of programs they feel should be part of the County’s strategy to reduce recidivism and improve cost effectiveness. Programs with designation of “Research informed” or “Opinion informed” (see Appendix G) could be candidates for such future research.

**Recommendation 17: As part of strategic planning, ensure each County program serving offenders has a vision and mission that aligns with shared goals of effectiveness.**

**KEY FINDING**

- Roughly 70 percent of County programs serving offenders are based on little or no evidence of effectiveness.*

Boulder County operates about 77 programs providing services to offenders, but there doesn’t appear to be any direction or coordination among them toward a common goal. Approximately 70 percent of these programs were designated as “research informed” or “opinion informed,”<sup>50 51</sup> meaning they have a low or very low probability of effectiveness. In addition, it appears that no agency is keeping track of numbers of

offenders served or dosage of treatment for offenders. Only estimates of numbers served and dosage were provided by programs. Programs range from Bible study and Yoga to an evidence-based curriculum called Strategies for Self-Improvement and Change (SSC) managed by the Center for Change. Many programs are developed and managed by volunteers.

As part of a strategic plan, the County should define the vision and mission for all its programs for defendants/offenders. In addition, the number of people served and treatment dosage data must be measured. The JSP recommendations should be reviewed and a decision made to determine whether to continue, continue with conditions, or eliminate each program based upon its concordance with evidence-based standards or need for Jail management.

**Recommendation 18: Provide Jail-to-community programming for cognitive behavioral treatment, mental health, and substance abuse.**

**KEY FINDING**

- The County lacks evidence-based, jail-to-community programming to treat cognitive behavioral issues and mental health and substance abuse needs.*

The transient nature of local incarceration requires treatment continuity and flexibility so that offenders can begin programs in Jail and complete them in the community, thereby preserving the most high-cost resource, Jail beds, while continuing to

<sup>50</sup> As derived from the Blueprints Programs levels of Evidence.

<sup>51</sup> This analysis does not include programs designed to be activity driven such as knitting and personal finance.

reduce recidivism through evidence-based programming.<sup>52</sup>

Boulder County's criminal justice system does not provide a continuum of evidence-based cognitive behavioral, mental health, and/or substance abuse programming from the Jail to the community.<sup>53</sup> Evidence-based risk reduction programs designed to address criminogenic needs for medium- to high-risk offenders that start in jail and continue into the community should be consistent with the tenets of the National Institute of Corrections' Transition from Jail to the Community Model (TJC).

Cognitive behavioral curricula (CBT) delivered with fidelity are most highly correlated with recidivism reduction. "Studies have shown that well-implemented cognitive behavioral interventions can reduce recidivism by as much as 30 percent on average, particularly with moderate- to high-risk offenders." (Andrews & Bonta et al., 2008; Cullen & Gendreau, 2000; Drake, Aos, & Miller, 2009; Lowenkamp et. al., 2010). Evidence-based jail transition models such as TJC indicate that medium-risk offenders should receive 200 hours of treatment; high-risk offenders, 300 hours. Cognitive behavioral programs are a core component of the dosage. (National Institute of Corrections, 2014).<sup>54</sup> CBT has a return on investment of \$24.19 for every dollar invested in the treatment of medium- and high-risk offenders.<sup>55</sup>

No medium- or high-risk offenders in the Jail are receiving cognitive behavioral treatment (CBT). On the day of the risk/needs sample, there were 117 sentenced offenders in Jail and 31 in Jail work release who were medium or high risk.<sup>56</sup> The lack of CBT indicates that current programs are not evidenced based and are therefore not addressing important criminogenic factors.

As resources allow, all medium- or high-risk offenders in the Jail should receive cognitive behavioral treatment that can be completed in the community if not completed in the Jail. Thinking for a Change (T4C) and/or Moral Reconciliation Therapy (MRT) are both "open" treatment

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<sup>52</sup> Ibid.

<sup>53</sup> The programs mentioned here are examples of cognitive behavioral programs found to be effective in the literature. Any other programs found to be effective are normally located on the NREPP (SAMHSA) web site or in the "write up" of the meta analysis done by the Washington State Institute of Public Policy (WSIPP) in Cognitive Behavioral Treatment for offenders.

<sup>54</sup> Research on dosage indicates that conceptually an offender with moderate risk should receive about 100 hours of treatment, moderate/high risk should receive 200 hours, and high risk should receive 300 hours. They state that there is less than optimal empirical guidance about what dosage is desirable and how to measure it. If an offender attends a 90-minute treatment session but is disengaged, does this "count?" Probably not. If the offender practices a skill at home with, does that count? Possibly. The research (Bonta, 2008) indicates that the probation officer can significantly complement those treatment services by others and, as such, those practices by probation officers can be considered as contributing to the minimum dosage necessary to reduce recidivism. So overall, our interpretation of the literature on this issue indicates that evidence-based treatments focused on criminogenic needs, cognitive behavioral treatment, and case management time focused on criminogenic needs (i.e., not focused on terms and conditions of their sentence) are activities that should count toward dosage.

<sup>55</sup> <http://www.wsipp.wa.gov/BenefitCost/Program/10>

<sup>56</sup> This may be an under-estimate. We obtained completed surveys from 199 of the 254 sentenced inmates in the jail on the day of our snapshot.

programs designed for offenders to move in and out of, depending on whether they're in jail or the community. All staff should be trained in the Jail's cognitive behavioral program, as it helps officers reinforce CBT lessons during the offenders' incarceration.

Mental health and substance abuse programming should also start in the Jail and continue into the community. "Matrix," a program that has been evaluated and approved by the National Registry of Evidence Based Programs and Practices (NREPP), is a substance abuse treatment program that could be started in the Jail.<sup>57</sup> Other evidence based programs such as "New Directions" or "Seeking Safety" could also be considered. Additional treatment options will require more resources or reallocation of existing resources.

**Recommendation 19: Include a fidelity management component in all evidence-based programs.**

**KEY FINDING**

- *The County's few evidence-based programs for offenders aren't monitored for adherence to program standards.*

Few if any County programs have fidelity management protocols built into them. This is partially because the County provides so few evidence-based programs. Without fidelity management, there's no way to know if these programs work.<sup>58</sup> Every evidence-based program operated or paid for by the County should have a fidelity management component that follows the tenets of implementation management.<sup>59</sup>

**Recommendation 20: Provide funding for an evidence-based private program in Boulder County that already meets high standards to train other County criminal justice entities on its practices.**

**KEY FINDING**

- *One evidence-based private program in the County uses a comprehensive assessment process and fidelity measures that could serve as a model county-wide.*

The County has one evidence-based private program that uses fidelity measures to ensure its efficacy. This program appears to have the most comprehensive assessment process observed, including assessments for all criminogenic needs, motivation for treatment, re-offending risk, alcohol and drug abuse, and mental health needs. It also provides cognitive behavioral treatment, DUI programs, and domestic violence treatment, as well as fidelity measures that drive program improvements.

This program and any others like it should be funded to provide technical assistance and training to the Jail, Community Corrections, and work release to ensure all assessment and

<sup>57</sup> Or other NREPP-approved programs which are appropriate.

<sup>58</sup> A good example is Functional Family Therapy (FFT). When delivered with fidelity, the program reduces recidivism. [http://www.wsipp.wa.gov/ReportFile/803/Wsipp\\_Washington-StatesImplementation-of-Functional-Family-Therapy-for-Juvenile-Offenders-PreliminaryFindings\\_Full-Report.pdf](http://www.wsipp.wa.gov/ReportFile/803/Wsipp_Washington-StatesImplementation-of-Functional-Family-Therapy-for-Juvenile-Offenders-PreliminaryFindings_Full-Report.pdf)

<sup>59</sup> Fixsen et al., 2005

evidence-based programs are delivered with fidelity. A program with such credibility is rare to find in any community. It should be seriously considered as a provider of services for any alternative sentencing the County develops.<sup>60</sup>

## Jail Programs

### **Recommendation 21: Use a validated assessment such as LSI-R to assess higher-risk offenders and provide targeted evidence-based treatment/programming to mitigate high criminogenic needs.**

Substance abusing and/or mentally ill higher-risk offenders must be assessed with an LSI-R and provided targeted evidence-based treatment/programming to mitigate identified high criminogenic needs such as criminal thinking. Mental health treatment should be provided as needed to stabilize the offender so he or she can engage in programs that address criminogenic needs.

Criminogenic needs drive criminality, so they must be addressed before or in parallel with mental health and substance abuse needs. (J. L. Skeem & S. Manchak J. K., 2011).

While some medium- and high-risk offenders in Jail do receive minimal behavioral health (co-occurring disorder) combined assessment and treatment without a valid assessment process, it is unclear if those provided treatment need it and if there are others who also need it.

Higher-risk defendants/offenders, for whom incarceration is appropriate, are not likely to succeed without evidence-based treatment/programming. Most medium-risk and some high-risk offenders may well be able to be managed in a community facility with the appropriate treatment and supervision.

As described in Recommendation 17, mental health and substance abuse providers should deliver treatment such as “Matrix” or another NREPP-reviewed program for all substance-abusing offenders.

### **Recommendation 22: Improve access to GED classes and testing for jailed offenders and encourage them to complete program.**

Eighteen percent of inmates in the Jail lack a high school degree or GED. Although 240 offenders have taken some GED classes in the last year, no offenders in Jail have received a GED in the last few years. The

#### KEY FINDING

- *The County’s few evidence-based programs for offenders aren’t monitored for adherence to program standards.*

#### KEY FINDINGS

- *18 percent of inmates in the County jail lack a high school degree or GED.*
- *No jailed offenders have received a GED in the last few years.*

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<sup>60</sup> The program referenced here is Center for Change.

testing cost appears to be a significant barrier to program completion.

Offenders without a GED or high school diploma should be encouraged to complete their GED. They should have access to GED classes and testing to allow them to earn the GED. GED education has a return on investment of \$18.36 for every dollar invested.<sup>61</sup> Eligible offenders entering this program should be compensated with good time for successful competition.<sup>62</sup>

## Work Release

### **Recommendation 23: Limit the Jail’s purpose to “incapacitation” consistent with evidence-based practices to reduce recidivism.**

We recommend that work release beds in the Jail be eliminated and repurposed to manage the Jail population of those remaining who need to be incapacitated. Work release is currently operated in three places: the Jail, the community, and on a waiting list. On an average day, there are:

- 48 offenders in Jail beds who are released daily to work in the community and return to the Jail at night;
- 51 offenders in Community Corrections beds; and
- 28 offenders living in the community while on a waiting list for work release beds in the Jail.

#### KEY FINDINGS

- *All three work release populations include low-, medium-, and high-risk offenders.*
- *The overall profile for risk to re-offend looks quite similar for all three programs.*

Each of these three work release populations has an array of low-, medium-, and high-risk offenders assigned to them. In fact, their overall profiles for risk to re-offend look quite similar. This is concerning as there are very high-risk offenders in the community work release programs and very low-risk offenders in the Jail work release program. As in other areas outlined in this report, this finding indicates a lack of criminal justice decision-making based on risk posed to the community.

Further, there is no discernible rationale for offenders of any risk level waiting in the community to return to the Jail to participate in the work release program. If an offender is successfully living and working in the community and not re-offending,<sup>63</sup> the purpose for return to Jail in the evenings can clearly only be for punishment. It is clear that the use of jail for this purpose without comprehensive, evidence-based treatment is counterproductive (Andrews, 1994; Lowenkamp, VanNostrand & Holsinger, 2013).

<sup>61</sup> <http://www.wsipp.wa.gov/BenefitCost/Program/9>

<sup>62</sup> Caution must be applied when considering cost savings for GED programs because many of the programs this cost estimate is based on are prison-based and thus allow more time for program completion.

<sup>63</sup> Leah Cavin, 9/16/16, indicates 0.01 percent terminate from program with new offense.

The fact that high-risk offenders are placed in work release without the additional support needed to address criminogenic needs is likely to increase the risk to public safety. Further, as noted elsewhere in this report, comingling of lower- and higher-risk offenders will most likely result in increased recidivism for the lower-risk offenders.

Offenders should receive a probation sentence or a split sentence to Jail and ASD, with Jail time only served if they fail in the community-based work release. The County<sup>64</sup> should manage the contract for work release beds that are now managed by the Jail. Offenders would be sentenced to both the ASD and serve their time in the beds now being purchased by the Jail from Community Corrections.

Most work release beds in the Jail would be repurposed to manage offenders who are higher risk to the community.<sup>65</sup> Offenders could still be returned to the Jail, if they fail to perform in the ASD, but that should be the exception since the current failure rate in work release is low. All medium- and high-risk work release offenders should engage in treatment in community-based programs, with records kept of treatment received, dosage, and recidivism of those treated.

## Community Corrections Programs

### **Recommendation 24: Ensure all medium- and high-risk offenders in Community Corrections receive cognitive behavioral treatment.**

Correctional Management Incorporated (CMI) reports that medium- and high-risk offenders comprise 81 percent of the BCTC population and 99 percent of the LCTC population, respectively. Only 38 percent of the high- and medium-risk BCTC offenders and 40 percent of LCTC offenders are receiving evidence-based cognitive behavioral treatment. Most high- and medium-risk offenders are not receiving needed evidence-based cognitive behavioral programs and treatments designed and proven to decrease the risk to public safety.

#### KEY FINDING

- *Most medium- and high-risk offenders in BCTC and LCTC are not receiving needed evidence-based cognitive behavioral programs and treatments designed and proven to decrease the risk to public safety.*

CMI also states that offenders are managed through the Division of Criminal Justice level system using cognitive behavioral modules (Quick Skills) fashioned by a prior Community Justice Services director. However, we find no research demonstrating the effectiveness of these

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<sup>64</sup> The Department administering the ASD should have a board of advisors representing all criminal justice decision points to provide guidance and advice to the department. This could be the CJCC.

<sup>65</sup> This could be a new facility if desired by the county. Money currently paid for Community Corrections-based offenders could go toward a new work release facility, perhaps located near the jail, similar to the Larimer County ASD. We recommend County long-term management of Community Corrections work release as currently these offenders are being housed in contact with regular Community Corrections offenders who are generally higher risk. Mixing high- and low-risk offenders increases recidivism.

interventions in publications by either NREPP or the Washington State Institute of Public Policy (WSIPP). This might be an area for additional research by the county.

All medium- and high-risk offenders in Community Corrections should be receiving cognitive behavioral treatment. Programs such as SSC, T4C, or MRT are excellent options. The WSIPP shows a return on investment of \$24.19 for every dollar invested in these tested programs.

**Recommendation 25: Consider having the County either directly manage Community Corrections or require additional performance-based contracts with providers for recidivism reduction, escape mitigation, and successful terminations.**

**KEY FINDINGS**

- *BCTC and LCTC programs do not prioritize long-term public safety.*
- *BCTC and LCTC have little incentive to emphasize recidivism reduction or escape mitigation as their programs already meet the state's minimum standards.*

Community Corrections in Boulder County is being monitored based on minimum Division of Criminal Justice standards. The County has no independent standards. Based on those reports, the BCTC and LCTC programs score in the lowest risk category (level four) and are therefore only subject to an audit once every five years. This is the lowest level of auditing the state provides and indicates that overall the program is in good compliance with state minimum standards.<sup>66</sup>

However, based on our review it does not appear that BCTC and LCTC programs prioritize long-term public safety. For example, they don't require cognitive

behavioral treatment for most medium- and high-risk offenders, despite robust research showing the impact of such programs in reducing recidivism for offenders at these risk levels. Since the programs do meet DCJ minimum standards, which don't require this type of program, there's little incentive for them to emphasize recidivism reduction and escape mitigation practices.<sup>67</sup>

In addition, our review found that the programs mix lower-risk offenders in "work release" and "day reporting" with medium- and high-risk diversion and transition offenders. This practice saves money in the short run as a separate facility would be costly, but in the long run it increases recidivism because mixing low-risk offenders with medium- and high-risk offenders increases the recidivism rate of low-risk offenders.

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<sup>66</sup> Outcomes such as recidivism and escapes make up only 20 percent of their standards. In addition, Community Corrections (DCJ) reports that while overall all state programs are moving into this level 4 of compliance with standards (implying that recidivism is decreasing, LSI-R scores are decreasing, and successful terminations are increasing), the statewide outcome indicators have gotten worse over the last 10 years. LSI-R scores are increasing, terminations for successful completions are decreasing, and terminations for technical violations are increasing. Terminations for escapes are increasing. Recidivism is increasing. While DCJ staff has not finished its analysis, they are preparing to review their standards to improve outcomes.

<sup>67</sup> It can be argued that the DCJ minimum standards do assess for recidivism reduction and escape mitigation. However, these two factors only account for 20 percent of the score they receive from DCJ, so there is little incentive to reemphasize these factors. See Community Corrections Risk Factor Analysis, September, 2014.

A primary objective of private programs must be profit, which can be incompatible with delivering expensive cognitive behavioral programs and maintaining the necessary separation of offenders by risk levels. Therefore, the County should consider directly managing Community Corrections or requiring additional performance-based contracts with providers for recidivism reduction, escape mitigation, and successful terminations.

While private programs do not necessarily have public safety as their primary objective, the County should expect and require this as a desired outcome to reduce long-term reliance on Jail beds.

## Mental Health Programs

### **Recommendation 26: The County should take several actions, detailed below, to ensure offenders in need of mental health services receive it.**

It appears Boulder County Public Health and MHP leadership prefer not to take forensic clients. In interviews with many criminal justice system actors, a common complaint was that MHP chooses to take care of less serious non-criminal people and not engage in a comprehensive process to treat offenders with mental health problems, despite a contract to provide services to this population.<sup>68</sup> There were considerable

complaints (noted during interviews) that if an officer had a seriously mentally ill offender, MHP would always find ways to decline serving them. MHP cannot provide information on the percentage of current funding used for criminal justice-involved clients with mental illness and substance abuse (dual diagnosed) treatment needs.

Another issue noted is that MHP has not kept current with the literature on the treatment of mentally ill involved offenders. For example, no MHP staff interviewed was aware of the Council of State Governments/National Institute of Corrections Behavioral Health Framework for Reducing Recidivism and Promoting Recovery (*Adults With Behavioral Health Needs Under Correctional Supervision*, 2012). This is important because mental illness does not cause criminal behavior. Except for the most serious mental health issues, mental health therapists must also address criminogenic issues if the goal is to reduce recidivism.

On an average day, the Jail handles more than 200 defendants/offenders with serious mental health problems, while Community Corrections Diversion sees 41 clients with serious mental health problems in a typical day.<sup>69</sup> <sup>70</sup> There are minimal mental health services in the Jail in large part because MHP cannot fill funded treatment positions. Medicaid benefits are terminated

#### KEY FINDING

- *Access to mental health programming for offenders in Boulder County is inadequate.*

<sup>68</sup> JSP consultants had no documentation showing the County's requirements for MHP to provide services to forensic clients in the system.

<sup>69</sup> From Basis-24 survey administered on March 15, 2016.

<sup>70</sup> It is unclear how many offenders in Community Corrections Diversion were receiving PACE services.

### MHP Programs

**Warner House** – Residential treatment program for mentally ill is constantly overcrowded due to a reduction in the number of beds. Most criminal justice agencies report difficulty in placing offenders here.

**PACE** – Effective program for offender mental health outpatient treatment, with on-site probation officer, evidence-based programs, medication dispensary, and case managers. Gets more referrals than it can handle, especially in Longmont. This program does not offer cognitive behavioral treatment.

**EDGE** – Uses Intervention Specialists to provide mental health assistance to law enforcement at time of contact with someone that has mental health issues, reducing the need to incarcerate such persons simply because they can't manage their mental illness.

for offenders placed in Jail, and there's no Jail program dedicated to re-enrolling them in Medicaid upon their release. Cognitive behavioral treatment for offenders with mental health needs is not available.

### **The County should take the following actions to improve mental health programming for offenders:**

1. Boulder County should commit to requesting specific treatment for mentally ill offenders whether in Jail, in the community, on probation, or in Community Corrections. If MHP cannot commit to treating mentally ill offenders, Boulder County should consider discontinuing its contract with MHP. If MHP does not have a heartfelt vision that includes the aggressive provision of co-occurring disorder services to defendants/offenders, it should not be forced to provide such services. While it is clear that these are difficult cases, some agency needs to commit to providing the care necessary for their successful reintegration into the community. These defendants/offenders often take up more jail bed days, as they have longer lengths of stay than similar defendants/offenders with similar crimes, are more often homeless, and are more often victims of crime in jail. (National Association of Mental Health Planning and Advisory Councils, 2005).
2. The Warner House residential program and PACE should be duplicated in Longmont. Overcrowding of the Boulder programs is caused in part by Longmont offenders. This expansion would ensure better co-occurring treatment residential options for offenders and take pressure off the Boulder programs. The priority for beds at Warner House should be for forensic clients.
3. The EDGE program that supports law enforcement in the field should be funded by the County and expanded to include Longmont. A total reorganization of the program may be needed to decrease its costs. Job duties, hours, and roles may need to be redesigned.
4. Mental health treatment for those placed in Jail should be expanded to include case management of those offenders being released from Jail. This would include help in reestablishing their Medicaid benefits during a pre-release phase. When these offenders do not have case management services, stability gained in Jail is often lost. In addition, if these offenders are stable in Jail, they should be included in the cognitive behavioral treatment offered in the Jail, as we now know most of their criminal behavior is caused by criminogenic needs, not by their mental health condition.
5. The Jail should offer increased programming for the mentally ill and create a specialized unit to deliver treatment most effectively. The two newly added mental health counselors are a start, but with 200 inmates with indicated mental health problems, a full

complement of treatment professionals is needed. There are three major reasons for providing mental health treatment in correctional settings: to reduce the disabling effects of serious mental illness and maximize each inmate’s ability to voluntarily participate in correctional programs; to decrease needless human suffering caused by mental illness; and to help keep jail staff, inmates, volunteers, and visitors safe. (National Institute of Corrections, 2004).

## Probation Programs

### **Recommendation 27: Provide training for Probation in the State’s new “Strategies for Behavior Change.”**

Based on our review of several high-risk offender case files, Probation appears to follow evidence-based principles in managing offenders. Specifically, it follows practices recommended in the National Institute of Corrections’ “Managing Offenders Using Evidence Based Practices.” They should continue in this fashion and ensure that their practices are evidence based.

The “Strategies for Behavior Change” is a probation violation matrix that classifies responses to technical violations into three categories: client lapse of judgment; lack of motivation to comply with expectations; and ongoing, willful disregard for complying with expectations. Given each type of violation behavior, the matrix recommends the type of violation behavior response.

Jail snapshot data revealed that there were 30 offenders in the jail for technical violations of probation. Following the matrix guidelines referenced above might reduce the number of jail beds needed for this population. Many responses to violations could be accomplished in an ASD. Regardless, using the most costly sanction for minor violations is not cost effective, nor does it affect public safety positively.

The use of such a matrix could have a significant impact on overcrowding. While bookings have decreased for the majority of crime categories, bookings for probation violations have more than doubled since 2011. On average, probation offenders have longer lengths of stay than almost all other incarcerated groups and, accordingly, they account for approximately 79 Jail beds on a daily basis.

#### KEY FINDINGS

- *Probation appears to be following evidence-based principles to manage offenders under its jurisdiction.*
- *Bookings for probation violations have more than doubled since 2011, while falling for the majority of other crime categories.*
- *On average, Probation offenders have longer lengths of stay than other incarcerated groups, and account for roughly 79 jail beds on a daily basis.*

# POLICY OPTIONS

Over the next 10 years, the Boulder County Jail population is expected to grow by 16 percent, or 79 beds. The estimated growth is based on local data on the number of bookings over the past five years, the average length of stay in the Jail over the past five years, and the projected population growth of the at-risk population (18 to 35-year-olds) over the next 10 years. If these same historical growth rates continue over the next 10 years, the estimated Jail population will grow to 564 beds. (See Figure 21.)

We offer a number of policy changes, listed below, that are estimated to reduce the Jail population and keep the 10-year projections below 400 beds. For purposes of this report, we assumed that these policy changes would go into effect in six months from the projections date and would take another six months for the changes to be incorporated by criminal justice professionals.

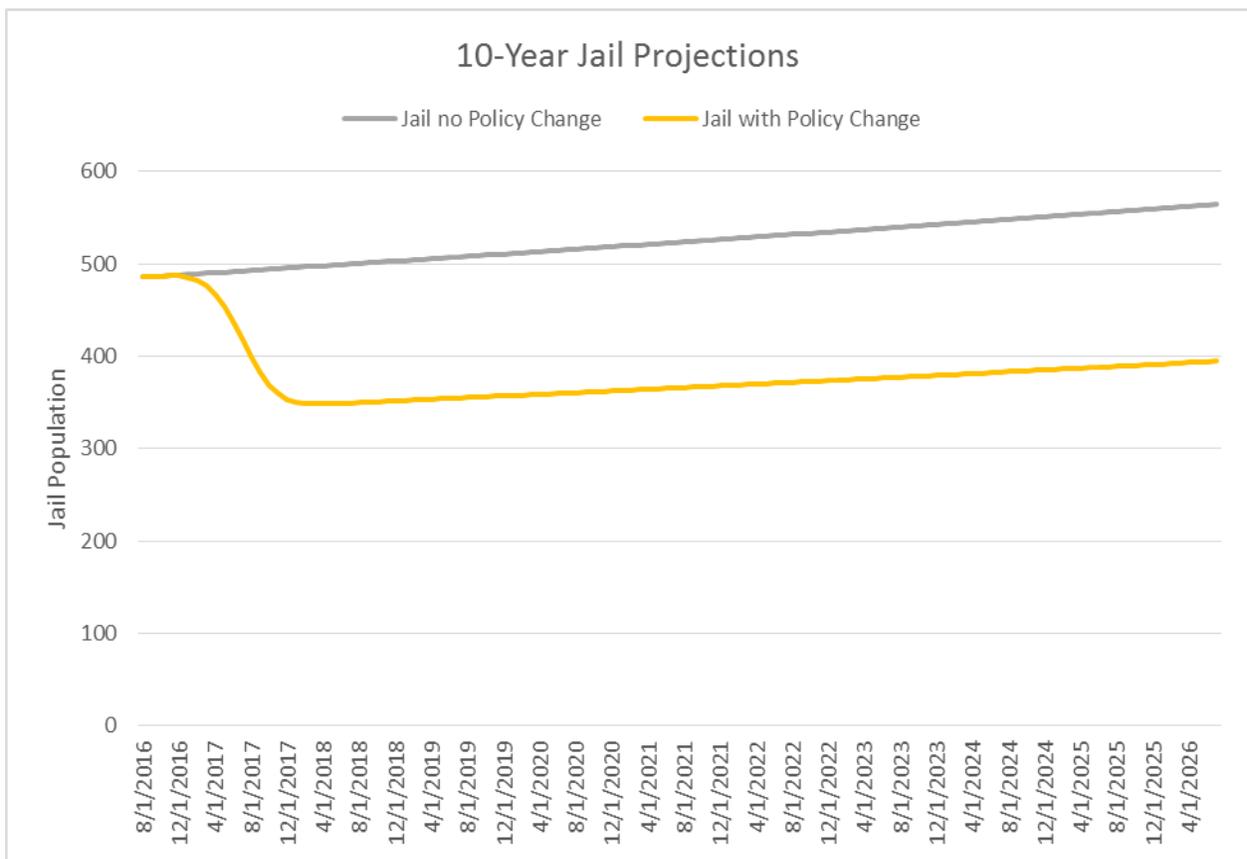


Figure 21: 10-Year Jail Projections

## Policy Levers

**Option 1:** Sentenced, non-work release, low-risk offenders, with the exception of all person crimes, should be in an alternative community program or receive no sanction at all. This is estimated to reduce the Jail population by 18 beds.<sup>71</sup>

**Option 2:** Sentenced, non-work release, medium risk offenders, with the exception of all person crimes, should be considered for alternative community programs including the Day Reporting Center. This is estimated to reduce the Jail population by 15 beds.<sup>72</sup>

**Option 3:** Eliminate work release from the Jail. On the day of the Jail snapshot, there were 48 offenders in Jail work release. All of the low- and medium-risk, and approximately half of the high-risk offenders, should be moved into the community. This is estimated to reduce the Jail population by 40 beds.

**Option 4:** Release all low-risk pretrial defendants not charged with a person crime and who have spent at least one day in Jail. This is estimated to reduce the Jail population by 64 beds.<sup>73</sup>

**Option 5:** Create a first appearance calendar on the weekends. This is estimated to reduce the Jail population by 2 beds.<sup>74</sup>

The total impact of these policy levers is 139 Jail beds initially and growing to 169 Jail beds by year 10. This would require the following changes:

- removing 75 percent of low-risk, non-person, non-work release, sentenced inmates (18 beds);
- removing the sentenced length of stay for 50 percent of medium-risk, non-person, non-work release, sentenced inmates (15 beds);
- eliminating work release from the Jail with all low- and medium-risk offenders leaving the Jail and 50 percent of the high-risk offenders leaving the Jail (40 beds);
- removing all pretrial CPAT 1 and 2 defendants who had a bond set, were not charged with a person crime, and were in Jail for more than one day (64 beds); and
- creating a first appearance calendar on the weekends (2 beds).

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<sup>71</sup> We assumed that 75 percent of Proxy and Basis-24 categories 1-4 would no longer be housed in a jail bed. To be conservative we did not include inmates who were not assessed. Had these inmates been included, the estimated impact would have been 24 beds.

<sup>72</sup> Using individual level data from the Boulder County Jail, we estimated that this would impact 321 bookings and reduce their overall length of stay by two-thirds (from 26 to 9 days).

<sup>73</sup> We defined low-risk as all pretrial defendants categorized as CPAT 1 or 2. To be conservative, we did not include inmates who were not assessed. Had these inmates been included, the estimated impact would have been 71 beds. If Boulder County took a more aggressive approach and released all defendants categorized as CPAT 3 or below, the estimated jail impact is 112 beds.

<sup>74</sup> There were 1,125 defendants with a release reason of bond and were booked into the jail on the weekend. We assumed the length of stay would be reduced by one day for these defendants.

Further Jail population reductions could be considered by exploring two additional areas: recidivism reduction through evidence-based programs and adopting state guidelines for technical probation violations. Boulder County has few programs that are evidence-based. As a result, inmates are not getting the treatment necessary to change their behavior and limit the rate at which they re-offend. If implemented with fidelity, the programming recommendations in this report will reduce recidivism and, holding all else equal, reduce the number of future bookings.

As referenced above, on the day of our snapshot there were 30 inmates in Jail on a technical probation violation. Boulder County is not following state guidelines on probation violations, nor is it advancing evidence-based practice with the frequency and dosage necessary to change or mitigate criminal behavior as effectively as it might. Adherence to these guidelines could further reduce the Jail population and should be examined by Boulder County stakeholders.

## CONCLUSION

Boulder County is fortunate to have such committed and skilled public servants. The criminal justice stakeholders and community providers are all committed to helping their citizens who are in conflict with the law and protecting the public. Their thoughtful efforts are evidenced in the high number of programs they deliver and having an incarceration rate that is not as high as many jurisdictions in Colorado or the nation. There is interest in using research to guide program development and delivery. Stakeholders work together to problem solve and find solutions to the plethora of challenges the competing interests in the criminal justice system must address. There is universal agreement that the current jail crowding must end to ensure the safety of staff and inmates.

By all accepted standards, jails should operate between 85 and 90 percent maximum capacity. Jails operating above this level are at a much higher risk for assaults on the staff, inmate assaults on inmates, and suicides. Jails operating overcrowded for any extended period of time will experience morale degradation and high staff turnover. To its credit, the Boulder County Jail has managed to operate this way for more than a year but has paid the price in resignations, suicides, and a decline in staff morale.<sup>75</sup> Appropriately, the County Commissioners and criminal justice stakeholders are deeply concerned about the current overcrowding in the Jail.

While key stakeholders have many theories about what is causing jail overcrowding, they vary significantly. Not surprisingly, the theories of the causes of overcrowding are influenced significantly by the functions performed by the stakeholders. Those working in one part of the system often do not truly understand the other parts of the system. All stakeholders are hampered by the fundamental lack of data that allows them to actually determine what type of defendants and offenders are in the Jail and other programs. Because of this, there is a belief that only high-risk defendants and offenders are in jail when, in fact, there are low- and moderate-risk individuals in jail and sometimes high-risk without adequate program support in the community.

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<sup>75</sup> These issues were most recently documented in the Boulder County Jail Staffing Analysis by MJ Martin, Inc. that was completed in July 2016.

Without the ability to accurately compare and contrast the risk and needs of defendants and offenders in the various Jail and community-based programs, it's almost impossible to identify the policy impact of any proposed change. It's particularly difficult to predict how a potential change will impact the Jail over time.

The data provided by the JSP consultant team provides clear options for system change that, if implemented, can reduce the current Jail overcrowding to reasonable operational levels. In addition, the options provided will ensure better targeting of services and, if evidence-based programs are used, reduce recidivism. To achieve this desired impact requires additional resources. If the options provided are all fully implemented, there is no need to build any type of residential facility. While we have great faith in the capacity of the Boulder County criminal justice stakeholders, it's our experience that the nature and type of changes we propose will not be fully implemented and if they are implemented it will be over time. As a result, we recommend an ASD be established and a 50-bed facility be constructed.

While we present an array of policy options that stakeholders can in effect "mix and match" to develop the best solution for Boulder County, we encourage consideration of immediately eliminating the work release program in the Jail so those beds can be used to reduce the current population. We suggest this because our data shows there is almost no difference between the nature and type of offenders in terms of risk and needs and recidivism in any of the three work release options. The data both in terms of risk and needs and program outcomes demonstrates no need to use an expensive jail bed when clearly a community option works just as well.

In the longer term, the Jail population will decrease if system stakeholders use evidence-based practices to determine the appropriate placement of defendants and offenders. To do this, however, requires data being shared with system decision makers. For example, judges need to know that they are ordering defendants to remain in the Jail, who by their own system measures should be released. They need to understand the decrease in public safety this potentially creates. Similarly, other programs such as Probation need to ensure they only use the sanction of incarceration where it will reduce public safety risk. These types of behavior changes require leadership that is willing to educate the system decision makers and provide them with data about their behavior and how it compares to local and national standards.

Perhaps most important, without a clear mandate by the County Commissioners to engage in systems planning and monitoring, the likelihood of the type of changes needed to sustain a decrease in the use of jail for low- and moderate-risk defendants and offenders will not be maintained. The leaders of the criminal justice system and community service providers must reach agreement on the desired mission of the system and the strategies they will agree on to achieve it. Without such agreement and a system to provide feedback regarding outcomes, the diversity of beliefs about "what works" will result in the continued use of the most expensive and potentially damaging resource for defendants and offenders who do not need it and equally concerning of the placement of high-risk defendants and offenders in the community without the support needed to prevent the commission of new crimes.

We have no doubt that once again Boulder County will craft solutions that work in the best interest of its citizens. We hope that JSP has provided some information that can inform your future direction.

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Preparation for April 22 Exercise, anonymous survey

**Key Decision Points Exercise.** The following are the main decision points that effect the length of stay (LOS) time someone serves in jail and/or whether they go to jail (Admissions). These are the **only** two variables that increase or decrease jail bed needs. Before our meeting we would like you to think about each of the criminal justice system decision points, briefly answer each question on the form. We will collect these at the meeting to be sure we don't miss anything in our discussion.

- Arrest (cite, detain, divert, treat, release)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What "should" be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what "should" be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  
- Pretrial status decisions (release on recognizance, release on financial bond, release with supervision conditions, detain, violation response, supervision conditions reassessment)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What "should" be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what "should" be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  
- Charging decisions (charge, divert, defer, dismiss)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What "should" be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what "should" be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_

- Plea Decisions (Plea terms)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Sentencing Decisions (sentence type, length, terms and conditions)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Local institutional interventions decisions (security level, treatment interventions)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Local institutional release decisions (timing of release, conditions of release)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_

- What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Community intervention decisions (supervision level, supervision conditions, treatment interventions)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Violations Response decisions (response level, sanctions, treatment interventions)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
- Discharge from criminal justice system decisions (timing of discharge)
  - What is happening now that might increase LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What “should” be happening now to safely reduce LOS or Admissions?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_
  - What are the barriers to doing what “should” be done?
    - \_\_\_\_\_
    - \_\_\_\_\_
    - \_\_\_\_\_

Return to Justice System Programs: Nancy Campbell, Bill Woodward, Claire Brooker, or Michael Wilson. Local Contact: Bill Woodward, 303-475-9051, [Bill@JusticeSystemPartners.org](mailto:Bill@JusticeSystemPartners.org).



**Proxy Data Collection Tool - Boulder County**

**Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Booking #:** \_\_\_\_\_

**#1 - What is your current age?** \_\_\_\_\_

**#2 - How old were you the first time you were arrested?** \_\_\_\_\_

**#3 - How many times were you arrested prior to this time?** \_\_\_\_\_

**# 4 - At the time of your current jail booking, were you on:**

- Pretrial Supervision    Yes \_\_\_    No \_\_\_
- Probation                    Yes \_\_\_    No \_\_\_
- Work Release                Yes \_\_\_    No \_\_\_

**Thank you for your time and assistance.**

**BASIS-24® (Behavior And Symptom Identification Scale)**

Please fill in the following information completely.

Date of Survey: \_\_\_/\_\_\_/\_\_\_\_\_

Date of Birth: \_\_\_/\_\_\_/\_\_\_\_\_

**Instructions:**

This survey asks about how you are feeling and doing in different areas of life. Please check the box to the left of your answer that best describes yourself during the **PAST WEEK**. Please answer every question. If you are unsure about how to answer, please give the best answer you can.

**EXAMPLE:** *During the past week, how much difficulty did you have sleeping?*

- No difficulty  
 A little difficulty  
 Moderate difficulty  
 Quite a bit of difficulty  
 Extreme difficulty

**During the PAST WEEK, how much difficulty did you have...**

**1. Managing your day-to-day life?**

- No difficulty  
 A little difficulty  
 Moderate difficulty  
 Quite a bit of difficulty  
 Extreme difficulty

**2. Coping with problems in your life?**

- No difficulty  
 A little difficulty  
 Moderate difficulty  
 Quite a bit of difficulty  
 Extreme difficulty

**3. Concentrating?**

- No difficulty  
 A little difficulty  
 Moderate difficulty  
 Quite a bit of difficulty  
 Extreme difficulty

**During the PAST WEEK, how much of the time did you...**

**4. Get along with people in your family?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**5. Get along with people outside your family?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**6. Get along well in social situations?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**7. Feel close to another person?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**During the PAST WEEK, how much of the time did you...**

**8. Feel like you had someone to turn to if you needed help?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**9. Feel confident in yourself?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**10. Feel sad or depressed?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**11. Think about ending your life?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**12. Feel nervous?**

- None of the time  
 A little of the time  
 Half of the time  
 Most of the time  
 All of the time

**During the PAST WEEK, how often did you...**

**13. Have thoughts racing through your head?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**14. Think you had special powers?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**During the PAST WEEK, how often did you...**

**15. Hear voices or see things?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**16. Think people were watching you?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**17. Think people were against you?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**18. Have mood swings?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**19. Feel short-tempered?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**20. Think about hurting yourself?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**During the PAST WEEK, how often...**

**21. Did you have an urge to drink alcohol or take street drugs?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

**22. Did anyone talk to you about your drinking or drug use?**

- Never  
 Rarely  
 Sometimes  
 Often  
 Always

23. Did you try to hide your drinking or drug use?

- 0  Never
- 1  Rarely
- 2  Sometimes
- 3  Often
- 4  Always

24. Did you have problems from your drinking or drug use?

- 0  Never
- 1  Rarely
- 2  Sometimes
- 3  Often
- 4  Always

**ABOUT YOU**

25. How old are you? \_\_\_\_\_

26. What is your sex?

- 1  Male
- 2  Female

27. Are you...

- 1  Hispanic or Latino
- 2  NOT Hispanic or Latino

28. What is your racial background?

- 1  American Indian or Alaska native
- 2  Asian
- 3  Black or African-American
- 4  White/Caucasian
- 5  Native Hawaiian or other Pacific Islander
- 6  Multiracial or other (specify) \_\_\_\_\_

29. How much school have you completed?

- 1  8th grade or less
- 2  Some high school
- 3  High school graduate/GED
- 4  Some college
- 5  4-year college graduate or higher

30. Are you now...

- 1  Married
- 2  Separated
- 3  Divorced
- 4  Widowed
- 5  Never married

31. Outside of your treatment providers, what is your main source of social support?

- 1  Wife, husband, or partner
- 2  Other family (parents, children, relatives)
- 3  Friends/roommates
- 4  Community/church
- 5  Other
- 6  No one

32. Where did you sleep in the past 30 days?

- 1  Apartment or house
- 2  Halfway house/group home/board and care home/residential center/supervised housing
- 3  School or dormitory
- 4  Hospital or detox center
- 5  Nursing home/assisted living
- 6  Shelter/street
- 7  Jail/prison
- 8  Other (fill in) \_\_\_\_\_

33. At any time in the past 30 days, did you work at a paying job?

- 1  No
- 2  Yes, 1 – 10 hours per week
- 3  Yes, 11 – 30 hours per week
- 4  Yes, more than 30 hours per week

34. At any time in the past 30 days, did you work at a volunteer job?

- 1  No
- 2  Yes, 1 – 10 hours per week
- 3  Yes, 11 – 30 hours per week
- 4  Yes, more than 30 hours per Week

35. At any time in the past 30 days, were you a student in a high school, job training, or college degree program?

- 1  Yes
- 2  No

36. Do you now receive disability benefits; for example, SSI, SSDI, or other disability insurance (Check one or more)

- 1  No
- 2  Yes, I receive disability for medical reasons
- 3  Yes, I receive disability for psychiatric reasons
- 4  Yes, I receive disability for substance abuse

37. Today's Date: \_\_\_ / \_\_\_ / \_\_\_

**Proxy Data Collection Tool - Boulder County**

#1 How old were you the first time you were arrested (lifetime)? \_\_\_\_\_

#2 How many times were you arrested prior to this time (adult only, including summons and warrants)? \_\_\_\_\_

**THANK YOU VERY MUCH!**

**Survey Administrator Please Complete Shaded Section Below:**

Survey Administrator Name: _____ Assessment Location: _____ Court Case Docket #: _____ Most Serious Charge Class _____ Theme: _____ Probation Section: _____ ML# _____ Was a PSI completed? _____ Is this a reinstated case? _____ LSIP Eligibility Score: _____ ASUS Disrupt Score: _____ LSI Score: _____ Supervised by: Private or State Probation (Circle One) Level of supervision? _____ Program? REGULAR / AITC / LSIP / PACE / FOP/ DV / DITT / DUI / OTHER _____ Pretrial Services Section: _____ CPAT Score: _____ Supervision Level: _____ Is this a reinstated case? _____ _____
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## Appendix D

### PROPOSED CAUSES OF THE JAIL CROWDING PROBLEM

1. The unfounded belief that \$\$/Property Bonds are necessary
2. Insufficient mental health/substance abuse treatment resources
3. Need more alternative sentencing and integrated programs for MH, SA, employment and housing
4. Need seamless system to reintegrate from jail to community with step downs.
5. Lack of alternative sentencing that includes shelter/residences
6. Lack of adequate probation/pretrial supervision
7. Paucity of comprehensive intensive MH/SA tx
8. Untreated mental health and substance abuse issues
9. Homelessness
10. Probation violators
11. Offenders with MH problems
12. Growing number of Female Offenders
13. Small antiquated jail facility
14. Poorly designed facilities inadequate for progressive programs
15. Economic disparity
16. The utilization and management of bed days is not scientifically thought through
17. Process flows and placement reduction should be prioritized
18. Lower level offenders should use less days
19. Too many people in jail with MH and SA Issues
20. People spending too much time in jail on Pre-Trial
21. Not enough capacity for alternative sentencing programs
22. Lack of early intervention/prevention services

23. Lack of services (Mental Health/Substance Abuse)
24. Length of stay
25. System not adequately set up to screen out and refer individuals
26. Better coordination with judges in court system and how they assign penalties
27. Lack of resources
28. The reason for BoCo jail overcrowding is lack of alternative incarceration for low risk and/or MH inmate
29. Increase in seriousness of nature of underlying offenses PLUS increase in severity of MH and SA issues of offenders (i.e. Increase in high risk, high need offenders)
30. Offenders with lower level crimes, long criminal history, high mental health/SA needs
31. Repeat Probation violators.

### **Who should be in Jail**

1. People who are pretrial and cannot be managed safely during pretrial period even if you apply support/supervision that mitigates risk
2. People who are sentenced offenders who can only be maintained safely while receiving treatment and programs while incarcerated
3. High risk offenders – i.e. likely to reoffend, AND folks who merit a serious punitive sanction (convicted sex offenders, violent crime) – risk to the community
4. Violent offenders should be in jail
5. Only the very highest risk offenders that create a community safety risk
6. Those who have been assessed as high criminogenic
7. Repeat offenders with low MH and SA issues
8. Only the very highest risk offenders that create a community safety risk
9. Dangerous folks (according to predictive tools)
10. Folks awaiting DOC
11. High risk individuals waiting for trial and then convicted
12. Given that most people get out only the people sentenced to life in prison

13. High risk offenders
14. Repeat offenders posing community safety risk
15. Violent individuals who cannot be controlled
16. Who poses an immediate public safety risk or are receiving an appropriate punishment
17. High risk offenders: violent crimes, multiple offenders, repeat offenses
18. People who pose a risk to others\*, not people with low level offenses who cannot afford to post bond (\*people who pose a risk to themselves should be hospitalized)
19. Serious, injurious crimes, unlikely to benefit from treatment (i.e. high sociopathy)
20. No one belongs in jail
21. Class 1 and 2 felonies/ high risk persons crimes
22. Individuals that are of high risk to reoffend and are not benefiting from programing.

**Boulder County Criminal Justice Management Board  
Team Status Questionnaire**

June 2016

Administered by Justice System Partners

**Results Summary**

*Response Rate: 15 / 16 (94%)*

	Strongly Disagree	Disagree	Undecided	Agree	Strongly Agree
1. The goals of our team are clear.	7%	40%	0%	40%	13%
2. I understand what is expected of me as a team member.	0%	27%	20%	40%	13%
3. The team members recognize the particular strengths and potential contribution of each team member.	0%	21%	13%	33%	33%
4. Our team members give each other constructive feedback on how their behavior is affecting others.	7%	13%	66%	7%	7%
5. Our team members are concerned not only about getting the task done, but also about getting each other involved and motivated.	0%	33%	27%	33%	7%
6. Our team has developed ground rules on how we will function and how team members will behave.	0%	53%	20%	27%	0%
7. The team members listen to one another, often restating another team members' point of view to be sure it has been understood.	0%	26%	0%	67%	7%
8. I feel I have a considerable amount of influence on what takes place at a team meeting.	7%	13%	40%	33%	7%
9. When the team meeting is over, each member is clear about what was agreed to and who will do what.	0%	20%	13%	60%	7%
10. Team members deal with conflict openly and honestly in an effort to resolve it.	0%	20%	53%	20%	7%

## 11. What would improve the functioning of your team?

### *Clear structure, purpose and goals*

- We have become very operational and I think we need to move back into strategic planning.
- Identifying goals, focused on a strategic approach to the criminal justice system.
- By laws, a charter, or a purpose statement.
- Conversations and agreement with regard to all the first 10 questions. Leadership that drives these outcomes.
- Clear mission statement and agreement around priorities.
- Clear goals and targets for the community with common ownership. A more defined preparation structure for the collaborative with defined agenda items and materials distributed in advance.
- More clarity on goals and agenda items - information only vs. decision making, for example.
- Restating the purpose, process, and progress of the team each meeting.
- Minutes distributed promptly after the meeting.
- More hugs. Perhaps it would be helpful to have some clear and agreed upon goals.

### *Our structure works well*

- Our meetings are generally about sharing of information and addressing identified issues. The group represents various aspects of the Criminal Justice System and each representative determines the level of involvement they will take to address an issue. Given our function, this works relatively well.
- CJMB is intended to facilitate communication regarding issues that arise in the administration of the criminal justice system in the 20th Judicial District. I believe our team works well in terms of sharing information and problem solving and that there are far, far fewer conflicts, and many more collaborative projects among criminal justice system partners in the 20th Judicial District than around the state - by far. Having said that, there is always room for improvement. I suspect that some participants might like longer discussions of certain topics, while other participants would not. I think this has to do with differing expectations regarding communication within the team. CJ system communication can be challenging, as some folks' time is at such a premium and efficient, focused communication is not only the norm, but a need, for those who appear in court. For others, this may feel rushed and unnatural and for the person who needs encouragement to share their (almost certainly excellent observations and ideas), it may not be optimal at all. Given the executive level of the group, it seems most people are comfortable voicing their thoughts and ideas. Additionally, there are limits on how certain issues can be addressed due to due process and/or the rule of law or other legal issues, and this may feel limiting if someone is new to working with the CJ system.

## 12. What are any potential barriers to improving the functioning of your team?

### *Goal clarification and alignment*

- Members having significantly different goals and desired outcomes.
- Clear purpose and direction, with priority areas identified would help.
- Limited services, different priorities, not seeing CJ population as a priority.



- A big obstacle is that we have certain constituencies that are always going to be opposed. Given that dynamic, it is difficult at times to be as open as may be helpful.

#### *Uneven dynamics regarding power and influence*

- There are inherent power differentials in the room, and at times, tension because of conflicting goals. But, when we lay those issues on the table openly, instead of operating with them in the background covertly, much work is accomplished.
- Barriers would be that each representative is going to be more focused on the impact a decision will have on their respective unit. We seldom get into the “weeds” to examine our unit impact on the overall Criminal Justice System.
- Power and influence. Some of us have it and some of us don’t. I also think that the Chief Judge doesn’t have the band width/time to manage some of the decisions that need to be made on the operational level and then operational decisions stall there.
- Power differential and lack of a strategic agenda and facilitation.

#### *Not enough time / resources*

- Limited time and resources for work between meetings.
- There is no incentive for many around the table to improve the functioning of the team and/or a perception that there is anything wrong with the functioning.
- Staff support and management of the team should be delegated to Community Justice Services under Monica Rotner.
- Not enough hours in the day!

### **13. Please add any other comments and suggestions.**

#### *No additional work needed regarding collaboration or team functioning*

- I believe the Boulder County Criminal Justice Management Board is a constructive and healthy working group.
- I don’t think this group believes it is a “team” nor is there clarity on the purpose of the group meeting.
- This survey seems more designed to evaluate a team within an office, rather than a group like CJMB.

#### *Revisit strategic planning and ensure correct membership*

- I would like to see us return to 1.) a strategic planning board; 2.) have people identified in each partners system who can make quick operational decisions.

#### *Agreement on priority areas would help us*

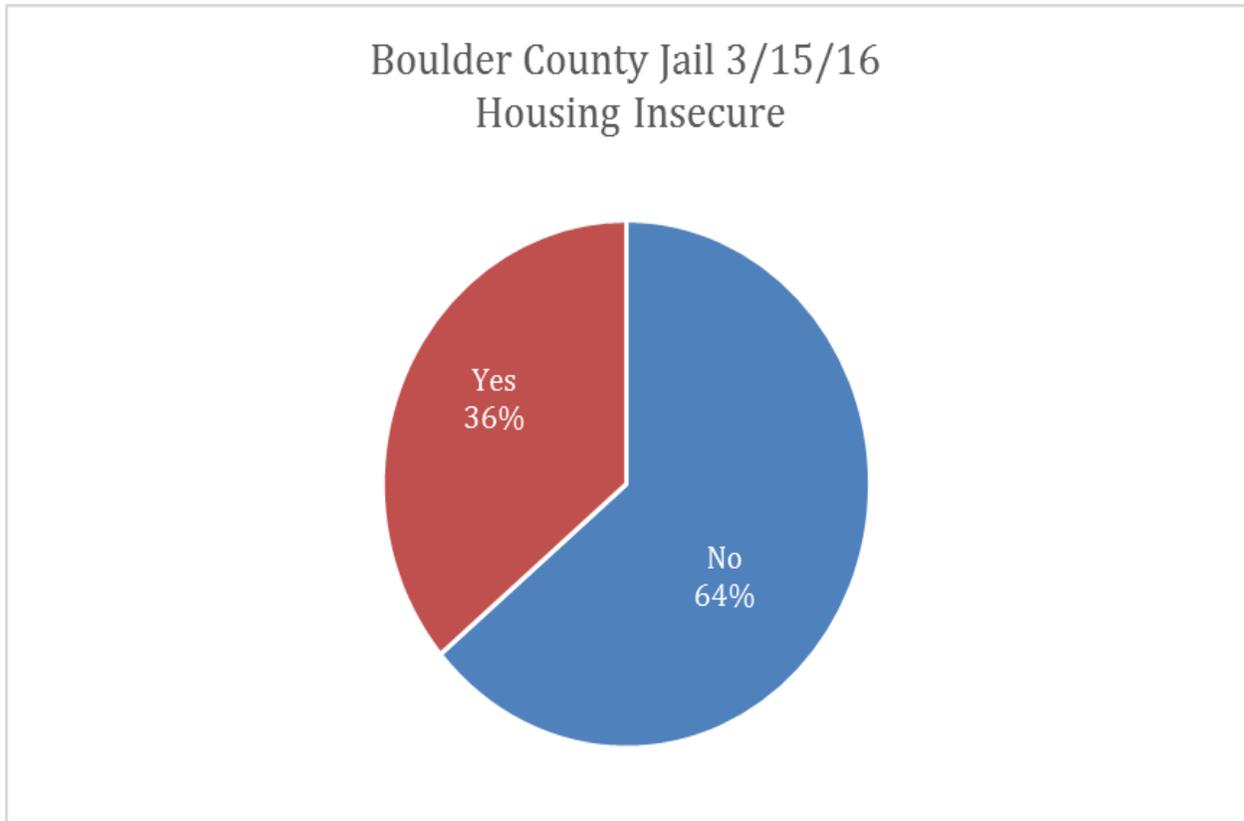
- The partnership is one focused on criminal justice issues, yet some of the members are not fully part of the CJ world, and have many other responsibilities in and for the larger community. It is important that all partners feel respected when limits need to be set about what and how resources are committed, and not be seen as a 'bad partner' when that happens. Again, this is an area where it helps to make these differences between the partners overt instead of unspoken.
- Many partner agencies serve a larger customer base and CJ clients are not always their priority. For some in the group, it is the primary mission and only population served, so sometimes there is not the level of priority or expertise in dealing with our population that there needs to be to provide best

practices, prioritize this population and have staff that are competent to deal with a difficult CJ population of addicted or mentally or very criminal individuals.

	Strongly Disagree / Disagree	Undecided	Strongly Agree / Agree
1. The goals of our team are clear.	47%	0%	53%
2. I understand what is expected of me as a team member.	27%	20%	53%
3. The team members recognize the particular strengths and potential contribution of each team member.	21%	13%	67%
4. Our team members give each other constructive feedback on how their behavior is affecting others.	20%	66%	13%
5. Our team members are concerned not only about getting the task done, but also about getting each other involved and motivated.	33%	27%	40%
6. Our team has developed ground rules on how we will function and how team members will behave.	53%	20%	27%
7. The team members listen to one another, often restating another team members' point of view to be sure it has been understood.	26%	0%	73%
8. I feel I have a considerable amount of influence on what takes place at a team meeting.	20%	40%	40%
9. When the team meeting is over, each member is clear about what was agreed to and who will do what.	20%	13%	67%
10. Team members deal with conflict openly and honestly in an effort to resolve it.	20%	53%	27%

## Appendix F

### ESTIMATE OF HOUSING NEED



## Appendix G

### DEFINITION OF STANDARDS OF EVIDENCE

*Evidence: Something that furnishes proof or tends to furnish proof (Webster)*

Evidence in support of the effectiveness of a program, practice, or policy falls on a continuum ranging from very low to very high levels of confidence. The more rigorous the research design of evaluations and the greater the number of positive evaluations, the greater confidence users can have that the intervention will reach its goal of helping youth.

#### Opinion Informed

Evidence with the lowest level of confidence is "opinion informed." This includes information such as anecdotes, testimonials, and personal experiences obtained from a few individuals. A satisfaction survey is only a step above, as it still involves opinions of a program, even if based on a larger sample. This type of evidence, while useful in developing a program in the early stages, fails to examine targeted youth outcomes in a systematic way. It does not provide any real "proof" of effectiveness and ranks "very low" on the confidence continuum.

#### Research Informed

Research-informed studies rely on more than testimonial or professional insight by gathering data on youth outcomes from surveys, agency records, or other sources. They provide some evidence of effectiveness, but the level of confidence is "low." The basic problem is that they do not isolate the impact of the program from other possible influences on targeted youth outcomes. Correlational studies can reveal if a relationship exists between a program and a desired outcome (i.e., a positive relationship, a negative relationship or no relationship). However, demonstrating that a relationship exists does not prove that one variable "caused" the other. Thus, research-informed studies lack an appropriate comparison group and evidence of a causal effect. These studies provide some preliminary support for a program that can help justify more rigorous experimental evaluation, but they rate low on the confidence continuum.

#### Experimental and Experimentally Proven (Evidence-Based Programs)

At the higher end of the continuum are "experimental" and "experimentally proven" studies. These comprise what is commonly referred to as "evidence-based programs (EBPs)." Virtually all web-based registries of EBPs require experimental evidence for certification as an EBP. All experimental studies use designs that involve comparison or control groups. If participants receiving the program have better outcomes than those in the comparison or control groups, that is, those not receiving the program, the program likely is having the intended effect (i.e., is the cause of this effect). However, levels of confidence and evidence of

effectiveness attributed to experimental studies can vary from moderate to very high. At the moderate range of confidence are a set of designs that are commonly called quasi-experimental designs (QEDs). A higher level of evidence comes from randomized controlled trials (RCTs), where participants are randomly assigned to treatment and control groups. The highest level of confidence comes from multiple RCTs that show program benefits in different samples of randomly assigned subjects.

## Program Review Appendix

## Offender Programs

The attached program matrix was created from submissions of programs operating in Boulder County who provide services to offender. The providers included the Boulder County Jail, Community Justice Services, Mental Health Partners, Center for Change, and BCTC/LCTC. This matrix was reviewed by the providers in a meeting on August 29, 2016.

Each program provided the following information which was placed in the matrix verbatim except as noted.

- Main program or office
- Sub Program being reviewed
- Completed by
- Eligibility Criteria
- Number served in past year
- Curriculum name used by the program
- Dosage (calculated from provided: sessions per week times hours per session, times weeks in program). In cases where a range was provided, we took the midpoint to make the calculation.

The following columns were completed by JSP:

- Standard of Evidence. This was a judgement based review of the data submitted to us about the program, the programs inclusion in the National Registry of Evidence Based Programs and Practices (SAMHSA), or inclusion in a meta-analysis done by the Washington State Institute of Public Policy for that type program. See Standard of Evidence in a separate appendix. The standards are included in an appendix.
- Recommendation. This is the JSP's specific recommendation for that program given all information provided and analysis of the program's characteristics.

Summary of Recommendation Results:

- A "5" designation indicates a program is activity based or offender management focused. Twenty two percent (22%) are designated as a "5". These are not counted in the percentages of other levels of evidence as they are not designed to reduce recidivism.
- A "4" designation indicates the program is "opinion informed" and is mostly based on satisfaction surveys, personal experience, testimonials, or anecdotes. These programs show "very low" confidence in effectiveness. Thirty eight (38%) of the programs are designated a "4". In most cases, we recommended discontinue these programs.

- A “3” designation indicates the program is “research informed” and are based on Correlational studies, pre-post outcome surveys, and/or Post-test outcome surveys. These programs show “low” confidence in effectiveness. 30% of the programs are designated a “3”. In most cases we recommended a substitute program or conditions for continuing this program.
- A “2 or 1” designation indicates an experimental or experimentally proven. These are based on Regression discontinuity, interrupted time series, or matched comparison group research. These programs show a Moderate level of confidence that they are effective. There were 30% of the programs so designated<sup>1</sup>. In most cases we recommended continuation of these programs.

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<sup>1</sup> These designations are based on an informal review of the programs research provided and in no way represent an actual review of the programs by the University of Colorado’s Blueprints Program.

Appendix H: 3

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x Hourspersess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
1	BCTC/LCTC	Anne Marie Praerie	Anne Marie Praerie	court-ordered	1	n/a	52	4	3	Doesn't serve many, should consider consolidation with BTS
2	BCTC/LCTC	Behavioral Treatment Services - CFC sites	SE Rafferty, LPC, LAC	Substance abuse diagnosis, moderate-high LSI, exp with trauma	25	Seeking Safety	24	2	2 - If fidelity monitoring in place	Appears to be different from JBBS program as treatment numbers here are 25 vs. 150 at JBBS.
3	BCTC/LCTC	Behavioral Treatment Services - CFC sites	SE Rafferty, LPC, LAC	High LSI score, LSIP test scores, comm corr	~40	T4C	78	2	2 - If fidelity monitoring in place	
4	BCTC/LCTC	Behavioral Treatment Services - HRD Boulder/Longmont	Katherine McDowell	>3 DUI convictions, previous tax hx, Boulder County Resident, Problem Drinker/PDD per OBH standards	80	Change Company curriculum for Level II Education and Therapy. Mindfulness Based Relapse Prevention for Addictive Behaviors by Sarah Bowen, Neha Chawla, and G Alan Marlatt for Relapse Prevention.	165	2	1	Expand use, as using Cog Curriculum found to be effective as long as fidelity measures are monitored
5	BCTC/LCTC	Ed Marshall	Ed Marshall	court-ordered	6	He has put together own curriculum that targets core competencies, behavioral principles. It is a psychoeducational approach & is solution focused & cognitive behavioral	51	4	3	Does group & individual for DV offenders, track B & C. Has not researched the curriculum to see how successful it is in reducing recidivism, etc./ needs a CBT curriculum.
6	BCTC/LCTC	Focus Mentoring (Community Support)	Tanina D'Avanzo?	court-ordered	5	n/a	189	5	1	Provides community mentoring for offenders.
7	BCTC/LCTC	Intensive Residential Treatment - CMI	Shannon Carst	Level 4c on TxRW - Males only - No SO or arson charges	213	1. Strategies for Self-Improvement and Change (SSC) 2. The Change Companies	504	2	1	Only done in Denver full time for two weeks. Should check fidelity reguarly and criteria for entry into program. NREPP journaling evaluation with conditions: view journals and feedback on journals to offenders
8	BCTC/LCTC	Men & Women Seeking Employment (MWSE)	Sharon Hurtoon	court-ordered	65	Alternatives to DV, Healin Treasures/ of DV? Caring DAD's, Hands Down DV Treatment Workbook	50	3	2 - check for model in WSIPP and compare to this program before continuing.	None listed are found in NREPP
9	BCTC/LCTC	Nat Coakley (Individual Substance Abuse tx)	Nat Coakley	court-ordered	1	n/a	78	4	2 - If fidelity monitoring in place	
10	BCTC/LCTC	Rangeview Counseling	Jean Gehreing	court-ordered	4	Change Company	55	2	2 - If fidelity monitoring in place	NREPP journaling evaluation with conditions: view journals and feedback on journals to offenders
11	BCTC/LCTC	Specialized Offender Services (SOS)	Alice Groat	court-ordered	1	developed own curriculum based on good lives model & rnr, in compliance with SOMB, is cog-behavioral.	341	4	2 - If fidelity monitoring in place	They have informally tracked clients who have successfully completed their program and outcomes look "good." WSIPP shows : Sex Offender Treatment in Community as cost effective: \$8.18 - but need to review all studies in Meta analysis to find common elements.

Appendix H: 4

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x Hourspersess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
12	BCTC/LCTC	Correctional Psychology Associates (CPA)	Elizabeth Schmidt	Clients must be on parole, Federal Probation, or in a community corrections program	50	Strategies for Self-Improvement and Change	Insufficient Information	2	2 - If fidelity monitoring in place	One Colorado DOC evaluation found. Is effective reducing recidivism. But Author advised that all 50 two hour sessions must be completed (as in DOC study) and there must be fidelity to model: therapeutic alliance and high risk situations practiced in each session Booth, 2009)
13	Contracted Provider	Boulder Alcohol Education Center (BAEC)	John Gilbert	court-ordered	100	Change Company for Group, also use CBT, DBT, MI, Relapse Prevention, Behavior Therapy	36	4	3	Multiple Journaling programs - Journaling NREPP findings recommend accountability monitoring; SSC curriculum mentioned but don't know if everyone gets it - letter implies not - as emphasizes uses parts, segments, and sections of all curriculum to personalize tx. DBT, MI and RP noted in categorization form but no substantiating material submitted; Behavior Therapy has 10 curriculum in NREPP - none noted in BAEC response)- Not generally used by BCTC (~1 client)
14	Contracted Provider	Erica Klingberg (Formerly Carenet)	Erica Klingberg	court-ordered	6	Teaching Good Lives uses curriculum in psycho ed modules but not in process groups. Uses cognitive behavioral model in process groups.	312	3	3	Closed
15	Contracted Provider	Behavioral Treatment Services - CFC Sites	SE Rafferty, LPC, LAC	Males with substance use diagnosis and/or experience of trauma	20	Men in Recovery	36	4	3	Decide on purpose of program and use NREPP equivalent.
16	Jail (FOCUS)	Focus ReEntry (Community Support Program)	Chandra Williams	Motivation to change, respectful behavior in the jail	35+	n/a	252	5	2 - If fidelity monitoring in place	
17	JBBS	Anger Management	Chris Randol	Open to Jbbs clients	27	Anger Managemnt workbook - using the STOP method.	15	4	3 - Look at ART curriculum for use in jail management	Nothing in NREPP or WSIPP shows evaluation of either "STOP method" or "Anger Management Workbook"
18	JBBS	Art Therapy	Liz Maher	Dual Dx	150	n/a	Insufficient Information	5	2 - If valuable for offender management	No Research found
19	JBBS	Building Trust	Liz Maher	Dual diagnosis, substance abuse, minimum 45 day stay	4	n/a	Insufficient Information	4	2 - develop evaluation methodology if deemed valuable	No Research found
20	JBBS	Helping Men Recover	Liz Maher	Dual Dx	151	Helping Men Recover - Covington, S., Griffin, D., & Dauer, R. (2011). Helping men recover: A program for treating addiction. San Francisco, CA: Jossey-Bass.	18	4	2 - Develop an evaluation plan for this program if deemed valuable by staff	Nothing in NREPP or WSIPP shows evaluation of this program. No other studies provided. Trauma-Focused CBT may be an appropriate substitute.

Appendix H: 5

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x Hourspersess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
21	JBBS	JBBS - DBT	Abby Hulser	Dual Dx	151	DBT	177	2	2 - If fidelity monitoring in place	NREPP effective for: Suicide attempts ,Nonsuicidal self-injury (parasuicidal history) ', Psychosocial adjustment, Treatment retention ; Drug use ;Symptoms of eating disorders
22	JBBS	JBBS - Seeking Safety	Abby Hulser	Dual Dx	150	Seeking Safety curriculum	83	2	2 - If fidelity monitoring in place	Seeking Safety in NREPP: Outcomes : mental health treatment, substance abuse treatment, co-occurring disorders
23	JBBS	JBBS Re-Entry Group	Vikki Dial	Dual Dx	150	Utilizes re-entry plan based on top 10 needs of people leaving incarceration (identified by NIC)	9	5	1	
24	JBBS	Mindfulness based Relapse Prevention (Meditation/Yoga)	Vikki Dial	Dual Dx	[blank]	Mindfulness Based Relapse Prevention	12	2	2 - If fidelity monitoring in place	Research provided /Hi Risk DUI using MBRP (Studies: Bowen,2014; Witkiewitz,K, 2014; Grow,2015; Harris, 20 OR Cog curriculum: Use one in WSIPP reiew: MRT, RR, T4C, ART, or STOP.
25	JBBS	Phoenix (Housing Programming)	Tim Oliveira, Chris Randol	Motivation to change, substance use awareness, creating change in substance use patterns	25-30 per month	Guided Self-Change Curriculum. "Text" Group Therapy for Substance Use Disorders	36	3	2 - If Cog curriculum used. Recommend MRT or T4C. Or consider re-opening as a therapeutic community.	
26	MHP	Adult Integrated Treatment Court (AITC)	Dixie Casford	Meets DSM diagnostic criteria for Substance Use Disorder	60	n/a	608	2	2 - If fidelity monitoring in place	WSIPP: Drug Courts. C/B \$1.26
27	MHP	Crisis and Addiction Services, MHP Detox	Jessica Russell Berring/ Dixie Casford	Clients can come in impaired under the influence of drugs or alcohol or while in a state of withdrawal.	3543	Acute level of care, no curriculum in Detox however we do use Motivational Interviewing techniques	Insufficient Information	5	1. Is needed but fidelity measures need to be considered especially around ASAM criteria	DETOX/ ASAM criteria used? Audit of use of ASAM criteria needed for placement
28	MHP	EDGE/Early Diversion Get Engaged	Christine Vogel	Any individual in community in MH/SA crises with potential involvement from law enforcement	914	n/a	Insufficient Information	5	1	
29	MHP	EPS Emergency Psychiatric Services / 24-hour Walk-in / Respite	Christine Vogel	Individual presenting with MH/SU crises, risk of harm to self or others	14,450	n/a	Insufficient Information	5	2 - If fidelity monitoring in place	Determine number of forensic clients served.
30	MHP	Family Integrated Treatment Court (FITC)	Dixie Casford	Meets DSM diagnostic criteria for Substance Use Disorder and is eligible for treatment	26		416	2	2 - If fidelity monitoring in place	This is Drug Court, ROI \$1.26/ dollar invested

Appendix H: 6

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x Hourspersess x WeeksperProg)	Standard of Evidence	Recommendation	NOTES
								<u>1 - Experimentally Proven</u> <u>2 - Experimental</u> <u>3 - Research Informed</u> <u>4 - Opinion Informed</u> <u>5 - Non-Criminogenic (activities)</u>	<u>1 - Continue as is</u> <u>2 - Continue w/ conditions</u> <u>3 - Discontinue/replace</u>	
31	MHP	PACE: Partnership for Active Community Engagement	Matt Jaeckel, LCSW PACE Program Manager	Probation Eligible, Major Mental Health Diagnosis or Co-occurring substance use diagnosis,	126	Dialectical Behavior Therapy (DBT); Seeking Safety; Solution Focused Brief Therapy	Insufficient Information	2	2 - If fidelity monitoring in place, recommend similar program for Longmont	
32	MHP	PSR (Psychosocial Rehabilitation), ACT	Liz Simpson	Significant MH issues that interfere with overall functioning and quality of life	blank	ACT is an EBP	Insufficient Information	2	2 - If fidelity monitoring in place	NREPP - ACT
33	MHP	Warner House	Christine Vogel	individual with MH issues, at risk of psychiatric hospitalization or step down from hospital	165	CBT, SFBT and elements of DBT	33	3	2. With fidelity monitoring of Evidence Based Programs	This program needs to use NREPP-approved programming such as Solution Focused Group Therapy. SFBT is not in NREPP. Also use a cog program such as MRT or Thinking for Change to address criminogenic needs. See: Skeem, J. L., Manchak, S., & Peterson, J. K. (2011). Correctional policy for offenders with mental illness: creating a new paradigm for recidivism reduction. Law and human behavior, 35(2), 110.  Expand program to Longmont.
34	ROC	Awaken	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	n/a	15	3	3	Look at Living in Balance, Relationship-Based Care, and The Hero Project as possible replacements for this program.
35	ROC	Helping Men Recover	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	Helping Men Recover - Covington, S., Griffin, D., & Dauer, R. (2011). Helping men recover: A program for treating addiction. San Francisco, CA: Jossey-Bass.	48	4	2 - Develop an evaluation plan for this program if deemed valuable by staff	Nothing in NREPP or WSIPP shows evaluation of this program. No other studies provided. Trauma-Focused CBT may be an appropriate substitute.
36	ROC	Individual Therapy	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	n/a	135	5	3	Use one of the approved programs in NREPP - 16 programs in this category
37	ROC	Prime for Life	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	PRL - prime for life	24	2	2 - If fidelity monitoring in place	NREPP : Prime for Life

Appendix H: 7

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x HoursperSess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
38	ROC	Prime Solutions	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	PRI Prime solutions	48	3	3	Not in NREPP. Discontinue and replace with a recommended cog curriculum.
39	ROC	Relapse Prevention	Marco Prospero	>=3 DUI, court sentenced, alcohol use (or other substance disorder, ASAM outpatient level	40	Created by Instructor	18	2	2. Must use recognized RP curriculum	NREPP certified, but provider is using it for "antisocial personality" - which is not one of the research studies in NREPP
40	Transitions	Addictions & Substances	Marco Prospero	desire to participate, safe to be in program	300	professor hurtubise chemistry curriculum	Insufficient Information	4	3	Not in NREPP. Discontinue and replace with a recommended cog curriculum.
41	Transitions	Alcoholics Anonymous	Marco Prospero	desire to participate, safe to be in program	300	the big book (aa)	Insufficient Information	4	2 - If 12 step facilitation is used	NREPP reviewed AA 12 step facilitation therapy
42	Transitions	Beginning & Advanced Spanish	Marco Prospero	desire to participate, safe to be in program	300	Two by Two	Insufficient Information	5	2. If monitored for antisocial behavior	
43	Transitions	Bible Study	Marco Prospero	desire to participate, safe to be in program	300	the bible	Insufficient Information	5	2. If monitored for antisocial behavior	
44	Transitions	Employment Skills	Marco Prospero	desire to participate, safe to be in program	300	self-created by instructor	Insufficient Information	2	2	Must follow the meta analysis used by WSIPP for effectiveness.
45	Transitions	GED	Marco Prospero	desire to participate, safe to be in program	300	GED preparation	Insufficient Information	2	2. Must provide GED testing	WSIPP cost benefit \$19.62
46	Transitions	Graphic Design	Marco Prospero	desire to participate, safe to be in program	300	self-created by instructor	9	5	2. If monitored for antisocial behavior	
47	Transitions	Handling Difficult Emotions	Marco Prospero	desire to participate, safe to be in program	300	handling difficult emtions - grange company (modified)	9	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
48	Transitions	Healthy Relationships	Marco Prospero	desire to participate, safe to be in program	300	drawn from -> helping men recover, a mens way through relationships, non-violent communications	9	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
49	Transitions	Learning from Trauma	Marco Prospero	desire to participate, safe to be in program	300	developed from the Little Book of Trauma, Waking the Tiger, and Dot Ogden	9	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
50	Transitions	Maintaining Positive Change	Marco Prospero	desire to participate, safe to be in program	300	developed from Daniel Siegal's work, The Brain that Changes Itself, and Change Companys Maintaining Positive Change	9	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
51	Transitions	Meditation	Marco Prospero	desire to participate, safe to be in program	300	n/a	Insufficient Information	3	2 - If NREPP-approved program is used	There are 9 meditation programs listed in NREPP, but none selected here.
52	Transitions	Meditation Reactivity & Mind	Marco Prospero	desire to participate, safe to be in program	300	n/a	Insufficient Information	3	2 - If NREPP-approved program is used	There are 9 meditation programs listed in NREPP, but none selected here.
53	Transitions	Mindfulness	Marco Prospero	desire to participate, safe to be in program	300	created from readings by Jon K?, Fritz Pearls, Daniel Segal, Chogyam Trungpa, & others	Insufficient Information	3	2 - If NREPP-approved program is used	There are 9 meditation programs listed in NREPP, but none selected here.
54	Transitions	Narcotics Anonymous	Marco Prospero	desire to participate, safe to be in program	300	The Big Book (AA)	Insufficient Information	3	2 - With 12-step facilitation	
55	Transitions	Nutrition Education	Marco Prospero	desire to participate, safe to be in program	300	developed by instructor	9	5	2. If monitored for antisocial behavior	

Appendix H: 8

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x HoursperSess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
56	Transitions	Parenting	Marco Prospero	desire to participate, safe to be in program	300	developed by instructor	9	3	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
57	Transitions	Personal Finance	Marco Prospero	desire to participate, safe to be in program	300	developed by instructor	Insufficient Information	5	2 - If monitored for antisocial behavior	
58	Transitions	Pop Culture	Marco Prospero	desire to participate, safe to be in program	300	LEAD w/ comics	18	5	2 - If monitored for antisocial behavior	
59	Transitions	Red Flags	Marco Prospero	desire to participate, safe to be in program	300	Red Flags by New Freedom	8	3	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
60	Transitions	Release and Reintegration	Marco Prospero	desire to participate, safe to be in program	300	R&R by Henelden?	8	3	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
61	Transitions	Roots and Shoots	Marco Prospero	desire to participate, safe to be in program	300	developed by Professor Bekoff w/ influence of Jane Goodal	Insufficient Information	3	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
62	Transitions	Self Control	Marco Prospero	desire to participate, safe to be in program	300	Change Company Self-Control	8	2	2 - If fidelity monitoring in place	
63	Transitions	Socialization	Marco Prospero	desire to participate, safe to be in program	300	Socialization by Herelton	8	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
64	Transitions	Somatic Awareness & Expression	Marco Prospero	desire to participate, safe to be in program	300	developed based on work of Diane Poole - Heller & Gayshatie? Hendricks	9	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
65	Transitions	The 7 Habits of Highly Effective People	Marco Prospero	desire to participate, safe to be in program	300	Book by Stephe Covey	9	5	2 - If monitored for antisocial behavior	
66	Transitions	Victim Impact	Marco Prospero	desire to participate, safe to be in program	300	self-created & supplemented w/ book Houses of Healing	23	5	2 - If monitored for antisocial behavior	
67	Transitions	Yoga	Marco Prospero	desire to participate, safe to be in program	300	n/a	Insufficient Information	3	3	Not in NREPP. Discontinue and replace with a recommended curriculum.
68	Women	Behavioral Treatment Services - CFC Sites	SE Rafferty, LPC, LAC	moderate risk LSI scores, SUD diagnosis	60	DBT	24	3	2 - If fidelity monitoring in place	
69	Women	Behavioral Treatment Services - CFC Sites	SE Rafferty, LPC, LAC	DUI	200+	Driving with Care	101	3	2 - If fidelity monitoring in place	
70	Women	Connections	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	Connections by Brene Brown	Insufficient Information	4	3	No Curriculum listed: Nrepp shows Solution Focused group Threapy, Creating Lasting Family Connections Faterhood Program, or Dynamic Deconstructive Psychotherapy
71	Women	Employment Skills	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	Bridges Curriculum	Insufficient Information	3	3	Not in NREPP. Discontinue and replace with a WSIPP-reviewed program. See <a href="http://link.springer.com/article/10.1007/s10940-014-9242-5/fulltext.html#CR17">http://link.springer.com/article/10.1007/s10940-014-9242-5/fulltext.html#CR17</a>
72	Women	Knitting	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	n/a	Insufficient Information	5	1	
73	Women	Life Skills	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	n/a	Insufficient Information	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum. There are 18 "life skills" curriculums listed in NREPP.
74	Women	Nurturing Program	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	The Nurturing Program by Stephen Bovolek	Insufficient Information	4	3	Not in NREPP. Discontinue and replace with a recommended curriculum.

Appendix H: 9

#	Main Program	Sub Program	CompletedBy	EligibilityCriteria	Num Served	CurricName	Average Reported Dosage = Avg of (SessperWeek x HoursperSess x WeeksperProg)	Standard of Evidence 1 - Experimentally Proven 2 - Experimental 3 - Research Informed 4 - Opinion Informed 5 - Non-Criminogenic (activities)	Recommendation 1 - Continue as is 2 - Continue w/ conditions 3 - Discontinue/replace	NOTES
75	Women	Safehouse Progressive Alliance for Nonviolence	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	n/a	Insufficient Information	4	1	No Nrepp
76	Women	Self Compassion & Shame Resilience Class	Marco Prospero	desire to be in program, safe to be in program, motivation to participate	50	Created by Facilitator	Insufficient Information	4	3	Decide on purpose of program and use NREPP equivalent.

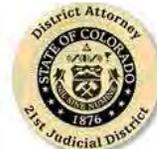
# MESA COUNTY SENTENCING GUIDE VERSION 1

*A Collaborative Effort to Enhance Plea and Sentencing Decisions*

**Community Interventions Committee Sentencing Guide Mission:** To develop a Sentencing Guide that incorporates evidence-based-practices to assist in informing decisions regarding sentencing options while considering and preserving the constitutional rights and needs of both victims and defendants.

## Community Interventions Team:

Hon. Valerie Robison (District Court)  
 Hon. Bruce Raaum (County Court)  
 Hon. Craig Henderson (County Court)  
 Heather Siegfried (Court Clerk Supervisor)  
 Linda Robison (Probation Chief)  
 Michael Maestas (Probation Supervisor)  
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 Danielle Lewis (Deputy District Attorney)  
 Alexa Williams (Deputy District Attorney)  
 Leslie Stewart (Former Deputy District Attorney)  
 Todd Hildebrandt (Former Deputy District Attorney)  
 Steve Colvin (Public Defenders Office Head)  
 Megan Marlatt (Public Defender)  
 Stephanie Fairbanks (Public Defender)  
 Steve Farlow (Jail Commander)  
 Connie Olson (Alternative Sentencing Unit)  
 Wade Pacheco (Jail Lieutenant)  
 Sue Gormley (EBDM Project Coordinator)  
 Jennifer Sheetz (Data Analyst)  
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 Glenn A. Tapia (Consultant for The Center for Effective Public Policy)  
 Dennis Berry (Director, Mesa County Criminal Justice Services)  
 Arlene Rhodes (Mesa County Criminal Justice Services)  
 Joel Bishop (Committee Chair)



*Special Thanks to the National Institute of Corrections, Phyllis Modley, Glenn Tapia and Mark Carey for their support, research, and assistance.*

## TABLE OF CONTENTS

Introduction to the Mesa County Sentencing Guide .....	1
Sentencing Options Summary Chart.....	2
Sentencing Guide Matrix .....	3
Diversion .....	4
Misdemeanor Deferred Judgment & Sentence (DJS) .....	5
In-Home Detention .....	6
Day Reporting .....	7
Probation Intervention .....	8
Probation & Felony DJS .....	9
Work Release .....	10
Community Corrections .....	11
Mesa County Jail .....	12
Prison .....	13
Glossary .....	14-17
Criminogenic Needs Chart .....	18

# INTRODUCTION

Sentencing is a discretionary decision which requires weighing of various factors and striking a fair accommodation between the defendant's need for rehabilitation or corrective treatment and society's interest in safety and deterrence (People v. Watkins, 200 Colo. 163, 613 P.2d 633 (1980)). The purposes of sentencing in Colorado law include punishment, fairness, consistency, deterrence, rehabilitation, recidivism reduction, consideration of the individual characteristics of the offender, accountability for offenders, protection of the public, restoration and healing for victims and the community (C.R.S. 18-1-102.5).

The concepts in this Guide are consistent with best practices surrounding the current sentencing options. That is, if the majority of our criminal population is sentenced in accordance with the recommendations of this Guide, we believe that efficiency and effectiveness of our system resources will be enhanced. This would include the potential for an overall reduction in recidivism, and targeting our valuable resources to where the research indicates maximum effectiveness. Please see the Glossary for more detailed information regarding research and the terms and assessments referenced in this Guide.

Considering the legal requirements of sentencing and evidence based principles, the following is an explanation of the purposes of this Sentencing Guide:

## **THIS GUIDE IS INTENDED TO:**

- Enhance the following principles from C.R.S. 18-1-102.5: rehabilitation and recidivism reduction.
- Apply a focus on current research and evidence-based practices at plea and sentencing.
- Provide a general overview of the available sentencing options in Mesa County.
- Publish key sentencing program outcomes on at least an annual basis.
- Enhance the understanding of the purposes, expected outcomes and the extent to which evidence-based practices are applied for each sentencing option.
- Assist PSIR writers to indicate options that may be most beneficial based on the risk/needs of a defendant.

## **THIS GUIDE IS NOT INTENDED TO:**

- Determine a “just” sentence.
- Inform plea/sentencing purposes such as punishment, deterrence, the protection of the public, etc. These are legitimate purposes, but they are not addressed in this Guide.
- Contemplate the unique and/or aggravating circumstances in crimes such as: Murder, Criminally Negligent Homicide, Manslaughter, Vehicular Homicide, Sex Crimes, or crimes with mandatory sentencing.

In conclusion, it is the hope of the Community Interventions Committee that this Guide provides useful information to all stakeholders. Ideally this Guide will increase the user’s knowledge of sentencing options design, services and outcomes and be a valuable resource evidence based plea and sentencing decisions. This Guide has been collaboratively approved for implementation and use in Mesa County with the understanding that it will be reviewed annually, and updated as necessary.

Sincerely,

*The Community Interventions Committee*

# SENTENCING OPTIONS SUMMARY CHART

Mesa County Sentencing Options ↓			Cost to System Per Client, Per Day	PURPOSE OF THE PROGRAMS <i>See Definitions Below</i>				Ideal Risk Level(s)		Capacity to Identify & Address Criminogenic Needs	
				Accountability and/or Monitoring Only	Behavior Change with Accountability and Monitoring	Incapacitation Only	Incapacitation Alternatives				
Lower Intensity/Lower Cost	1	Fines & Costs Only	<i>unknown</i>					Low			
	2	Unsupervised Probation	<i>unknown</i>	✓				Low			
	3	Diversion	\$0.00	✓				Low	Med		
	4	DJ&S Misdemeanor	\$0.83 cents		✓			Low	Med	✓	
	5	In-Home Detention (EHM)	\$1.39	✓			✓	L	M	H	
	6	Day Reporting	\$2.50	✓			✓	L	M	H	
Higher Intensity/Higher Cost	7	Probation/*Felony DJ&S	\$2.64 - \$4.32		✓			L	M	H	✓
	8	Work Release	\$37.32	✓			✓	Med	High		
	9	Community Corrections	\$38.68		✓		✓	Med	High	✓	
	10	Jail	\$53.40			✓		Med	High		
	11	Prison	\$76 to \$120			✓		High			

\*Felony DJ&S should be generally considered a lower risk option. We may separate these programs in a future Guide when we are able to access specific data for Felony DJ&S. Intervention picks up much of the low risk group for Probation (see page 8).

## DEFINITIONS OF PROGRAM PURPOSES

**Accountability & Monitoring Only:** The option provides monitoring and accountability services for sentence conditions, but does not provide evidence-based behavioral interventions, and may not assess for criminogenic needs. Services may include: substance testing, electronic monitoring, employment checks, progress updates, restitution, fees and etc. These options do not provide follow-up assessments or EBDM behavior change interventions.

**Behavior Change with Accountability and Monitoring:** The specific program combines accountability & monitoring with long-term behavior change according to EBDM principles. Long-term behavior change interventions use validated risk/needs instruments to identify and target criminogenic needs. The interventions utilized must be evidence-based to be effective in reducing recidivism and are ideal for the medium to higher risk/needs individuals.

**Incapacitation:** The program's primary purpose is incarceration and does not generally have mandatory behavior change programming. *\*(This definition and the following definition were not included in the Carey report)*

**Incapacitation Alternatives:** The program provides a statutorily allowable alternative to prison or jail, which allows client community access on varying scales. Lower-risk clients may especially benefit from alternatives that avoid residential populations; alternatives such as Day Reporting and In-Home Detention.

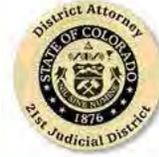
*(Reference – Cost Effective Criminal Justice Interventions, The Carey Group, 2011)*

## SENTENCING GUIDE MATRIX

Assessments ↓	Program Purposes ↓	MISDEMEANOR SENTENCING OPTIONS	FELONY SENTENCING OPTIONS
<b>Lower Risk/Need</b>  LSI: 1-18 SCREEN: Low Proxy: Low	<b>Accountability &amp;/or Monitoring Only</b>	Restitution Only Fines & Costs Only Unsupervised DJS or Probation Diversion Supervised DJS	
	<b>Incapacitation Alternatives</b>	In-Home Detention Day Reporting	
<b>Medium Risk/Need</b>  LSI: 19-28  SCREEN: Med Proxy: Med	<b>Accountability &amp; Monitoring Only</b>	Diversion, In-Home Detention, Day Reporting, Work Release	
	<b>Behavior Change with Acct. &amp; Monitoring</b>	DJS Probation	DJS Probation Community Corrections (Felony Only)
	<b>Incapacitation Alternatives</b>	Jail Alternatives (C.R.S. 18-1.3-106): Work Release, In-Home Detention, Day Reporting	
	<b>Incapacitation</b>	Jail	
<b>Higher Risk/Need</b>  LSI: 29-54  SCREEN: High Proxy: High	<b>Accountability &amp;/or Monitoring Only</b>	In-Home Detention, Day Reporting, Work Release	
	<b>Behavior Change with Acct. &amp; Monitoring</b>	Probation	
	<b>Incapacitation Alternatives</b>	Jail Alternatives (C.R.S. 18-1.3-106): In-Home Detention, Day Reporting, Work Release	
	<b>Incapacitation</b>	Jail	Prison Alternative: Community Corrections (Felony Only) Jail (Allowed for Condition of Probation Only) Prison

Note: Behavior Change options and residential placement are generally not effective and are counter-productive in the lower risk group.

*This Matrix does not contemplate the unique and/or aggravating circumstances in crimes such as: Murder, Criminally Negligent Homicide, Manslaughter, Vehicular Homicide, Sex Crimes, crimes with mandatory sentencing, or crimes in which a more specific assessment is available (such as the DVSI, etc.).*



## DIVERSION

<b>Target Population:</b>	<b>Low Risk</b>	<b>Medium Risk</b>	
<b>Primary Purpose of the Program:</b> Accountability and Monitoring			
<b>Program Services &amp; Interventions:</b>			
<ul style="list-style-type: none"> <li>• Eligibility for Diversion generally contemplates no prior criminal record or diversion referrals, and no other pending criminal charges.</li> <li>• Diversion cases are typically lower level cases, such as low level petty cases and misdemeanors.</li> <li>• The District Attorney's office refers cases to Mesa County Criminal Justice Services for monitoring of community service hours. No other conditions are actively monitored.</li> <li>• A Proxy risk assessment is completed upon intake. If high risk, client is placed at a specialized community service assignment by a highly trained staff member.</li> <li>• Useful Public Service assignments are generally made by the Restorative Justice Board. This is a board made up of community volunteers who meet several times per month. They interview the clients and determine an appropriate placement to perform their useful public service hours.</li> <li>• Out of county or out of state supervision of community service is available if necessary.</li> <li>• Cases are dismissed upon successful completion of the diversion contract.</li> <li>• This diversion sentencing option is consistent with C.R.S. 18-1.3-101</li> </ul>			
<b>Primary Contacts:</b>			
<b>Primary District Attorney Contact:</b>	Trish Mahre 970-244-1730 <a href="mailto:trish.mahre@mesacounty.us">trish.mahre@mesacounty.us</a>		
<b>Primary CJSD Contact:</b>	Ashley Edstrom 970-244-3349 <a href="mailto:ashley.edstrom@mesacounty.us">ashley.edstrom@mesacounty.us</a>		
<b>Address Clients Report:</b>	636 South Avenue Grand Junction, CO 81501		
<b>Program Cost Per Day to System:</b>	Unknown, the community service program is self-funded by client fees		
<b>Program Cost for Clients:</b>	\$60 for under 24 hours of UPS; \$100 for more than 24 hours		
<b>Fee Waiver Process:</b>	Fee waiver requests are available.		
<b>Violation Response Protocol:</b>			
<b>Positive Substance Tests:</b> No substance testing can be monitored through this program.			
<b>Other Technical Non-Compliance:</b> A report is sent to the court if UPS hours are not completed. Further action is at the discretion of the courts.			
<b>New Criminal Charges:</b> May result in a violation of the Diversion agreement.			
<b>Outcome Measures 2013</b>			
<b>Successful Completion Definition:</b> Successful completion of community service within the stipulated time frame.		<b>Success Rate 2013:</b> 91%	
<b>Early Termination of Supervision Rate:</b> N/A (Clients are not technically supervised, except for their community service hours)		<b>Average Length of stay:</b> 180 days	
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).		<b>Safety Rate:</b> unknown	
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of successful completion.		<b>Recidivism Most Recent Year:</b> unknown	
<b>Program Risk Level Summary Discharges 2013:</b>	<b>18% Low Risk</b>	<b>76% Medium Risk</b>	<b>6% High Risk</b>
<b>Risk Instrument Used:</b>	Proxy (average 2013through July 2014)		

*\*The young age and the age of first arrest may be the cause for the high percentage of medium risk clients, as this group tends to have a minimal criminal history, but is also young on average.*



## DEFERRED JUDGMENT & SENTENCE - MISDEMEANOR

<b>Target Population:</b>	<b>Low Risk</b>	<b>Medium Risk</b>
<b>Primary Purpose of the Program:</b> Accountability and Monitoring designed primarily for lower risk offenders; Assess and address criminogenic needs for medium and high risk.		
<b>Program Services &amp; Interventions:</b>		
<ul style="list-style-type: none"> <li>• Proxy completed upon DJS intake. If medium or high risk, then LSI completed.</li> <li>• All intakes receive substance abuse screens and/or assessments.</li> <li>• Clients generally check-in twice per month and meet with a case manager once per month.</li> <li>• Supervision is reduced or increased based on program performance and assessments.</li> <li>• Intensity of supervision is based on risk levels, program performance and compliance.</li> <li>• Cases are referred to treatment based on assessments and relevant statutes.</li> <li>• Staff are trained in motivational interviewing, assessments, etc.</li> </ul>		

<b>Primary Contacts:</b>	
<b>Primary Supervising Officer:</b>	Tabatha Kissner 970-244-3342
<b>Address:</b>	636 South Avenue Grand Junction, CO 81501

<b>Program Cost Per Client, Per Day to System:</b>	<b>83 cents</b>
<b>Program Cost for Clients:</b>	\$40 intake fee, \$50 per month or \$60 per month if substance testing is required (this covers all substance testing fees).
<b>Fee Waiver Process:</b>	Fee waiver requests are available.

<b>Violation Response Protocol</b>	
<b>Positive Substance Tests:</b> Schedule 2 drugs - violation filed or treatment evaluation/participation; THC/Alcohol – graduated interventions.	
<b>Other Technical Non-Compliance:</b> Intermediate sanctions and graduated interventions for repeated violations. Violation may be filed for multiple technical violations.	
<b>New Criminal Charges:</b> Violation filed for new criminal charges, with some exceptions for traffic.	

<b>Outcome Measures 2013</b>			
<b>Successful Completion Definition:</b> Completion of sentence without revocation.		<b>Successful Completion Rate:</b> 78%	
<b>Early Termination of Supervision Rate:</b>	55%	<b>Average length of stay:</b> 1.1 years	
<b>Escape or Abscond Definition:</b> Failed to report for supervision, stopped reporting, or escaped from custody.		<b>Escape/Abscond Rate:</b> 10%	
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).		<b>Safety Rate Most Recent Year:</b> 91.4%	
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of program termination.		<b>Recidivism Most Recent Year:</b> 11% (2011)	
<b>Program Risk Level Summary:</b>	<b>60% Low Risk</b>	<b>36% Medium Risk</b>	<b>4% High Risk</b>
<b>Risk Instrument Used:</b>	Proxy		



## IN-HOME DETENTION – CJSD

Target Population(s):	Low Risk	Medium Risk	High Risk
<b>Primary Purpose of the Program:</b> Accountability and Monitoring Only & Incapacitation Alternative			
<b>Program Services &amp; Interventions:</b>			
<ul style="list-style-type: none"> <li>• In-Home currently exists as a jail alternative (C.R.S. 18-1.3-106).</li> <li>• This option is ideal for lower risk individuals in which mandatory jail time is required, as this is allowed by statute as a jail alternative.</li> <li>• It may also be appropriate for medium to higher risk individuals in which a more intensive community-based monitoring option is desired.</li> <li>• Defendants are equipped with an ankle device that monitors curfews only.</li> <li>• The program offers in-home monitoring only. There are no case management services.</li> <li>• This program may also serve as a monitoring supplement for programs such as Probation in which more intense community-based monitoring is desired.</li> </ul>			

<b>Primary Contacts:</b>	
<b>CJSD Staff Member:</b>	Chad Music 970-244-3347 <a href="mailto:chad.music@mesacounty.us">chad.music@mesacounty.us</a>
<b>Address:</b>	636 South Avenue Grand Junction, CO 81501

<b>Program Cost Per Day, Per Client to System:</b>	\$1.39
<b>Program Cost for Clients:</b>	\$40.00 intake fee, \$10.00 per day
<b>Fee Waiver Process</b>	Fee waivers by special requests by clients

<b>Violation Response Protocol:</b>
<b>Positive Substance Tests:</b> No substance testing required for this program, unless specifically ordered by the court.
<b>Other Technical Non-Compliance:</b> Graduated responses; multiple violations may result in an FTC.
<b>New Charges:</b> Disciplinary action and/or possibly an FTC filed with the court.

<b>Outcome Measures 2012 &amp; 2013</b>			
<b>Successful Completion Definition:</b> Completion of sentence without revocation (not including failures to report for supervision).	<b>Successful Completion Rate:</b> 100%		
<b>Early Termination of Supervision Rate:</b> 0%	<b>Average length of stay:</b> unknown		
<b>Escape or Abscond Definition:</b> Failed to report for supervision, stopped reporting, or escaped from custody.	7% (failed to report for intake)		
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).	<b>Safety Rate Most Recent Year:</b> unknown		
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of successful residential completion.	<b>Recidivism Most Recent Year:</b> unknown		
<b>Program Risk Level Summary Intakes 2013:</b>	29% Low Risk	34% Medium Risk	37% High Risk
<b>Risk Instrument(s) Used:</b>	Proxy		



## DAY REPORTING

Target Population(s):	Low Risk	Medium Risk	High Risk
<b>Primary Purpose of the Program:</b> Accountability and Monitoring Only & Incapacitation Alternative			
<b>Program Services &amp; Interventions:</b>			
<ul style="list-style-type: none"> <li>• Day Reporting currently exists as a monitoring program as a jail alternative (C.R.S. 18-1.3-106).</li> <li>• It can also be utilized as a transition program from jail or Work Release.</li> <li>• The program offers meetings with a case manager, substance testing, curfew monitoring and daily check-ins.</li> <li>• This sentencing option has been minimally utilized in recent years, as only 38 cases have been seen in 2012 and 2013.</li> <li>• This option is ideal for lower risk individuals in which mandatory jail time is required, as this is allowed by statute as a jail alternative.</li> <li>• This program may also serve as a monitoring supplement for medium or higher risk programs, such as Probation in which more intense community-based monitoring is desired.</li> </ul>			

<b>Primary Contacts:</b>	
<b>Primary Contact – Case Manager:</b>	Ashley Edstrom 970-244-3349 <a href="mailto:ashley.edstrom@mesacounty.us">ashley.edstrom@mesacounty.us</a>
<b>Address:</b>	636 South Avenue Grand Junction, CO 81501

<b>Program Cost Per Day, Per Client to System:</b>	\$2.50
<b>Program Cost for Clients:</b>	\$40.00 intake fee, \$7.50 per day
<b>Fee Waiver Process</b>	Fee waivers by special requests by clients

<b>Violation Response Protocol:</b>
<b>Positive Substance Tests:</b> Disciplinary action, treatment referral, graduated responses; multiple violations will result in an FTC being filed with the court.
<b>Other Technical Non-Compliance:</b> Graduated responses; multiple violations may result in an FTC with the court.
<b>New Charges:</b> Disciplinary action and/or possibly an FTC filed with the court.

<b>Outcome Measures 2012 &amp; 2013</b>			
<b>Successful Completion Definition:</b> Completion of sentence without revocation.	<b>Successful Completion Rate:</b> 95%		
<b>Early Termination of Supervision Rate:</b> 0%	<b>Average length of stay:</b> unknown		
<b>Escape or Abscond Definition:</b> Failed to report for supervision, stopped reporting, or escaped from custody.	<b>Escape Rate:</b> Overall numbers too small to calculate.		
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).	<b>Safety Rate:</b> Currently Unknown		
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of successful residential completion.	<b>Recidivism Most Recent Year:</b> Unknown		
<b>Program Risk Level Summary - Intakes 2013:</b>	16% Low Risk	49% Medium Risk	35% High Risk
<b>Risk Instrument(s) Used:</b>	Proxy		



## PROBATION INTERVENTION

<b>Target Population for Probation:</b>	<b>Low Risk</b>		
<b>Primary Purpose of the Program:</b> Accountability and Monitoring			
<b>Program Services &amp; Interventions:</b>			
<ul style="list-style-type: none"> <li>• Case Management and supervision of minimum risk level defendants.</li> <li>• Case Management and supervision of Felony DJS sentenced defendants.</li> <li>• Supervision will involve case planning and monitoring utilizing Motivational Interviewing and Strategies for Behavioral Change for addressing all behaviors.</li> <li>• Technology services include: Secure Continuous Remote Alcohol Monitoring system (SCRAM), SCRAM with Electronic Home Monitoring (EHM) and Soberlink (pocket size alcohol monitoring device).</li> <li>• Drug detection and monitoring services can be provided to both public and private entities.</li> </ul>			
<b>Primary Contacts:</b>		Kerin Dyer, Julie Stransky	
<b>Phone Number:</b>		970-257-9000	
<b>Address:</b>		150 West Main Street, Grand Junction, CO 81501	
<b>Program Cost Per Day, Per Client to System:</b> \$2.64 - \$4.32			
<b>Cost for Clients:</b>		\$50 per month	
<b>Fee Waiver Process:</b>		Any defendant expressing financial need, or any defendant appearing to have financial need, may be given a sliding scale application to establish a time payment schedule. Application must be approved by Program Manager.	
<b>Violation Response Protocol</b>			
<b>Positive Substance Tests:</b> The use of intermediate sanctions is at the discretion of Intervention and should be consistent with local jurisdiction policy and practice.			
<b>Other Technical Non-Compliance:</b> The recommended type and intensity of an intermediate sanction should be based on the original offense, type of violation, defendant's history of compliance, whether a victim is involved, the defendant's attitude and any order of the Court regarding court action. All sanctions are consistent with local jurisdiction policy and practice.			
<b>New Criminal Charges:</b> Per local jurisdiction, the filing of a complaint for revocation of supervision can either be processed before or after conviction of the new law violation.			
<b>Outcome Measures 2013</b>			
<b>Successful Completion Definition:</b> Completion of sentence without revocation.		<b>Successful Completion Rate:</b> 82%	
<b>Early Termination of Supervision Rate:</b>		0%	<b>Average length of stay:</b> 13-24 months
<b>Escape or Abscond Definition:</b> Failed to report for supervision, stopped reporting, or escaped from custody.		<b>Escape/Abscond Rate:</b> 11%	
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).		<b>Safety Rate Most Recent Year:</b> 82%	
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of program termination.		<b>Recidivism Most Recent Year:</b> 18%	
<b>Program Risk Level Summary:</b>		<b>91% Low Risk</b>	<b>8% Medium Risk</b> <b>1% High Risk</b>
<b>Risk Instrument(s) Used:</b>		LSI and DVSI	



## STATE PROBATION AND FELONY DJS

Target Population(s):	Low Risk	Medium Risk	High Risk
<b>Primary Purpose of the Program:</b> Behavior Change with Accountability and Monitoring			
<b>Program Services &amp; Interventions:</b>			
<ul style="list-style-type: none"> <li>• For Probation and Felony DJS sentenced offenders.</li> <li>• Supervision level is based on assessments.</li> <li>• High risk offender assessments will determine Intensive Supervision Eligibility (LSIP).</li> <li>• Special Programs available (Domestic Violence, Female Offender, Sex Offender, DUI).</li> <li>• Supervision and case management is dynamic and based on risk, progress, and court orders.</li> <li>• Supervision will involve case planning and monitoring utilizing Motivational Interviewing and Strategies for Behavioral Change for addressing all behaviors.</li> <li>• Minimum risk level offenders may be referred for lower level of supervision such as telephone reporting or to private probation vendor (Intervention Inc.).</li> </ul>			

<b>Primary Contacts:</b>	
<b>Main office:</b>	970-257-3600
<b>Program Supervisors:</b>	Michael Maestas 970-257-3605; William Riebel 970-257-3617
<b>Address:</b>	125 N. Spruce, Grand Junction, CO 81502

<b>Program Cost Per Client, Per Day to System:</b>	\$2.64 - \$4.32 (based on offender ability to pay supervision fees)
<b>Program Cost for Clients:</b>	\$50 per month for supervision fees; \$10 per UA; \$1-\$2 per BA; \$25-\$50 per treatment group (referred out); no cost for T4C/Cog classes on site.
<b>Fee Waiver Process:</b>	Supervision fees may be waived and funds may be available for referred services based on need or incentive.

<b>Violation Response Protocol:</b>
<b>Positive Substance Tests: Schedule 2 drugs:</b> Revocation or treatment eval/participation; THC/Alcohol: graduated interventions/SBC up to revocation.
<b>Other Technical Non-Compliance:</b> Intermediate sanctions unless repeated violations. Administrative hearings may be held for repetitive violations before formal filing. No revocations for failure to pay fees only (excluding restitution).
<b>New Charges:</b> Formal violation for misdemeanor and felony charges, with some exceptions for traffic.

<b>Outcome Measures 2012 &amp; 2013</b>			
<b>Successful Completion Definition:</b> Completion of sentence without revocation.	<b>Success Rate 2013:</b> 70%		
<b>Early Termination of Supervision Rate:</b> 0-12mts -24%, 13-24mts - 33%, 25-36mts - 21%, 37+mts - 22%	<b>Average Length of stay:</b> Unknown		
<b>Abscond Definition:</b> Failed to report for supervision, stopped reporting, or escaped from custody.	<b>Abscond Rate:</b> 13%		
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).	<b>Safety Rate:</b> 95%		
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of program termination.	<b>Recidivism Most Recent Year:</b> 9% (2013) 6% (2012)		
<b>*Program Risk Level Summary:</b>	<b>31% Low Risk</b>	<b>54% Medium Risk</b>	<b>15% High Risk</b>
<b>Risk Instrument(s) Used:</b>	LSI, SSI, ASUS (Special programs will use offense specific assessments)		

\* Risk Level Percentages exclude numbers from other supervision programs such as DV, SOISP, FOP, LSIP, ADMIN



# Mesa County Sheriff's Office Alternative Sentencing Unit WORK RELEASE



<b>Target Population:</b>	<b>Medium Risk</b>	<b>High Risk</b>
<b>Primary Purpose of the Program:</b> Accountability & Monitoring; Incapacitation Alternative		
<b>Program Services &amp; Interventions:</b>		
<ul style="list-style-type: none"> <li>• Required to have and maintain employment while completing court ordered sentence. Have 2 weeks to find employment when coming from the Detention facility.</li> <li>• Pay room and board to complete sentence in the ASU Work Release program.</li> <li>• Able to provide financial support to family and/or pay court fees.</li> <li>• Monitor program compliance with random drug testing, employment checks, pass checks, pat searches, room searches, and daily breathalyzer tests.</li> <li>• Allowed to complete court ordered treatment classes at their own expense while serving sentence.</li> <li>• Allowed to complete Useful Public Service hours while serving sentence.</li> <li>• Good time earned and Pass privileges granted based on behavior and program compliance.</li> <li>• ASU facility allows for jail sentenced inmates to be housed as Road Crew inmates either on the External Road crew or working as an Internal Kitchen/Facility worker if they qualify.</li> </ul>		
<b>Primary Contacts:</b>		
Connie Olson:	Office 970-623-8041	Cell 970-986-0121
Address 559 Pitkin Ave.	P.O 20,000-5023	Phone 970-623-8040
		email: Connie.Olson@Mesacounty.us
		Fax 970-623-8054
<b>Program Cost Per Client, Per Day to System:</b>	<b>\$37.32 a day</b>	
<b>Program Cost for Inmates:</b>	<b>\$16.00 a day for room and board, \$9.00 for each drug test</b>	
<b>Fee Waiver Process:</b> The inmate's cash account is charged room and board for the entire month at the first of each month. They are responsible for all the fees regardless if they pay their account off or not. They will sign a promissory note upon their release if they owe us money. They have 90 days to pay it off prior to the promissory note going to collections.		
<b>Violation Response Protocol:</b>		
<b>New Criminal Charges:</b> Depending on severity of the new crime they may be removed from the program. If the inmate is taken to Jail on a warrant and is able to post bond, they will be brought back into the program if determined to be appropriate, again based on severity of new crime committed.		
<b>Positive Substance Tests:</b> Positive intake drug tests are not held against the inmate. It is a base for us to see if levels go down (for instance THC use) on future drug tests. Inmates have in house disciplinary hearings for new use of any drugs after their intake drug test. If they have a second positive drug test it typically results in removal from the program.		
<b>Technical Non-Compliance:</b> Depending on the severity of the rule violations, the length of the inmate's sentence, along with the amount of good time that the inmate can lose due to in house disciplinary hearings, determines how long an inmate may remain in the program if their behavior is inappropriate. We try to give them opportunities to change their behavior in order to be successful.		
<b>Most Recent Outcome Measures [list year or date range here]</b>		
<b>Successful Completion Definition:</b> Completion of sentence without revocation.	<b>Success Rate 2013:</b> 80%	
<b>Early Termination of Supervision Rate:</b> None Reported	<b>Average Length of stay:</b> 137 days	
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).	<b>Safety Rate:</b> 99%	
<b>Escape Definition:</b> Escaped from residential placement, or stopped reporting.	<b>Escape Rate:</b> 2%	
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of program termination.	<b>Recidivism Most Recent Year:</b> Unknown	
<b>Program Risk Level Summary:</b>	<b>23% Low Risk</b>	<b>45% Medium Risk</b>
		<b>32% High Risk</b>
<b>Risk Instrument Used:</b>	Proxy	



## COMMUNITY CORRECTIONS

<b>Target Population:</b>	<b>Medium Risk</b>	<b>High Risk</b>
<b>Primary Purpose of the Program:</b> Behavior Change with Accountability and Monitoring; Incapacitation Alternative		
<b>Program Services &amp; Interventions:</b>		
<ul style="list-style-type: none"> <li>Residential monitoring of DOC Diversion and DOC transition inmates.</li> <li>The Community Corrections Board's (CCB) Review Committee screens Diversion and Transition cases for acceptance based on risk, criminogenic needs and impact on the community.</li> <li>The CCB has a 6.5 year sentence cap, unless special approval is granted.</li> <li>Condition of Probation cases are limited to 90 days unless special approval is granted.</li> <li>Comprehensive case management through assessing the risk and needs of clients with validated assessments and structured supervision strategies.</li> <li>Specialized assessments are utilized, such as the Oregon for sex offenders and the SARA for domestic violence offenders.</li> <li>Clients required to participate in treatment based on their assessed needs.</li> <li>Clients required to progress in treatment, gain employment, turn in checks and develop budgets.</li> <li>Clients are monitored through substance testing, searches, home visits, employment checks, etc.</li> <li>CJSD Administration regularly reviews progress and makes placement and removal decisions.</li> <li>Clients progress to Non-Residential (for Diversion sentences) and ISP for Transition cases through DOC based on program progress.</li> <li>Staff are trained in best practices, such as motivational interviewing and EBDM principles.</li> <li>This program is most effective in reducing recidivism in medium to higher risk offenders.</li> </ul>		

<b>Primary Contacts:</b>	
<b>Primary Contact – Residential:</b>	Kyle Merriman 970-244-3881 kyle.merriman@mesacounty.us
<b>Primary Contact – Review Committee:</b>	Jennifer Lucero 970-244-3340 jennifer.lucero@mesacounty.us
<b>Address:</b>	636 South Avenue Grand Junction, CO 81501

<b>Program Cost Per Day to System:</b>	\$41.34 Residential / \$6.03 Non-Residential (state reimbursement)
<b>Program Cost for Clients:</b>	\$15 per day Residential, \$3.00 per day Non-Residential
<b>Fee Waiver Process:</b>	Fee waivers by special requests by clients

<b>Violation Response Protocol:</b>	
<b>Positive Substance Tests:</b> Disciplinary action, treatment re-assessment, graduated responses; multiple violations will result in review for removal from the program.	
<b>Other Technical Non-Compliance:</b> Graduated responses; multiple violations may result in review for removal from the program.	
<b>New Charges:</b> Disciplinary action and/or possible review for removal from the program.	

<b>Outcome Measures 2012 &amp; 2013</b>			
<b>Successful Completion Definition:</b> Successful completion of residential or non-residential stays.	<b>Success Rate 2013:</b> 69% (Residential Only)		
<b>Early Termination of Supervision Rate:</b> 1%	<b>Average Length of stay:</b> 243 days (state-wide)		
<b>Escape Definition:</b> Escaped from residential Community Corrections, or stopped reporting.	<b>Escape Rate:</b> 6.1% (State-wide Average 11.6%)		
<b>Safety Rate Definition:</b> Client removed from the program for new criminal charges. <i>**Defined by Colorado DCJ.</i>	<b>Safety Rate:</b> 99% (State average: 98%) <i>**crimes involving removals</i>		
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of successful residential completion.	<b>Recidivism Most Recent Year:</b> 16.5% (state-wide average)		
<b>Program Risk Level Summary Intakes 2013:</b>	<b>2% Low Risk</b>	<b>29% Medium Risk</b>	<b>71% High Risk</b>
<b>Risk Instrument Used:</b>	LSI		
<b>Average LSI Score:</b>	31 (State average: 29)		



# Mesa County Sheriff's Office Detention Facility



## JAIL

<b>Target Population:</b>	<b>Medium Risk</b>	<b>High Risk</b>
<b>Primary Purpose of the Program:</b> Incapacitation Only		
<b>Program Services:</b>		
<ol style="list-style-type: none"> <li>1. Protect the public from continued criminal activity.</li> <li>2. Assure court appearances of those accused of unlawful behavior.</li> <li>3. Administer court-ordered sanctions and punishments to those convicted of crimes.</li> </ol>		

<b>Primary Contacts:</b>			
Steve Farlow:	Office 970- 244-3903	Cell 986-5679	email: Steve.Farlow@Mesacounty.us
Address 215 Rice Street	P.O 20,000-5017	Phone 970-244-3500	Fax 970-256-1473

<b>Program Cost Per Day, Per Inmate to System:</b>	<b>\$53.40 a day</b>
<b>Program Cost for Inmates:</b>	<b>Booking Fee- \$30.00</b> <b>Bonding Fee- \$10.00</b> <b>Medical Fees -</b> \$8.00 for an exam by the nurse. This will not be charged if the nurse refers inmate \$12.00 for an exam by a doctor/dentist. Inmate must be referred by the nurse to the doctor/dentist. \$6.00 for each prescribed medication, lab, and/or x-ray.
<b>Fee Waiver Process:</b> Indigent	

<b>Violation Response Protocol:</b>
<b>New Criminal Charges:</b> N/A
<b>Positive Substance Tests:</b> N/A
<b>Technical Non-Compliance:</b> N/A

<b>Most Recent Outcome Measures:</b>			
<b>Early Termination of Supervision Rate:</b> N/A	<b>Average Length of stay:</b> 23 days		
<b>Safety Rate Definition:</b> Did not receive a felony or misdemeanor filing while under supervision (not including abscond or escape).	<b>Safety Rate:</b> Unknown		
<b>Escape Definition:</b> Escaped from detention facility.	<b>Escape Rate:</b> 0% (no recent escapes)		
<b>Recidivism Definition:</b> A felony or misdemeanor filing within one year of program termination.	<b>Recidivism Most Recent Year:</b> Unknown		
<b>2014 Average Daily Population (through June)</b>	334		
<b>2014 Average Post-Trial Population (through June)</b>	46 (14%)		
<b>Program Risk Level Summary:</b>	*% Low Risk	*% Medium Risk	*% High Risk
<b>Risk Instrument Used:</b>	*Proxy risk information on sentenced jail inmates will be available in 2015.		



## PRISON

<b>Target Population:</b>	<b>High Risk</b>
<b>Primary Purpose of the Program:</b> Incapacitation	
<b>Program Services &amp; Interventions:</b>	
<ul style="list-style-type: none"> <li>Each offender is assigned a Case Manager at each facility as they progress through the system.</li> <li>Each offender is assessed using the LSI and CARAS.</li> <li>Earned time is awarded on a monthly basis and dictated on the behavior of the offender and includes various criteria including work, treatment, disciplinary hearings, milestone achievements. Earned time continues to be awarded while in community corrections and parole.</li> </ul>	

<b>Primary Local Contacts (Parole):</b>	LieslChapola Parole Supervisor 970-255-9126 x4155
<b>Local Address:</b>	2516 Foresight Cir #3 Grand Junction, Co

<b>Program Cost Per Inmate, Per Day to System:</b>	<b>Varies</b>
<b>Level I Facility</b>	<b>\$76.00-80.00/day</b>
<b>Level V Facility</b>	<b>\$116.00-120.00/day</b>

<b>Violation Response Protocol:</b>	
<b>New Charges:</b> Administrative hearing (Code of Penal Discipline), Court process	
<b>Positive Substance Tests:</b> Possible criminal charges, COPD hearing-sanctions, Loss of time, loss of privileges, may be placed in higher level of custody.	
<b>Technical Non-Compliance:</b> COPD hearing, sanctions include loss of earned time, loss of privileges, may be placed in higher level of custody. If a Community Corrections program removes or rejects a client, this usually results in a return to a higher level of custody.	
<b>NOTE:</b> DOC disciplinary action results in points being assigned to the level of violation. Class II b violations are 3 points, class IIa violations are 5 points, and class 1 are 7 points. If a client breaches 15 points in violations, it is a mandatory increase in custody levels.	

<b>Outcome Measures 2012 (DOC &amp; Parole)</b>			
<b>DOC Success Rate:</b> This rate is not applicable to DOC due to mandatory confinement, so the rate is recorded in Parole only.			
<b>DOC Recidivism Definition:</b> Return to prison within 3 years of release in Colorado, for either new criminal activity or a technical violation of parole, probation, or non-departmental community corrections.		<b>DOC Recidivism:</b> 2009: 49.8%	
<b>DOC Escape or Abscond Definition:</b> CDOC defines escape as leaving the last barrier of a secured facility, the imaginary barrier of an unsecured facility (camp) or work crew or escorted trip outside a facility without permission.		<b>DOC Escape Rate:</b> 1 in 2012	
<b>Parole Escape or Abscond Definition:</b> A court conviction for escape, a Code of Penal Discipline conviction for escape, or an unauthorized absence for more than 24 hours or more constitutes an escape from a community corrections center or ISP placement.		<b>Parole Abscond Rate:</b> 3% (As of March 31, 2014)	
<b>Early Termination of Parole Supervision Rate:</b>		N/A	
<b>*Program Risk Level Summary Intakes 2013:</b>	<b>2% Low Risk</b>	<b>21% Med Risk</b>	<b>77% High Risk</b>
<b>Risk Instrument Used:</b>	LSI/CARAS		

*\*Risk levels are State data only. Local data is currently not available.*

# GLOSSARY

**Best Practices:** Best Practices involves a systematic approach of utilizing empirical evidence to inform decision-making. Although the practices themselves may not be validated by research, the decision-making structure is informed by empirical information. For example, this Guide is consistent with Best Practices, although the Guide itself has not yet been researched for effectiveness. A Best Practice utilizes empirical information to inform decision-making and is a fluid concept that changes as new research becomes available.

**Criminogenic Needs:** Risk factors that have been researched to be most closely related to recidivism (see chart on page 17). Addressing these needs through evidence-based interventions, such as cognitive restructuring, drug and alcohol treatment, motivational interviewing, etc. is effective in reducing recidivism.

**Evidence-Based Decision Making (EBDM):** The conscientious, explicit and judicious use of current empirical evidence in making decisions; involves integrating individual expertise with the best available external evidence from systematic research (adapted from Dr. David Sackett, 1996). EBDM often involves utilizing empirically validated risk instruments to inform decision-making. In the criminal justice context, EBDM is a methodology that has empirically proven results, superior to alternative techniques used in an effort to reduce recidivism.

## Legal Principles:

**Purposes of Sentencing in Colorado Statute 18-1-102.5 (summary):** (a) Punishment; (b) fairness and consistency; (c) deterrence; (d) rehabilitation ???consideration of the individual characteristics of the offender, (e & f) recidivism reduction and accountability for offenders; (f) restoration and healing for victims and the community.

**Annotation from Colorado Revised State 18-1-102.5:** Sentencing is a discretionary decision which requires weighing of various factors and striking a fair accommodation between the defendant's need for rehabilitation or corrective treatment and society's interest in safety and deterrence. *People v. Watkins*, 200 Colo. 163, 613 P.2d 633 (1980).

## Probation Chapter Programs and Acronyms:

**ADMIN:** Administrative cases (cases not currently receiving direct supervision)

**DV:** Domestic Violence

**FOP:** Female Offender Program (Provides intensive supervision for high-risk, substance abusing female offenders)

**LSIP:** Limit Setter-Intensive Probation (Replaced the former ISP or Intensive Supervision Probation; LSIP is a community-based supervision program designed for higher risk probationers. The program targets specific criminogenic needs with intensive interventions and requires accountability, with the goal of long-term behavior change and enhanced public safety)

**SOISP:** Sex Offender Intensive Supervision Probation (Designed to provide the highest level of supervision available to adult offenders placed on probation)

**T4C:** Thinking for a Change (Cognitive-Behavioral Training Program)

### **Program Purposes Definitions:**

**Accountability & Monitoring Only:** The option provides monitoring and accountability services for sentence conditions, but does not provide evidence-based behavioral interventions, and may not assess for criminogenic needs. Services may include: substance testing, electronic monitoring, employment checks, progress updates, restitution, fees and etc. These options do not provide follow-up assessments or EBDM behavior change interventions.

**Behavior Change with Accountability and Monitoring:** The specific program combines accountability & monitoring with long-term behavior change according to EBDM principles. Long-term behavior change interventions use validated risk/needs instruments to identify and target criminogenic needs. The interventions utilized must be evidence-based to be effective in reducing recidivism and are ideal for the medium to higher risk/needs individuals.

**Incapacitation:** The program's primary purpose is incarceration and does not generally have mandatory behavior change programming.. \*(This definition and the following definition were not included in the Carey report)

**Incapacitation Alternatives:** The program provides a statutorily allowable alternative to prison or jail, which allows client community access on varying scales. Lower-risk clients may especially benefit from alternatives that avoid residential populations; alternatives such as Day Reporting and In-Home Detention.

**PSIR:** The Presentence Investigation Report (PSIR) is ordered by the Court and may be requested by the District Attorney or Defense Attorney prior to sentencing. PSIRs written for standard adult cases in the 21<sup>st</sup> Judicial District incorporate evidence based assessments, including the Level of Supervision Inventory (LSI), Simple Screening Instrument (SSI) and Adult Substance Use Survey (ASUS). Areas covered in the PSIR are Details of the Case, Defendant's Statements or Comments, Disposition of Co-Defendants, Circumstances of the Victim, Prior Criminal Record, and Summary of Criminogenic Needs. An Additional Assessment Information section includes information pertaining to prior supervision, urinalysis results, and recommended level of treatment for substance abuse. The Summary, articulates the defendant's strengths and barriers, provides information regarding the Limit Setter Intensive Probation (LSIP) eligibility, and the calculated number of presentence confinement days. Following the PSIR, is the Purpose of Code with Respect to Sentencing, projected costs of sentencing options, information regarding Criminogenic Need Preferred Response Guidelines, and a Confidential page for victim restitution information.

### **Research Utilized in the Guide Development:**

Cost Effective Criminal Justice Interventions (Mark Carey, The Carey Group, 2011)

Preliminary Assessment of the Current and Potential uses of Evidence-Based Decision Making in the Pre-Adjudication Stages of Criminal Cases in Mesa County, Colorado (Barey Mahoney, The Justice Management Institute, 2011)

Mini-Assessment – Mesa County Evidence-Based Decision Making (Prepared by Frank Domurad, The Carey Group, Inc., under support from The National Institute of Corrections and the Evidence-Based Decision Making in Local Criminal Justice Systems Initiative, March 2011)

Mesa County, Colorado – Evidence-Based Decision Making Project, Contract Final Report for the Center of Effective Public Policy (Glenn A. Tapia, Mesa County Technical Assistant, 2013)

**Residential Programming:** Any program that houses clients together in group settings. These programs tend to house higher risk clients, which has been researched to be potentially harmful to lower risk clients. That is, a residential program is more likely to increase recidivism in the lower risk groups rather than decrease recidivism.

**Risk Assessments (Primary):**

**PROXY:** Three question risk assessment – current age, age at first arrest and number of prior arrests. This risk assessment has been validated in a number of studies to be effective at predicting future recidivism. Mesa County is in the process of locally validating this assessment, and it has been normed locally in Mesa County.

**LSI-R:** Level of Supervision Inventory – Revised. The LSI is an interview-based assessment instrument covering a multidimensional set of static (historical) and dynamic/criminogenic (changeable and correlated to criminal behavior) risk factors. This is a 54 question assessment, which yields an overall total risk score of 0 to 54, a profile of criminogenic needs, and an inventory of protective factors. The risk score (0 to 54) provides an indication of overall risk to recidivate. The criminogenic needs profile provides guidance for intervention targets. The protective factors indicate areas of strength and stability that can help the defendant be successful in the community. Low risk is “1 to 18”; Medium risk is “19 to 28”; High risk is “29 to 54”. The only top 8 criminogenic need that the LSI-R does not identify is “Anti-Social Personality Pattern”. This need is identified in the ASUS and is noted in the PSI reports (Adapted from Colorado Probation’s Quick-Reference Assessment Guide).

**COLORADO SCREEN Screening for Criminogenic Risk and Early Estimation of Needs:** This assessment is currently in the development stages and has not been validated. This was primarily developed by Glenn Tapia and it has been reviewed by Mark Carey. This is a 12 question, mid-level assessment. The purpose of the SCREEN is to provide an early estimation of criminogenic needs and to produce information about the client’s basic level of criminal risk (risk of recidivism). The SCREEN may be useful in targeting sentencing options or programs that have the capacity to address the identified criminogenic risk factors, but it is not intended to be used as a diagnostic tool and should not supplant a robust assessment of risks and needs in order to develop a supervision plan or intervention strategy. This assessment may present a future option for a faster, more efficient assessment to provide better information to the stakeholders about the risk/needs of our client population who currently does not receive an LSI. This information would potentially be more robust and useful than a simple proxy assessment, as it may be able to screen for issues with criminogenic needs. We hope to make the SCREEN available to stakeholders in Mesa County in the near future with the understanding that it will need to be validated, which will be a several year process.

**Other Noted Assessments in this Guide:**

**ADULT SUBSTANCE USE SURVEY (ASUS):** This self-report instrument asks respondents about information related to their substance use history and disruption. It also screens for factors that can be considered when matching the client to appropriate treatment services, including defensiveness, anti-social personality pattern, and motivation.

**SARA: Spousal Assault Risk Assessment:** A 20-item risk assessment designed to help criminal justice professionals predict the likelihood of future domestic violence. The tool is a quality-control checklist that determines the extent to which a professional has assessed risk factors of crucial predictive

importance according to clinical and empirical literature. The SARA can help determine the degree to which an individual poses a threat to his spouse, children, family members, or other people involved (P. Randall Kropp, Ph.D., Stephen D. Hart, Ph.D., Christopher D. Webster, Ph.D., Derek Eaves, M.B.).

**SIMPLE SCREENING INSTRUMENT (SSI):** The SSI is a self-report screening tool designed to indicate possible substance abuse or dependence issues. A score of 4 or more on this instrument triggers completion of the Adult Substance Use Survey (ASUS) to assess for substance abuse treatment referral (Colorado Department of Probation Services).

**OREGON:** The Oregon risk assessment is designed specifically for sex offenders, with 24 negative scale and 10 positive scale questions. The assessment classifies risk levels of particular offenders.

**Stability Factors:** Financial, Accommodations, Emotional/Personal (see chart on next page). Stability factors are obtained from the LSI assessment. The presence of stability factors may represent positive attributes that will help an offender succeed in the community. However, if problems are noted in stability factors, these may present barriers in addressing the identified criminogenic needs.

**Technical Non-Compliance:** Any program violation other than new criminal charges.

**Unsupervised Probation:** The Community Interventions Committee agreed that this program needs to be more clearly defined, and a chapter will be created for a future Sentencing Guide. We hope to update the Guide with this Chapter in 2015. Work needs to be done regarding risk levels or unsupervised cases, and more clear definitions of who is on unsupervised Probation.

## CRIMINOGENIC NEEDS CHART

<b>BIG 4 Criminogenic Needs</b>	<b>Indicators</b>	<b>Interventions</b>
<b>Criminal History (Low Self Control)</b>	Being arrested at a young age, having a large number of prior offenses, and having rule violations while on conditional release.	Develop skills to avoid high risk situations; build up new non-criminal behaviors in high-risk situations; build self-efficacy beliefs supporting reform. E.g., cognitive behavioral treatment, curfew, electronic monitoring.
<b>Antisocial Attitude/ Orientation</b>	Identification with criminals, negative attitudes toward the law and justice system, a belief that crime will yield rewards, and rationalizations that specify a broad range of conditions under which crime is justified.	Reduction of anti-social thinking and feeling; building and practicing less risky thoughts and feelings. e.g., cognitive behavioral treatment.
<b>Anti-Social Companions</b>	Association with anti-social others and relative isolation from pro-social others.	Reduce association with anti-social others and enhance association with pro-social others. e.g., recreation, life skills programs, support group involvement.
<b>Anti-Social Personality Pattern (Obtained from ASUS Social Scale)</b>	Impulsive, adventurous, pleasure-seeking, generalized trouble in multiple settings, restlessly aggressive, callous disregard for others, lack of empathy, anger problems.	Build skills in self-control, anger management, and problem-solving. e.g., cognitive behavioral treatment, life skills programs, mental health referral (if applicable, to assess for anti-social personality disorder/psychopathy).
<b>Lower 4 Criminogenic Needs</b>	<b>Indicators</b>	<b>Interventions</b>
<b>Dysfunctional Family / Marital</b>	Poor communications, significant conflict (parent-child or spouse-spouse), criminal involvement and lack of appropriate behavioral expectations and rules regarding anti-social behavior.	Reduce conflict, build positive relationships, enhance monitoring and supervision. e.g., family counseling, parenting classes, DV treatment.
<b>Education / Employment</b>	Low levels of performance and involvement and low levels of rewards and satisfactions.	Enhance performance, involvement, and rewards and satisfaction. e.g., vocational counseling, work force center, GED.
<b>Leisure / Recreation</b>	Low levels of involvement and satisfactions in pro-social leisure pursuits.	Enhance involvement in pro-social activities and rewards and satisfaction. e.g., recreation center, community center activities.
<b>Alcohol / Drug Problems</b>	Continued use despite significant life disruptions, increased tolerance to drugs/alcohol, increased use over time, inability to stop use.	Reduce substance abuse, reduce the personal and interpersonal supports for substance-oriented behavior, enhance alternatives to substance abuse. e.g., substance abuse treatment, addiction support groups, substance monitoring.
Andrews, D.A. Bonta, James (2010). Psychology of Criminal Conduct, 5th Ed., 58-59. The Carey Group, "Criminogenic Need Preferred Response Guidelines." Carey, Mark (2010). "Coaching Packet: Effective Case Management."		



Napa County  
Community Corrections Service Center

# LOGIC MODEL

**February 2009 Update – Version 3**

Prepared by The  Carey Group

William Woodward Barbara Chatzkel
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## Napa County Community Corrections Service Center LOGIC MODEL — February 2009 Update

### >>> PROGRAM ASSUMPTIONS <<<

1. The Service Center operates under the jurisdiction of the Criminal Justice Committee, with day-to-day responsibility placed in the Probation Department.
2. The provider coordinates case planning and programming with the Probation Department., Health and Human Services (HHSA), and Napa County Department of Corrections – Jail (NCDC).
3. The provider maintains 50 slots for offenders and provides individualized evidence-based practices (EBP) case planning programming to offenders. This will include slots for pre-trial offenders.
4. The provider maintains 50 slots for offenders currently in Jail, who will need services from the CCSC and are not a part of “3” above. These services will be provided in the jail.
5. The provider must demonstrate that EBP programming proposed is consistent with standards set in the Washington State Institute of Public Policy 2006, “Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates,” by Steve Aos. (<http://www.wsipp.wa.gov/pub.asp?docid=06-10-1201>) and NIC Evidence Based Practices document (web link).
6. The provider will update programming and practices based on EBP research as needed in concert with the Probation Department.
7. The provider will propose success or failure criteria for program graduation in monitoring, case planning, and programming.

## Napa County Community Corrections Service Center LOGIC MODEL — February 2009 update

>>> **PHASE 1** { Motivate / Day 1 – Day 45 } <<<

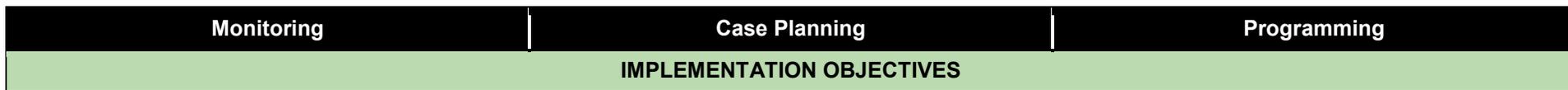
Monitoring	Case Planning	Programming
<b>IMPLEMENTATION OBJECTIVES</b>		
<p>To provide means to detect and deter pro-criminal/anti-social client behaviors, attitudes and beliefs based on LS/CMI or Proxy score – Determine levels of supervision</p> <p>To determine whether offender meets criteria: Napa County resident, no out of county holds, no sex offense, no flight risk.(pre-trial) ; LS/CMI 18-29 or proxy &gt;=5, No offense or enhancement listed in either PCS 667.5c (1)-(22) or PCS 1192.7(c) (1)-(42)</p> <p>Electronic monitoring/GPS only in conjunction with programming following CJC standards</p> <p>A&amp;D testing as determined by ASUS/proxy score or court order</p> <p>To coordinate monitoring with Probation and NCDC</p>	<p>To conduct a complete LS/CMI on all offenders not already assessed (using MI)</p> <p>To determine the top four criminogenic needs of the offender</p> <p>To develop a case plan for the offender which addresses each criminogenic need, transportation and work plan</p> <p>To conduct SARA/ ODARA/ DVSI for all domestic violence (DV) offenders</p> <p>To administer TABE, WRAT, pre GED tests</p> <p>To administer Career SCOPE-like vocational interest inventories</p> <p>To assess progress based on pre tests, progress reports and weekly compliance checks</p> <p>To promulgate and follow reward and sanction strategies</p> <p>To assess mental health needs using Brief MH screen tool (those who are SMI eligible will receive HHS services in addition to services provided at CCSC).</p> <p>To coordinate all assessments with Probation, NCDC and HHSA</p>	<p>To provide routine directive, client centered counseling to enhance motivation for change to help offenders clarify and resolve ambivalence</p> <p>To provide a location with pro-social contacts and pro-social media/computer resources</p> <p>To provide resources for the offender to use in finding work or education</p> <p>To coordinate pre-programming with Probation, NCDC, HHSA and continuum of care</p>

Monitoring	Case Planning	Programming
<b>OUTPUTS</b>		
<p>Number of offenders who do not meet criteria for admission</p> <p>Number of days offender stays in Phase One</p> <p>Number of offenders repeating Phase One</p> <p>Number of offenders at each level of supervision based on LS/CMI or proxy</p> <p>Number of offenders at each level of supervision not based on LS/CMI or proxy</p> <p>A&amp;D testing by risk level per offender</p> <p>Number of offenders who do not successfully complete Phase One. (set criteria in CCSC committee)</p> <p>Number of days to unsuccessful termination</p> <p>Number of graduates returning to Phase One</p>	<p>Number of case plans prepared in a timely manner</p> <p>Number of case plans addressing 1, 2, 3, or 4+ criminogenic needs</p> <p>Number of error-free assessments completed</p> <p>Amount of change from BI client survey results between months two and three</p>	<p>Number of counseling sessions per offender by risk level</p> <p>Percentage difference Behavioral Change Plan between Months Two and Three</p> <p>Number of hours per offender use of computer based resources</p> <p>Number of referrals made during Phase One</p> <p>Number of collateral agency contacts done by BI</p> <p>Number of case plans with commitments to change a targeted behavior by the offender</p>
<b>SHORT TERM OUTCOME OBJECTIVES</b>		
<p>To increase offender behavioral accountability</p> <p>To reduce time between non compliance and appropriate sanction</p> <p>To insure selection criteria is met</p>	<p>To identify dynamic risk factors</p> <p>To identify protective factors</p> <p>To explore offender ambivalence and enhance motivation for modifying criminogenic needs</p>	<p>To facilitate the motivational stage of the change process and move offenders from pre-contemplation to contemplation for each criminogenic need</p> <p>To increase offender pro-social efficacy and stability</p> <p>To improve offender lifestyle balance</p>
<b>SHORT TERM OUTCOME MEASURES/INDICATORS</b>		
<p>Percentage increase in behavioral accountability</p>	<p>Average number of dynamic risk factors identified</p>	<p>Client compliance to scheduled events identified</p>

Monitoring	Case Planning	Programming
<p>Percentage decrease in substance use</p> <p>Percentage increase in time between non compliances</p> <p>Percentage decrease in offender whereabouts violations</p>	<p>in case files in preliminary case plan for 1,2,3, and 4 criminogenic</p> <p>Average number of protective factors identified in preliminary case plans</p> <p>Average Skill Balance score for case managers – yearly live or taped interview assessed</p>	<p>on Client Summary Form</p> <p>Percentage increase in offender pro-social support for Phase One</p> <p>Percentage increase offender cognitive behavioral skills</p>
<b>LONG TERM OUTCOME OBJECTIVES</b>		
<p>To reduce non-compliance and revocations while on supervision</p> <p>To increase compliance with appropriate conditions program or court imposed</p>	<p>To increase offender motivation for behavioral change (e.g. TCU Criminal Thinking Scale)</p> <p>To increase offender general stage of change movement (e.g. Socrates measure)</p> <p>To increase offender engagement and involvement in establishing case objectives (rating by case manager)</p>	<p>To increase number of offenders who graduate to Phase Two</p> <p>To increase number of offenders who do not repeat Phase One</p> <p>To increase number of offenders successfully completing Phase One (i.e. are appropriately prepared to go into Phase Two)</p> <p>To increase offender maturation from crime</p>
<b>LONG TERM OUTCOME MEASURES/INDICATORS</b>		
<p>Percentage of non-compliance and revocations while on supervision</p> <p>Percentage compliance with appropriate conditions program or court imposed</p>	<p>Average percentage change in criminal thinking (e.g. TCU Criminal Thinking Scale values)</p> <p>Average change between each stage of change assessed between entry and exit from Phase One (e.g. Socrates values.)</p>	<p>Number of offenders graduating to Phase Two monthly</p> <p>Compared to prior year graduation and average graduating each month</p> <p>Number of offenders successfully completing Phase One monthly</p> <p>Number of offenders repeating Phase One monthly</p>

# Napa County Community Corrections Service Center LOGIC MODEL — February 2009 update

>>> **PHASE 2** { Treatment / Day 30 – Day 270 } <<<



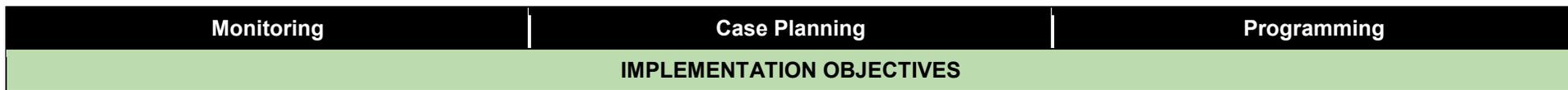
Monitoring	Case Planning	Programming
<p>o provide means to detect and deter pro-criminal/ anti-social client behaviors, attitudes and beliefs based on LS/CMI or proxy risk score.</p> <p>Monitor at level determined</p> <p>AOD testing as determined by ASUS/proxy score or court order</p> <p>Coordinates monitoring with NCDC</p> <p>Electronic monitoring/GPS meets CJC standards and EBP</p>	<p>Monitor and update the case plan and assessment every 3 months</p> <p>Determine the dosage of criminogenic needs addressed to date</p> <p>Adjust programming to meet criminogenic needs</p> <p>Adjust dosage to meet criminogenic needs</p> <p>Assess progress based on pre tests, progress reports and client compliance checks</p> <p>Promulgate and follow reward and sanction strategies</p> <p>Coordinate case planning with Probation Department, Napa County Department of Corrections – Jail (NCDC) and Health &amp; Human Services (HHS)</p> <p>Establish criteria for transfer to Phase Three</p> <p>Measure relapses to Phase One</p>	<p>Provide programming to address the high 4 criminogenic needs of offenders such as: (Anticipated high need areas were AOD, MH, Anti-social peers, Unstable Living, and Moral Disengagement in a sample of this population)</p> <p>Thinking for a Change</p> <p>Moral Reconciliation Training</p> <p>ART Aggression Replacement Tng</p> <p>Relapse Prevention Therapy</p> <p>Curriculum based EBP Cognitive Behavioral Domestic Violence programming Cognitive Behavioral program 52 weeks (x1hr/week) for High risk SARA or ODARA offenders</p> <p>To ensure that dosage meets EBP standards</p> <p>To ensure MH EBP programming</p> <p>A&amp;D program consistent with HHS stds for low medium and high AOD needs and ASUS/Proxy assmt score. 1=NT, 2=Psyc/Edu, 3=DR, 4=Intensive DR, 5= assess for psychopathy, Inc.Supv.</p> <p>GED classes and access to college level programming as determined in case plan</p> <p>Vocational programming/ job readiness to meet assessment outcomes as in case plan</p> <p>Community support groups as in treatment plan</p> <p>Coordinates programming with probation, HHS and NCDC (continuum of care)</p>

Monitoring	Case Planning	Programming
<b>OUTPUTS</b>		
<p>Number of various types of surveillance contacts</p> <p>Number of offenders on each type of electronic monitoring</p> <p>Average dosage for electronic monitoring</p> <p>Number of offenders at each level of supervision based on LS/CMI or proxy</p> <p>DA abuse testing by risk level per offender</p>	<p>Number of case plans monitored within 3,4, and 5+months</p> <p>Number of case plans adjusted based on changes to criminogenic needs per offender</p> <p>Number of pre tests, progress reports and compliance checks per offender</p> <p>Number of case plans with reward/ sanctions plans</p> <p>Number of case plans meeting criteria for movement to Phase Three per offender</p>	<p>Average number at each step of MRT</p> <p>Number of programming objectives met targeting criminogenic needs</p> <p>Number of case plans with 4, 3, 2, and 1 criminogenic needs addressed</p> <p>Number of offenders with Domestic Violence case plans</p>
<b>SHORT TERM OUTCOME OBJECTIVES</b>		
<p>To increase offender behavioral accountability</p> <p>To reduce time between non compliance and appropriate sanction</p>	<p>To identify targeted dynamic risk factors</p> <p>To build case plans congruent with criminogenic needs</p> <p>To explore offender ambivalence and enhance motivation for modifying criminogenic needs</p> <p>To move offenders from contemplation to determination and action for each criminogenic need</p> <p>To develop and maintain relationships with community organizations groups</p> <p>To manage relapsed individuals by criminogenic need</p>	<p>To provide programming congruent with criminogenic needs</p> <p>To reduce dynamic risk factors</p> <p>To fully explore offender ambivalence and enhance motivation for modifying criminogenic needs</p>

Monitoring	Case Planning	Programming
<b>SHORT TERM OUTCOME MEASURES/INDICATORS</b>		
<p>Percentage increase in behavioral accountability</p> <p>Percentage decrease in substance use drug test</p> <p>Percentage increase in time between non compliances measured by any scheduled event (group attendance, UA)</p> <p>Percentage decrease in offender whereabouts violations (home or away EM violations)</p>	<p>Percentage increase in case plans with behavioral objectives identified</p> <p>Percentage increase in case plans with social support objectives</p> <p>Percentage of relapsed offenders with 1,2,3 or 4 criminogenic needs identified in case plan</p> <p>Percentage of case plans congruent with 1,2,3 or 4 criminogenic needs</p>	<p>Percentage increase in behavioral objectives achieved</p> <p>Percentage increase in offenders pro-social support</p> <p>Percentage increase in offenders prosocial values</p> <p>Percentage decrease in offenders substance use</p> <p>Percentage increase in quality contact ratings</p>
<b>LONG TERM OUTCOME OBJECTIVES</b>		
<p>To reduce non compliance and revocations while on supervision</p> <p>To increase compliance with appropriate conditions</p> <p>To increase treatment retention</p>	<p>To increase offender motivation for behavioral change</p> <p>To increase offender engagement and involvement in establishing case objectives</p>	<p>To increase programming retention</p> <p>To increase offenders pro-social values</p> <p>To increase offender protective factor scores</p> <p>To increase offender maturation from crime and deviance</p>
<b>LONG TERM OUTCOME MEASURES/INDICATORS</b>		
<p>Percentage of non-compliance and revocations while on supervision</p> <p>Percentage compliance with appropriate conditions program or court imposed</p>	<p>Percentage of offenders whose action plans are 60%, 70% and 80% implemented each month</p> <p>Percentage offenders whose motivation is evidenced by an action plan with measured levels of concrete action items.</p>	<p>Percentage of program offenders who maintain legal employment(workers comp. paycheck, deductions for taxes, employer verification etc)</p> <p>Percentage of program offenders who develop strong positive relationships</p>

# Napa County Community Corrections Service Center LOGIC MODEL — June 2008

>>> **PHASE 3** { Support / Re-entry / Day 60 – Day 365 } <<<



Monitoring	Case Planning	Programming
<p>To provide means to detect and deter pro-criminal/anti-social client behaviors, attitudes and beliefs based on LS/CMI or proxy risk score</p> <p>Monitor at level determined</p> <p>AOD testing as determined by ASUS/proxy score or court order</p> <p>Coordinates monitoring with Probation and NCDC</p> <p>Electronic monitoring following standards of CJC and EBP (assumes that most offenders are not being electronically monitored in this phase)</p>	<p>Monitor and update case plan every 3 months</p> <p>To determine the dosage of criminogenic needs addressed to date</p> <p>To adjust programming to meet criminogenic needs</p> <p>To adjust dosage to meet criminogenic needs</p> <p>To develop a discharge plan for the offender</p> <p>To summarize monitoring, case planning and programming for each discharged offender and develop a trackable by risk level disposition status code</p> <p>To assess progress based on pre tests, progress reports and weekly compliance checks</p> <p>To promulgate and follow reward and sanction strategies</p> <p>Coordinate with Probation, HHSA and NCDC</p> <p>To measure relapses to Phase Two</p>	<p>Support network / reentry skills with role playing and other cognitive behavioral programming</p> <p>Support offenders in earlier programming if appropriate</p> <p>Graduate offenders as appropriate</p> <p>Support transitions programming for offenders (bridges)</p> <p>Coordinated with Probation, NCDC and HHSA to build on a continuum of care.</p> <p>To provide Life Skills as needed.</p>

Monitoring	Case Planning	Programming
<b>OUTPUTS</b>		
<p>Number of various types of surveillance contacts</p> <p>Number of community /agency groups contacted</p> <p>Length of time between non compliance and appropriate sanction</p> <p>DA abuse testing by risk level per offender</p> <p>Number of days in Phase Three by risk level</p>	<p>Number of case plans monitored w/in 3,4, and 5+months</p> <p>Number of case plans adjusted based on changes to criminogenic needs per offender</p> <p>Number of case plans with reward/ sanctions plans</p> <p>Number of case plans meeting criteria for movement to community/ offender</p> <p>Average change in risk score and rater scores over time from LS/CMI</p>	<p>Ave dosage hours of cognitive behavioral skill training</p> <p>Number of offenders graduated per risk level upon exit (as compared to entry risk level (either proxy or LS/CMI)</p> <p>Number of offenders completing programs started in Probation, NCDC, HHSA and day reporting</p> <p>Average dosage hours Life Skills per offender</p>
<b>SHORT TERM OUTCOME OBJECTIVES</b>		
<p>To increase offender behavioral accountability</p> <p>To reduce time between non compliance and appropriate sanction</p> <p>To save jail bed days</p>	<p>To identify and target dynamic risk factors in case plan not previously targeted</p> <p>To update case plan congruent with criminogenic needs completion</p> <p>To explore offender ambivalence and enhance motivation for modifying criminogenic needs</p> <p>To move offenders from action to maintenance or exit of change cycle for each criminogenic need</p> <p>To manage relapse for a criminogenic need</p> <p>To develop and maintain relationships with community organization groups</p>	<p>To reduce dynamic risk factors</p> <p>To provide reentry services targeted on community engagement with pro-social networks</p> <p>To provide job finding and other skills consistent with talents and abilities and to assist the offender in finding job opportunities</p> <p>To increase offender lifestyle balance</p> <p>To increase offender pro-social self efficacy and stability</p> <p>To provide final services congruent with criminogenic needs</p>
<b>SHORT TERM OUTCOME MEASURES/INDICATORS</b>		

Monitoring	Case Planning	Programming
<p>Percentage increase in behavioral accountability</p> <p>Percentage decrease in substance use (e.g. A&amp;D testing)</p> <p>Percentage increase in time between non compliances</p> <p>Percentage decrease in offender whereabouts violations (e.g., GPS)</p>	<p>Average number of dynamic risk factors targeted for all case plans; 6,5,4,3,2,1, or 0</p> <p>Average number of case plans updated each 3, 6 and 9 months.</p> <p>Average program staff balance score for MI</p> <p>Average number of relapses by risk level</p> <p>Average number of community groups contacted by program each month, by name of program</p>	<p>Average number of dynamic risk factor scores reduced by reassessment to be measured by Napa County QA</p> <p>Average number of job contacts made by offenders each month</p> <p>Average number of new pro-social contacts per offender each month</p>
<b>LONG TERM OUTCOME OBJECTIVES</b>		
<p>To reduce non compliance and revocations while on supervision</p> <p>To increase compliance with appropriate conditions</p> <p>To increase programming retention</p> <p>To increase offender maturation from crime and deviance</p>	<p>To increase offender motivation for behavioral change</p> <p>To increase offender engagement and involvement in establishing case objectives</p>	<p>To reduce recidivism as defined by CCSC committee</p> <p>To reduce number of violations</p>
<b>LONG TERM OUTCOME MEASURES/INDICATORS</b>		
<p>Percentage of non-compliance and revocations while on supervision</p> <p>Percentage compliance with appropriate conditions program or court imposed</p>	<p>Percentage of offenders whose action plans are 60%, 70% and 80% or better implemented each month</p> <p>Percentage offenders whose motivation is evidenced by an action plan with measured levels of concrete action items</p>	<p>Percentage of program offenders who maintain recovery progress in program upon graduation (days clean and sober in program)</p> <p>Percentage of offenders who maintain legal stable employment</p> <p>Percentage of program offenders who do not re-offend during program (new crime arrest)</p>

**20<sup>TH</sup> JUDICIAL DISTRICT OF COLORADO****ADMINISTRATIVE ORDER 03-103****SUBJECT: Criminal Bonding Procedures and Appointment of Counsel**

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**To:** Judicial Officers, District Administrator, Clerk of Court, Chief Probation Officer, Community Justice Services, District Attorney, Public Defender, Bond Commissioners, Captain of the Jail, Law Enforcement Agencies

**From:** Maria E. Berkenkotter  
Chief District Judge

**DATE:** August 25, 2014

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This order replaces all previous versions of 20<sup>th</sup> Judicial District Administrative Order 03-103.

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1. Filing of Felony Cases

Felony cases filed in the Twentieth Judicial District, except class 1 felonies, shall be commenced by the filing of a felony complaint in the county court. If a case is bound over to the district court at the preliminary hearing, the complaint shall be deemed a felony information pursuant to Rule 7 (b)(4) of the Colorado Rules of Criminal Procedure.

All class 1 felonies shall be commenced by filing a motion for direct filing in district court with the Chief Judge. The Chief Judge will authorize the filing of the information in district court.

2. Application for Court-Appointed Attorneys

The Twentieth Judicial District of the State of Colorado has adopted the following guidelines for the appointment of defense counsel at public expense:

- (a) A defendant applying for court-appointed counsel or a public defender shall be evaluated by the office of the public defender as either indigent or non-indigent. Only those defendants who are determined by the court to be indigent shall be qualified to receive court-appointed counsel.
- (b) Defendants applying for court-appointed counsel must go to the public defender's office to fill out an application during hours specified by that office.

- (c) Documentation showing proof of gross income and gross income of family members living with the defendant must be provided to the public defender's office. Documentation such as recent paycheck stubs or income tax forms for the past two years are acceptable.
- (d) Proof of monthly expenses for all ongoing payments plus any unusual or recurring expenses must be furnished to the public defender.

### 3. Bonds in Criminal Cases

- (a) Bond Commissioners. Twentieth Judicial District Bond Commissioners shall be employed by the Boulder County Community Justice Services Department, supervised through the Pretrial Services Unit and sworn by the Chief District Judge as deputy court clerks.
- (b) Authority to Grant Bail. The Bond Commissioners, sheriff and deputy sheriffs of Boulder County are authorized to admit any person charged with or under investigation for any one or more of the offenses set forth in section (3)(c) of this order to bail in the amount set opposite the type of offense or as specified on the existing warrant, except as prohibited by section (3)(e) of this order.
  - (1) Such bail shall be in the form of cash, certified check, cashier's check, credit card, debit card, stocks or bonds, real estate, corporate surety or a professional bail bondsman currently licensed by the State of Colorado. Personal checks will not be accepted for bonds.
- (c) Bond Requirements and Schedule of Bonds (by agreement with the District Attorney's Office)
  - (1) The amount of bond set opposite the specified criminal offense in the Schedule of Bonds in this order shall be the bail for the offense or offenses charged unless otherwise ordered by a judge or magistrate, or unless prohibited by section (e) of this order.
  - (2) If a person is charged with more than one offense, no greater bail than the highest bail for any single offense shall be required. Bail shall not be accumulated.
  - (3) If two or more persons are charged with an offense or offenses, the amount of bond set forth in the Schedule of Bonds in this order shall be for each person and not the total amount for all persons charged.
  - (4) All bonds accepted under this order shall command the person charged with the offense to appear before the court on the court's regularly scheduled advisement day.

(5) Schedule of Bonds:

Felony Bonds

18-4-203	Second Degree Burglary of a Non-Dwelling	500.00
18-4-204	Third Degree Burglary	200.00
18-4-401	Theft between \$1,000-\$20,000	200.00
	Theft over \$20,000	3,500.00
18-4-402	Theft of Rental Property \$1,000-\$20,000	200.00
	Over \$20,000	3,500.00
18-4-409	Aggravated Motor Vehicle Theft in the First Degree (all sections)	200.00
18-4-410	Theft by receiving between \$1,000-\$20,000	200.00
	Theft by receiving over \$20,000	3,500.00
18-4-502	First Degree Criminal Trespass	1,500.00
18-4-602	Theft of Sound Recordings	200.00
18-5-102	First Degree Forgery	200.00
18-5-105	Criminal Possession of a First Degree Forged Instrument	200.00
18-5-109	Criminal Possession of Forgery Devices	200.00
18-5-113	Criminal Impersonation	200.00 ✓
18-5-205(3)(c)(d)	Fraud by Check	200.00
18-5-206(1)(c)(d)	Defrauding a Secured Creditor	200.00
	(2)(c)(d) Defrauding a Secured Creditor	500.00
18-5-401	Commercial Bribery	200.00
18-5-403	Bribery in Sports	200.00
18-5-702(3)(c)	Unauthorized Use of Financial Transaction Device	200.00
18-5-702(3)(d)	Unauthorized Use of Financial Device over \$20,000	2,500.00
18-5-903(2)(b)(c)	Criminal Possession of Financial Transaction Device	200.00
18-5-705	Criminal Possession or Sale of a Blank Financial Transaction Device	200.00
18-5-706	Criminal Possession of Forgery Devices	200.00
18-5-707	Unlawful Manufacture of a Financial Transaction Device	200.00
18-5.5-102	Computer Crime \$1,000-\$20,000	200.00
	Over \$20,000	3,500.00
18-18-404	Unlawful Use of a Controlled Substance as Class 5 Felony	200.00
18-18- <del>405</del> <sup>403.5</sup>	Possession of Controlled Substance	200.00
18-18-405(1)(a)	Unlawful Possession of Chemicals or Supplies with Intent to Manufacture a Schedule I or II Controlled Substance	500.00

POSS Cont Sub (FY) \$ 200

18-18-406	Possession of Marijuana other than Class 3 Misdemeanor or Petty Offense	200.00
18-18-412.5	Unlawful Possession of Methamphetamine Manufacturing Materials	200.00

If the offense described is a crime of attempt, accessory, complicity, or conspiracy, the bond amount shall be the same as listed for the substantive crime.

Misdemeanor Narcotics and Drug Violations:

18-18-404	Possession, Sale or Use of Controlled Substance (M2)	100.00
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Fish and Game Violations:

Misdemeanors (M1 and M2 only)	50.00
Felonies	100.00

Class One Misdemeanors: 100.00

Class Two Misdemeanors: 50.00

Traffic Offenses:

42-2-138 or	Driving under Suspension, Denial	
42-7-422	Cancellation or Revocation	50.00
42-2-138(1)(d)(I)	Driving under Revocation – Alc	100.00
	With condition that the defendant not drive any motor vehicle during the period of such driving restraint C.R.S. 16-4-105(5).	
42-2-101	No Operator's License	50.00
42-2-1604	Hit and Run: Damage to Property Only through 1606	50.00
42-4-107	Disobeying a Police Officer	50.00
42-4-1301	Driving Under the Influence:	
1 <sup>st</sup> Offense		500.00
2 <sup>nd</sup> Offense		500.00

With condition that the defendant abstain from the use of alcohol or the illegal use of drugs and be subject to substance abuse monitoring. C.R.S. 16-4-105(6)(a).

3<sup>rd</sup> Offense Bond Not Authorized

Driving While Ability Impaired:

1 <sup>st</sup> Offense	300.00
2 <sup>nd</sup> Offense	300.00

With condition that the defendant abstain from the use of alcohol or the illegal use of drugs and be subject to substance abuse monitoring C.R. S. 16-4-105(6)(a).

3 <sup>rd</sup> (or greater) Offense	Bond Not Authorized
42-4-1301 and 18-9-116.5 DUI with vehicular eludg	1,000.00
42-4-1409 No Proof of Insurance	50.00
42-4-1401 Reckless Driving	50.00
42-4-1413 Eluding an Officer	300.00
ALL OTHER SECOND CLASS TRAFFIC OFFENSES	50.00

(6) If conditions of release are deemed appropriate, admit the defendant to the pre-trial release program pursuant to C.R.S. 16-105(8) and attach reasonable conditions as set forth in 16-4-105(8) or as approved by the Court to the bond in order to assure future court appearances and reduce the perceived risk of danger to the defendant or to the community. A defendant's refusal to abide by the pre-trial release program shall be grounds to hold the defendant until the next regular court proceedings.

(7) The Bond Commissioners, sheriff and deputy sheriffs SHALL NOT authorize bail if the defendant falls within section (7)(e) of this order and must bring the defendant before the court during regular business hours after notice to the district attorney. The district attorney shall have the right to attend and advise the court of matters pertinent to the amount of bail to be set. C.R.S. 16-4-102.

(d) Personal Recognizance Bonds

- (1) Bond Commissioners are authorized to interview all Twentieth Judicial District defendants who are in custody for criminal offenses. Bond commissioners shall not interview defendants charged with a class I or II felony prior to the first appearance hearing unless instructed to do so by the court.
- (2) Bond Commissioners shall determine from verifiable information contained in the Twentieth Judicial District bond application the defendant's qualification for a personal recognizance bond pursuant to section 16-4-105, C.R.S.
- (3) If the Bond Commissioners determine that a defendant in custody for a traffic offense, misdemeanor, or class III, IV, V or VI felony offense is qualified for a personal recognizance bond including any cosigners when necessary, the defendant may be released on such bond and if conditions of release are deemed appropriate, admit the defendant to the pre-trial release program pursuant to C.R.S. 16-4-105(8) and attach reasonable conditions as set forth in 16-4-105(8)(a-i) or as approved by the Court to the bond in order to assure future court appearances and reduce the perceived risk of danger to the defendant or to the community. A defendant's refusal to abide by the pre-trial release program shall be grounds to hold the defendant until the next regular court proceedings.

In determining whether a defendant is eligible for a personal recognizance bond, the Bond Commissioners must consider the following facts:

- a) The arrested person fails to sufficiently identify himself; or
  - b) The arrested person refused to sign a personal recognizance;
  - c) The continued detention or posting of a surety bond is necessary to prevent imminent bodily harm to the accused or to another; or
  - d) The arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his appearance, and there is substantial likelihood that he will fail to appear for trial if released upon his personal recognizance; or
  - e) The arrested person has previously failed to appear for trial for an offense concerning which he had given his written promise to appear.
- (4) The amount of personal recognizance bond shall be as follows: Class III Felony: \$2,000.00; Class IV Felony: \$500.00; Class V and VI Felonies: \$250.00; Class I Misdemeanor: \$100; Class II Misdemeanor: \$50.00; Class III Misdemeanor and Petty Offense: \$50.00 (If required under C.R.S. 16-4-111).
- (5) Any defendant charged with a class 3 misdemeanor or petty offense, or any unclassified offense for a violation of which the maximum penalty does not exceed six months' imprisonment, shall be released on a personal recognizance bond unless one or more of the following facts are found to be present (16-4-111);
- a) The arrested person fails to sufficiently identify himself; or
  - b) The arrested person refuses to sign a personal recognizance;
  - c) The continued detention or posting of a surety bond is necessary to prevent imminent bodily harm to the accused or to another; or
  - d) The arrested person has no ties to the jurisdiction of the court reasonably sufficient to assure his appearance, and there is substantial likelihood that he will fail to appear for trial if released upon his personal recognizance; or
  - e) The arrested person has previously failed to appear for trial for an offense concerning which he had given his written promise to appear.
- (6) Defendants making applications for a personal recognizance bond shall swear or affirm under oath that the information contained on the bond applications true. Falsifying the information shall subject the defendant to the penalties provided by law and revocation of the bond. Such oath or affirmation shall be both oral and written and shall be administered by the Bond Commissioner before the defendant signs the bond application.
- (7) The Bond Commissioners, sheriff and deputy sheriffs SHALL NOT authorize bail if the defendant falls within section (7)(e) of this order and must bring the defendant before the court during regular business hours after notice to the district attorney. The district attorney shall have the right to attend and advise the court of matters pertinent to the amount of bail to be set. C.R.S. 16-4-102.

- (8) The Bond Commissioners are authorized to add nonmonetary conditions on any type of bond that they have authority to set.
- (9) ~~A Defendant is not eligible for a personal recognizance bond if the arrestee has a record of conviction of a Class 1 misdemeanor within 2 years or a Felony within five years prior to the bail hearing. 16-4-104(2)(b).~~

(e) When Court Proceedings with Presence of the District Attorney Required:

HOMICIDE and Related Offenses	
Murder, 1st degree	18-3-102
Murder, 2nd degree	18-3-103
Manslaughter	18-3-104
Negligent Homicide	18-3-105
Vehicular Homicide	18-3-106
Vehicular Eluding	
Resulting in Death	18-9-116.5
ARSON (if felony)	18-4-102 through 105
ASSAULTS	
1 <sup>st</sup> degree Assault	18-3-202
2 <sup>nd</sup> degree Assault	18-3-203
3 <sup>rd</sup> degree Assault	18-3-204
Vehicular Assault	18-3-205
Menacing with a	
Deadly Weapon	18-3-206
BAIL BOND	
Violation of Bail Bond	18-8-212
BURGLARY	
1 <sup>st</sup> degree Burglary	18-4-202
2 <sup>nd</sup> degree Burglary	18-4-203
CONTROLLED SUBSTANCES	
Unlawful Distribution,	
Manufacturing,	
Dispensing,	
Sale of a Schedule	
I or II Substance	
(not mere possession)	18-18-405(2)(a)
ESCAPE	18-8-208
KIDNAPPING	
1 <sup>st</sup> degree Kidnapping	18-3-301
2 <sup>nd</sup> degree Kidnapping	18-3-302
Violation of Custody Order	18-3-304
Enticement of a Child	18-3-305

## RESTRAINING/PROTECTION ORDER

Violation of Protection Order 18-6-803.5

## ROBBERY

Robbery 18-4-301

Aggravated Robbery 18-4-302

Aggravated Robbery of a  
Controlled Substance 18-4-303

Robbery of Elderly 18-4-304

## SEXUAL CRIMES

Sexual Assault 18-3-402

Unlawful Sexual Contact 18-3-404

Sexual Assault on a Child 18-3-405, 405.3, 405.5

STALKING (Felony only) 18-9-111 (4)

## WRONGS TO CHILDREN

Incest 18-6-301, 302

Child Abuse 18-6-401

Trafficking in Children 18-6-402

Sexual Exploitation of a  
Child 18-6-403

Procurement of Child 18-6-404

Child Prostitution 18-7-402 et seq.

## WRONGS TO AT RISK ADULTS or JUVENILES

Negligence 18-6.5-103

Assault 18-6.5-103

Robbery 18-6.5-103

## WRONGS TO WITNESSES

Intimidating a Witness 18-8-704 &amp; 705

Retaliation/Witness/Victim 18-8-706

● CARELESS DRIVING: INJURY OR DEATH 42-4-1402

HIT AND RUN: INJURY OR DEATH 42-4-1601

In addition to the above, no person shall be released under this bond schedule before being seen by a judge if any of the following apply:

1. Any **attempt or conspiracy** to commit any of the above listed crimes.
2. **Any new felony charge where the arrestee is on parole or on a supervised probation.**
3. Any crime that is designated as a **domestic violence crime** under C.R.S. 18-6-800.3 (intimate relationship AND act or threatened act of violence, or act intended as coercion, control, punishment, intimidation or revenge).
4. Any crime where the arrestee remains threatening, violent, agitated, or in any other states of mind in which the person, if released, is likely to be a danger to self or others. In the event that an arrestee becomes calm enough to be interviewed, such arrestee shall be interviewed by a bond commissioner even if the person has been placed on a suicide watch or hold. If the arrestee is otherwise eligible for a PR or secured bond, bond shall be set. The arrestee

shall not be released from custody by jail personnel unless the suicide watch or hold has been cleared by a mental health professional or the arrestee has been transported to the hospital and thereafter hospitalized or cleared of any mental health hold.

5. Any warrant out of another state.
6. ~~The arrestee is presently free on another bond of any kind in another criminal action involving a Felony or a Class I Misdemeanor. 16-4-104(2)(a).~~
7. The arrestee has willfully failed to appear on bond in any case involving a Felony or a Class 1 Misdemeanor charge in the preceding five years. 16-4-104(2)(c).
8. If the arrestee refuses to be fingerprinted or photographed.

#### (f) Availability of Judges

Whenever a bond commissioner would like judicial approval of certain conditions of bond and the setting of bond does not require court proceedings where the district attorney is present pursuant to C.R.S. 16-4-102, the bond commissioner may obtain the judicial order as follows:\*

1. By using the on-call list during evenings and weekends except between 10:00 p.m. and 8:00 a.m.
2. By calling the Intake Division during business hours.
3. By obtaining a judicial order from any judge or magistrate during business hours.
4. By forwarding the request for bond condition to the Intake Division with the bond sheets in the morning.
5. By recommending additional bond conditions during jail advisements.

#### 4. Court Appointed Counsel

If the Public Defender does not enter on behalf of a defendant and qualifies as an indigent person, the court shall appoint counsel as directed by the Office of Alternate Defense Counsel.



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Hon. Maria E. Berkenkotter  
Chief Judge

