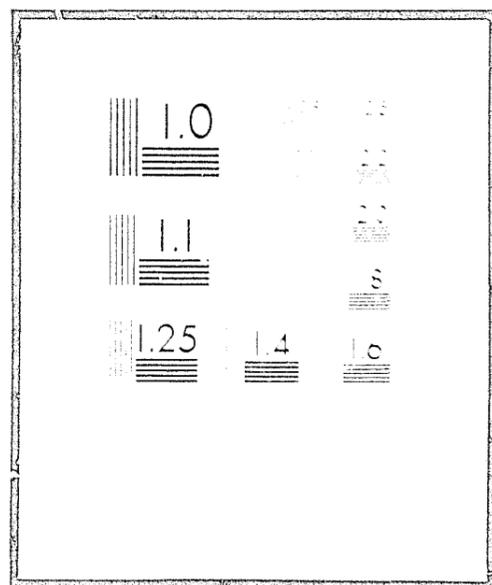


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PRELIMINARY  
Report to the Colorado General Assembly

## STUDY OF COMMUNITY CORRECTIONS BY THE COMMITTEE ON CRIMINAL JUSTICE



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 210  
DECEMBER 1974

STUDY OF COMMUNITY CORRECTIONS

→ Preliminary Report to the  
Colorado General Assembly  
by the  
Legislative Council Committee  
on Criminal Justice

Research Publication No. 210  
December, 1974

COLORADO GENERAL ASSEMBLY



LEGISLATIVE COUNCIL

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To Members of the Fiftieth Colorado General  
Assembly:

Submitted herewith is the preliminary  
report of the Legislative Council's Committee on  
Criminal Justice prepared as a part of its study  
of community corrections pursuant to Senate Bill  
55 (1974 session).

Respectfully submitted

/s/ Senator Ralph Cole  
Chairman  
Committee on Criminal Justice

RC/mp

## FOREWORD

Senate Bill 55, adopted during the 1974 session of the General Assembly, provided for a two-year study of Colorado's correctional systems, to be conducted by the Legislative Council. The bill described this project as:

a planning study for community corrections based on a total system concept that encompasses the full range of offenders' needs and the overall goal of crime reduction. The planning study for community corrections shall give highest priority to diversion from the traditional custody-oriented correctional facilities and programs and utilization of existing community resources, with emphasis on community involvement and responsibility. Individual program needs and the relevant aspects of social service systems such as health, education, mental health, public assistance, and vocational rehabilitation that have potential for sharing facilities, resources, and experience shall be considered in the overall correctional plan. (Section 27-27-110(1), C.R.S. 1973.)

Senate Bill 55 appropriated \$102,000 from federal Law Enforcement Assistance Administration funds to the Legislative Council for the conduct of the study.

The Legislative Council directed its Committee on Criminal Justice to conduct the community corrections study project. The following members of the General Assembly served on this committee during the 1974 interim:

Sen. Ralph Cole, Chairman	Rep. Robert Eckelberry
Rep. Carol Tempest, Vice-Chairwoman	Rep. Larry Hobbs
Sen. Roger Cisneros	Rep. Charles Howe
Sen. Don MacManus	Rep. Ken Kramer
Sen. Harold McCormick	Rep. Hubert Safran
Sen. Ruth Stockton	Rep. Morgan Smith

Pursuant to Senate Bill 55, the following advisory committee was appointed to assist the Committee on Criminal Justice in its study project:

Mr. Tom Cruz, Southwest Denver Community Mental Health Service  
Mr. Gale Davey, Chief of Police, Fort Morgan  
Mr. Jim DeRose, Colorado District Attorneys' Association

The Honorable William Ela, District Court, 21st Judicial District  
 Mr. Tom Gilmore, Montrose County Sheriff  
 Ms. Leanore Goodenow, Denver  
 Mr. Edward Lipton, Deputy State Public Defender, Canon City  
 Mr. Scott Moore, Denver  
 Mr. William J. Woestendiek, Colorado Springs

The committee has divided its study project into three phases. As explained in greater detail in the introduction below, this preliminary report represents the culmination of the first phase of the project. The bulk of the report's contents deal with that part of the project's second phase which concerns existing community corrections programs. The second and third phases of the project will be followed by a final committee report to the 1976 session of the General Assembly.

Primary staff assistance was provided to the study project during the 1974 interim by Earl Thaxton, Senior Analyst, and Steve Jordan, Senior Research Assistant. Staff assistance was provided for the community resource survey by Dave Morrissey, Dennis Jakubowski, Jim Henderson, and John Silver. The committee and staff wish to extend thanks to the members of the advisory committee for their contribution to the 1974 interim work. Particular thanks are extended to the many local officials and agency personnel who assisted the committee and staff with their inquiry into existing community programs.

December 31, 1974

Lyle C. Kyle  
 Director

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## INTRODUCTION

Senate Bill 55. During its 1974 session, the Colorado General Assembly adopted Senate Bill 55, which is commonly referred to as the "community corrections bill". Senate Bill 55 is intended to encourage the establishment of community correctional facilities and programs as alternatives to custody-oriented institutionalization of offenders. The intent is to intensify the community approach to rehabilitation through placement of the offender in his community and through the utilization of community programs and resources in his rehabilitation.

Basic provisions of the law. Senate Bill 55 permits the Department of Institutions to establish and operate "community correctional facilities". The department is permitted to contract for services with any unit of local government which has established and is operating a community correctional facility. The department may also contract for services with any private nonprofit agency having approved facilities and offering an approved program relating to community corrections.

Senate Bill 55 also permits units of local government to establish and operate community correctional facilities and programs, and to contract with any private nonprofit agency offering approved correctional programs.

The law includes within the meaning of "community correctional facility" any:

...community-based or community-oriented facility which is operated either by a unit of local government or the department and which may provide live-in accommodations for offenders and give them aid in obtaining and holding regular employment; in enrolling in and maintaining academic courses; in participating in vocational training programs; in utilizing the resources of the community in meeting their personal and family needs and providing treatment; and in participating in whatever specialized programs exist within the community correctional facility. (Section 27-27-102(2), C.R.S. 1973.)

Study of the state's correctional systems. In addition to its provisions authorizing the establishment of community correctional facilities, Senate Bill 55 provided for a two-year study of Colorado's correctional systems, to be conducted by the Legislative Council. The law directed the council to appoint a committee to undertake a planning study for community

corrections "based on a total system concept that encompasses the full range of offenders' needs and the overall goal of crime reduction". The committee was directed to include within its two-year study the following particular subjects:

- the role, function, and philosophy of the state's custodial programs and facilities;
- the legal framework for Colorado jails, their physical facilities, and their operations, personnel involved in operating jails, provisions for routine and specialized services at jails, and conditions of the existing system for holding accused persons pending trial and for dealing with convicted felons and misdemeanants;
- the relationship between the state's facilities and programs for adult offenders and the county and municipal jail system, including the concept of regional correctional facilities and an analysis of the appropriate fiscal relationship between the state and local units of government;
- the practicality and financial impact on local governments of regulations pertaining to jails promulgated by the department of health;
- the need for community-oriented facilities and programs for adult corrections and rehabilitation;
- proposals embracing the concept of community and regional correction systems and the problems to be encountered in a transition from the current institution-oriented system to one that is community-based, with particular emphasis on the fiscal impact such a system would have on state and local governments and the cost of constructing or purchasing regional correction and rehabilitative facilities;
- proposals for excluding sociomedical problem cases from corrections with emphasis on formalized programs and systems of diversion to effectively deal with the mentally ill, alcoholics, and drug addicts;
- the prison industries program;
- the relationship and organizational structure of probation, parole, and community-oriented corrections systems;

- the relationship between the judiciary and correctional administrators in terms of deciding both the location and the length of time of confinement for various offenders;
- proposals to train and improve correctional manpower by implementing a coordinated recruitment and development program;
- recommendations made by the National Advisory Commission on Criminal Justice Standards and Goals and other national and state study committees which have issued reports containing recommendations for change and improvements in the areas of correction and rehabilitation of offenders.

Phases of the committee's study. The committee has divided its study project into three phases.

The first phase began on July 1, 1974, and will end on January 1, 1975. This preliminary report represents the culmination of the first phase of the project. Basically, this phase has involved the collection and analysis of available data on state and local correctional programs and facilities. Some of the preliminary data has been collected and compiled by the staff of the Legislative Council as original data, but the staff has also relied heavily on participation and cooperation by various state and local agencies.

The data collection and analysis activities of the project's first phase are reflected primarily in narrative abstracts for each of the state's thirteen planning and management districts; these abstracts have not been included in this preliminary report because of their bulk. They are available in the offices of the Legislative Council.

The second phase of the study is intended to focus on an analysis of various community corrections programs which have been implemented in Colorado and elsewhere. This phase will include a survey and analysis of community programs in other states which may be applicable to Colorado, a survey and analysis of existing community corrections programs in Colorado, and a review of relevant literature and studies dealing with community corrections in relation to local, national, and state trends in correctional reform. The second

phase of the project will also include regional public hearings in order to determine local problems and solutions. The second phase began on July 1, 1974, and is expected to end on July 1, 1975. This preliminary report documents that part of the second phase which concerns existing community corrections programs. The limitations and parameters of the analysis of community programs are explained below.

The third phase of the study project includes the formulation of policy and recommendations relating to the committee's findings in the first and second phases. The focus of the third phase will be on the development of a community corrections system or an effective range of community resources which will be capable of providing necessary services to offenders throughout the state. This third phase may involve recommending some type of short-term and long-term development plan, recommendations concerning executive and legislative action necessary to implement the suggested system, and recommendations concerning the technical and financial feasibility of implementing the committee's proposals. The third phase of the committee's study will occur between October 1, 1974, and December 31, 1975 (the project's completion date). The recommendations of the third phase will be contained in a final committee report.

Structure of the preliminary report. This preliminary report contains the following sections:

- a general discussion of the types of community resources which may be available to community corrections systems (including resources in the areas of education, employment, physical and mental health, housing, recreation, individual and family economic and service needs, and volunteerism);
- a description of the functional elements of community corrections (pre-trial services and diversion; screening, diagnostic, and classification services; post-trial community-based correctional programs; and pre-release or release reintegration services) and the relationships between these elements of corrections and the community's service resources; and
- a categorization of problem or conflict areas within community corrections systems and a delineation of topics of study which may be of interest for further committee inquiry.

Limitations of the preliminary report. The following limitations should be borne in mind in the reading of this preliminary report.

First, the survey of existing community corrections programs and resources is not comprehensive of the entire state, due to time constraints. Communities surveyed included Greeley, Fort Collins, Boulder, Fort Morgan, Sterling, Colorado Springs, Pueblo, and Grand Junction.

Second, the survey of the correctional programs within a particular community was only as complete as time constraints would allow.

Third, the information collected about community programs is not in the form of detailed "hard" data. No attempt was made to evaluate the effectiveness of the various community resources and programs. The staff attempted to build a picture of the resources available within communities and the relationships among resources and community agencies. This should serve as a general overview of the types of activities which occur within community corrections systems in Colorado.

Due to its general and non-comprehensive nature, the information about existing community corrections programs is not presented in a structured manner in this preliminary report. Instead, information about specific programs is included whenever it is illustrative of a particular component or resource of a community system or whenever it is illustrative of a particular conflict or potential within that system.

Parameters of "community corrections". The criminal justice process in Colorado involves activities at three levels of government (municipal, county, and state) and within two branches of government (the judiciary and the executive). To provide an overview of the entire criminal justice system is far beyond the scope of this report. It is important to define the parameters of "community corrections", an analysis of which is provided through this report.

(1) Crimes in Colorado are classified as either misdemeanors or felonies, and somewhat different procedures are used to deal with each type of crime. For purposes of this report, the primary focus will be on the manner in which community corrections programs deal with accused and convicted felons.

(2) The total Colorado corrections system is divided into three sectors: the probation system within the state judicial department; the correctional institutions and parole system within the state Department of Institutions; and the

jail systems of units of local government. Within each of these sectors, corrections is further divided into adult and juvenile categories.

(a) The focus of this report is on adult corrections, although some elements of juvenile corrections will be referenced.

(b) Further, the focus of the report is on corrections activities within communities. No attempt is made to describe or evaluate the state-operated correctional system, which includes the state penitentiary, the state reformatory, and associated work-release and honor camps. A number of studies dealing with the state-operated system have been conducted or are presently in progress. Parole and probation functions of the state government are discussed in the report as they operate within individual communities. Local jail systems are, of course, included.

(3) Thus, the community corrections system in Colorado is defined, for purposes of this report, as that detention - rehabilitation segment of the overall criminal justice system to which adults accused of or adjudicated for the commission of felonies are released or detained within the community as inmates, probationers, or parolees.

## COMMUNITY RESOURCES AVAILABLE TO A COMMUNITY CORRECTIONS SYSTEM

### Introduction

A basic theme of the community corrections concept is that valuable resources for rehabilitation of offenders exist in the community. There can be no single approach, theory, or generalization to meet the resource needs of all individuals requiring correctional rehabilitation. Individual offenders require a variety of community services and resources.

It is not feasible for the corrections system to provide all types of specialized services directly to its clients. Therefore, the utilization and coordination of existing resources within the community is a major goal of the community corrections concept.

This section of the preliminary report attempts to identify existing community resources which may be available to or have potential for use by the corrections system. The resources identified include those available from state service agencies, local service agencies, and private service organizations. The resources include employment resources, educational resources, physical and mental health resources, housing resources, resources to meet individual family economic and service needs, volunteer resources, and recreation resources.

The degree to which the corrections system has succeeded in marshalling existing community resources is not evaluated in this section of the report. To explore and assess the effectiveness of the various agency programs or to attempt to evaluate the degree to which the various agencies and programs are mobilized and coordinated is beyond the scope of this report; such an assessment will require a more systematic approach.

### Employment Resources

Employment may be the single most important community resource for offender rehabilitation and integration of offenders into a community. Employment resources include: (a) employers themselves; (b) the avenues used in making job contacts for offenders; and (c) incentives for the hiring of offenders.

Employers. Public and private employers may adopt several attitudes in relation to the hiring of offenders. Some may have positive programs for the development of employment

opportunities for offenders. Others may not be involved in this type of positive "outreach" but may be concerned with offenders' employment problems and may be willing to hire and work directly with offenders for effective rehabilitation. Other employers may be willing to hire an offender if he is qualified for a job, but may expect him to adjust to the work environment without additional assistance. Finally, some employers may automatically exclude offenders from employment.

One difficulty faced by employers willing to hire offenders is the large number of organizations and government agencies seeking employment for their respective client groups: veterans, disabled persons, women and other minority groups, and offenders. More effective coordination of such employment projects might foster more positive relationships among employers and special-purpose employment seekers.

The development of employment opportunities and the fostering of positive approaches to offender employment is an important aspect of community corrections. Contact with employers, if effective, is not limited to the procurement of a job for an offender. Ideally, this contact should include employer and employee education and counseling, and comprehensive social service back-up during the period of employment.

Public employment. The community survey failed to disclose an example of a comprehensive "outreach" program for employment of offenders by a city or county government. Through youth service bureaus, local governments have begun to be active in developing employment for delinquent juveniles. This sort of effort could be extended to the adult corrections area.

An additional possibility for public employment of offenders would be sentences to public service jobs as alternatives to incarceration. This type of program is carried out on an informal basis within certain communities at the present time; courts may impose jail sentences which are reduced on an incremental basis for each day during which the sentenced offender works for a community service agency or facility, such as a local hospital. Such community service jobs could be made available on a systematic basis to probationers and parolees as well as to county jail inmates.

The state Division of Employment. The state Division of Employment is one of the major resources used by probation and parole officers and by groups seeking employment opportunities for offenders. The division's community offices do not have sections or units devoted exclusively to the development of employment opportunities for offenders. Many offices, how-

ever, have identified one employment counsellor as a contact with the corrections system, and corrections professionals generally rely on this individual for assistance in finding employment for their clients.

The division is currently reorganizing to improve its ability to provide job placements. It will be divided into two units: (a) the Job Information Service (JIS), which will provide information and job contacts for the readily employable; and (b) the Individual Services Unit (IDS), which will work on an individual basis with job-seekers requiring more intensive services. Included within this group will be veterans, handicapped persons, and persons over 45 years of age. Offenders could potentially be included in the IDS unit.

Other avenues for offender employment. Various organizations and facilities, the programs of which relate to offenders, may serve as avenues for offender employment. Examples include:

- the Adult Forensic Services unit of the Pikes Peak Family Counseling and Mental Health Center in Colorado Springs, which maintains contacts with area employers and with agencies under the area manpower planning council;
- Project "Metamorphosis" within the Larimer County Jail, which is intended to coordinate a number of community services for jail inmates, including those of the state Division of Employment;
- labor unions and vocational-technical centers, which are generally successful in finding jobs for offenders subsequent to training programs; and
- federally funded manpower training projects, which can also serve as avenues for offender employment following training.

In addition, local chambers of commerce could be of great value in the development of employment opportunities for offenders. The community survey, however, did not disclose an instance in which a local chamber of commerce had been contacted by the corrections system in relation to offender employment. Initial involvement with an offender employment project could come through the chamber of commerce task force study process. This study process could be followed by a comprehensive program of employment of offenders by member businesses, including employer and employee education and social service back-up. (It was reported during the community survey that local businessmen would be more likely to take

part in offender employment programs if chamber of commerce activity were involved.)

Incentives for the hiring of offenders. Incentives for the hiring of offenders include provision of job training, provision of employee insurance, and salary subsidies.

Job training programs are generally available through community vocational-technical centers or federally funded manpower training projects. These job training programs are often supplemented with scholarship funds or tuition waivers, and in some cases by living stipends. This type of program is discussed more fully below.

Some employers may hesitate to place an offender in a sensitive position for fear of a repeat offense, particularly in cases involving theft. The state Division of Employment administers a federal bonding program for employed offenders. Under this program, an offender can be bonded in amounts up to \$10,000 to enable him to be placed in sensitive or responsible employment.

Salary subsidies for employed offenders may be an effective method for encouraging businesses and industry to hire offenders. Such subsidies could be offered directly through probation or parole offices or county jail work-release programs.

Urban and rural employment opportunities. A distinction must be made between employment opportunities available to offenders in urban areas and those available in rural areas. In primarily agricultural rural communities, there is a significant lack of year-round employment. In most such communities, there are only one or two large businesses or industries maintaining work forces throughout the year.

An additional employment difficulty in rural areas arises from the fact that persons who receive training in job skills in rural vocational-technical centers can often find no business or industry in that area to utilize the newly-acquired skill.

#### Educational Resources

Public school systems. An individual may generally continue in a public school system until he is twenty-one years of age, even though he is involved in the corrections process. In addition, many public school systems offer Graduate Equivalent Degrees (GED) or other types of basic adult education. These programs are operated on an open enrollment basis. (In those communities in which appropriate programs are not avail-

able through the school system, referrals can be made to local community or junior colleges.)

Poudre School District R-1 operates a "co-op" school for secondary school dropouts or potential dropouts who may be either educationally disadvantaged or unable to adjust to the regular school system, or who wish to work and also continue to study toward a high school diploma. The program combines work experience with school study, allowing students to become familiar with the world of work while gaining information related to employment, as well as continuing in related academic studies of math, science, social studies, and communication. The operation of this "co-op" school may be valuable as a model for the development of educational segments within community corrections systems.

Vocational-technical schools. Vocational-technical schools are operated by individual school systems or by two or more systems working together through a board of cooperative services. These schools provide training programs for secondary and post-secondary students: (a) in career areas; (b) through in-service training for those individuals presently employed and requiring updating for advancement or job upgrading purposes; (c) through special short-term training programs for local businesses and industry; and (d) through special programs for the educationally and physically handicapped who cannot function in regular programs. Career areas include automobile mechanics, architectural and mechanical drafting, radio and television repair, machine shop and welding, secretarial training and clerical accounting, dental assistance and licensed practical nursing, ornamental horticulture, and child care services.

Because vocational-technical schools must divide available teaching time between secondary and post-secondary students, it is difficult for them to schedule special programs for offenders. However, such schools operate under policies of open enrollment, and tuition is nominal and can often be met through various subsidy programs such as tuition waivers or federal Basic Opportunity Grants. In one community in which referrals from the corrections system to the vocational-technical school are common, offenders are given a partial priority in terms of admission to available positions in the school's training programs.

Community colleges. Community colleges offer academic and occupational training programs. As is the case with vocational-technical school programs, occupational programs at community colleges are designed to prepare students for employment or to improve their present occupational status. Academic programs at community colleges are designed as pre-

paratory or remedial instruction which will allow students to pursue additional educational or personal goals. Most community colleges offer GED programs.

Community colleges have indicated a willingness in the past to work with offenders. For example, Aims College in Greeley operates under an open enrollment policy, and its enrollment includes a number of offenders. Tuition waivers available to a significant number of Aims College students facilitate its usefulness to the corrections system.

Junior colleges. Junior colleges provide their students with the opportunity to complete the first two years of college work, which are transferrable to the upper division of any four-year college or university. In addition, they provide vocational and technical training in areas which meet the occupational and professional needs of regular and special students. Many of the junior colleges offer GED programs.

Most junior colleges attempt to provide community services within their available capabilities. One has indicated that there are times when its vocational shops are not being used and during which new classes could be started. It was suggested that ten-week programs (of 40 hours per week) could be conducted to provide offenders with marketable job skills. Such concentrated programs could be limited to offenders, and would be in addition to the programs offered to offenders under normal open enrollment policies.

Four-year colleges and universities. The state's four-year colleges and universities offer academic and vocational education programs. While emphasis is on the completion of the baccalaureate degree in liberal arts or sciences, some of the four-year colleges offer a two-year associate degree with emphasis on vocational skills. Others operate community programs for basic adult education.

The University Without Walls program at Loretto Heights College in Denver offers an example of the manner in which four-year colleges and universities could be used for educational release programs for county jail inmates (the University Without Walls program operates at the present time for the benefit of inmates of the state penitentiary). Such programs could also include probationers and parolees.

Vocational rehabilitation. The Colorado Division of Rehabilitation within the Department of Social Services offers vocational rehabilitation programs through local community offices. The programs consist primarily of certificate vocational training and on-the-job-training. Certificated programs are generally provided by junior or four-year colleges or universities, although they may be provided by business or pro-

prietary schools. The division may pay full tuition and fees, books and supplies, maintenance, and transportation for up to two years, depending on the income level of the trainee. On-the-job-training consists of a contract with an employer to provide job training for the division's trainee for a specific period of time and a specific job skill. The trainee's salary may be subsidized up to 55 percent for the period of his training.

Recent federal legislation and regulations have modified the eligibility requirements for the vocational rehabilitation programs offered by the division. Eligibility now depends on "the presence of a physical or mental disability which...constitutes or results in a substantial handicap to employment". In addition, there must be "a reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability". Previously, federal regulations had established that an individual with a "behavioral disorder" was eligible for vocational rehabilitation, and many offenders became eligible for the programs under this requirement. The effect of the new regulations is to eliminate offenders from eligibility for vocational rehabilitation if they cannot demonstrate that they meet the disability and "reasonable expectation" requirements.

Manpower planning. Several communities have human resource commissions with offices of manpower planning. These agencies can be utilized to coordinate employment and training opportunities for offenders. These federally funded manpower offices offer certificated vocational training and on-the-job-training to individuals who have been unemployed for at least one month or who are determined to be underemployed in terms of salary and individual capabilities. Such vocational training programs, which are principally provided at junior and four-year colleges and universities, may pay tuition, supplies, and a stipend. Areas of training include psychiatric technicians, licensed practical nursing, and machine skills. As is the case with vocational rehabilitation, manpower on-the-job-training programs provide the employer-trainer a salary subsidy of up to 55 percent.

Educational assistance to corrections professionals -- program design. The state's community, junior, and four-year colleges and universities operate a number of corrections-related educational programs. These educational institutions also have potential value to the corrections systems in terms of program design.

An area of growing interest in the community and junior colleges is the police science field. Programs of this nature

provide the student with the academic and practical knowledge necessary for a career in law enforcement.

Several four-year colleges now offer a baccalaureate degree in sociology with emphasis on criminology. Subject areas generally covered include the criminal justice system, juvenile delinquency, penology, and criminology. Many of the courses include a practical application, or internship requirement, which allows the student to gain work experience in the corrections system. A degree of this nature offers the student three career options: (a) vocational sociology-criminology; (b) pre-law sociology-criminology; or (c) preparation for graduate school for an advanced degree in sociology.

The University of Colorado is presently offering certificate courses to correctional professionals to assist them in improving their present professional skills. The courses, which are offered by the Department of Public Affairs, are intense and short-term and are designed to teach basic public administration skills in the corrections field.

A unique program presently offered at the University of Northern Colorado is the School of Educational Change and Development, which provides a non-structured university program offering undergraduate and graduate degrees for students wishing to develop their own curricula through the resources of the university and the resources available from other colleges and universities. Applicants submit a complete design for a program which must not duplicate any existing program offered by the university. A faculty board evaluates the proposed program both for its innovation and for the degree to which it approaches the career goals of the applicant. The school does not require the student to have the traditional major or minor program. Additionally, it is possible for a student to complete work on a master's degree without completing baccalaureate requirements. The school appears to be particularly adapted to the needs of the individual who is employed but wishes to expand his career goals. This program could easily be utilized by corrections professionals, particularly probation and parole officers, as a means of advancing their proficiency in areas relevant to their occupations through the use of resources that may not be available in the traditional university setting.

The community survey revealed that the state's colleges and universities are equipped to provide assistance in the designing, implementation, and evaluation of community corrections programs.

A proposal is currently being developed at the University of Colorado to create an "institute for research on pub-

lic problems". University officials believe that the problems of the corrections system are examples of the types of problems which could be addressed by the institute. The institute would actively involve other institutions of higher education and, where appropriate, other institutions and agencies of the state to promote the most effective problem-solving capabilities.

#### Physical and Mental Health Resources

Diagnosis and evaluation. Mental health centers and clinics have become the most common sources of diagnostic and evaluation services to community corrections systems. Referrals are received from all segments of the system, including parole and probation offices, courts, and county jails. The Pikes Peak Family Counseling and Mental Health Center in Colorado Springs has developed a forensic service, which operates an evaluation program, a residential treatment program, an outpatient program, and a county jail counseling program. This service is particularly unique because, as a unit of the mental health center, it may utilize all of the center's psychological services.

In some communities, private agencies funded by a combination of federal and local funds provide counseling and psychological services to county jails, parole and probation offices, and various juvenile agencies. Such private agencies supplement the programs of mental health centers. An example of such a facility is The Point in Fort Collins.

Several county jails arrange for the services of a jail psychologist. However, these psychologists are generally not in a position to provide treatment programs within the confines of the jail facility. Project "Metamorphosis" at the Larimer County Jail includes planning for an in-house psychological evaluation and treatment capability.

Alcoholism treatment. Alcoholism treatment programs are available within communities from a variety of sources for use by corrections systems (courts, county jails, probation and parole offices). The Colorado State Hospital operates an alcoholism treatment center which receives referrals from all areas of the state. Several communities operate alcoholism awareness classes either through public or private agencies. Private residential facilities for alcoholism treatment are available in some communities; an example is the House of Hope in Loveland. Alcoholics Anonymous is a treatment alternative in most communities. Antabuse monitoring programs are generally available, administered by a variety of agencies including probation departments, mental health centers, general hospitals, county

health departments, and private counseling facilities. (Antabuse monitoring is often included in the conditions of probation set by courts.)

An important element of community alcoholism treatment programs are detoxification centers established in various communities. (These centers are operated pursuant to House Bill 1279 of the 1973 session of the General Assembly.) While only a few detoxification centers are in actual operation at this time, many communities are actively planning to establish centers in the near future. The community survey revealed that a number of local officials and alcoholism treatment professionals view detoxification centers as only one of several necessary components of a comprehensive alcoholism treatment system. They expressed concern that detoxification should be adequately supplemented by treatment alternatives such as group therapy or individual counseling, residential treatment, or antabuse monitoring.

Drug treatment. The Colorado State Hospital (CSH) functions as the primary treatment center for Colorado residents severely addicted to drugs, with two of its programs receiving state-wide referrals. The CSH "Family" program provides addicts with a highly structured program based on behavior modification. The CSH "Poly-Drug" program is similar in purpose to the "Family" program, but operates in a less structured environment.

Several communities operate drug counseling and treatment programs either through public or private agencies utilizing a combination of federal, state, and local funds. Many of these programs are built around a halfway house concept similar to that of "Our House" in Pueblo. The halfway house provides a live-in environment for persons re-entering the community from institutional drug treatment programs. The halfway house may also be the nucleus of an outpatient program, giving drug counseling through group encounters.

In one community, the local department of health operates a methadone maintenance and therapy program. Most communities also utilize local mental health centers or clinics for drug counseling, and in some cases for methadone maintenance.

Physical health facilities. Physical health services to individual offenders in the community must generally be provided through local physicians and general hospitals. Problems in the provision of physical health services to inmates of county jails include the following:

- intake evaluation may fail to identify major physical health problems;

- regular visits may not be made to the jail by a physician;
- the jail may lack adequate facilities for the provision of medical care on an in-house basis, and local hospitals may lack secure environments in which care can be provided to a jail inmate; and
- the method of payment for physical health services may be unreliable (some assistance may exist through the Medicaid program or through third-party payments from insurance companies, but the most common method of payment is direct payment by the inmate himself).

### Housing Resources

Potentially, community corrections systems could provide a variety of open and closed residential alternatives for offenders. In most communities, relatively few residential options are now available, and the county jail must serve as the basic housing resource for local corrections programs. Exceptions do exist to this general rule, and special housing situations have been developed for alcoholics and drug users and for work-release and other rehabilitative programs. Alternative housing situations can be used to meet different types of offender needs and to meet a variety of correctional purposes, including protection of society, group therapy, counseling, diagnostic and evaluation services, and other rehabilitative programs.

Existing housing resources. The community survey revealed that, as a general rule, alternative housing resources are available to a greater degree for juvenile offenders than for adult offenders. In addition, alternative housing for female offenders is almost totally lacking. Examples of existing housing resources are given below.

The Adult Forensic Services unit of the Pikes Peak Family Counseling and Mental Health Center operates a residential treatment program for offenders. Most referrals to the program are made from the local probation department, although the program serves the Division of Parole by accepting parolees returning to the community from the state penitentiary or the state reformatory. The residential program includes housing, supervision as needed, agency coordination and referral, job counseling, budget counseling, recreational opportunities, and a full range of mental health modalities.

In Boulder, Empathy House is used as a residence for probationers, pre-release cases, and parolees, based on contracts with the federal government. Potential exists for use

of this type of house for offenders on work- or school-release from the county jail.

In some communities, alternative residential situations are used for offenders involved in special service programs. The House of Hope in Loveland is used as a halfway house for alcoholics. In Pueblo, the Division of Rehabilitation within the state Department of Social Services operates Midway House, in which parolees qualifying for vocational rehabilitation training may live during the training program or during on-the-job-training. The City of Pueblo funds "Our House", a drug halfway house which provides a live-in environment for patients re-entering the community from institutional drug treatment programs.

Residential facilities outside county jails can be used as part of jail work-release programs. Pueblo County operates such a separate work-release center, as does Mesa County. The residential centers are used for overnight and week-end living by offenders participating in the work-release program. Participants include sentenced inmates of the county jail, offenders placed on work-release as a condition of probation, and, in one case, an early-release parolee from one of the state correctional facilities.

#### Resources to Meet Individual and Family Economic and Service Needs

Mental health centers and clinics. Local mental health centers and clinics are capable of providing counseling services in a variety of areas, including marital and budget counseling. Individual diagnosis and evaluations and group therapy programs are integral parts of the mental health center capabilities used for corrections clients. Some centers and clinics make office space available to parole and probation officers on a weekly basis for individual counseling of offenders.

Social services. County departments of social services offer public assistance payments, food stamps, and medicaid for those individuals who qualify under departmental eligibility standards. Many departments offer marital, budget, and child abuse counseling to offenders and their families. Some departments operate crisis intervention units, which have been used primarily for diversion of juveniles from the corrections system.

In some communities, there are privately funded agencies which provide emergency family assistance. Agencies such as the Weld Information and Referral Service are capable of finding housing, assisting in job placement, making referrals to

other agencies, and providing immediate follow-up for any correctional client. If an individual needs money for rent or food, the service attempts to provide it on an immediate basis.

Most larger communities have published directories of community services. These directories list all social service agencies within the community, along with such pertinent information as the types of services provided and persons to be contacted. In Colorado Springs, the directory is published by a privately funded social planning agency associated with The Colorado College. In other communities, such as Pueblo, the human resources commission has published the directory.

In Greeley, a consumer credit council made up of local businessmen assists in consolidating family debts into manageable proportions and working out repayment provisions.

Youth services bureaus. Youth services bureaus, which are operated in several Colorado communities, are used generally as alternatives to the filing of charges against delinquent juveniles. Generally, youth services bureaus operate on three levels:

- as a provider of direct services to delinquent juveniles (including short-term counseling, referrals to other social service agencies, and follow-up on such referrals);
- as a catalyst for the development of youth-oriented programs not found to exist within the community; and
- as a coordinator of the youth-oriented activities of existing community agencies.

Several youth services bureaus operate crisis intervention teams similar to those operated by some county departments of social services.

#### Volunteer Resources

Churches. Churches have become involved with community corrections systems in several ways. Many members of the clergy visit jails to counsel members of their congregations, as well as other incarcerated individuals. One community has established a volunteer program through its churches to provide jail visitations, counseling, tutoring, and court testing for juveniles. In Pueblo, the pastor of a church is attempting to establish a "Square John" program with his congregation. Under such a program, members of the congregation would assist individuals coming out of the state penitentiary and state reformatory in adjusting to community life.

Probation. The use of volunteer probation officers is becoming more prevalent, particularly in communities with populations of over 30,000 persons. Volunteer efforts are stronger in the juvenile area, although several communities have viable adult volunteer programs. A few probation departments now have full-time volunteer coordinators. One probation department utilizes a community volunteer center for recruitment of volunteers. College students have been found to be an excellent source of volunteer services, and many students participate in probation activities on field placement from their college or university.

Community volunteer centers. Boulder and Colorado Springs operate volunteer centers, which are privately funded agencies acting to coordinate and develop community volunteer services. Generally, these agencies can provide recruitment, training, and referral for a variety of agencies which wish to utilize volunteer services.

Youth services bureaus. Several youth services bureaus utilize volunteers as counselors. One bureau has found college students on field placement to be particularly effective in this capacity.

#### Recreation Resources

Spectator activities. A number of spectator sports are available at the community level for utilization for offender recreation. Offenders can attend football and basketball games at local colleges, junior colleges, and high schools. Spectator activities in small cities and towns are an important part of the community social life, and making tickets available for offenders could be valuable in the assimilation process in the small community.

Tickets are donated to the Pueblo County Work Release Center by the Air Force Academy for athletic events and by Southern Colorado State College for various special events.

Participation activities. Participatory recreational activities are available through city and county recreation departments, churches, private clubs, YMCA's and YWCA's, Boy's Clubs, school districts, colleges, and junior colleges. Offenders can take part in open programs available to the general public, or separate programs can be made available for offender participation.

Through the Pueblo Adult Probation Department, a comprehensive recreation program utilizing the facilities and personnel of the YMCA, the YWCA, and the Boy's Club is provided. It

is a separate program for probationers funded by the county. Recreation programs include a basketball league with other cities, arts and crafts at the YWCA and the work-release center, and a summer camp with the YMCA.

The work-release center in Pueblo provides recreational activities away from the center on a group basis. Two churches have become involved in the work-release center. One church donated the use of its basketball courts, and the other donated the use of a facility called the "Salt Mine", which has assorted recreational equipment such as ping pong and pool tables.

Confined offenders. Recreation can also be provided for those confined to jails. Volunteers can be a resource to supplement activities within a jail and may accompany inmates into the community for recreational activities.

Project "Metamorphosis" at the Larimer County Jail intends to coordinate a physical fitness program as part of its rehabilitation program. Also, an internal recreation program is to be established by an advisory committee of inmates. The advisory committee will also provide an opportunity for inmates to learn the skills needed to work together on any type of project.

FUNCTIONAL ELEMENTS OF A COMMUNITY  
CORRECTIONS SYSTEM

Felony Offender Flow in the Community

Prior to a discussion of the elements or components of a community corrections system, it may be useful to briefly describe what happens to an offender from the time of arrest to final conclusion of his sentence. This description may help identify decision points in the system and provide a basis for identifying kinds of action possible at any one point. Community resources identified in the preceding section of this report may have potential for use at any of these decision points by correctional or non-correctional agencies.

An adult arrested for the commission of a felony is processed at the police or sheriff's department. This is the intake or booking procedure. After police processing, the defendant is taken before the nearest available county or district judge without unnecessary delay. At this appearance before the judge, he is informed of his constitutional rights, including the right to a court-appointed attorney. The district attorney files an information in the court having jurisdiction over the offense charged.

Every accused offender has the right to demand and receive a preliminary hearing. The demand must be made within 10 days of his appearance before the court. The preliminary hearing is set within 30 days after the request is received and is for the purpose of determining if probable cause exists to believe that the offense charged was committed by the defendant. The preliminary hearing is held before a judge of the county court or the district court in which the criminal action has been filed. If the judge determines that probable cause does exist, he orders the defendant bound over to the appropriate court of record for arraignment and trial. If, from the evidence, it appears to the judge that there is not probable cause to believe that the offense charged has been committed by the defendant, the judge dismisses the complaint and discharges the defendant. Even though released, the defendant may still be subject to the filing of a direct information in the district court by the district attorney.

Bail can be set by the court through one of three procedures. First, the district attorney may recommend in his original information that the defendant be released on bail. This recommendation may be accepted at the initial appearance before a county or district judge, and the defendant will be released

until the date set for his preliminary hearing. Second, the defendant may request at his preliminary hearing that he be released on bail. At this hearing, the court may also release the defendant on personal recognizance. In either case, the defendant will be released until the date set for arraignment. Third, the defendant may petition for bail after the preliminary hearing and may be released until the date set for arraignment.

If probable cause is found at the preliminary hearing, the judge binds the case over for arraignment and trial. At the arraignment, the defendant is informed of the offense with which he is charged and is required to enter a plea to the charge. The defendant may plead guilty, not guilty, not guilty by reason of insanity, or, with the consent of the court, nolo contendere. If the defendant pleads not guilty, the case is then set for trial either before a jury, if requested, or before the court.

A defendant who pleads guilty has his case set for sentencing, and a request for a presentence report may be made. Pending the sentence, the court may release the defendant on bail. In any case, the court may, prior to trial or entry of a plea of guilty and with the consent of the defendant and the prosecution, order the prosecution to be deferred for a period not to exceed one year, and the court places the defendant under the supervision of the probation department.

At the trial, the defendant may be acquitted and released. If he is convicted of the charge, a date for a sentence hearing is set and a presentence report is ordered. He may be released on bail until the sentence hearing. At the hearing, the court has the following alternatives in entering judgment imposing a sentencing:

- (1) the defendant may be granted probation unless the offense of which he is convicted makes him ineligible for probation. As a specific condition of probation, the court may require the probationer to participate for a period not to exceed two years or the maximum term to which he might be sentenced, whichever is less, in a supervised work-release or education-release program. Utilization of the county jail, a municipal jail, or other facility may be used for confinement, care, and maintenance. The court may, as a condition of probation, commit the defendant to any jail operated by the county or city and county in which the offense was committed during such time

or for such intervals within the period of probation as the court shall determine. The aggregate length of any such commitment whether continuous or at designated intervals shall not exceed ninety days for a felony;

- (2) the defendant may be sentenced to imprisonment;
- (3) the defendant may be sentenced to the payment of a fine;
- (4) the defendant may be sentenced to comply with any other court order authorized by law;
- (5) the defendant may be sentenced to death.

A defendant who is sentenced to incarceration is committed either to the custody of the county sheriff for placement in the county jail or to the custody of the state Department of Institutions for placement in the state penitentiary or the state reformatory. Upon commitment to the Department of Institutions, the offender is to undergo an evaluation in the department's reception and diagnostic program.

An incarcerated offender is released after serving the duration of his sentence. He may also be placed on parole after a parole hearing and may be released after serving out the duration of his parole. A parolee who violates the terms of his parole may, after a revocation hearing, have his parole continued or revoked, in which case he will be reinstitutionalized.

#### Various Elements of Community Corrections

It should be recognized that corrections is only one part of an extensive system which deals with criminal offenders. The interplay of corrections with other aspects of the community and its resources, its law enforcement agencies, and its judicial system, and the various arrangements and interrelationships among community agencies and services must be examined in order to determine what we mean by "community-based corrections".

In an effort to examine "community-based corrections", the committee has attempted to identify various community resources

and the interrelationships of resources which could be made available to offenders within the community. Resources and services in the communities identified by the community resource survey demonstrate what elements are presently in operation. In order to determine what new programs will be required (or whether such programs are needed at all) and the kinds of correctional problems the programs should be designed to solve, it was deemed necessary to explore the utilization of correctional and non-correctional resources and services in the rehabilitation of offenders within the community. It is hoped that the identification of resources and an examination of how those resources are utilized will assist in providing a framework from which can be developed a well planned, organized, and comprehensive set of community corrections resources.

The various aspects of community corrections were developed from a review of the current literature in the area of community corrections and from existing programs in various communities in Colorado. It should be recognized that elements of community corrections may be under public or private auspices. They may be administered by a correctional agency directly or by a non-correctional service. They may be provided on direct referral from a correctional agency or on referral from another element of the criminal justice system (law enforcement agencies or courts). These programs may attempt to assist the offender through the combination of several services, through supervision, or through reintegration into the community by placing the offender in a social situation in which he can satisfy his requirements without law violation. Elements of community corrections may embrace any one or any combination of these processes. The underlying theme of these elements of community corrections is control. Policy-makers and the public should understand that the provision of alternatives to incarceration does not eliminate control.

This community corrections concept represents an attempt by communities to serve the needs of criminal offenders through the development of a systematic response to identified needs in the system. The goal is to offer a diversity of programs to facilitate an efficient response to each offender as an individual and thus maximize the utilization of resources.

The consideration of sociological factors such as social disorganization, cultural conflict, cultural disorientation, individual disorganization, and social alienation as complex variables in the patterns of crime and criminal behavior is essential. An important premise of this approach is that certain crimes are symptoms of failures and disorganization of the community. Such failures are often reflected in the lack of resources to respond to the full range of criminal behaviors which may occur in the community. Inherent in this concept is

the idea that, while individual responsibility for criminal behavior is usually appropriate, that responsibility must be matched with the development of a range of community resources and opportunities for the individual to function as a well-adjusted citizen.

#### Screening, Diagnostic, and Classification Services

Basic to the concept of a community corrections system is a screening-diagnostic-classification process, which can serve as a foundation for an integrated rehabilitation process. The first element, screening, is an initial evaluation of the individual when first received into the system. The second element, diagnosis, represents the investigation and analysis of the individual offender's problems, which may involve social histories, medical, psychological, or psychiatric examinations, educational and vocational testing, and similar diagnostic tools. The third element, classification, represents an organized process through which the individual case is considered and a determination is made of how the resources of the corrections system and the community can be utilized.

#### Screening

Much emphasis should be placed on screening as the initial phase of the corrections process. Screening begins with the arrest decision in which discretion must be used by the law enforcement officer. The first contact with the correctional system occurs at the local lock-up or jail, where initial interviewing and screening can take place. Since the individual is in a pre-trial status at this point, screening is aimed towards diversionary programs such as bail, release on personal recognizance, conditional release, structured pre-trial release, and non-residential or residential programming. (Of course, there will always be certain individuals who will not be eligible for such pre-trial diversionary programs and must be held in confinement.)

The chief concern during this period is whether the accused person should be incarcerated while awaiting disposition of his case or whether he should be released to one of a number of alternatives. Information upon which to base the pre-trial decisions of the court relative to release or detention is necessary. This information should relate to the defendant, his family, employment, residence, finances, and character. This screening process would identify individuals, such as narcotics addicts, alcoholics, and the mentally ill, who may not fall within the proper sphere of corrections and should be diverted

to appropriate programs. The various alternatives to pre-trial incarceration can then be programmed into this period and utilized to the fullest extent possible. Diversionary and pre-trial service programs are discussed in a later section of the report.

### Diagnosis

Diagnostic services, like screening, should be provided in the early stages of the correctional process so that proper programming can take place throughout the system. Diagnosis represents an analysis of the offender's problems and may be a continuing process throughout the corrections system. An assessment of an offender's needs, deficiencies, and strengths is necessary in order to select the best program and plan for pre-trial and post-trial release or incarceration. Diagnostic activities during the pre-trial period must be based upon a voluntary agreement with the offender, and in no way should the diagnosis assume or imply that the offender is guilty. It may be necessary to define and protect the rights of the pre-trial offender prior to initiating a diagnostic program.

The diagnostic service or process may consist of the following components:

(1) Orientation. This is the initial orientation of offenders to the detention facility and an explanation of what is expected of them. Some crisis intervention may be provided when necessary to those offenders who become dangerous or are involved in a serious personal crisis. Orientation will also identify those offenders who are in need of social services and make contact with those agencies when available. Orientation will identify needs through individual counseling interviews. Some of the services which could be provided by orientation are: (a) delivering important messages to various family members; (b) making contact with social services for financial support of an offender's family; (c) assessing the family's needs; (d) contacting attorneys; (e) assuring proper medical attention required during incarceration; (f) assuring proper medication as necessary; (g) helping offenders to legally break contracts with landlords; (h) assuring proper diet when dietary restrictions are medically required; (i) soliciting clergymen for those offenders requesting them; (j) contacting military personnel for those active in the military; (k) contacting employers in an effort to maintain employment; (l) helping offenders and their families arrange for bond in appropriate cases; and (m) stimulating and coordinating support from families and friends, and otherwise responding to emergencies and complaints.

(2) Psychological evaluations. Psychological testing can be helpful in pre-trial detention or release and in planning

post-trial programs. The evaluation could include a series of recognized tests to assess functional levels of intelligence, psychomotor impairments, personality profiles, and personal problems.

(3) Employment counseling. For unemployed offenders, provision can be made for aptitude testing for vocational skills. Test results can then be compared with the offender's goals and ambitions and with local job opportunities. Counseling would be oriented toward development of job plans and toward specific community-based employment opportunity programs.

(4) Educational assessment. Provisions can be made for educational testing to include a series of tests acknowledged by the profession.

(5) Medical service. Provisions can be made for in-patient and out-patient care, including examinations upon admission, daily or periodic sick calls, specialized clinical services, emergency treatment, dental care, and detection of specific medical deficiencies or needs. When necessary, arrangements for major medical and surgical procedures can be made with local hospitals.

### Classification

Classification can represent an organized effort to pool all the knowledge about an offender in order that decisions and activities affecting him can be coordinated and communicated to those in a position to make decisions about his rehabilitation. The bringing together of all knowledge that can be obtained about an offender from specialists who are involved in the screening and diagnosis processes and from other agencies which have worked with him should serve to develop an integrated and realistic program of offender rehabilitation. All areas of community services (education, employment, social services, law enforcement, parole and probation, and others) can have input into the development of a program for the individual. Since it seems unrealistic to plan a single rehabilitation program which would assist and solve the problems of all offenders coming through the system, it seems preferable to have a team approach which could develop a multi-dimensional approach to problem-solving. This can result in an effective correctional program for the individual and provide for continuity. This approach can also result in the maximum utilization of existing community resources.

### Administrative Structure

Ideally, the screening-diagnostic-classification process can be made available to an offender when he first enters

the corrections system and continue to be available to him throughout the system. Physically, the process can be located at the jail or some other type of receiving center. The process can be operated by existing correctional professionals (the county jail staff or probation personnel, for example) or by a private organization under contract with the various public agencies. Whatever the agency or combination of agencies (team approach) which operates the process, they could be responsible for: (1) providing intake screening which emphasizes the diversion of individuals to alternatives to incarceration when appropriate; (2) development of recommendations to the courts for sentencing alternatives as the individual case demands; (3) providing diagnostic services which relate to voluntary pre-trial programs (deferred prosecution and adult diversion programs) and correctional programs for sentenced offenders (probation, work-study release, residential programs, jail counseling); and (4) coordination of referrals to community-based services. In short, the agency or combination of agencies responsible for this process could be responsible for the systematic coordination of correctional and non-correctional community services, including alternatives to incarceration and after-care programs for those offenders who receive the services of the Division of Corrections and return to the community.

#### Examples of Screening, Diagnostic, and Classification Services in Colorado Communities

The community resources survey revealed no consistent, organized, systematic delivery of screening-diagnostic-classification services. The delivery of this type of service, when it is available, occurs at various stages in the criminal justice system and is delivered by various public agencies in the system and by private agencies. A few examples may serve to illustrate the kinds of programs being conducted in the communities.

In the pre-trial area, screening by the judiciary is performed upon application of the accused for bail. Under Colorado law, a judge is required to inquire into the defendant's employment status and history and his financial condition; the nature and extent of his family relationships; his past and present residences; his character and reputation; the identity of persons who agree to assist him; his prior criminal record, if any; any facts indicating the possibility of violations of law if the defendant is released without restrictions; and any other facts tending to indicate that the defendant has strong ties to the community and is not likely to flee the jurisdiction.

When application is made by the defendant for release on personal recognizance, the judge must have before him "reli-

able information concerning the accused, prepared or verified by a person designated by the court, or substantiated by sworn testimony...from which an intelligent decision based on criteria set forth (above) can be made". The probation department in Colorado Springs operates one of the few personal recognizance bond investigation programs in the state. Two staff members visit the county jail daily and conduct interviews with persons who may be eligible for release on recognizance. Through a short interview form, containing information on the defendant's stability in the community, length of residence, employment, family, prior record, and references, the judge has information needed to make a decision on release under personal recognizance. The probation staff also provides supervision to those released under the program. Through this procedure, the staff is involved in a type of screening and diagnostic function at the pre-trial stage. Within the limits of staff, attempts are made to refer the individual to available community resources which may benefit him and contribute toward his community re-integration.

Screening and diagnostic services are also provided in the pre-trial diversion area in the operation of adult diversion programs. An example is the Weld County adult diversion program under the jurisdiction of the district attorney. A referral criteria form has been developed by the program staff. The criteria are based on a point system. All cases which qualify under the referral criteria are forwarded to the staff. Referral is only the first step in the screening process, during which time prosecution is temporarily deferred. The staff conducts an investigation into the personal and social history of each referred individual and makes a written report to a review board with a recommended probation "treatment contract". The decision to offer or deny a candidate voluntary probation is based on referral criteria, investigative information, and the proposed treatment contract. After screening of all relevant information, the individual is accepted or rejected as a voluntary probationer for a one-year period. The staff of the program utilizes the services of Aims Community College and the Weld Mental Health Center in conducting some of its tests and evaluations.

A pre-trial release and bonding program is operating in Boulder with the assistance of University of Colorado law students, who are utilized to conduct evaluations of accused persons for release on personal recognizance. The Boulder County Jail also has a "classification unit" which does evaluations of accused persons on intake and has the capability of utilizing the local mental health center for psychological evaluations. The county jail staff also performs evaluations and classification services to determine who should be placed on the work-release program. The district attorney's staff

does initial screening and evaluation for the purpose of determining who can be released on deferred prosecution.

The Adult Forensic Services unit of the Pikes Peak Family Counseling and Mental Health Center in Colorado Springs operates a county jail counseling program at the county jail. The AFS staff members work with the jail deputies in screening and evaluation of jail inmates. Referrals are then made to appropriate community agencies. The forensic services unit also operates an extensive evaluation program for adult offenders and adults accused of offenses when they are referred to the unit by various community agencies, including the probation department, the public defender's office, the Division of Parole, the Division of Rehabilitation, and the county jail. The main purpose of these evaluations (for residents of the unit, for outpatients, and for jail inmates) is to define an appropriate plan of action for offender rehabilitation.

In the post-trial area, officers within the various probation departments make pre-sentence evaluations upon request from the courts. Once an offender has been sentenced to a state correctional institution, the reception and diagnostic staff of the institution conducts examinations and tests of various kinds.

Although this report deals specifically with adult offenders, the many screening, diagnostic, and classification functions in the juvenile area should be mentioned. These functions are performed by intake staffs of the courts, juvenile specialists in district attorneys' offices, social services agencies, police diversion units, the youth services bureaus, and youth diagnostic units of mental health centers. Further examination of these resources, the manner in which evaluations are utilized, and the procedure through which juveniles are handled may be useful in evaluating the screening, diagnostic, and classification process for adult offenders.

#### Observations on Screening, Diagnostic, and Classification Services

(1) Except for those cases in which probation department staffs are involved in interviews for purposes of aiding courts in decisions related to personal recognizance releases, probation departments do not seem to be involved in pre-trial evaluations. Should this be an added responsibility of probation departments, or should it be the responsibility of another agency? What legal problems exist in the area of pre-trial evaluations?

(2) Formal adult intake screening functions are not provided in some communities and are provided in other communities by various agencies. Should there be a single designated agency responsible for screening activities or should this be left to the discretion of the community? What can the legislature do to encourage the development of screening and diagnostic activities in those communities in which they are lacking?

(3) If effective screening-diagnostic-classification services were available, what would be the effect on the number of offenders held in pre-trial detention or released to community alternatives to incarceration? A critical evaluation of existing programs may be necessary in order to effectively evaluate what the capacity of a holding facility or jail should be and to determine what alternative community correctional programs are needed.

(4) What is presently being done to effectively consolidate all of the tests and evaluations conducted for offenders? Is there a problem concerning inter-agency transfer of information contained in evaluation reports? Does the confidential nature of such information prohibit inter-agency coordination? Lack of a coordinated effort by all agencies attempting to evaluate an offender may result in many duplicated efforts. When several different agencies conduct evaluations of an offender for their own specialized purposes (social services, mental health, medical, probation, law enforcement), are these evaluations shared with other agencies?

(5) When the probation departments conduct pre-sentence evaluations for the courts, assistance is often requested from other agencies (medical evaluations, mental health screening, vocational aptitude testing). Should these other agencies provide this assistance or evaluation without reimbursement, or should funds be appropriated to probation departments for the purchase of necessary evaluation and diagnostic services?

(6) The role of the reception and diagnostic program at the state penitentiary in relation to diagnostic activities on the community level seems to be unclear. If evaluation services are effectively utilized at the community level, will the state program be duplicating services? Is the central diagnostic facility in conflict with the theory of developing and programming correctional efforts at the community level?

(7) The community classification team approach as suggested by the National Commission on Criminal Justice Standards and Goals could be examined to determine how it could function in the existing community corrections system.

## Diversion and Pre-trial Release

### Diversion

Correctional diversion is a formally acknowledged and organized effort to utilize alternatives to the initial or continued processing of offenders within the criminal justice system. This effort is undertaken after a crime but prior to adjudication. Diversion suspends the criminal justice process in favor of processing through a non-criminal disposition alternative, and can be differentiated from crime prevention and from the concept of minimizing the level of penetration of an offender into the criminal justice system.

It is necessary to identify the points at which diversion may occur and the individuals and groups primarily responsible for diversion at each of these points. Diversion may occur: (a) prior to police or sheriff contact; (b) prior to official police or sheriff processing; or (c) prior to official court processing. Responsibility for each of these three types of diversion rests, respectively, with the community, with the police or sheriff, and with the courts. Of course, other service agencies and groups are utilized to facilitate diversion by each of these responsible groups.

Community-based diversion. The following are examples of community-based diversion programs. Existing community-based diversion programs related almost exclusively to juvenile offenders.

(1) Through school diversion programs, the school attempts to utilize counseling, disciplinary action, family conferences, special classes, or special schools, referrals to community social service agencies, and other techniques before resorting to police help in cases involving delinquent juveniles or children in need of supervision. Further analysis of the effectiveness of school diversion programs is appropriate in light of the high school dropout rates in some communities and the frequency of encounters with the criminal justice system.

(2) Neighborhood action programs are designed, in part, to assist juveniles involved in delinquent activities. The main focus of such programs is neighborhood involvement and responsibility for its own youth. It is assumed that juveniles respond more positively to members of their own community than to personnel of the criminal justice system. Neighborhood action programs are located primarily in low-income or minority neighborhoods and are supported by funds from OEO, HEW, or LEAA. An example of a private neighborhood action program is the Weld County Concilio Centro.

(3) Youth services bureaus provide necessary back-up services to facilitate diversion of youthful offenders by police and courts. Youth services bureaus are designed to involve entire communities, community agencies, and community resources in programs of diversion, rehabilitation, care, and control. Bureaus throughout the state are operated by municipalities, counties, cities and counties, and councils of governments. In one community, the bureau is an agency of the police department.

Police-based diversion. Police-based diversion programs may be administered internally or through the use of referral relationships with other community agencies. Of course, police always have the discretion not to arrest, and it is believed that this type of diversion is used frequently. Official police sanctions are often avoided to preserve the offender's community ties, to keep neighborhood peace, to protect a wage earner's job, to maintain family unity, or to provide treatment without marring an individual's record with a criminal conviction. Police often use alternatives to arrest when the situation warrants, such as in marital disputes and in conflicts between landlords and tenants, businessmen and customers, and labor and management. In such situations, the police are called upon to act as counselors, technical experts, or referral agents.

Police agencies which recognize this role of police discretion are beginning to adopt formal diversion programs in some areas. An example of this type of project is the Family Crisis Intervention Team of the Adams County Mental Health Center, which works with police officers in settling family disputes. Many incidents are averted which might otherwise have led to arrest.

A police-operated youth services bureau in Colorado Springs offers a wide variety of counseling and referral programs. Delinquent juveniles are diverted to the bureau by police for non-criminal processing and assistance. The bureau works closely with a juvenile diversion program operated by the district attorney and with the county department of social services, which operates a crisis intervention team for juveniles.

Police are able to divert public drunkenness offenders to community detoxification centers, in those communities in which such centers have been established. The centers, acting as referral agencies, can provide medical and social services for the rehabilitation of drunk offenders and thereby reduce the involvement of the criminal justice system in the solution of this type of social problem.

Police can also divert some offenders to voluntary drug treatment and rehabilitation programs in emergency situations, as an alternative to incarceration.

Court-based diversion. In many cases, district attorneys, courts, public defenders, and others operate specific programs aimed at diverting offenders out of the criminal justice system. This is particularly true in the areas of crimes without victims and class crimes. Court-based diversion programs are administered directly by court systems or by public or private agencies working in cooperation with court systems.

Civil commitment is used by courts either before or after trial for the diversion of individuals whose criminal behavior is associated with physical or mental illness rather than criminal intent. The offenders (drug abusers, sex offenders, and the mentally ill or mentally retarded) are committed to institutions for treatment as an alternative to incarceration.

Diversion programs intended to reduce criminalization attempt to screen out cases which are good prospects for diversion from the criminal justice system. These programs relate primarily to offenses by juveniles, non-violent crimes, first offenses, and misdemeanors. The screening is conducted by interview, with some corroborative investigation by probation departments, district attorneys' offices, law students, or special project employees.

Diversion projects generally work in conjunction with deferred prosecution. Deferred prosecution begins after arrest, when the accused person is screened according to a number of criteria to determine whether he is eligible to participate in the formal diversion program. Such screening criteria vary, depending on the scope and range of the particular project. If the accused person meets the screening criteria, the project staff explains the program to him. If he is interested in participating, the staff will ask the court to defer formal charging. If the individual successfully completes the program, which involves participation in certain activities and acceptance of assistance, the prosecution of the charges will be dropped. For those individuals who do not wish to participate or who indicate a desire to participate but then withdraw or are terminated unfavorably, charging will proceed as otherwise.

### Pre-trial Release Services

As noted in many studies of the criminal justice system, confinement and detention of persons awaiting trial are used far too frequently and are generally not based on any real public interest requirement. The reasons for this usually center around the fact that no criminal justice agency has assumed responsibility for developing pre-trial release programs and services.

By tradition, the detention of unconvicted persons has fallen outside the jurisdiction of corrections (police departments and sheriffs' offices) and the courts. The judiciary is involved only in the setting of bail or release on personal recognizance. Prosecutors and public defenders do not lock people up; they merely argue their recommendations to the court. Sheriffs and wardens do not make detention decisions; they only act as custodians for those who fail to gain pre-trial release.

Perhaps the reasons for this lack of responsibility for pre-trial release are evident. Police and sheriffs have difficulty respecting the presumption of innocence when, by arrest, they have already made the decision of probable guilt. There is little evidence that police or sheriffs are able to operate pre-trial release programs and detention programs simultaneously. Courts, which often appear to be overburdened with additional administrative duties, are reluctant to operate such programs. The court function is mainly that of reviewing executive decisions. Thus, pre-trial release as a segment of the criminal justice system is seldom considered, and this neglect has led to many problems.

Problems related to excessive reliance on pre-trial detention are caused or compounded by institutional defects in the system. These defects and problems are summarized below.

(1) Reliance on the bail system often results in large numbers of indigent defendants being unnecessarily detained. In these instances, detention is based on the lack of financial resources rather than on a determination of the risks involved in releasing the defendant. More objective systems of assessing the community ties of the defendant and the risks involved in his release need to be developed. An example of this type of objective review is the personal recognizance program of the El Paso Probation Department.

(2) A second factor which promotes pre-trial detention is public fear that persons released pending trial will commit crimes. This concern leads to the setting of high bail in order to keep defendants in jail (preventive detention). The

constitutionality of this process has been questioned by many. However, with the development of voluntary treatment programs, supervised release, and partial confinement alternatives, the necessity of preventive detention may diminish.

(3) Delayed trials have lengthened the period of pre-trial detention. Efforts to reduce the delay between arrest and trial should be continued in order to reduce unnecessary pre-trial detention.

(4) Rights-of-prisoner standards and legislation have most often focused on the convicted offender. Most judicial decisions on the rights of prisoners have dealt with sentenced offenders and post-conviction incarceration. Until recently, the status of the person presumed innocent was sometimes worse than that of a sentenced person confined in a felony institution. If these same rights-of-prisoner standards were to apply to all local detention facilities (some do apply now), major changes in the operations of jails would be required.

(5) As indicated above, little screening and diagnosis is provided on a pre-trial basis. Programs to prepare or improve the position of the accused person for return to the community are generally not available during pre-trial detention. This may be due to the fact that the accused person is under the official auspices neither of the court nor of the law enforcement agency. Many persons detained in a pre-trial status are eventually sentenced (if convicted) to probation, work-release, halfway houses, or other community-based programs which address rehabilitation needs such as job training, job finding, or employment. Yet these assistance programs are often not available during the pre-trial detention period. This may be a waste of scarce criminal justice resources.

(6) Many jurisdictions which operate inadequate jail facilities are considering the construction of new facilities based on overcrowded pre-trial detention populations. Alternatives to pre-trial detention should be addressed prior to the construction of new jail facilities. More effective attention should be given to that portion of the criminal population which requires incarceration.

Examples of pre-trial release programs. In an effort to overcome some of the inequities of the bail bond system and to reduce costs and space requirements for pre-trial detention, certain programs have been developed. They illustrate the fact that, if bail decisions were more rationally based, a larger number of accused persons could be safely released without risking either the safety of the community or the non-appearance of the defendant for trial. The personal recognizance investigative program in Colorado Springs, oper-

ated under the auspices of the probation department, and the pre-trial release and bonding program in Boulder, operated by the courts with the assistance of University of Colorado law students, are examples of what appear to be effective pre-trial release programs. (The potential problems of requiring a probation department to supervise released persons have been raised in another section of the report.) No other supervised pre-trial release programs were encountered in the community survey.

The community survey did not reveal any formal program of partial release on a pre-trial basis. Partial release programs could be useful in those cases in which bail or personal recognizance bonding is inappropriate; partial release would allow an accused person to leave a detention facility for purposes of maintaining his job or procuring social service assistance in the community (in this respect, partial release is similar to work-release for sentenced offenders). Partial pre-trial release has a potential for use in community corrections systems and should be further explored.

#### Observations on Diversion and Pre-trial Release Programs

(1) Pre-trial release requires comprehensive planning. An effective system of handling persons awaiting trial could include various forms of non-bail release and provisions for service and treatment programs. The implementation of alternatives to pre-trial detention may make the expenditure of funds for new or expanded physical detention facilities unnecessary.

(2) Legislation may be necessary to specify the agency responsible for the services which should be provided to persons awaiting trial. The creation of a new governmental agency to provide such services can be avoided if one of the existing agencies is utilized. Requiring existing agencies to provide services for persons awaiting trial may allow efficient utilization of investigative and treatment resources. Treatment services provided on a voluntary basis prior to trial could be coordinated with programs for sentenced offenders. Information gathered for purposes of release prior to trial could be used for sentencing purposes.

(3) Services and treatment programs should be available on a voluntary basis to those individuals who must be incarcerated on a pre-trial basis. With a few exceptions, this sort of program appears to be inadequate or uncoordinated. Possible programs include: (a) educational or vocational programs; (b) recreational programs; (c) treatment of alcoholism, drug addiction, or mental and physical illnesses or de-

facts; and (d) counseling for marital, employment, financial, or social responsibility problems.

#### Post-trial Community-based Correctional Programs

When an offender has been convicted of a crime, various sentencing alternatives are available to the court. The offender may be sentenced to pay a fine, to serve a period of probation, to serve a term in the county jail, or to serve a term in one of the state correctional facilities operated by the Department of Institutions.

Alternatives to incarceration at the local and state levels have been developed. Most of these alternatives have focused on work-release or study-release programs operated from the base of a county jail or residential detention facility.

This section of the report concentrates on post-trial community-based programs developed to deal with offenders during the period of their incarceration or as an alternative to incarceration. The section discusses: (a) probation programs; (b) programs of incarceration; and (c) residential program alternatives to incarceration.

#### Probation Programs

Probation is utilized for those convicted offenders who appear to the sentencing judge not to need institutionalization. A convicted offender can be assigned to a probation department through the suspension of his sentence in a correctional facility or jail, or he can be sentenced directly to a term of probation. Within the probation department, the offender is assigned to an officer who is responsible for supervising his period of probation and providing supportive services. If the offender commits new criminal offenses or refuses to comply with the conditions of probation or to cooperate with the probation officer, his probation may be revoked and he may be sentenced to a term in a correctional facility or jail.

Probation's statutory purposes. According to Colorado's statutes, probation departments within the state's courts are required to function within the following capacities:

- supervision of defendants for whom prosecution has been deferred;

- preparation of presentence reports to aid the courts in the disposition of convicted defendants;
- supervision of convicted defendants placed on probation by the courts, and investigation and initiation of revocation proceedings when the conditions of probation have been violated.

In addition, Colorado law provides the following broad prescription for the activities of probation departments:

Probation officers shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation to bring about improvement in their conduct and condition.

Thus, probation departments in Colorado are required to be involved in a minimum level of activity (supervision of deferred prosecution, preparation of presentence reports, and supervision of probation). At this minimum activity level, the probation department acts primarily as an administrative agent of the court and is not involved in what are customarily considered rehabilitative activities.

However, the directive "to aid persons on probation and to bring about improvement in their conduct and condition" can be used by probation departments as a legal basis for involvement in the correctional rehabilitation process. In this way, probation's role in the criminal justice process is expanded beyond the boundaries of criminal justice administration.

Probation's rehabilitation role. The rehabilitation role of a probation department may take place within one or more of the following three orientations:

- the referral orientation, through which probationers are referred to social service agencies or facilities throughout the community for rehabilitative services (and through which the probation department provides follow-up on referrals to verify the delivery of services);
- the program development orientation, through which the probation department acts as a catalyst for the development of social service programs within existing community

agencies when those programs are determined to be necessary for rehabilitation but do not exist within the community; and

- the direct service orientation, through which the probation department provides rehabilitative services to probationers on a direct basis and does not make service referrals to the community.

Limitations on the rehabilitation role of the probation department. In the absence of specific statutory parameters for the rehabilitation activities of probation departments, the following factors may define the extent to which a department can engage in meaningful rehabilitation:

- the personnel of the department may be themselves unwilling to engage in rehabilitative activities and may not be under pressure from outside the department to do so;
- the court served by the department may not be willing to provide the flexibility of conditions of probation needed for meaningful rehabilitative activities;
- the funding of probation departments by the state government may be at such low levels that effective rehabilitation is precluded; and
- rehabilitation resources of potential use to probation departments may not exist within the community.

Interviews with probation officers conducted during the community survey indicated that the latter two factors are perceived by those officers as being the most severe limitations on their rehabilitation efforts.

Funding of probation departments. There is no clear state-level delineation of the role of probation departments in offender rehabilitation. The extent to which probation expands its activities beyond criminal justice administration depends on factors which vary, of course, among judicial districts. However, if probation departments throughout the state are to be utilized as major components of community corrections systems (i.e., if the rehabilitation role of probation is to be strengthened), serious consideration must be given to a more specific definition of probation's role with-

in the community and to ensure that funding levels for probation departments reflect expectations of that role.

(1) Caseload limitations. Heavy caseloads may be the single most significant limitation of probation's rehabilitation role. The administrative details of supervising large numbers of probation cases can absorb the greatest part of available probation staff time, and the staff's rehabilitation efforts can be severely curtailed.

The 1973 "Corrections" report of the National Advisory Commission on Criminal Justice Standards and Goals does not endorse a particular caseload level as a workable standard for rehabilitative probation. That report does, however, refer to a caseload of 50 probationers per professional as being generally accepted as the "ideal" probation caseload. A 1967 report of the President's Commission on Law Enforcement and Administration of Justice recommended a probation staffing ratio of 35 offenders per probation officer. For purposes of this preliminary report, then, we will speak of a caseload range of between 35 and 50 probationers per probation officer as the "standard" caseload for rehabilitative probation work.

The following table shows the adult supervision caseload for fiscal year 1972-1973 for each of the communities surveyed during the 1974 interim. The caseload figures reported reflect only the average number of probationers per probation officer per month; the figures do not reflect the non-supervisory investigation caseload of probation officers.

<u>Community</u>	<u>1972-1973 Probation Supervision Caseload</u>
Colorado Spgs.	101.0 probationers per officer per month
Boulder	85.9 probationers per officer per month
Fort Morgan-	
Sterling	81.1 probationers per officer per month
Fort Collins	79.6 probationers per officer per month
Greeley	61.3 probationers per officer per month
Pueblo	60.7 probationers per officer per month
Grand Junction	41.6 probationers per officer per month

The supervision caseloads varied widely among the communities surveyed. In addition, only one of the supervision caseloads fell within the "standard" caseload range identified above.

(2) "Total" probation caseloads. Probation department activities unrelated to actual supervision of probationers can be a significant drain on departmental staff capa-

bilities. These non-supervisory duties can include pre-sentence evaluations, administration of deferred prosecution, evaluations related to personal recognizance bondings, and miscellaneous court-ordered evaluations. In cases of significantly over-burdened probation departments, other agencies or community resources are employed to carry out a part of these investigatory or evaluation duties.

For example, the Adult Forensic Services unit of the Pikes Peak Family Counseling and Mental Health Center is involved in pre-sentence evaluations for the courts in the fourth judicial district. In the twentieth judicial district, students from the University of Colorado School of Law are utilized for purposes of personal recognizance bonding evaluations. Deferred prosecution cases receive relatively little supervision from the probation department in the twentieth district; the majority of deferred prosecution supervision is handled by the Boulder County District Attorney's office.

If a comprehensive screening, diagnostic, and classification process were included within each community corrections system, and if this process began at and was cumulative from the point of offender intake, the non-supervisory caseload of probation departments could be eased. This could occur in those instances in which information needed for investigations and evaluations were developed prior to the department's requirements for that information.

The following table compares the probation supervision caseloads reported above with "total" caseloads for the probation departments in question. The "total" caseloads include both supervision and investigatory caseloads, and are based on a weighted computation process developed by the State Court Administrator's office. The figures reported are for fiscal year 1972-1973.

<u>Community</u>	<u>1972-1973 Supervision Caseload</u> (probationers per officer per month)	<u>1972-1973 "Total" Caseload</u> (caseload per officer per month)
Colorado Spgs.	101.0	212.3
Boulder	85.9	160.6
Fort Morgan- Sterling	81.1	117.6
Fort Collins	79.6	111.7
Greeley	61.3	102.8

Pueblo  
Grand Junction

60.7  
41.6

87.8  
58.9

Variations among judicial districts are even greater for the "total" caseloads than they are for the supervision caseloads. In terms of "total" caseloads, none of the caseloads for the communities surveyed fell within the "standard" caseload range.

(3) Purchase-of-service limitations. Probation departments are not able to provide a complete range of rehabilitative services to their clients, and must rely on social service agencies within the community to provide a number of types of rehabilitative services on a referral basis. The agencies from which these services are available are created, for the most part, to provide specific types of social services to the members of the community at large. A given service agency, however, may operate under its own funding and staffing limitations. In an effort to provide the greatest level of services to the largest number of clients, that agency may be forced to restrict the range of services it provides, the level of an individual type of service, or the total number of clients served. This type of service restriction generally operates to the disadvantage of probationers (and other types of corrections system clients) because they tend to require more intensive or specialized social services than does the typical agency client. If probationers are not identified by the social service agency as a priority client group, they will almost certainly receive levels of service from that agency which are inadequate in terms of offender rehabilitation.

Funds for the direct purchase of community social services for probationers are provided to probation departments only on a very limited basis. Such direct purchase-of-service funds, however, may be the only practical way of ensuring that an adequate level of social services is available to probationers within the community. Such purchase-of-service funds could provide an incentive for social service agencies to make needed services available to probationers, and could stimulate the development within the community of social service capabilities oriented specifically to the needs of the probationer (either within the private or public sectors).

One possible source of purchase-of-service funds would be a "probation subsidy" provided to probation departments by the state government. This subsidy would be intended to compensate the local community for each offender not institutionalized at the state level. The subsidy funds could

then be used for the direct purchase of community social services. The committee intends to further explore this concept.

Availability of community rehabilitation resources.

The following is a general discussion of the availability of community social service resources for use in rehabilitation of probationers.

(1) A particular rehabilitation resource may be readily available for use by probation departments. This seems to be the case, for example, with basic adult education (including GED programs). Adult education is available from public school districts, community colleges, junior colleges, and four-year colleges and universities. The only difficulty which may be involved in tapping this resource for probation purposes is the development of motivation on the part of the probationer to enroll in the adult education program. This is the responsibility of the probation department, acting in a referral capacity.

(2) An existing community social service resource may be generally unavailable to probationers because of regulations limiting the client population of the service agency. This is the case with the programs of the Division of Rehabilitation within the state Department of Social Services. Recent regulation changes have redefined the division's client population to include only persons with diagnosed emotional or physical handicaps which constitute significant obstacles to employment. Most probationers do not fall within this category because their needs are ineligible "behavior disorders". When this type of limitation restricts the use of a community resource by a probation department, alternative service resources can sometimes be found. Vocational training programs at community colleges or vocational-technical centers can often be utilized as alternatives to the programs of the Division of Rehabilitation.

Similarly, private crisis intervention and assistance centers are on some occasions used by probation departments as alternatives to county departments of social services, the programs of which are in most cases restricted to recipients of public assistance.

(3) The availability of a community service program as a resource to a probation department may often be limited by the staffing or facility limitations of the social service agency. This seems to be generally true in relation to mental health centers and clinics in the communities surveyed. The centers and clinics do not seem to be able to deliver the level of services required by probation departments, for reasons discussed above in relation to funding and staffing

limitations of social service agencies. (A notable exception to this generalization is the Adult Forensic Services program of the Pikes Peak Family Counseling and Mental Health Center, which is a unit of the mental health center devoted exclusively to services for offenders.)

(4) In some cases, needed rehabilitation resources may simply not exist within the community. This is generally true for recreational programs, for rehabilitation alternatives for women offenders, for group residential facilities for probationers, and for programs to teach basic living skills (personal money management, residential relations, nutrition, etc.). Again, the Adult Forensic Services unit in Colorado Springs is an exception in the areas of group residential facilities and the teaching of basic living skills.

The lack of group residential facilities is particularly significant when it is realized that such facilities could provide specialized probation services (alcoholism control, drug education, group counseling, employment support) and could provide a significant disposition alternative for courts intermediate between traditional incarceration and full release on probation.

(5) In other instances, community resources may be unavailable because the probation department lacks purchase-of-service funds for obtaining services for probationers when fees are charged. This issue is discussed above in the section of the report dealing with purchase-of-service funds for probation departments.

(6) A final situation in which social service resources may not be available to probationers is that in which the probation department does not actively seek out available resources. This lack of contact is generally the case with chamber of commerce, which have not generally been tapped as employment resources by probation departments.

## Programs of Incarceration

Basic purposes of incarceration. In a theoretical sense, the incarceration of convicted offenders takes place for the following basic purposes:

- punishment of the offender for the crime he has committed;
- protection of society from a subsequent crime; and
- detention of the offender in a secure environment while efforts are made to rehabilitate him prior to his release.

At the community level, incarceration of offenders takes place in county jails and in county jail work-release centers. Potentially, community incarceration could take place in specialized residential facilities established for offender rehabilitation and into which county jail inmates could be admitted.

Nearly every county in the state has an operating county jail. Only two counties have established work-release centers separate from the county jail, although several counties operate work-release programs for selected inmates based within the jail itself. An example of a specialized residential facility which could be utilized for the incarceration of certain offenders is the Adult Forensic Services program of the Pikes Peak Family Counseling and Mental Health Center in Colorado Springs. This program is discussed elsewhere in the report.

Rehabilitation potential of incarceration. Within the incarceration stage of the criminal justice process, a significant rehabilitation potential can be tapped. The underlying justification for efforts to tap this potential can be simply stated: (a) an incarcerated offender must spend a specified amount of time separated from his community environment; and (b) that time will have been wasted, both from the point of view of the offender and the community, if efforts are not undertaken to alter the condition of the offender to enable him to function within the community in a non-criminal manner.

One of the most significant limitations on the rehabilitation potential of incarceration is, of course, the availability of community social service resources. The principles discussed above concerning the funding of the probation process and the availability of community resources to that process are generally applicable to the incarceration stage of

criminal justice. These principles will not be repeated here.

The structure of rehabilitation efforts within the county jail. Rehabilitation efforts within a county jail environment could follow the following basic structure:

- inmate evaluation and classification; and
- arrangement for the delivery of rehabilitative social services within the jail itself; or
- arrangement of an "extension of confinement" to accommodate the delivery of rehabilitative social services outside the jail.

(1) Inmate evaluation and classification. The purpose of inmate evaluation is two-fold: (a) the identification of immediate, severe physical or mental health difficulties which must be dealt with in a clinical or professional environment; and (b) the identification of an inmate's needs and the designing of a rehabilitation program and the making of appropriate arrangements for the delivery of rehabilitative services.

Inmate evaluation can be undertaken by county jail personnel, or professionals from medical or psychological facilities can be called into the jail to conduct all or a part of the evaluation. In those instances in which a severe physical or mental health problem is suspected, it may be essential to arrange an evaluation by professionals.

A formal classification program has been developed for the inmates within the Boulder County Jail. This program is operated by two members of the jail staff, who call on the forensic specialist of the Boulder Mental Health Center when appropriate. The following benefits have come out of this classification program to date: (a) with the assistance of the mental health center's forensic specialist, immediate referrals can be made to the in-patient unit of the center for serious mental health treatment; and (b) the classification program is a valuable tool to the jail staff in determining the likelihood of success in the jail's work-release program.

(2) Arrangements for the delivery of rehabilitation services. Assuming the availability of a significant range of rehabilitation services within the community, two basic questions must be addressed in designing a rehabilitation program for the delivery of those services to the incarcerated offender. First, it must be determined whether a given rehabilitative service will be provided to the offender by the staff of the jail itself, or by social service agencies

and personnel operating independently of the jail. Second, if rehabilitative services are to be provided by social service agency personnel, it must be determined whether those personnel will come into the jail to deliver services (e.g., mental health counseling) to specific inmates within the incarceration environment, or whether an "extension of confinement" will be arranged for the inmate to receive rehabilitative services outside the jail (e.g., attendance at alcoholism counseling sessions). The following factors will influence these determinations:

- the willingness of jail personnel, including the county sheriff, to cooperate in or direct the designing of rehabilitative programs and the delivery of rehabilitative services;
- the limitations of the actual physical jail environment for "in-house" delivery of rehabilitative services;
- the availability of social service agency personnel for trips to the jail for "in-house" delivery of services, and their willingness to make such trips; and
- the availability of jail personnel to accompany inmates on or supervise "extensions of confinement" for delivery of services outside the jail.

The Larimer County Jail's Project "Metamorphosis".

The following discussion of the plans for the Larimer County Jail's Project "Metamorphosis" is included as an illustration of the potential which exists for comprehensive rehabilitation programs within county jails themselves.

(1) Planning for the project. Planning for Project "Metamorphosis" began in October of 1974 under the direction of a project planner hired by the Larimer County Commissioners. The job of the project planner is to develop a system within the jail to:

- provide certain rehabilitative programs within the jail itself, utilizing jail personnel;
- coordinate the relationships between the jail and existing community social service agencies in order to ensure that the services offered by those agencies are fully available to the inmates of the jail; and

- catalyze the development within the community of social service programs needed for rehabilitation within the jail, if those programs are not found within the community.

The project planner of "Metamorphosis" indicated that an attempt will be made to build community support for rehabilitation within the jail by demonstrating success on an incremental basis with different components of the rehabilitation program.

(2) Rehabilitative education within the jail. The "in-house" rehabilitative programs which are presently within the planning stage for the project include basic education in the following general subject areas:

- education and counseling of inmates (using jail psychiatric personnel) to aid them in defining life-styles and life-goals for themselves and in determining non-criminal behavior patterns to help them realize these styles and goals;
- a "how-to-survive-outside-of-jail" basic education program designed to equip inmates with basic living skills necessary for non-criminal, rewarding behavior patterns subsequent to release from incarceration (basic living skills to be taught include reading and writing, mathematics, personal money management, cooking and nutrition, and landlord-residential relations);
- a "how-to-survive-in-jail" program designed to assist the inmate in using the time period of his incarceration in a productive manner, particularly in terms of attitude re-orientation and skill development;
- an alcohol education program;
- a physical fitness program; and
- an "in-house" recreation program designed to teach group action skills.

(3) Coordination of community services. Project "Metamorphosis" will be designed to take full advantage of existing community rehabilitation resources. Specific relationships with social service agencies have yet to be developed in relation to the project. However, those agencies

or programs which are likely to be tapped by the project in the development of its rehabilitation programs include:

- the reading, learning disability, and continuing education programs of Colorado State University;
- the adult education programs of the local school district;
- the programs of the Larimer County Vocational-Technical Center;
- the Larimer County Mental Health Clinic;
- the Larimer County Department of Social Services; and
- the community office of the state employment service.

(4) Residential facilities outside the jail. The project planner for "Metamorphosis" indicated that the final stage of project development may include the establishment of a residential facility outside the jail for the provision of basic rehabilitative educational programs in a non-institutional setting.

County jail program operated by the mental health center's Adult Forensic Services program in Colorado Springs. The AFS "in-house" county jail program is designed to provide and coordinate a variety of community social services for jail inmates, to offer voluntary mental health services, and to offer consultation to the jail staff as appropriate. A full-time program coordinator and an outreach worker are assigned to the program, with supporting staff provided by the AFS team. The coordinator, with the support of the jail staff, organizes and coordinates the delivery of community social services to inmates of the jail. The outreach worker is available to identify those inmates who need the social services, and service requests are channeled to appropriate community agencies. The outreach worker also identifies those men in need of mental health services and assigns them on a voluntary basis to therapy groups within the jail. Other members of the AFS team provide treatment and evaluation services in the jail as required.

#### Residential Program Alternatives to Incarceration

Increasingly, work-release centers in residential facilities or halfway houses are being used for offenders who are deemed unsuitable for probation or other non-residential community treatment programs but who do not require detention in a maximum security jail. For such offenders, the minimum security or non-secure facility may provide necessary services or supervision without complete removal from the community.

Halfway houses can serve as arms of detention institutions (serving offenders who are ready for release from complete detention but who are not ready for outright release to the community), or they can serve as alternatives to incarceration. Halfway houses can be used to reintegrate offenders into the community after incarceration. They can also be used to eliminate the need for incarceration and subsequent reintegration.

In addition to serving as a work-release facility, the halfway house can offer a variety of rehabilitative programs to its clients. It can provide opportunities for educational or vocational improvement as well as personal counseling, and is able to maintain an atmosphere relatively free of the security precautions needed in jails and prisons.

In residential correctional programs such as the halfway house or work-release center, a variety of program approaches can be maintained. Some of these programs operate merely as supervised lodging for clients of probation or parole or for offenders participating in work-release. Others operate full-scale correctional centers, maintaining sufficient staff and community liaison to offer comprehensive rehabilitation services. The following examples of residential program alternatives to incarceration demonstrate the kinds of rehabilitative services which can be provided in a non-secure or minimum security residential facility outside the jail.

The Pueblo County Work-Release Center. The work-release center is operated as an adjunct of the Pueblo County Jail. It is located in a remodeled home and is capable of housing ten male inmates.

When a convicted offender is sentenced to the county jail, he is immediately interviewed by the staff of the work-release center to determine his potential for participation in work-release. If the offender is employed and if his employer would retain him on the program, a recommendation will be made to the sheriff that the offender be allowed to participate.

In some instances, the courts make direct referrals to the work-release program as a part of probationers' rehabilitation programs.

Generally, an inmate of the jail is required to spend three days in the jail before he is transferred to the work-release center. The contrast between the jail setting and the work-release setting serves as a partial motivation for success in work-release.

An individual on work-release is expected to conform to the rules of the center. Failure to do so will result in a return to the county jail.

(1) Earnings on work-release. Money earned by an inmate while on work-release is utilized in the following manner:

- the first priority is the support of the inmate's family;
- the second priority is payment of an annual supervision fee of \$50 to the probation department;
- the third priority is the payment of a room-and-board fee of \$2.50 per day (this fee may be waived upon a determination that the money is needed by the inmate or his family); and
- before release from the work-release unit, a fee of \$15 for court costs must be paid.

(2) Development of employment opportunities. The staff of the work-release center is involved in job development activities, both for the purpose of placing a jail inmate on work-release and for the purpose of finding employment for an unemployed probationer referred to the center. Some employment referrals are made to the manpower program of the county human resources department and to the community office of the state employment service.

(3) Mental health services. The services of the Spanish Peaks Mental Health Center are used in the work-release program for basic counseling and for antabuse monitoring.

(4) Recreational opportunities. One member of the work-release staff is responsible for the development of recreational activities within the community for offenders involved in the program. Recreational facilities have been

made available for the center's use by two community church groups, and the Air Force Academy and Southern Colorado State College donate tickets to athletic or other special events. Outside recreational activities occur under the supervision of a member of the center's staff. (The opportunity to earn furlough rights is not included within the center's programs.)

Mesa County work-release program. The Mesa County work-release program, which operated out of the city-county jail since 1971, recently opened a minimum security residential center. The center has twenty-four hour staff capability and is used to house offenders on the work-release program. Fifty percent of the offenders in the program as a result of action in county or district court participate as a condition of probation, and fifty percent have been sentenced to terms in the jail and later applied and were accepted for work-release. Application for admission from the jail must be made to the program supervisor and must be approved by the supervisor, the sheriff, and the appropriate judge.

The residential treatment program of the mental health center's Adult Forensic Services program in Colorado Springs. The AFS residential treatment program is housed in an old motel on the west side of Colorado Springs and is designed to house 16 to 20 offenders, most of whom have been placed on probation or parole. The program includes housing, supervision as needed, agency coordination and referral, job counseling, recreational opportunities, and a full range of mental health treatment modalities. If the individual is unemployed, attempts are made to help him acquire a job as soon as possible. Admission to the program is regulated by the number of referrals at any given time and by a system of priorities which gives incarcerated offenders and offenders able to bypass incarceration first priority. The program attempts to individualize each resident by helping him to develop a positive life plan, including realistic planning for his future, identification of problems in the past which led to his criminal behavior, and acquisition of new skills to avoid these problems in the future.

#### Pre-release and Release Reintegration

Convicted offenders may be released into the community after incarceration in state correctional facilities through three mechanisms: (a) parole; (b) discharge; or (c) pre-discharge or pre-parole work-release. Work-release is utilized as an intermediate reintegration measure leading to full parole or discharge. The majority of offenders, however, are

released from state correctional institutions to the community on the parole basis.

Generally, offenders released from county jails to the community are simply discharged or placed on probation rather than on parole.

#### Definition of Parole

The Attorney General's Survey of Release Procedures in 1939 provides the following classic definition of parole. Parole is the

release of an offender from a penal or correctional institution, after he has served a portion of his sentence, under the continued custody of the state and under conditions that permit his reincarceration in the event of misbehavior.

This definition does not indicate, however, whether parole is to have a rehabilitative as well as a reintegrative function.

#### Parole and Probation

In broad outline, the functions of parole and probation are similar. Each initially gathers information about an offender to be utilized by a decision-making body empowered to grant or deny his release into the community. Violation of the conditions of either process may result in the offender's placement in or return to incarceration.

Parole is distinguished from probation in that it follows incarceration in a state correctional facility. Probation is generally utilized as an alternative rather than as a follow-up to incarceration. Further, the granting of parole is an executive function, while the granting of probation is a judicial function. However, with the increasing use of work-release and halfway houses by both parole and probation, the distinction between them is becoming increasingly blurred.

#### State Authority Over Parole

According to Colorado statutes, the State Board of Parole of the Department of Institutions shall:

- promulgate rules and regulations governing the granting and revocation of parole from the state penitentiary, the state reformatory, and

other state penal and correctional institutions where adult offenders are confined and the fixing of terms of parole and release dates;

- have the sole power to grant or refuse to grant parole, and to fix its conditions; and
- have full discretion to set the duration of the term of parole granted.

Through its power "to fix the condition" of parole, the State Parole Board has authority to review, and, if deemed necessary, to require the development of an appropriate rehabilitative or reintegrative program for a potential parolee. Such a rehabilitative or reintegrative program is generally part of an inmate's parole plan.

#### Purposes of Parole

The primary purposes of parole are to reduce recidivism, to provide rehabilitation, and to promote justice. In considering the granting of parole, the State Parole Board seeks to balance the relative risk of a law violation with the possible beneficial effects of granting an inmate freedom and an opportunity to develop a legally acceptable life style. The objective of this aspect of parole is to protect the community from the criminal acts of parolees, while providing preventive and corrective supervision to persons on parole.

In terms of rehabilitation, parole is utilized to link a parolee with those community supportive services he needs. These services include legal, financial, educational, employment, medical, drug and alcohol, and family and housing counseling services.

The justice aspect of parole seeks to balance the interests of the community with the rights and needs of the parolee. Parole may be utilized to assure the protection of the civil rights and liberties of a parolee or to increase a parolee's awareness of his legal rights and responsibilities.

#### Parole Planning

Presently, parole institutional staff members notify parole field staff personnel of the impending release of state correctional institution inmates. Parole staffs, institutional staffs, and the inmate work together to formulate a parole plan. The parole plan is an individualized

program which seeks to meet the needs of a potential parolee upon release. Parole and correctional staffs assist the inmate in establishing contacts with needed and desired community supportive services.

A parole plan may be as lenient or as stringent as the State Parole Board may require. Generally, the parole officer acts as a community resource manager for the parolee, and seeks to develop a coordinated delivery system of human services. The State Parole Board will review, and will accept, modify, or reject an inmate's proposed parole plan. If the parole plan is accepted and all other conditions of parole are agreed to, the State Parole Board will grant parole to an inmate.

#### Intermediate Release

Pre-parole or pre-discharge work-release for state correctional inmates is utilized as an intermediate reintegration measure. Inmates serving the last 90 to 120 days of their terms may be placed in work-release programs as the initial step of reintegration into the community. The purpose of this program is to allow inmates about to be released from a state correctional institution to make an easier transition back into society. Offenders are permitted to work in the community, but are required to return to a supervised situation at night. In addition to permitting reintegration into the community under disciplined conditions, work-release requires offenders to pay their own way while located at the work-release facility. This approach, however, permits offenders to save some money for use upon release on parole or discharge.

#### Resource Utilization

Whether they are parolees or discharges, all ex-offenders returning to the community from state correctional institutions utilize certain community supportive services during their reintegration into the community. The supervising parole officer can direct a parolee's attention to existing supportive services. This service from the parole officer facilitates a parolee's reintegration into a community and reduces the likelihood of his return to criminal behavior patterns. It is doubtful that discharged offenders can be this successful in tapping community supportive services.

The following supportive services have been identified as services utilized by Colorado correctional institution ex-offenders returning to the community: (1) employment; (2)

vocational; (3) educational; (4) psychological and mental health; (5) drug and alcohol; (6) financial; (7) medical; (8) legal; (9) financial; and (10) housing. Parole staffs rely extensively on these types of community resources in developing rehabilitative and reintegrative parole plans.

#### Limitations on the Rehabilitative Role of Parole

The limitations on the provision of meaningful rehabilitation experienced in the parole process are basically the same as those encountered by probation personnel. The major limitations as noted in the probation section of this report are recapped below:

- heavy caseloads may be the single most significant limitation on parole's ability to adequately develop rehabilitative services;
- the funding of the Division of Parole by state government may be at such low levels that effective rehabilitation is precluded;
- rehabilitation resources needed by parolees may not exist within the community;
- parole personnel may be unwilling to engage in rehabilitative activities and may not be under pressure from inside or outside the division to do so;
- the conditions of parole required by the State Parole Board may not provide the flexibility needed to achieve meaningful rehabilitative activities; or
- lack of funds and authority to purchase rehabilitative services may significantly limit parole rehabilitation.

A further limitation on parole's ability to provide a complete range of rehabilitative services to parolees is the generally held belief that parolees are more hardened and have lesser chances of rehabilitation than do probationers. As a result, there is some hesitancy by persons in the community to work with parolees.

RESUME OF PROBLEM AREAS AND ITEMS  
FOR FURTHER EXPLORATION

Marshaling Community Resources

The majority of adult offenders are released directly into the community or return to the community after serving a sentence. Successful integration or reintegration depends upon the motivation of the individual offender and the availability of rehabilitation programs. National and state interest recently has focused on the concept of community corrections because the variety of human resources needed to bear upon the problems of offenders already exists in many communities. The willingness of communities to marshal their resources to provide opportunities for offenders will probably determine the success or failure of community corrections.

Communities in Colorado and state and federal agencies are beginning to address the problems of human resource development for corrections through grants of the Law Enforcement Assistance Administration, manpower programs, regional criminal justice planning, councils of government, city and county human resource agencies, United Way referral services, probation and parole programs, local service agency coordinating committees, and volunteer programs.

The immensity of the problem of tapping community resources and coordinating social service programs became readily apparent during the committee's community survey. The success of various Colorado communities in applying their own resources for correctional purposes is largely dependant upon the initiative of the professionals involved. Cooperation between public and private agencies is primarily voluntary, although in some areas coordinating committees have been established.

Many of the problems of local correctional programs deal, at least indirectly, with the basic question of development of community resources for correctional purposes. Many local officials believe that initiative for this development must come from within individual communities. The physical location of a correctional facility such as a criminal justice center within the community will not automatically result in a commitment by the community to provide opportunities for employment, recreation, health and education, and other human services. Nevertheless, these local resources constitute the heart of any community corrections program.

The role of the state. In considering community resource development, the committee has concerned itself with

questions relating to the appropriate relative roles of state and local governments. Should the state establish and operate facilities and programs and be responsible for offenders in the community? Are state agencies in the best position to encourage commitment of community resources? Should the state limit its role to the establishment of minimum standards for and the funding of community corrections programs?

Community corrections boards. Involvement of the community through a local corrections board is one way in which interest and support may be generated. The criminal justice planners, the Governor's task force, and the General Assembly could develop incentives needed to promote community corrections boards. Such boards could review and approve grants, purchase services from private and public agencies, establish diagnostic and evaluation programs, and develop employment, recreation, and other services essential for rehabilitation of offenders.

Further examination will be made of this concept, including the questions of board membership, responsibility of boards to local elected officials, powers of boards, and the extent to which boards could exercise discretion in ensuring that state and federal funds are utilized in the most effective manner and that offenders receive services from local programs. These considerations will be included in the final phase of the committee's study.

#### Probation and Parole

To a certain extent, community corrections programs have been a reality in Colorado for some time. Basically, probation and parole are the focal points for today's programs. Both are active in organizing service delivery to meet the needs of individual offenders. However, despite the similar duties of probation and parole officers, the present organization does not lend itself to the coordination of services. Parole and probation officers are responsible for the overall supervision of offenders, and, as a result, considerable time must be spent by these officers before the courts.

Probation programs in Colorado are relatively autonomous and report to individual district courts. Parole officers are state personnel system employees and are responsible to the Department of Institutions. These agencies function independently, and indications are that they tend to develop community resources separately.

Volunteers have been utilized extensively in the area of juvenile probation, but are not used as significantly in

adult programs. Some probation and parole officers are reluctant to place volunteers between themselves and the offender.

In the smaller communities of the state, combined case-loads could offer opportunities for more effective utilization of supervisory personnel for offenders. Monthly visits by a parole officer to a given community may not always be adequate with respect to the supervision of certain parolees. In some rural areas, the only option of a parolee who is not getting along with his parole officer is to leave the community.

The National Advisory Commission on Criminal Justice Standards and Goals recommends the unification of correctional programs and the placement of probation programs in the executive branch of state government. Conversely, judges make strong arguments for maintaining probation as a function of the judicial system, particularly to inform judges as to the effectiveness of dispositions.

The rehabilitative aspects of both programs are receiving increased attention. The need for larger staffs to develop rehabilitative services is an issue before the Colorado General Assembly. In reviewing the organizational structure and service patterns of these agencies, the following questions must be considered.

(1) To what extent should probation and parole officers be involved in the development of community corrections resources?

(2) Are the officers who are responsible for enforcing conditions of probation and parole in the best position to coordinate rehabilitative services to offenders? Could the rehabilitative duties of probation and parole be vested with independent local agencies, such as city and county human resource agencies or community corrections boards?

(3) Is it essential that supervision of an offender in a community corrections setting be conducted by state government? Commitment of community resources is an essential part of corrections, and local governments or regional agencies may be in a better position to coordinate community services to motivate and rehabilitate offenders. If supervision of offenders in the local community is a state responsibility, are present organizational patterns satisfactory?

(4) To what extent should volunteer programs be encouraged for adult offenders?

## Development of Community Corrections Centers and Facilities

There is real concern among many local corrections officials that there are insufficient alternatives for the disposition of offenders. Judges, for example, are reluctant to place non-dangerous offenders in the state penitentiary. County jails are not an alternative in many instances. These facilities tend for the most part to be maximum security institutions offering little opportunity for vocational training, recreation, and other rehabilitative programs. The only alternative is probation which, in all likelihood, means that the offender returns to the environment from which he came with little or no supervision. Parole officers also express concern that they have few options when parole violations occur. The return of the offender to the state penitentiary may not be the most effective solution.

Alternatives to the traditional county jails are evolving at the local level. The availability of federal revenue-sharing funds and LEAA grants has resulted in the planning or construction of new criminal justice centers for communities, such as Boulder and Weld Counties. These centers are designed to meet the requirements of a variety of offenders. Center capabilities range from maximum security for certain violent adults to juvenile holding and detention facilities. The centers could also meet conditions for implementing diagnostic and evaluation services, counseling, recreation, and pre-trial detention, as well as a correctional setting for some types of offenders on a post-trial basis.

Communities such as Colorado Springs are developing so-called "open door" facilities (e.g., the residential treatment program of the Adult Forensic Services unit of the local mental health center). These facilities allow more intensive supervision of offenders than may be possible in a normal probation or parole setting. Detoxification centers are high on the list of community needs pointed out in most of the areas surveyed during the 1974 interim.

The Department of Institutions has developed the Bails Hall work-release center and is in the process of expanding the program. Senate Bill 55 permits the department to establish community correctional facilities or to purchase services from local governments, as is the case in Colorado Springs and the Grand Junction work-release program.

In formulating a system of modern community correctional centers, open-door correctional facilities, and holding facilities for adult offenders, the following steps may need to be taken:

(1) establishment of basic standards for the operation of these facilities;

(2) definition of the level of responsibility of state and local governments for the maintenance and operation of such facilities;

(3) provision for the organization, training, and upgrading of correctional personnel for administration of such facilities; and

(4) establishment of plans or guidelines for the development and maximum utilization of such facilities within each region of the state, including revision of the moratorium on the construction of new jails.

In smaller communities, the operation of municipal and county jails seems to be a duplication of effort. Communities are beginning to resolve this problem. Further direction may be needed in this area.

### Diversion Programs

Deferred prosecution is not utilized consistently among the communities surveyed. Under present law, the district attorney must agree to the utilization of deferred prosecution, and some local officials believe that this has discouraged its use.

When a juvenile offender is contacted by the sheriff's or police departments, screening procedures are generally employed to determine whether diversion should take place immediately. This technique is not being utilized at the adult level to any significant extent. In the area of victimless crimes or other types of minor first offenses, speedier disposition of cases could be made through diversion programs. Mental health professionals, for example, indicated that early efforts to deal with the problems of drug users are more effective.

How can effective pre-charge diversion programs for adult offenders be encouraged? Is it necessary to amend the state's deferred prosecution law?

### Mental Health Services -- Additional Funds for Corrections Clients

The Pikes Peak Family Counseling and Mental Health Center operates an adult forensic program in Colorado Springs.

The counseling and supervision of activities in such programs often involve the establishment of good working habits and other skills needed to function in a modern society. Two areas in which offenders need assistance are consumer credit counseling and alcoholism treatment. The latter, in particular, has been a source of difficulty for mental health professionals. Some expressed the belief that they can make their most successful contribution in the area of psychiatric evaluations and intensive counseling sessions. Offenders tend, however, to drop out of this type of treatment program unless the sessions are a condition of probation or parole.

There seems to be a reluctance on the part of mental health professionals, at least in some instances, to be involved in the broader survival-type programs that many offenders need, particularly those returning from institutions or those with limited skills and educational barriers. Corrections officials may expect too much of mental health professionals in working with offenders.

Concern also was expressed during the community survey that increased services to offenders would reduce the availability of mental health services to the general population of the community. Some corrections professionals suggest that resource funds be made available for the purchase of mental health services for offenders. State funds are already available to many community programs, including mental health, higher education, and vocational rehabilitation.

To what extent should corrections programs be funded to ensure that services are made available for offenders? What additional procedures could be established to require that state-supported resources are made a viable part of community corrections programs?

#### Motivating Offenders -- Program Evaluation

The growth in interest in community corrections stems in part from the concern that the institutionalization of offenders provides only short-term protection for society. Most offenders return to the community, and high rates of recidivism indicate little success in the existing custodial programs. Furthermore, there are few statistics to indicate that rehabilitative efforts within the institutions have been successful.

The conditions which motivate an offender to crime need to be changed. There is, however, very little agreement on methods for achieving constructive behavior. Although a few programs indicate some success, these programs have been

criticized for their selectivity and lack of long-range evaluation.

The community survey suggests that there is a great deal of support for the belief that the protection of society will be best achieved by the successful integration of offenders into the community. Nevertheless, there are different opinions as to the emphasis needed, suggesting the desirability for flexibility in the design of community programs and careful follow-up and evaluation of these programs.

Higher education institutions within the State of Colorado could make a valuable contribution in both the design and evaluation of community corrections programs. The entire area of motivation requires further basic research. Greater effort also needs to be made in training and developing skilled personnel to work in the corrections field. Again, the colleges and universities could be encouraged to expand their activities in such directions. Discussions with university and college officials indicate an interest on the part of these officials in working with state and local corrections programs.

#### Employment

Employment opportunities for offenders appear to be declining under the present economic situation. Competition for jobs is increasing, and the lack of skills of many offenders places them in a less competitive position. Community colleges and vocational-technical centers offer opportunities for up-grading vocational skills.

Many of the vocational skills which are easiest to develop in relatively short training courses are construction-related. The present economic recession has been particularly hard on this industry. In the rural areas, successful completion of a vocational training course does not mean that employment will follow. Many rural communities simply do not have large employment bases. Graduates must migrate to the urban areas.

Community interviews indicated that existing community corrections programs have not been effective in developing affirmative action employment opportunities for offenders. Basically, the affirmative action employer recognizes that positive steps will have to be taken to develop good working habits on the part of an offender. The employer must recognize certain warning signs which suggest that an offender is experiencing difficulty. The community survey encountered only a few examples of such activity on the part of private

industry. Despite the development of local government human resource staffs, interviews with public employers suggest that city and county agencies are not implementing affirmative action programs to hire offenders in regular public employment positions. This does not mean that there is actual discrimination in the hiring of offenders, but simply emphasizes that the most qualified applicant is the one who will be hired. Minority spokesmen were also concerned that public employment has been closed in a number of communities, except for the lowest level of jobs.

Employment of offenders is an important part of any community corrections program. What priorities need to be established, particularly in view of declining employment opportunities and the limited outreach of public employers? Contacts by corrections professionals and community social agencies with large businesses appear to be sporadic and uncoordinated. Employers were uncertain as to what their priorities should be. Chambers of commerce also reported limited contact with local corrections personnel.

#### Caseloads in Rural Communities

Rural communities must have access to the correctional facilities and resources of urbanized areas. In many instances, rural corrections caseloads were not sufficient for the development of detoxification centers, open-door correctional facilities, counseling, diagnostic and evaluation services, and a variety of other human resources essential to addressing problems of offenders. (Corrections professionals in some rural communities can, however, more readily identify the problems an offender is encountering than can their urban counterparts. In a sense, the entire community acts in the capacity of a parole and probation officer.)

If community corrections programs are to be effective in both urban and rural areas, clear lines of communication among urban and rural correctional professionals need to be established. How are program costs to be shared within a given region? Formulas for allocating costs to communities for the operation of a regional facility such as a jail or detention center are difficult to devise, and when the entire range of services of community corrections for a region is considered, the problem becomes even more complex.

#### Further Items of Concern

In discussions with community corrections officials, a number of miscellaneous suggestions were made, problems iden-

tified, and concepts evolved which the committee will consider in depth during the 1975 study.

(1) Release of offenders on personal recognizance has been utilized with great success in some communities. Other communities are not implementing this potential to the same extent. Many corrections professionals support the development of such programs.

(2) The Grand Junction work-release program has been successful in achieving restitution for victims of crimes. Community officials believe that work-release has been effective in allowing the restitution of greater sums than could be achieved without such a program. There is support in the communities surveyed for the development of more or more extensive work-release programs.

(3) Colorado law provides that "a person who has been twice convicted of a felony in this state or another state prior to the conviction on which his application is based, shall not be eligible for probation". Some correctional professionals believe that this provision of law does not give flexibility to local corrections programs and may need to be repealed.

(4) It may be necessary to eliminate certain financial disincentives to the development of community corrections programs. For example, the expense of maintaining the state penitentiary and the state reformatory is borne entirely by the state, a fact which may operate to discourage the retention of offenders within the community, even when state institutionalization is not the most appropriate course of action in terms of rehabilitation.

Could legislation be developed to reduce this disincentive? For example, certain types of non-violent offenders could be made ineligible for placement in the state institutions. If rehabilitation programs were not available for this type of offender within his community and state institutionalization were the only available course of action, a portion of the costs of that institutionalization could be assessed against his community.

(5) The presence of military installations in the Colorado Springs area contributes to the high rate of criminal offenses in this community. In a sense, this is an "impacted" area in terms of criminal justice. Further exploration may be needed to determine the relative federal, state, and local responsibilities for military personnel involved in civilian crimes.

(6) Officials in a number of communities placed high priority on the need for the establishment of detoxification centers and adequate back-up alcoholism treatment programs. (House Bill 1279 from the 1973 session of the General Assembly prohibits the incarceration of intoxicated persons and provides for the establishment of community detoxification centers.) The level of state funding for centers may be insufficient to meet community detoxification and alcoholism treatment needs. Some community officials were concerned that the condition of public drunks may not be improved in the absence of adequate centers and treatment programs.

**END**

*7. 11/15/73*