



**Testimony before a Joint Session of the  
House & Senate Judiciary Committees**

SIXTY-SEVENTH GENERAL ASSEMBLY  
**STATE OF COLORADO**  
First Regular Session  
April 27, 2009

Submitted by:  
**Néstor M. Ríos**

Good afternoon. My name is Néstor M. Ríos Senior Research Analyst and Director of Operations for Justice Strategies. On behalf of Justice Strategies, I would like to add our thanks, to Representative Levy and Senator Morse, as well as the Committee members, for so generously sharing your time and arranging this unique opportunity to present the work we have conducted for the Colorado Criminal Justice Reform Coalition, work we feel can be of broader value to the people of Colorado and the important matters addressed by your committees.

We have long admired the work of the Coalition and are honored to have been invited to assist them in their search for more effective methods of managing the individuals in this community who find themselves under the supervision of the state. We come to this task at a time when our nation has an unprecedented number of people behind bars, 2.3 million. Several factors contribute to this condition. Decades of enhanced sentencing legislation for drug possession and limitations on the discretion of judges to fashion more appropriate treatment alternatives for those in the throes of addiction, in addition to the application of similar sentencing practices to other crimes, have contributed heavily to this condition. It is to the great credit of public officials here in Colorado that the Commission on Criminal and Juvenile Justice has been established to begin addressing these issues. Already the Commission has produced its first report and provided many excellent recommendations for improvement to existing practice. Without a doubt, many more serious conversations and much study of sentencing practice is needed. However, this is not the subject of our presentations before this joint session of the House and Senate Judiciary Committees.

Today, we would like to discuss with you alternatives to traditional models of parole and probation supervision, models that provide for enhanced public safety and help control rising supervision costs. Maryland's Proactive Community Supervision strategy featured in our CCJRC report, and the other programs we discuss there, offer promising examples of how smart organizational development and the integration of evidence-based practice can improve parole and probation outcomes, establish a more functional and productive working environment for supervision agents and, with less reliance on incarceration, save significant taxpayer dollars. Maryland's Proactive Community Supervision model or PCS demonstrated through research and statistical analysis that people supervised under the program had a 42 percent lower rate of rearrest for new crimes than did those under traditional probation and parole supervision. Technical violations were also lower for the PCS group, 35 percent versus 40 percent for the non-PCS group. Why should these impressive results matter to you here in Colorado?

In August 2008, the number of adults in prison in Colorado stood at just over 23,000, up 40 percent from about 16,500 in December 2000. Contributing to this growth in the prison population has been the steady growth number of individuals who fail to successfully complete their terms of supervision while on probation, parole or community supervision.

In fiscal year 2007, 4,055 individuals entered a Department of Corrections facility due to a parole revocation, representing 35 percent of total DOC admissions in that year. These year to year failures have a cumulative effect on correctional systems. In 2007, about 20 percent of Colorado's prison beds were occupied by people who had failed parole.

We also know that in fiscal year 2007, of the 19,000 people terminating a probation sentence, 32 percent, just about 6,000 people, failed probation for noncompliance with supervision conditions. And, in fiscal year 2008, over 1700 individuals placed in community correction residential facilities were sent to prison.

Two features of these supervision failures ought to seriously concern policymakers. First, according to a new study by University of Colorado Professor Sara Steen, there is evidence of racial disparity in the sanctioning of people who commit technical violations of parole rules. Black parolees, she found, are eight times more likely to be revoked by the parole board than white parolees. The public's expectation that our system of justice should be fair and balanced and that all who come before it be treated equally under the law is shattered by such outcomes. Second, the fiscal consequences of these failures are a significant burden to taxpayers when you consider that the cost of regular parole was \$3,400 versus \$28,759 for a year in a state facility in fiscal year '07. Even intensive parole supervision at \$8,319 and residential community corrections at \$12,457 would have been significantly less expensive alternatives to re-incarceration. Improved methods of engaging those on probation and parole in their own success, as were implemented in Maryland's PCS program, and the introduction of intermediate sanctions as alternatives to incarceration for non-violent individuals are needed to address this problem.

Many when faced with these results will question whether parole and other forms of supervision in the community work at all. A review of research by experts at the Urban Institute published in 2005 raised these concerns about traditional parole supervision:

- Infrequent parole supervision meetings between offenders and parole officers.
- Parole officers located far from where parolees reside.

- Inconsistent responses by supervision officers to non-criminal behavior constituting violations of release conditions.
- And, a shift in the orientation of parole supervision since 1970 from service to surveillance.

Simply increasing the number of contacts or reducing caseloads without changing the nature of traditional parole supervision contacts was unlikely to improve outcomes concluded George Mason University Professor Faye Taxman. In fact, studies of intensive supervision programs show that increased contacts tend to lead to increased technical violations and few public safety improvements.

On the other hand, Maryland's Division of Parole and Probation under the leadership of Judith Sachwald created a new supervision strategy that addressed the deficiencies of traditional community supervision based on research findings about what worked in correctional services. The program design for PCS is organized around four key elements which will be addressed shortly by former Director Judith Sachwald.

Under PCS, each supervision agent is responsible for a mix of people on probation and parole. Agents carry either a caseload of 50-55 high-risk/high-need people or up to 200 low-risk/low-need people.

Careful case planning under PCS begins with the collection of critical information from a number of sources including: the standardized assessment tool, objective information about the home environment, criminal histories, self-identified interests, and the drug test results of supervisees. Supervisees are then assigned into 1 of 7 behavioral categories that help

supervision agents provide flexible case management and helps to organize their work with those under supervision.

These elements of PCS' supervision model surround the supervisee and support the work of supervision agents. But these elements of the PCS model alone do not account for its success.

My academic training and a large part of my executive management experience has been focused on how organizations operate, develop and change. As is the case for individuals, change is rarely easy and requires commitment. Organizations change when one of two factors are present. Organizations change through the personal commitment and dynamic leadership of their executives or the exemplary performance of one of their operating units that serve as a model for systemic organizational change that cannot be ignored. The other factor leading to organizational change is crisis. When confronted with massive institutional failure organizational leaders and institutional units will mobilize to assure their survival.

Unfortunately, recognizing crisis is often difficult for organizations that have been lulled into a false sense of security by the size of their bureaucratic structures and the constant management of their inefficiencies. All too often impending crisis is ignored or unseen until it is too late and new leadership is needed to right the organizational course. For the fortunate organization the fomentation of crisis yields to the personal commitment of its leaders. For the learning organization, crisis is managed by its leaders before it threatens organizational survival.

Creating a more effective model for community supervision required PCS to make fundamental changes in the culture of probation and parole. Introduction of PCS transformed the nature of community supervision through a shift in philosophy, changing the nature of the

agent/supervisee relationship, and refocusing organizational and professional resources towards new institutional objectives. It transformed the supervisee, the agent and the organization.

Training is an important tool in any organization's plans for improvement but budget retrenchment after 9/11 forced PCS to innovate. With no money for training staff, the existing department training unit was supplemented with 12 field supervisors reassigned as trainers who conducted comprehensive communication skills training. Consultants worked with the new training unit in train-the-trainers workshops, and four to five participants took the training to field offices.

Supervisors and line staff received intensive training on a variety of topics including:

- motivational interviewing
- interpersonal communication
- team building
- conflict management and resolution
- decision making
- fundamental PCS practices
- evidence-based practices
- strengthening community partnerships

The training program fostered peer-to-peer networks, respect for trainees, consistency, and patience with those not grasping the PCS concepts. There was a "no-fault" feedback standard and booster training for those having trouble applying the new behavioral concepts.

These organizational tools were important elements in Maryland's re-invention strategy. Judith Sachwald is here to provide you with a first-hand account.