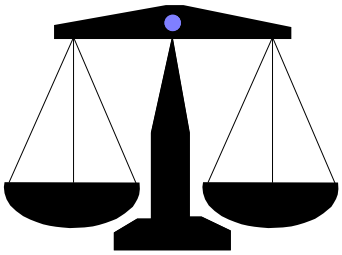
4th Judicial District

El Paso and Teller Counties Colorado

El Paso County Community Corrections Board



OFFENDER PLACEMENT REVIEW PROCEDURES

Effective March 16, 2020

Amendment History

July 25, 1997	Original Adoption
August 6, 1997	Resident definition
August 13, 1997	Application Procedures to Provide Community Corrections Services to the 4th JD
September 10, 1997	Case presentation; Attachment A revised
December 1, 1997	Attachment A revised
December 10, 1997	Violence definition
April 8, 1998	Intensive Supervision Inmate Program; Exceptions to CCB Policies and Procedures; Attachment A revised
June 10, 1998	Relevant documents defined; Reconsideration clarified; Registration of sex offenders
September 9, 1998	Reconsideration; Attachment A revised
October 14, 1998	Intensive Supervision Inmate
November 17, 1998	Referral Procedure [added]
February 2, 1999	County Department name change
March 10, 1999	Distribution of Info. for Screening change; Offender Information for Screening Review revised
April 14, 1999	Clarify Excluding Criteria; Review Cases Twice a Month
August 11, 1999	Review Cases Twice a Month – Tabled for Discussion
February 9, 2000	Intensive Supervision Inmate; Attachment A revised
March 8, 2000	Emergency Placement
April 12, 2000	Reconsideration for Screening After Termination
August 10, 2000	Placement Excluding Criteria
September 13, 2000	Placement Excluding Criteria
December 13, 2000	Screening Review
February 14, 2001	Intensive Supervision Inmate Program; Offender Information for Screening Review
July 11, 2001	Victim Policy
December 18, 2001	Referral Form addition
November 13, 2002	Voting of Membership
March 7, 2003	Voting Majority; Statutes
January 14, 2004	Eligibility for Non-Residential
February 11, 2004	Weekly Screening Review time changed; Distribution of Info. day and time change' clarify Sex Offender Registration
May 11, 2005	7th JD Residential ONLY Referral
May 26, 2005	Referral Form changes
August 10, 2005	D.8.e.2. Out-of-district IRT referrals
October 12, 2005	Plea/not guilty D. 8. d. removed and D. 11. a. confirmed
December 14, 2005	ISP Referral Form
Mar 11, 2009	Women's Remediation Out of District Referrals page 5
July 8, 2009	ISP-I Referral Rejection Criteria see section D.10.d
August 12, 2009	Victim Policy
October 14, 2009	Emergency Board Approval for Placement
November 10, 2010	Residential Dual Diagnosis Treatment waiver for Out of District referrals
February 12, 2020	Significant Offender Placement Review Procedures revisions

TO MAKE A REFERRAL TO THE 4TH JUDICIAL DISTRICT, PLEASE SEE THE ATTACHED APPENDIX.

For more information,
contact the

Community Corrections Program Manager at (719) 520-6987 or visit our website at https://comunityservices.elpasoco.com/community-outreach-division/justice-services/

A. PURPOSE

This document sets forth the decision-making criteria, and procedures, and exceptions thereto, for community corrections residential and non-residential program placements within the territorial jurisdiction of the El Paso County Community Corrections Board (CCB) and in other jurisdictions in which 4th Judicial District resources may be used to fund community corrections placements.

Application of these criteria by the CCB shall be deemed final and not subject to review once the procedures and requirements adopted by the CCB for that express purpose are followed.

B. IDENTIFICATION OF PRINCIPALS

1. El Paso County Community Corrections Board (CCB)

   Acting under the authority of the C.R.S. §§17-27-101,et seq. and 18-1.3-301 and El Paso County Resolution 96-365, General-103 adopted October 7, 1996, the CCB is the decision-making body with responsibility to approve offender placements into community corrections. The CCB reviews offender referrals from Colorado State Judicial District Probation offices and Colorado Department of Corrections (DOC) proposed offenders for community placement in El Paso County or for funding by El Paso County for placement in another Colorado county.

2. El Paso County Community Services Department, Community Corrections Program (CCP)

   The CCP is the unit of County government responsible for administering and carrying out the directions of the CCB for the review, approval and placement of offenders with El Paso County community corrections contracted vendors and out of district placements.

3. 4th Judicial District Probation Department

   The 4th Judicial District Probation Department is the entity responsible for the statutory supervision of and the dissemination of information on all proposed offender placements from Colorado District Courts with El Paso County community corrections contracted vendors (C.R.S. §18-1.3-301(2)(a).)

4. Colorado Department of Corrections (DOC)

   DOC is the entity responsible for the statutory supervision of offenders and the dissemination of information on all proposed offender Transition and ISP-I placements from DOC facilities with El Paso County community corrections contracted vendors (C.R.S. §18-1.3-301(2)(a).)

5. El Paso County Community Corrections Vendors (Vendors)

   Vendors are community corrections service providers who have been awarded contracts by the Board of County Commissioners to provide community corrections services to offenders approved for placement in El Paso County. Out of District vendors are those that receive Division of Criminal Justice Community Corrections funds and have been approved for offender placement by the CCB.

C. AUTHORITY FOR THE SCREENING OF OFFENDER PLACEMENTS

To the full extent permitted by C.R.S. §§17-27-101 et seq., articles 27.1 and 27.5 of title 17, 18-1.3-301 and §19-2-702 (1c) or 801 (2), any offender being considered for placement in

community corrections within the jurisdiction of the CCB, or in other jurisdictions in which 4th Judicial District resources may be used to fund community corrections placements, shall be screened by the CCB in accordance with the procedures and requirements established therefore.

D. THE PROPOSED OFFENDER PLACEMENT REVIEW PROCESS

1. Offender Information for Screening Review

The referring agency shall provide CCP with a completed referral form and the following up-to-date information, as applicable, for the review process:

a. Diversion Referral Packet Contents (See also Appendix A):
   1. El Paso County Community Corrections Referral Cover Sheet
   2. Level of Supervision Inventory (LSI) – most recent
   3. Pre-Sentence Investigation Report (PSI)
   4. Psychosexual Evaluation (PSE) – must be included for all sex offender referrals
   5. Police Report and/or Affidavit of Probable Cause (Must have is no PSI)
   6. Updated PSI
   7. Summary of Supervision
   8. Victim Impact Statement
   9. Probation Complaint and Report
   10. Minute Order
   11. Letters of Support
   12. Other applicable assessments
   13. Release of Information (ROI) from out of district jurisdictions
   14. Any other relevant documents to support an offender's suitability for placement
   15. Referral agency's evaluation and community corrections placement recommendation

b. Transition Referral Packet Contents:
   1. Provider Cover Sheet
   2. Admissions Data Summary
   3. Community Plan
   4. Initial Needs Assessment
   5. Diagnostic Narrative Summary
   6. Pre-Sentence Investigation Report (PSI)
   7. Offender Statement
   8. Victim Impact Statement
   9. Letters of Support
   10. Referral agency evaluation and community corrections placement recommendation

2. Weekly Screening Review

Each week, unless otherwise scheduled in accordance with the CCB Bylaws, the CCB will review proposed offender placements and fax, e-mail, or deliver their votes to the CCP staff on or before 1:00 p.m. on Wednesday. At that time a public meeting will be convened at which time the ballots will be counted.

3. Distribution of Information for Board Member Review

Each Thursday, prior to the weekly Wednesday meeting, unless cancelled by the CCB or moved to accommodate a holiday, CCP staff will distribute the ballot and case materials by secure email, to Board members for review and voting.

4. Conduct of
   Board case review:

   a. At the monthly in-person meetings, members will be asked if there are cases that they wish to discuss. Absent or after such discussion, the CCB will vote on the proposed community corrections placements. The CCP staff will record the result of the vote.
   b. At the conclusion of the meeting, the CCO staff will provide notification in writing to the referring agency and/or the court of the CCB's decision.
   c. All offenders approved for out of district placement must be accepted by that jurisdiction's community corrections board.
   d. For any ballot presented at a weekly meeting other than the monthly in-person meeting, if any voting Board member would like to table the vote on a particular offender so that discussion may take place at the in-person meeting, that Board member shall notify the CCP before 12:00 p.m. of the Wednesday that ballots are due. Ballots received on the offender will be voided and the case will be continued to the next regularly scheduled in-person meeting.
   e. Each member will sign their own ballot. Unsigned ballots will not be counted.
   f. Voting results will be reported by total numbers of accept, reject, abstain. Any improper influence by outside parties experienced by Board members and/or CCP staff shall be reported immediately to the Board Chair or the Community Corrections Program Manager for review.

5. Screening Quorum

   A quorum for screening decision-making purposes shall consist of a simple majority of the current Board membership.

6. Screening Voting

   A simple majority vote to approve a community corrections placement will constitute an acceptance. A tie vote will constitute a rejection.

7. Guidelines for the Review of Proposed Offender Placement

   The following factors should be considered in the decision-making process concerning those offenders being reviewed for community corrections placement in El Paso County.

   a. Mental health issues
   b. Suicide potential
   c. History of escape attempts
   d. Prior unsuccessful community placement(s)
   e. History of violent behavior
   f. Management problems in correctional facilities
   g. Likelihood of continued criminal behavior
   h. Criminal history
   i. Serious health care issues
   j. Ties (or lack thereof) to El Paso County and/or Teller County
   k. Mitigating or extenuating circumstances related to the current offense
   l. Victim impact statement(s)
   m. Employability
   n. Screening guides and other relevant evidence informed decision making tools

8. Criteria Requiring Mandatory CCB Review

The following case types, if approved by the Vendor, must also be reviewed and approved by the CCB, unless excepted/exempted by statute or as described below:

a. Any offender having been convicted of a Class I or Class II felony.
b. Any offender having been previously convicted or currently charged or currently convicted of a crime of violence as defined C.R.S. §§16-11-309 et. seq. (except "Escape.)
c. Any offender having been convicted of possession or distribution of more than twenty-eight (28) grams (1 oz.) of a controlled substance as defined in C.R.S. §§18-18-102.
d. Any offender that has been convicted in a court other than the 4th Judicial District, except those out of district offenders seeking Intensive Residential Treatment (IRT) or Residential Dual Diagnosis Treatment (RDDT) and returning to their sentencing district upon IRT or RDDT program completion.
e. Any transition offender who is currently or was previously convicted of a felony sexual offense except those who meet all of the guidelines for acceptance listed below:
    1. The offender must have successfully completed Phase I of the sexual offender program within the DOC.
    2. Positive consideration for acceptance will be given to those offenders who have entered sex offense specific treatment while in DOC.
    3. The offender must have a positive recommendation from the sex offender treatment team at the DOC.
    4. Positive consideration for acceptance will be given to offenders whose risk factors are minimal.
    5. The offender does not have a history of violent, sexually aggressive behavior.
    6. The offender must consent to conditions of community treatment as required by the State of Colorado Sex Offender Treatment Board's Guidelines. This would include, but not be limited to, periodic polygraph examinations, increased surveillance, mandatory offense-specific therapy, and, if warranted, plethysmograph examinations.
f. Any diversion offender currently or previously convicted of felony sexual assault except those diversion offenders admitted to a certified sex offender program.
g. Proposed diversion and transition offenders who were not adjudicated in the 4th Judicial District.
h. All cases in which a victim requests notification and asks to provide information pursuant to the Victim's Rights Amendment to the Colorado Constitution. Transition referrals from the Colorado Department of Corrections and diversion referrals from the District Court in which the victim(s) of the offender requests, in writing, the opportunity to provide information to the Board (in person, verbally over the phone or in a written statement) regarding the offender's proposed placement in community corrections consistent with C.R.S. §24-4.1-302.5 and §24-4.1-303. If the victim requests this notification, the CCB will review the case at the next regularly-scheduled in-person meeting of the CCB. CCP staff will notify the DOC or the District Court via the referring agency of the meeting time and place for the case review. In turn, the statutory responsibility of the DOC and/or the District Court/DA/Victim's Advocate to notify the victim of the review date is confirmed.

9. Condition of Parole Placement

    a. A copy of the Parole Agreement/Order specifying the placement in community corrections must be received for those cases to be reviewed for placement as a condition of parole or in lieu of revocation.
    b. An offender who has had his/her parole revoked must meet the criteria for transition placement in order to return to the community corrections Vendor.

10. Intensive Supervision Inmate Program (ISP)

There are two types of ISP offenders. The first type is when an offender moves from a residential community corrections program onto ISP. The second type, referred to as ISP-Direct is when an offender is referred directly to ISP from the DOC and the offender has not completed any residential community corrections program prior to the offender's ISP movement.

a. The following conditions apply to both types of ISP offenders.

1. The offender must meet the minimum criteria as determined by DOC policy, Administrative Regulation No. 250-1; IV.
2. The offender should demonstrate a pattern of compliance with the primary objectives of their individual supervision plan as developed by the Vendor and the DOC Community Agent.
3. The offender should not have any DOC Code of Penal Discipline Class II convictions in the last three (3) months.
4. The offender must have full-time employment or demonstrate the ability to achieve full-time employment or the equivalent (such as an alternate income source or support system).
5. The offender must have a residence in the 4th Judicial District community that should have a single telephone line service or cellular service for electronic monitoring or telephone curfew check.
6. The offender should demonstrate the ability to pay outstanding subsistence fees to the Vendor prior to ISP placement, as well as any fees associated with ISP supervision.
7. The offender will not be eligible for placement within thirty (30) days of a firm out date unless special circumstances exist to support such a short placement.
8. Exceptions to these procedures may be considered and movement may be approved in individual cases if agreed upon by both the Vendor and the DOC Community Agent.

b. The following conditions apply ONLY to DOC ISP-Direct.

1. All ISP-Direct referral offenders must be presented to the CCB for approval or rejection. The referral and screening process follow the procedure outlined in D. 3. The form to be used is listed in the Appendix.
2. If an ISP-Direct referral was submitted and rejected by the CCB, then future referrals may be rejected by the Community Corrections Program Manager if there is no new information included in any subsequent referral.

c. The following condition applies ONLY to offenders moving from a residential community placement onto ISP.

1. The offender should spend a minimum of ninety (90) days in the residential community corrections facility prior to eligibility for consideration.

11. Excluding Criteria

The following individuals are not eligible for placement review by the CCB and shall not be approved for placement with any El Paso County Vendor or out-of-district placement:

a. Defendants who have not entered a guilty plea or been convicted of a felony or a misdemeanor in a Colorado State court, except with respect to those cases to be dismissed as part of a plea agreement.
b. Offenders on probation who have not admitted to an alleged violation of probation or had their probation revoked by a judge after a "Complaint and Report of the Probation Officer" for revocation has been filed.

c. Offenders whose cases are being returned to the sentencing court on 35B "Motions for Reconsideration of Sentence" and in which the motions have not yet been filed with the courts. The formal motions must be filed with the sentencing courts before the offenders can be reviewed by the CCB for potential placement.
d. Offenders with active felony detainers.
e. Offenders who have not been referred by
    1. A sentencing court of the State of Colorado as either a direct sentence or as a condition of probation (including 35B "Motions for Reconsideration of Sentence") or
    2. The probation department of the 4th Judicial District when community corrections is a viable sentencing alternative within the open sentencing range and is consistent with a plea agreement or
    3. The DOC as a transitional referral or
    4. The Colorado Board of Parole as a condition of parole.

12. CCB Offender Placement Review Procedures

a. All proposed placements requiring mandatory CCB review will be presented to the CCB in written form by the CCP staff. When available, the victim impact statement will be attached to the written form and distributed to the Board members. All records are to be held in confidence, to the extent permitted by law, and all inquiries for those records referred directly to the DOC or the district court.

b. The victims of an offender being considered for community placement have the right to provide a written and/or verbal victim impact statement. It shall be the responsibility of the entity designated by statute to provide notice to victims to assure that the victim is aware of this opportunity and to provide the written statement to CCP staff prior to the review, or to schedule the appearance of the victim at the monthly in-person CCB meeting when the case will be reviewed.

c. If a victim or the victim advocate is unavailable to be present for the meeting, but wished to address the CCB, the victim or the victim advocate shall notify the CCP staff within a reasonable time. Within its resources, the CCP staff shall arrange for and provide the means for a victim to address the CCB, which means shall be limited to appearing by phone or via similar technology pursuant to C.R.S §24-1.1-302.5(1)(i.5)(III).

d. A victim or a single victim's representative may make an oral statement to the board, which should be limited to 3 to 5 minutes.

e. Audio and/or visual aids shall not be permitted.

f. The CCB Chair may stop the statement if the individual becomes disruptive.

g. After the statement is made, the CCB may ask the victim or the victim's representative questions.

h. Attorneys, family members, or friends present (other than the victim's representative) shall not be permitted to make oral statements to the CCB.

i. Offenders and their representatives shall not be permitted to address the CCB except for written information provided within the referral packet.

j. A majority vote of the CCB is required to approve a placement. A tie vote will constitute a rejection. Formal notification of the CCB's decision will be communicated to the referring State authority.

13. Reconsideration After Rejection by either Vendor(s) or CCB (not after termination from a program)

    A CCB member or an officer of the court or the executive branch of government may request that a case be reconsidered subject to the following criteria:

    a. The request must be in writing and directed to the Chair of the CCB through the CCP staff;
    b. The request must be limited to three (3) pages including exhibits;
    c. The request must cite one or more of the following as its justification:
        1. An irregularity in the original screening which prevented fair consideration;
        2. Misconduct on the part of the CCB;
        3. Newly discovered relevant information not available at the time of the original screening *
           *If a psychological evaluation is to be considered, it must be included with the original referral packet and shall not be the sole basis for reconsideration; or
        4. An error in applying CCB written criteria.
    d. The request must include documentation and/or arguments to support the reconsideration request relative to section 13.C. (1-4) of these Procedures.
    e. Requests citing #2 above will be referred immediately to the CCB at the next regularly scheduled in-person meeting for review. All other requests shall be handled as follows:
        1. Upon review of the information contained in the request, the CCP staff shall review the request to determine if (a) the request has been made in writing, (b) the request is limited to three pages including exhibits; and (c) the request cites one or more of the justifications for reconsideration. If these conditions are met, the CCP staff will present the request to the CCB. The CCB shall vote on whether to reconsider the placement request.
        2. If the CCB unanimously agrees to reconsider the placement, the procedures for offender placement review will be implemented.
        3. If reconsideration does not receive unanimous approval, the original action of the CCB shall stand.

14. Rejection After Acceptance

    The CCB reserves the right to reject after acceptance any offender placed with an El Paso County Vendor and delegates this authority to both the CCP staff and approved Vendors when such action is deemed to be in the interest of public safety.

15. Reconsideration for Screening After Termination by a Vendor - Diversion Offenders

    Diversion offenders terminated by a Vendor may be re-screened under the following conditions. Submission of a re-screen is limited to the original terminating Vendor.
    a. If the decision to terminate an offender by Vendor was deemed inappropriate by the Vendor itself after the required Administrative Review procedures were followed;
    b. If the decision to terminate an offender by a Vendor was based on a new charge and that charge was either dismissed or dropped; or
    c. If new, extenuating or mitigating relevant information relating to the termination can be provided by the referring agency.

E. EXCEPTIONS TO CCB PROCEDURES

1. The CCB may make an exception to these procedures for cause through a formal act of the CCB except as precluded by statute.

2. Offenders referred for placement by the 4th Judicial District Court with vendors in jurisdictions other than El Paso or Teller Counties will be screened for appropriateness of placement and continued funding by the CCB.

3. The Community Services Department Director or his/her designee may approve for temporary placement 1) a previously released parolee who is being referred for residential treatment by the parole officer to a community corrections facility in the course of his/her supervision or 2) a diversion or transition offender in need of immediate placement in the interest of public safety. Placements which are approved under this section are subject to CCB review at the next scheduled ballot, at which point the placement may be continued or terminated. Only placements governed by Section D.8 (Criteria Requiring Mandatory CCB Review) of these Offender Placement Review Procedures are subject to this paragraph E.3.

4. The CCB may consider emergency placements outside of the regularly scheduled screenings or meetings to protect public safety. The Community Services Department Director or his/her designee must approve the placement prior to the emergency placement request being submitted to the CCB. Once requested the CCP staff will prepare and distribute the packet to the Board outside of the scheduled meeting or screening. Votes will be tabulated, and once quorum is reached the Vendor will be notified of the results.

F. ADDITIONAL REQUIREMENTS OF CCB ON OFFENDER PLACEMENTS

1. Sex Offender Registration. It is the requirement of the CCB that sex offenders, as defined by statute, admitted to a community corrections facility under the jurisdiction of the CCB be required to register as a sex offender, according to the statutory schedule, with the local law enforcement authority of the jurisdiction in which the program is located; and the offender will reside within five (5) calendar days of the offender's placement. Proof of this registration will be maintained in the offender's case file.

2. Eligibility for Non-Residential Placement. A diversion offender placed initially in community corrections in the 4th Judicial District is required to complete a minimum of 180 days in the residential setting before becoming eligible for non-residential placement consideration. If vendors have offenders that may be exceptions to this policy, i.e., the offender should be eligible for consideration before 180 days, the vendor will bring the case forward to the CCB via the CCP for consideration. Any changes to this procedure will be brought before the CCP via the CCP for consideration.

Reviewed by the Chief Judge of the 4th Judicial District
{S} William Bain

Approved by the El Paso County Community Corrections Board
{S} Rose Roy, Chair
{S} Mark Allison, Vice-Chair

APPENDIX
PROCEDURES FOR MAKING A REFERRAL

1 Complete referral.

Please complete Referral Form. Do not use terms such as "see attached" or "see PSIR."

2 Submit referral with documentation.

The Community Corrections Board has determined that the following information will be needed for both Vendors and the Board to make decisions:

a – Completed referral form
b – *Minute Order* reflecting community corrections screen
c – Pre-sentence Investigation Report for current/past offense(s) including face sheet
d – First and last name, address and telephone number of the defense counsel
e – Probation *Complaint and Report* form
f – *Summary of Supervision* (of time while offenders was on probation or under ISP supervision
g – A description of the current offense(s)
h – Disposition on any PENDING felony cases as soon as available
i – *Minute Order* reflecting probation revocation (if referral is a revocation)
j – An LSI (Level of Supervision Inventory) and a currently used and approved Sex Offender assessment instruments (if applicable.)
k – *Minute Order* reflecting a 35B Reconsideration referral
l – *Minute Order* reflecting plea agreement or documentation of plea agreement
m – Letter from a Community Corrections Board reflecting funding approval for out-of- district referrals by any jurisdiction other than the 4th Judicial District

3 Receive referral confirmation letter.

This letter will be sent to the referral agency upon receipt of the referral. It will let you know (a) if the CCP has enough information to process the referral or (b) if the referral will be held anticipating receipt of other documentation – and the letter will outline what is needed. If the referral is from the 4th Judicial District, confirmation will be sent to the sentencing court and the referral agency.

4 Receive notice of referral results.

When a decision has been made by (1) the vendor, the sentencing court, the referral agency, prosecutor and defense counsel will be notified immediately. If the case needs to be reviewed by the CCB, that date will be given and after that meeting, the results will be forwarded to the sentencing court, the referral agency, prosecutor and defense counsel.