

City and County of Denver

Final Report to the Mayor, City Council, and Crime Prevention and Control Commission:

Improving Public Safety through Comprehensive Planning and Effective Offender Management

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NIC Disclaimer

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The resource person who provided the on-site technical assistance did so through a cooperative agreement with NIC, at the request of the Mayor and City Council of the City and County of Denver, and through the coordination of the National Institute of Corrections. The direct on-site assistance provided and this subsequent report are intended to help the City and County of Denver in the work of its Justice Center Task Force and the Alternatives to Sentencing Committee. It is anticipated that the Committee will: assess the Denver criminal justice system, especially its continuum of sanctions; evaluate the role of incarceration and other criminal justice options within an effective continuum of sanctions; and examine the range of “best practice” tools and strategies available to policy makers and practitioners. The first on-site visit took place on November 30 through December 5, 2004.

The contents of this document reflect the views of William Woodward, Brad Bogue, Jennifer Diebel and Liz Craig. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

Acknowledgements

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EXECUTIVE SUMMARY

The City and County of Denver in August 2004 requested the assistance of the National Institute of Corrections to support a review of its planning process for anticipated new jail construction. Of specific interest were alternatives to incarceration and the impact of possible jail alternatives on bedspace and programming needs for a new justice center and other City/County jail and detention facilities.

Several reports from the project have already been generated by Ms. Peggy McGarry and Mr. Mark Cunniff. These reports are not included in this final report but are cited where appropriate.

In March 2005, in accordance with recommendations generated through this project, the City Council and Mayor created the Crime Prevention and Control Commission by ordinance sponsored by Councilman Garcia, Chair of the Safety Committee, and Councilmember-at-large Doug Linkhart.

This is an important and critical accomplishment. This commission is necessary to maintain a vision of the criminal justice system and its future needs. Very few organizations, public or private, have been able to integrate needs and accomplish goals without such a collaborating body. Anyone who believes that separate agencies, going their own way, are in the best interest of the citizens of Denver is mistaken. The literature is rich with examples of how a singularity of vision is essential for high productivity – in business and in the public sector. Therefore effective and efficient public safety in the City and County of Denver is dependent on the work of this body.

It is of critical importance that the Mayor's Office, Council and the new commission recognize the need for a well-planned assessment of the specific elements that must be provided in the new jail. Only through a careful determination of jail population characteristics and management needs can the City/County develop a facility that will meet these needs. By building a jail that meets documented needs, the City/County will save money in operational and staff costs and will deliver better service to metropolitan residents. It may also prevent future costs for retrofitting when it becomes necessary to address the inadequacies of a facility that was not designed with Denver's specific needs in full view.

Overall, we recommend several planning and assessment strategies to assist the City and County of Denver as it moves ahead toward jail construction and alternatives implementation. These strategies are interlinked; in no case can any listed recommendation stand on its own. Each must be viewed in the context described in the text of this report.

Summaries follow of the project's major recommendations. The full report, beginning on page 11, provides a discussion of the site and system observations that underlie these recommendations, as well as notes on specific strategies for implementing them.

MAJOR RECOMMENDATIONS

- A. The City and County should create a criminal justice policy council made up of the major stakeholders within the criminal justice system and community.** (At this writing such a Council has been formed by Council Bill 152, series of 2005.) The Council should include crime victims as well as other criminal justice system stakeholders. The Council should include business owners as well as attorneys. The Council should include the private non-profit sector that provide services to offenders and other stakeholder groups, as identified by the council.
- B. The criminal justice policy council should, as its first priority, set a vision for the system.** The vision -- or overarching mission, purpose and philosophy for the metro criminal justice system -- may be punishment, citizen satisfaction, restorative justice, rehabilitation, recidivism reduction, cost efficiency, or incapacitation. Deciding this determines in large part how the system operates. It should also make a difference in the design of the jail. It should be complementary to, and help guide, all individual decisions of policy makers in the criminal justice system. Whatever the vision, evidence-based practices should be followed: practices that have been shown through research to result in the desired public safety outcomes. Policies found to reduce public safety should be abandoned.
- C. Upon approval of the bonding issue, the newly formed Crime Prevention and Control Commission should be asked to review the jail program plan (if available) and to comment on the design and the schedule for implementation.** Utilizing the information contained in the NIC Cunniff report and with a focus on recidivism reduction (if approved as a key element of the system vision), the Commission should make recommendations to the Mayor and City Council for changes to the design, staffing and treatment of offenders. Optimal inmate management can be supported through a “direct supervision” design and pod management style. Suitable programming for recidivism reduction requires an evidence based practices approach. Informed decision-making on programs will result in jail facilities that better prepare inmates to re-enter the streets of Denver with a higher probability of becoming contributing citizens. Hence public safety is improved.
- D. Master planning and needs assessment should be the first step taken following the approval of funding for the project.** Specifically, the appropriate agency or agencies should complete the jail planning checklist presented in the

Jail Design Review Handbook,¹ published by NIC in 2003. This comprehensive system review should be completed before the building plans are completed. The Crime Prevention and Control Commission should closely review the outcomes from the checklist. It is impossible to overstate the importance of this process and the value of the information it will uncover. This added planning is critical to providing additional assurance that the jail design will fit the philosophical direction of the City and County of Denver. This planning is also essential for deciding where and how various offenders should be managed to ensure the highest effectiveness in the criminal justice system.

- E. As soon as possible, the Crime Prevention and Control Commission should analyze and prioritize the many potential areas for cost savings in the jail.** Areas for cost savings, consistent with public safety², have been recommended in the findings of the Jail Alternatives Committee and were outlined in the NIC Cuniff policy report. The Commission should also begin a general policy review to ensure evidence based principles and practices are being followed in the City and County of Denver criminal justice system. This will be especially important before the city builds new beds on Smith Road.
- F. The inadequate facilities, pods 6 through 12, in the Smith Road jail must be replaced.**
- G. The dollars provided in the bonding package for the 384 *NEW* beds on Smith Road should be held until the studies identified above can be completed.** A jail bed should be considered a scarce and expensive resource and only utilized as a last resort. The proposed cost per bed at Smith Road, including demolition, is approximately \$65,000 per bed³. However, the cost for personnel to operate these beds is not included in the bonding initiative⁴. The estimated personnel cost will be \$12,000,000⁵ annually beginning in 2011, when these beds are slated to come on line. Operating costs will necessarily come from new general fund dollars.⁶

¹ Goldman, M., National Institute of Corrections, July 2003, pages 4-3 to 4-85. This document is available online at <http://www.nicic.org/Library/018443>.

² This is operationalized through the concepts of evidence-based practice as promulgated by the Council on Excellence in Government web site: www.excelgov.org.

³ "Concept Design Total Project Cost Models, 1/03/05, Reilly Johnson Architecture" provided to attendees of the January 6, 2005 Task Force meeting. This "costs model" also included a cost of \$113,000 per bed for the Pre Sentenced Detention Facility downtown.

⁴ Conversation with Undersheriff Oliva, 1/6/05; operating costs not allowed in a bonding issue.

⁵ Alternatives Subcommittee consensus assumption concerning cost to staff one sheriff's bed per year = \$33,000 as provided by Undersheriff Oliva.

⁶ This should not be difficult to do, as the "Preliminary Project Schedule" dated "December 14, 2004" does not anticipate an "Early Start" of "Design Smith Road" until "January 7, 2008". In summary, without Smith Road beds, 2010 would see 1,500 beds at the new justice center plus the remaining 1,050 on Smith Road

- H. Options to stop or reverse the growth of the jail population should be examined and implemented when appropriate.** In recent years, the City and County of Denver has done an excellent job of holding the line on the jail population. There has been a negligible increase in the jail population between 1997 (2,024) and today (2,131) -- only about 26 beds per year. Therefore it seems reasonable that with review and implementation of appropriate alternatives, as identified in the NIC Cunniff report and others, additional bed savings will be found to stop or reverse the growth of the jail population. All policy options should be pursued. If they are not found or realized, then the construction at the Smith Road facility should go forward based on new projections.
- I. City planners and the staff of the Crime Prevention and Control Commission should consult with the Colorado Division of Criminal Justice (DCJ) to review jail population projections for Denver.** This state agency is responsible for prison, parole, probation, and juvenile population projections. DCJ's web site indicates that since 1984 the agency's one-year projections have never been off more than 6.6%, and the average percentage variance is approximately 1.8% over the past 10 years. However, no projection should be considered close to accurate for more than 2 to 3 years into the future⁷. The agency's projections for Denver do not, as published, contain the assumptions used in their production. The state DCJ population projections assumptions are clearly stated in the reports available on its web site. Jail populations are primarily driven by policy.⁸
- J. Future policy decisions which will impact jail populations should be brought to the Crime Prevention and Control Commission for review and adjustment if necessary.** Policy decisions must be carefully weighed with a focus toward better protecting the public, reducing recidivism, effectively utilizing resources, and providing for public safety from high risk offenders.

(after removal of cell houses 6 through 12) for a total of 2,550 beds. The current "low" jail population projection for this date is 2,278.

⁷ Colorado Division of Criminal Justice population projections for 1999 forecast the number of Denver jail beds needed in 2004 as 21,097, whereas the actual number of beds needed was 19,589 (see 2004 projections). And reviewing their 1999 projections for 2004 end of year, 5 year projections, they were OVER by 10%. While their methodology has produced excellent results, to be off by 10% in 5 years indicates the probability of error will be very high no matter the projection methodology.

⁸ "Projecting corrections populations is often incorrectly understood as an effort to 'get the right number.' It is more appropriate to view projections as conditional statements of a future corrections population that will hold true only if current assumptions about the factors that generated past populations persist into the future. A comprehensive forecasting effort should include not only population projections but also policy debates and analyses to understand why actual populations depart from projections and to demonstrate the role of policy in shaping demands for space" Alfred Blumstein, Carnegie Mellon University, Juvenile Justice Bulletin, March 2001, "Population Projections in Practice"

K. To reduce recidivism, case management should be provided for all higher risk, jail sentenced offenders, with supervision in the community after the jail term. The LSI-R and ASUS assessment tools should be used to determine inmate risk and program needs. The top four criminogenic risk factors affecting Denver offenders must be addressed. A major effort should be made to add case management personnel for higher risk offenders sentenced to jail. Offenders who are in the medium to high risk categories should have case plans prepared⁹ that recommend appropriate services when they are released. These offenders should receive supervision in the community as an integral part of their sentence. With an average LSI-R score of 25, it can be anticipated that on average 71% of released jail inmates will recidivate¹⁰ and revictimize Denver area residents. Persons scoring higher are more likely to recidivate; for example, among offenders scoring 30 on the LSI-R, on average 86% of those released will recidivate.

Only with treatment and programming, selected on the basis of research evidence, are these numbers likely to change. Efforts in this area will create better public safety, and the costs incurred will be paid back through fewer offenders returning to jail and more ex-offenders becoming productive citizens. Because resources should be focused on the higher risk offenders, the project team recommends that only those with LSI-R scores of 19 or higher¹¹ should receive these services. Extending these services to less risky offenders would violate the “risk” principle, which states that low risk offenders can actually recidivate more if programmed with higher risk offenders.

L. The Crime Prevention and Control Commission should consider supporting the jail with funding to assess and case manage offenders leaving jail with “jail only” sentences or any other sentence that lacks community-based supervision and support. Current release practices endanger public safety by releasing offenders with LSI-R scores of 20+ into the community without their having received case management inside the jail, focused on recidivism reduction, and without any form of supervision/programming once they return to Denver area neighborhoods.

M. Denver’s approach to case planning should reflect important findings from recent demographic and assessment studies. The most notable findings of this research include:

⁹ The best case planning tool available is: Bogue, B, *The Probation and Parole Treatment Planner*, Wiley and Sons, 2004.

¹⁰ Based on Multi Health Systems’s tables of probability of recidivation for the LSI-R, 2003.

¹¹ This is only a proposed cut point for the LSI-R. The Crime Prevention and Control Commission should officially determine the “cut point” for LSI-R assessment results. It should also determine the meaning of “high risk” and “low risk.”

- 1) Whites are higher risk than other groups on almost all profiles generated by both ASUS and LSI data, and they show the highest Criminogenic risk factors in the areas of poor self control, anti-social family, and anti-social companions.
- 2) Blacks are medium risk overall with notable Criminogenic risks in poor self control, anti-social family, and alcohol or drug abuse/emotional/ mental health problems.
- 3) Hispanics are on average rated at the lowest risk levels, but their defensiveness scores are higher than Blacks and Whites. Hispanics showed more alcohol and other drug issues on the ASUS than on the LSI-R.

N. Denver officials should expect that more resources will be needed to enable the delivery of services in the following areas, to reduce recidivism and better protect the public. The following three groups of risk factors (criminogenic needs) are presented in order as per the average LSI-R scores determined to exist in the Denver study sample. Items listed in **bold** type have strong predictive value for risk of future recidivism and are the priority areas for program resources:

- **Self Control/Criminal History excessive**
- Use of leisure time poor
- Employment/Education inadequate
- **Anti-social family**
- **Anti-social companions**
- **Alcohol/drug abuse**
- Accommodations inadequate
- Financial problems
- Emotional/mental health problems
- Attitudes, Values, Beliefs that are anti-social

These findings reflect anticipated case plans that would be created based on individual assessments. Details on the inmate population demographics and assessment findings from the present study are presented in the body of this report.

O. The Crime Prevention and Control Commission should call for jail programming based on criminogenic need, and current programs should be evaluated based on the extent they address criminogenic need. The Correctional Program Assessment Inventory (CPAI) or equivalent should be used to assess programs. The Commission's resources should then be used to bring current programs up to CPAI standards and to build new programs as needed. New programs should be focused on priority areas as identified under

Recommendation N, above.

P. The Commission should seek to better understand Denver jail populations by pursuing future research on several key questions suggested by currently available data. For example:

- 1) Why are Whites higher risks on almost all areas?
- 2) Why do Hispanics have higher defensiveness levels?
- 3) How do the LSI-R/ASUS assessments of jail inmates compare to offenders in community corrections and prison?
- 4) Why do Hispanics show a higher average age than Whites and Blacks?
- 5) What process changes can be accomplished in the criminal justice system to provide for improved public safety?
- 6) For example, could the City and County improve public safety by providing rapid trials and specialized courts for certain offenders?
- 7) What are the rates of return to jail for persons being released from custody? How many detainees/offenders are returning to the jail again and again, and what are their charges? How might their rate of return to jail relate to their assessed criminogenic risk factors, to their participation in appropriate programming, or to the degree of community supervision they receive?

CITY AND COUNTY OF DENVER FULL REPORT

PROJECT BACKGROUND

As a result of an August 2004 request for National Institute of Corrections technical assistance submitted by the City and County of Denver's Mayor's Office and the Denver City Council office, Ms. Peggy McGarry initiated the process of reviewing the technical assistance request. Her report was previously submitted, and the request for technical assistance was approved.

The City and County of Denver is on the verge of building several new buildings and jails generally known as the new justice center complex and Smith Road jails. The older facilities are no longer habitable and have been in need of replacement for several years. They are of the old design and do not incorporate "direct supervision." The City desires to offer more alternatives to sentencing and rehabilitative measures to reduce recidivism in conjunction with building a new justice center. Mr. Bill Woodward was asked to oversee the technical assistance process subsequent to the McGarry visit.

Several task forces and projects have helped to clarify the issues surrounding Denver's jail needs:

- In 1997 Mark Cunniff and Robert Cushman completed an analysis of the Denver situation and recommended several options [for jail alternatives, jail construction, and inmate programming. – is this

accurate?] [CITE HERE?] None of these options was selected at that time or in subsequent years.

- In September 2004, the City requested a new data collection and analysis by Mark Cunniff and policy review assistance by Bill Woodward and his project team.
- In November 2004, Denver Mayor John Hickenlooper appointed a Justice Center Task Force to discuss the building of a new justice center and an Alternatives Committee to explore the possibility of alternatives to incarceration. The Alternatives to Sentencing Committee has made significant recommendations, which are contained in endnote “i.” Both committees were asked to report their findings to Mayor Hickenlooper in January 2005. The Alternatives Committee was disbanded in March 2005 to be replaced by the newly created Crime Prevention and Control Commission, created by ordinance sponsored by Councilman Garcia, Chair of the Safety Committee and Councilmember-at-large Doug Linkhart.
- In January 2005, the Justice Center Task Force made its recommendations and the City Council later placed on the May 2005 ballot a bond issue for a new criminal justice center downtown and jail construction on Smith Road.

In January 2005, NIC was again contacted for assistance by the Denver City Council staff and Mayor’s office. The assistance included a request to assist the staff of the Council

and the Mayor's office in developing alternative to incarceration options for offenders. NIC also approved a request by the Mayor and Councilman Garcia to review a sample of offenders headed for the Denver streets. This request was initiated by the Alternatives to Incarceration Committee to better understand the types of alternatives that could be offered to offenders to help reduce recidivism. In the letter to NIC, the Mayor and Councilman Garcia, Co-Chair of the Alternatives Committee stated, "We are seeking NIC assistance specifically to continue our research efforts by assessing a sample of fifty offenders to determine their criminogenic needs to guide future programming decisions." Further, the letter stated: "We respectfully request additional assistance for critical research to help us begin to implement proven strategies to reduce offender recidivism...."

In response to this request, NIC contracted with individuals at Justice System Assessment and Training, a national corrections consulting agency, to complete the assessments. Specifically, 50 Denver Jail inmates were interviewed to ascertain their risk factors. This information is designed to provide the newly formed Crime Prevention and Control Commission and Mayor with additional information about alternatives for offenders designed to reduce recidivism.

In the present project, staff reviewed all recent studies of the Denver criminal justice system needs and the architectural design documents developed to date. Specific items included:

- Denver Justice Center Final Report – Project Program
- 1997 NIC Report – Cushman and Cunniff
- 2004 NIC Report – Cunniff

- Overview of Treatment Effectiveness: Research and Clinical Practices; D.A. Andrews; written for the Department of Justice, National Institute of Corrections.
- Jail Design and Operation and the Constitution, An Overview; William C. Collins, Attorney at Law, 1998.
- Profile of Adult Arrests & Jail Population, City and County of Denver, March 1, - May 31, 2004, Mark A. Cunniff, January 2005.
- Adult Prison and Parole Population Projections; Juvenile Commitment and Parole Population Projections; Colorado Division of Criminal Justice; 1998, 1999 and 2004.
- Evaluation of Breaking the Cycle, Adele Harrell et al., The Urban Institute, 2004
- Jail Profile Survey; Facilities Standards and Operations Division; Board of Corrections; State of California, 2004.
- Minimum Standards for Local Detention Facilities; Title 24, Part 1, Section 13-102 and Part 2, Section 470A, State of California, 2001
- How to Collect and Analyze Data; A Manual for Sheriffs and Jail Administrators, Second Edition ; Gail Elias, National Institute of Corrections; 1999.
- Denver City Council Safety Committee, Justice Center Briefing, February 11, 2004.
- Justice Center Initiative Crime Control and Prevention Recommendations, Garcia R., Vaden W., Moya, F. January 6, 2005.

Additionally, interviews were conducted with City Council staff, Denver jail administrators and staff, and staff of the Mayor's Office. The purpose of these interviews were to explore policy options, preferences, priorities, and operational issues. This included what was known about the interplay of justice system elements such as arrest and detention practices. "The commitment of each person and official to the best outcome for the City and County was evident." or a similar wrap-up statement could be rhetorically helpful here. – much benefit gained by combining all this wisdom? hmm.]

OBSERVATIONS AND RECOMMENDATIONS

The following are the general observations and recommendations concerning this project. Included are notes on specific strategies for implementing the recommendations. Appendix A provides detailed findings from a study of the Denver jail population.

OBSERVATION #1.

THE DENVER JUSTICE SYSTEM LACKS A UNIFYING VISION

The criminal justice system in Denver is operated as a series of independent agencies. Each agency -- from the courts to the jail to the prosecutors and law enforcement, private defense bar and the public defender -- has its own agenda. There are task forces and ad hoc committees which from time to time operate for a specific purpose¹², but there is no single unifying vision for the criminal justice system. There is no single philosophy to bind these sometime disparate entities. There is no single unifying set of principles which help all agencies focus on the public safety needs of the citizens of the city.

This observation has nothing to do with the statutory responsibilities or constitutional responsibilities of the various actors in the criminal justice system. These must be honored and nurtured. But it is unwise to allow all these agencies to make up their own vision for the future of the citizens of Denver. A unifying vision can bring disparate

¹² An example is the recent task force on building a new justice center, which was created separately from the jail alternatives committee. These groups never met together, except to present findings to each other. This may indicate an essentially faulty understanding of building a jail as being independent from all other activities of the criminal justice system.

parts of the criminal justice system together to collaborate to ensure the safety of the citizens of Denver.

The research is clear: collaboration and teamwork improve productivity.¹³ Excellent collaboration and teamwork require a clear unifying vision. Larson found that the need for a clear vision was no different in the public or private sector, from presidential cabinets and the Centers for Disease Control to the USS Kittyhawk, the making of the IBM PC, and the investigation into the Challenger accident. A clear unifying vision is critical to success in complex systems.

Vision also makes a difference in jail design and the selection/implementation of jail alternatives. For example, does it make a difference if the vision for the jail is to “punish offenders” or to “reduce victimization”? If punishment were the dominant philosophy of the Denver criminal justice system (which philosophy, research shows, increases reoffending¹⁴), then the design of cells would more closely encompass the minimum standards of the U.S. Constitution, resulting in smaller cells, minimally adequate food preparation facilities, no program space, etc.¹⁵ These are basically non “direct supervision” jail cells with minimum services targeted toward reducing recidivism. Such supervision allows for offenders or pretrial detainees to simply watch T.V. or spend time in their cells during the period they are in jail.

¹³ Larson E., Teamwork, Sage Publications, 1989

¹⁴ Andrews D.A. and Bonta J, The Psychology of Criminal Conduct, Second Edition, Anderson Publishing, 1998.

Andrews D.A. “An Overview of Treatment Effectiveness: Research and Clinical Principles” National Institute of Corrections, U.S. Department of Justice, March 1994.

¹⁵ In fact, the Prison Litigation Reform Act of 1996, which applies to state and local jails, only requires that conditions of confinement not be considered “cruel and unusual.” And for pretrial detainees the test is, do the conditions amount to “punishment”? From: Collins, W.C. “Jail Design and Operation and the Constitution” National Institute of Corrections, 1998.

However, if Denver becomes focused on “reducing victimization” and following evidence based practices, a significantly different facility should result. Housing units in the direct supervision mode will provide for a correctional officer to interact with inmates in the pod at all times for better behavior control and modeling of socially appropriate behavior. There will be adequate space to operate programs proven to reduce recidivism – such as cognitive behavioral training programs, drug/alcohol therapeutic communities (which require separate housing from non-program participants); and intensive day treatment. There will be space for education; for employment assistance; space for community groups to provide transitional services; space for inmate and family reintegration; space sufficient to keep inmates safe from one another; space for veteran services; space for social security services; space for other services as recommended.

In summary, therefore, it is not advisable to design a jail without knowing the purpose of the jail¹⁶. We recommend that detailed space analysis for wrap-around evidence based programming be included in the program plan for the jail. As recommended in NIC publications, a program plan is developed BEFORE an architect finalizes a jail design. In the case of the proposed Denver jail, there is no indication that the NIC checklist for jail design or equivalent was utilized prior to publicizing jail plans at the January 6, 2005 public meeting.

¹⁶ Ibid

RECOMMENDATION A.

The City and County should create a criminal justice policy council made up of the major stakeholders within the criminal justice system.

The City and County should create a policy council made up of the major stakeholders within the criminal justice system and community. (At this writing the council has been formed by Council Bill 152, series of 2005). The council should include crime victims as well as other system stakeholders. The council should include business owners as well as attorneys. The council should include the private non profit sector that provide services to offenders and other stakeholder groups, as identified.

RECOMMENDATION B.

The criminal justice policy council should, as its first priority, set a vision for the system.

The vision, or overarching mission, purpose and philosophy for the metro criminal justice system, may be punishment, citizen satisfaction, restorative justice, rehabilitation, recidivism reduction, cost efficiency, or incapacitation. Deciding this determines in large part how the system operates. It should also make a difference in the design of the jail. It should be complementary to, and help guide, all individual decisions of policy makers in the criminal justice system. Whatever the vision, evidence-based practices should be followed: practices that have been shown through research to result in the desired public safety outcomes. Policies and programs found to reduce public safety, should be abandoned.

If, for example, the council selects “recidivism reduction” as the vision, then full assessments of higher risk offenders will be necessary to know how to target the correct interventions which are proven to reduce re-offending. In addition, the ultimate goal of the City and County of Denver to improve public safety will be strengthened if recidivism reduction is selected. The National Institute of Corrections promulgates eight principles to be followed to reduce re-offending and to reduce the number of new victims¹⁷.

This is long term work. The city should not adopt such a policy without a full commitment to its implementation. It is easier to simply punish and hope for the best. But adopting the same vision by all agencies and stakeholders in the criminal justice system will ensure that all the oarsmen and -women in the criminal justice system are pulling together in the same direction.

OBSERVATION #2.

DENVER JAIL PLANNING TO DATE HAS NOT INCLUDED A COMPREHENSIVE PROGRAM PLAN

As mentioned above, there is little evidence that a program plan was utilized to design the new jail. And any program plan should have answered a series of questions such as those set out in the NIC “Jail Design Review Handbook.”¹⁸

¹⁷ Bogue, Campbell, Carey, Clawson, Florio, Joplin, Wasson and Woodward, “Using an Integrated Model to Implement Evidence-Based Practices in Corrections”; from **What Works and Why: Effective Approaches to Reentry**, American Corrections Association, 2005.

¹⁸ Goldman, Mark, July 2003.

This handbook lays out the following steps, to be completed in this order, for the planning process:

- Needs assessment (including vision),
- Master planning (to include alternatives to incarceration),
- Defining the project,
- Operational and architectural programming,
- Conceptual design,
- Schematic design,
- Design development,
- Construction documents,
- Bidding,
- Construction,
- Closeout and final preparation, and
- Occupancy.

The planning documents provided to the members of the “task force” and given to me do not include this level of preparatory planning and analysis. Available documentation is limited to overall costs, the actual external design of the jail, the design of several direct supervision jail pods and the possible locations for the jail. The plans provide for generic space such as a day room (outside the cells) and a multi-purpose room for each bay of offenders.

RECOMMENDATION C.

Upon approval of the bonding issue, the newly formed Crime Prevention and Control Commission should be asked to review the jail program plan (if available) and to comment on the design and the schedule for implementation.

Utilizing the information contained in the NIC Cunniff report and with a focus on recidivism reduction (if approved as a key element of the system vision), the Commission should make recommendations to the Mayor and City Council for changes to the design, staffing and treatment of offenders. Optimal inmate management can be supported through a “direct supervision” design and pod management style. Suitable programming for recidivism reduction requires an evidence based practices approach. Informed decision-making on programs will result in jail facilities that better prepare inmates to re-enter the streets of Denver with a higher probability of becoming contributing citizens. Hence public safety is improved.

The NIC handbook, “Planning of New Institutions, Phase I”¹⁹ states it best. The first stumbling block in many jurisdictions’ jail planning process has been explained as follows:

“Perhaps the most lethal problem associated with early planning activities is the failure to take the time to plan. In constructing new jail facilities, counties often face serious time constraints such as an inflationary economy or deadlines imposed by court orders or the political process. In an attempt to accommodate such constraints, many counties choose to minimize the amount of time involved in the planning process. Unfortunately, by rushing through the planning process, such counties submerge discussions over key issues or ignore critical decisions. However, these issues and decisions invariably reemerge later in the project when the costs associated with their resolution are much higher. By taking the time necessary to do a thorough job of planning, major errors that can result in unnecessarily high staffing levels, increased liability, and a short life-cycle for the facility can be avoided. The failure

¹⁹ NIC Jails Division, January 2000.

to adequately complete early planning activities before imitating the facility design process is somewhat akin to putting up the walls before a strong foundation has been laid.”

Recommendation D.

Master planning and needs assessment should be the first step taken following the approval of funding for the project.

Specifically, the appropriate agency or agencies should complete the 82 pages of jail planning checklist items presented in NIC’s *Jail Design Review Handbook*,²⁰. This comprehensive system review should be completed before the building plans are completed. The Crime Prevention and Control Commission should closely review the outcomes from the checklist. It is impossible to overstate the importance of this process and the value of the information it will uncover. This added planning is critical to providing additional assurance that the design will fit the philosophical direction of the City and County of Denver. This planning is also essential for deciding where and how various offenders should be managed to ensure the highest efficiencies and effectiveness in the criminal justice system.

OBSERVATION #3.

DATA ANALYZING DENVER JAIL POPULATIONS SUGGEST AREAS FOR REVIEW AND PRIORITIZATION.

There are several areas which have been developed or reviewed during the current planning process: The NIC Cunniff report presented the following findings:

²⁰ Goldman, M., National Institute of Corrections, July 2003, pages 4-3 to 4-85. This document is available online at <http://www.nicic.org/Library/018443>.

1. Adult arrests are down 25% and bookings are down 7% between 1997 and 2004. This resulted in 4,837 fewer arrestees being booked into jail in 2004. Overall, this potentially saved the city 545 beds.
2. Jail bed demand has increased by at least 302 beds for offenders being transferred to another jurisdiction in 2004 as compared to 1997. Total beds used in 2004 = 943.
3. Jail bed demand by Denver residents is down by 278 beds, but Metro area residents' usage of jail beds increased by 72 beds.
4. The number of arrestees who are being booked into jail for public order offenses is down 49% since 1997, but jail usage is up by 90 beds.
5. Offenders who were arrested, booked, and then **released to other jurisdictions** have an average length of stay in the Denver jail of 33 days and took up 46% of the jail beds; whereas those offenders who were arrested, booked and then **served their sentences** have an average length of stay in the Denver jail of 21 days and took up 31% of the jail beds. Together these two groups took up 77% of the Denver jail beds during the sample period.
6. The average length of stay for offenders with a bond of \$1,000 or less was 1 day, whereas the average length of stay for bonds over \$1,000 but under \$10,000 was 8 days.
7. "Fresh" Arrests (not FTA or Holds) account for approximately 820 beds in the Denver jail; 460 of these beds were for felonies and 360 beds were misdemeanors (based on a sample of offenders leaving the jail).
8. Failure to Appear (FTA) arrests accounted for approximately 170 beds in the Denver jail (based on a sample of offenders leaving the jail).
9. "Holds" arrests accounted for approximately 500 beds in the Denver jail (based on a sample of offenders leaving the jail).
10. Felony drug crime jail bed usage increased by 218 beds between 1997 and 2004.
11. Sentenced inmates serving over 30 days in jail consumed 500 jail beds. These inmates may be potential targets for recidivism reduction programs. Most were sentenced for person (21%), drug (12%) and traffic crimes (21%).
12. The jail bed usage by Black offenders decreased by 176 beds between 1997 and 2004; the jail bed usage by Hispanic offenders increased by 52 beds during the same period.

These findings provide clues to the best possible management of a truly scarce resource, a jail bed. If it is found that many of the offenders serving over 30 days in jail, and who account for 500 jail beds a year, would make good targets for recidivism reduction programs – and the LSI data shows such offenders -- bed savings will be realized. In addition, if for example each offender were to leave the jail one day earlier than in the past, the jail would need 120 fewer beds!²¹ There may be potential bed savings hidden in this data. The National Institute of Corrections provided the data for the City and County of Denver to explore and to possibly save jail bed construction and improve public safety.

²¹ This is based on the 45,000 admissions to the jail each year, divided by 365, equals the number of jail beds utilized for each day of stay in the jail.

The Alternatives Committee also presented many findings for possible bed reductions, while preserving public safety.²² These alternatives are listed in the endnote.ⁱ

RECOMMENDATION E.

As soon as possible, the Crime Prevention and Control Commission should analyze and prioritize the many potential areas for cost savings in the jail.

Areas for cost savings, consistent with public safety²³, have been recommended in the findings of the Jail Alternatives Committee and were outlined in the NIC Cuniff policy report. The Commission should also begin a general policy review to ensure evidence based principles and practices are being followed in the City and County of Denver criminal justice system. This will be especially important before the city builds new beds on Smith Road.

RECOMMENDATION F.

The inadequate facilities, pods 6 through 12, in the Smith Road jail must be replaced.

RECOMMENDATION G.

The dollars provided in the bonding package for the 384 *NEW* beds on Smith Road should be held until the studies identified above can be completed.

A jail bed should be considered a scarce resource and only utilized as a last resort.

The proposed cost per bed at Smith Road, including demolition, is approximately

²² The program committee report of the task force did not indicate considering programming focused on recidivism reduction or evidence based practice. Their recommendations focused on programming for different types of offenders, such as women offenders.

²³ This is operationalized through the concepts of evidence based practice as promulgated by the Council on Excellence in Government web site: www.excelgov.org.

\$65,000 per bed²⁴. The cost for personnel to operate these beds is not included in the bonding initiative²⁵. The estimated cost will be \$12,000,000²⁶ per year after 2011 when these beds are slated to come on line. This will need to be funded by new general fund dollars.²⁷

This should not be difficult to do as the “Preliminary Project Schedule” dated “December 14, 2004” does not anticipate an “Early Start” of “Design Smith Road” until “January 7, 2008”. In summary, without Smith Road beds, 2010 would see 1,500 beds at the new justice center plus the remaining 1050 on Smith Road (after removal of cell houses 6 through 12) for a total of 2,550 beds. The current “low” jail population projection for this date is 2,278.

RECOMMENDATION H.

Options to stop or reverse the growth of the jail population should be examined and implemented when appropriate.

The City and County of Denver has done an excellent job of holding the line on the jail population. It has seen negligible increases in jail population between 1997 (2,024) and today (2,131)²⁸, or about 20 beds per year. Therefore it seems reasonable that with review and implementation (with new alternatives dollars) of

²⁴ “Concept Design Total Project Cost Models, 1/03/05, Reilly Johnson Architecture” provided to attendees of the January 6, 2005 Task Force meeting. This “costs model” also included a cost of \$113,000 per bed for the Pre Sentenced Detention Facility downtown.

²⁵ Conversation with Undersheriff Oliva, 1/6/05

²⁶ Alternatives Subcommittee consensus assumption concerning cost to staff one sheriff’s bed per year = \$33,000, as provided by Undersheriff Oliva.

²⁷ This should not be difficult to do, as the “Preliminary Project Schedule” dated “December 14, 2004” does not anticipate an “Early Start” of “Design Smith Road” until “January 7, 2008”. In summary, without Smith Road beds, 2010 would see 1,500 beds at the new justice center plus the remaining 1,050 on Smith Road (after removal of cell houses 6 through 12) for a total of 2,550 beds. The current “low” jail population projection for this date is 2,278.

²⁸ Difference of 104 beds over four years, or 26.7 beds per year.

the Alternatives Committee findings, and review of the 12 major report findings, and others as appropriate, in the NIC Cunniff report that additional bed savings could be found to stop or reverse the growth of the jail population. If they are not found or realized, then the construction at Smith Road should go forward.

OBSERVATION #4.

AVAILABLE DENVER JAIL POPULATION PROJECTIONS HAVE NOT BEEN REVIEWED AND EVALUATED

Another potential saving area is the population projection provided for the City of Denver indicating a “high” possible need of 3,817 beds in 2033²⁹ ³⁰. These projections are attributed to the National Center for State Courts³¹. Since policy actually drives jail population, not mathematics or demographics,³² ³³ it will be critical that the Crime Prevention and Control Commission review jail population projections and the policies

²⁹ November 2004 Power Point Presentation, Justice Center Facility, Denver The Mile High City

³⁰ In review of the National Center for State Courts report, there are no jail population projections included. The connection between this report and the population projections is unknown and the process for these projections are not documented in the materials provided.

³¹ They contain several straight line projections, but there is no literature on projections which has ever recommended a straight line projection to determine future needs. The Colorado Division of Criminal Justice, a highly accurate projection, does not use straight line projections.

³² “Projecting corrections populations is often incorrectly understood as an effort to “get the right number”...It is more appropriate to view projections as conditional statement of a future corrections population that will hold true ONLY if current assumptions about the factors that generated past populations persist into the future. A comprehensive forecasting effort should include not only population projections but also policy debates and analysis to understand why actual populations depart from projections and to demonstrate the role of policy in shaping demands for space” From: A Blumstein, Ph.D. Carnegie Mellon University, Anticipating Space Needs in Juvenile Detention and Corrections, March 2001, Juvenile Justice Bulletin.

³³ The 1996 GAO report: Federal and State Prisons: Inmate Populations, Costs, and Projection Models; found: “state prison inmate populations have grown as the result of, among other things, the increased number of arrests, higher probabilities of incarceration, and more severe sanctions.....”According to the California Department of Corrections, the prison population in the state has grown because of court decisions, voter initiatives, and legislation”.... All of these are policies and practices – not demographics or mathematics. Mathematics simply reflect the policies and practices in place at the time of the projections.

and practices which are assumed in those projections. Beyond a year or two, population projections are seldom accurate. As Dr. Beck states:

“Quite simply, a forecast made for tomorrow, one day away, is more reliable than a forecast made for months or years into the future. If an ‘expert’ claims to possess a forecasting model that has been proven to be accurate or that a forecast can be created with 90% probability of being correct, the person hearing this claim should warm up the tar, collect the feathers, get out the rail, and escort the charlatan out of town.”³⁴

³⁴ Beck, A. Ph.D, 1996. “Forecasting: Fiction and Utility in Jail Construction Planning” Justice Concepts Inc., Kansas City, MO.

RECOMMENDATION I.

City planners and the staff of the Crime Prevention and Control Commission should consult with the Colorado Division of Criminal Justice (DCJ) to review jail population projections for Denver.

The Colorado Division of Criminal Justice is responsible for prison, parole, probation, and juvenile population projections. Their web site indicates that since 1984 their one-year projection has never been off more than 6.6% and the average percentage variance is approximately 1.8% over the past 10 years. However, no projection should be considered close to accurate for more than two to three years into the future.³⁵ The Denver projections do not -- and should -- contain the assumptions used in their production. The state DCJ population projections assumptions are clearly stated in their reports. Population projections should be completed by those with published records of their real-world projections. Population projections are driven by policy, and an understanding of policy choices, priorities, and system-wide vision are necessary for valid and actionable projections to be created.

³⁵ Colorado Division of Criminal Justice population projections for 1999 projecting 2004 beds needed as 21,097, whereas the actual number of beds needed was 19,589 (see 2004 projections) . And reviewing their 1999 projections for 2004 end of year, 5 year projections, they were OVER by 10% While their methodology has produced excellent results, to be off by 10% in five years, indicates the probability of error will be very high no matter the projection methodology.

RECOMMENDATION J.

Future policy decisions which will impact jail populations should be brought to the Crime Prevention and Control Commission for review and adjustment if necessary.

A coordinated review by policy makers is recommended to better protect the public, reduce recidivism, effectively utilize resources, and provide for public safety from high risk offenders.

OBSERVATION #5.

**THE DENVER CRIME PREVENTION AND CONTROL COMMISSION
(DCPCC) SHOULD REVIEW AND PRIORITIZE THE FOLLOWING
FINDINGS FROM NEW DATA CONCERNING THE DENVER COUNTY JAIL
POPULATION**

Report of Findings from Sample of Jail Offenders

In January 2005, the Mayor and Councilman Rick Garcia requested the National Institute of Corrections to provide a profile of offenders returning to the streets of Denver. Their intent was to better understand who these offenders were and whether it would be possible to provide alternative interventions to reduce the possibility of recidivism.

The sample focused on those offenders with at least 360 days of sentenced time to county jail. This sample was picked to focus on the offenders who are coming back to the community and who, without intervention, would likely return to the jail. The sample purposely excluded those who were sentenced to the Colorado Department of Corrections and those who were already in community corrections. In both cases those offenders receive services currently, either when they go to prison (up to lifetime imprisonment) or when they enter community corrections (which is designed and funded by the state to provide LSI-R assessed, risk based services).

While it may be interesting to compare these three populations along with probation-only populations, it was felt that the immediate need was to look at offenders who, when released from jail, did not receive any case management services and who received minimum treatment and intervention services while incarcerated. These offenders will

probably be the most immediate clients for the Crime Prevention and Control Commission focus.

For example, one inmate assessed through this project was a sex offender. If this offender had been prison bound, he would have received sex offender-specific treatment, and if headed to community corrections he would have received treatment based on the state's containment policy. However, because he managed to be sentenced to more than 360 days in the County Jail he will be returning to the streets of Denver without a treatment and intervention plan. He will simply be released. No community supervision of any kind is required or offered for this individual, despite the fact that sex offenders do not have a good record of success without highly structured programming.

Jailed alcohol and drug offenders present similar patterns. Structure and programs following evidence based practices are essential. These offenders will see no services or interventions designed to hold them accountable and focus on behavior changes necessary to reduce their possibility of recidivating.

Each offender was assessed utilizing the Level of Service Inventory – Revised. This inventory is designed to predict future recidivism³⁶ and provide information on the ten risk factors which predict future reoffense and revictimization. The research is clear that addressing the top four risk factors³⁷ for offenders will reduce recidivism by 30%.³⁸

In addition, each offender was assessed using the Adult Substance Use Survey. This self-administered survey is designed to clarify the level of substance use by the offender, determine anti-social thinking patterns, register defensiveness, and help predict the

³⁶ Predicted unsuccessful terminations of adult probation offenders at the .46 level. See “Efficiency and Effectiveness of Denver Adult Probation,” November 2002.

³⁷ Often referred to as “criminogenic needs.”

³⁸ Gendreau P., French S.A., and A. Taylor (2002). What Works (What Doesn't Work) Revised 2002. Invited Submission to the International Community Corrections Association Monograph Series Project.

offender's level of motivation for change. Each offender received \$5 for assisting in the study. The following are observations from the data analysis.

SURVEY SAMPLE:

The sample contained a nearly equal distribution of three demographic groups:

- Hispanic 19%
- Blacks 15%
- Whites 16%

All offenders came from Units 6, 9, 11, 12, 13, 18, 20, 22, PAL, and female (1). Most offenders came from units 12, 13, and 20.

SUMMARY FINDINGS:

The LSI-R (Level of Service – Revised) inventory findings are detailed in the appendix.

Major findings are:

1. No offender was receiving case management services upon return to the community, nor are they assigned a case manager in the jail.
2. Offenders scored from “8” to “45”(maximum score is 54) with an average score of 25 or moderate risk for reoffending.
3. There is a pattern of criminogenic risk factors which must be addressed to reduce recidivism.
4. Not all offenders are being assessed using the LSI and ASUS tools. And it is questionable whether once assessed, there is follow through to address the top four criminogenic risk factors.

5. Programs both in and outside the jail have not been assessed utilizing the Correctional Program Assessment Inventory (CPAI) or similar assessment.

RECOMMENDATION K. Case management should be provided for all higher risk, jail sentenced offenders, with supervision in the community after the jail term. The LSI-R and ASUS assessment tools should be used to determine inmate risk and program needs.

1. A major effort should be made to add case management personnel for these offenders. Offenders who are in the medium to high risk categories should have case plans prepared³⁹ that recommend appropriate services when they are released. Offenders should be supervised in the community as part of their sentence. With an average LSI score of 25, overall 71% will recidivate⁴⁰ and revictimize. Those scoring higher are more likely to recidivate. For example those scoring 30 will recidivate, on the average, 86% of the time. Efforts in this area will be paid back in fewer returns to jail and productive citizens. Only those scoring above 18⁴¹ on the LSI should receive these services, as to provide services to less risky offenders, would violate the “risk” principle. This principle states that low risk offenders will actually recidivate more if programmed with higher risk offenders. Resources should therefore be focused on the higher risk offenders.

³⁹ The best case planning tool available is: Bogue, B, The Probation and Parole Treatment Planner, Wiley and Sons, 2004

⁴⁰ Based on Multi Health Systems tables of probability of recidivation for the LSI-R, 2003

⁴¹ This is only a proposed cut point for the LSI-R. The Crime Prevention and Control Commission should officially determine the “cut point” for LSI-Rs. It should also determine the meaning of “high risk” and “low risk”

RECOMMENDATION L.

The Crime Prevention and Control Commission should consider supporting the jail with funding to assess and case manage offenders leaving jail with “jail only” sentences or any other sentence that lacks community-based supervision and support.

1. Public safety is currently being endangered by allowing offenders scoring 20 or above to be released into the community without case management inside the jail focused on recidivism reduction and supervision/programming in the community.
2. Ethnicity profiles show distinct differences between population groups. Whites are higher risk on almost all profiles in both ASUS and LSI, with highest criminogenic needs in Self Control, Family, and Companions. Blacks are medium risk with criminogenic needs in Self Control, Family, and AOD/Emotional. Hispanics report the lowest risk, but their defensiveness scores are higher than Blacks and Whites. They reported more AOD issues on the ASUS than the LSI. Their criminogenic needs are Self Control, Companions, Family.

RECOMMENDATION M.

Denver's approach to case planning should reflect important findings from recent demographic and assessment studies.

These findings should be addressed in the case plan for these offenders.

1. The Denver Jail seems to be already making housing unit assignments on the basis of risk to some extent. Of the units from which we had more than 3 offenders, Unit 12 seems to have the highest risk overall, 20 is medium, 13 is lowest.
2. This evident policy should be compared to jail actual policy. If the jail intends this policy, than no adjustments are necessary. However, if the jail intends to have the same level of risk in each unit, they may want to review their placement decisions. This may be the intent of the jail and therefore no recommendation is made.
3. Tool Validity: LSI-R and ASUS are tracking as expected. High LSI risk offenders are also high on ASUS Involvement, Disruption, Social, and Emotional scores. Low LSI risk are the opposite. The only exceptions are that Medium High risk offenders show slightly lower Social scores than Medium Low LSI risk and Low and Medium Low Risk offenders are roughly tied on Emotional scores.
4. The LSI-R and ASUS should be utilized to assess offenders, not otherwise assessed, to improve public safety. Their risk scores are highly correlated with future recidivism. When the LSI-R is utilized in the future, the ASUS should be a part of the assessment for validation

information. The ASUS has a built in “lie” scale which assists the interviewer in understanding the validity of the LSI information obtained. The ASUS also has a motivation for change score which indicates the likelihood that the offender will engage with programming. Also the ASUS has an involvement scale which better defines the extent of involvement with drugs and alcohol for the offender. Finally, the ASUS’s disruption scale helps validate the LSI by indicating the extent to which alcohol and drugs disrupt the lives of offenders.

5. Overall Jail Criminogenic Need Profile. The following is an overall list of the most important LSI-R risk factors (criminogenic needs) to be addressed by programming⁴². These three groups of risk factors (criminogenic needs) are presented in order as per the average LSI-R scores determined to exist in the Denver study sample.

⁴² : Bogue, B, The Probation and Parole Treatment Planner, Wiley and Sons, 2004 e.g. recommend the following chapters and their short/long term objectives, if applicable, **Self control problems**: Callousness, Deceitfulness, Moral disengagement, Intimate relations conflict, Psychosis, Self concept deficits, Sexually deviant behavior, and Violent/aggressive behavior; **Alcohol/Drug abuse**: Chemical dependence, Driving related offenses; **Anti Social companions**: Criminal peers, Inadequate pro social support/social isolation; **Anti social family**: Authority conflicts, Childhood trauma abuse/neglect, Family conflict/alienation, Family criminality/deviance, Gender identification issues, and Intimate relations conflict etc.

6. Items listed in **bold** type have strong predictive value for risk of future recidivism; the order of risk factors reflects the actual scoring if risk needs by the sample of Denver offenders. The development of new programs should consider both predictive strength and order of scoring.

- **Self Control/Criminal History excessive**
- Use of leisure time poor
- Employment/Education inadequate
- **Anti-social family**

- **Anti-social companions**
- **Alcohol/drug abuse**
- Accommodations inadequate

- Financial problems
- Emotional/mental health problems
- Attitudes, Values, Beliefs that are anti-social

RECOMMENDATION N.

Denver officials should expect that more resources will be needed to enable the delivery of services in these areas, to reduce recidivism and better protect the public.

1. Use of leisure time is the highest LSI risk area and Self Control is highest Criminogenic risk overall. Cognitive behavioral programming would be appropriate to teach thinking skills and social skills. There is some of this programming now occurring in the jail, but it is inadequate. Case planning must include objectives which manage free time or recreation. The case

planner book mentioned above has appropriate chapters for this risk factor.

2. Family/Companions are the next Criminogenic need overall, so family systems programming would be appropriate. Again the case planner would be appropriate, with clear understanding of consequences of allowing the offender to stay in an anti-social climate at home.
3. There appears to be extensive free time for offenders in this category, with some expressing concern that they can get into few programs and must spend most of their time watching TV etc. Assuming this is the case, more programming should begin in the jail for the high risk offenders and this programming must continue outside the jail. Outside the jail programs would likely include mandated activities.
4. Programming should be developed by the Crime Prevention and Control Commission based on these findings and a comparison of these findings with services available to meet these needs. Currently no services are being provided to these offenders in the community.
5. Profiles by Age: As age increases, ASUS Involvement, Disruption, and Motivation go up, Social goes down. Offenders age 40 and over show Criminogenic Needs in Self Control, Family, and AOD. Offenders from 30-39 have needs of Self Control, Emotional, and AOD. Those offenders in the 18-29 bracket show Criminogenic Needs in Self Control, Companions, and Family.

6. Recommend appropriate matching services for these offenders.
Recommend reviewing ASUS results for those over 40, especially to determine if AOD issues are more severe than shown in the LSI

RECOMMENDATION O.

The Crime Prevention and Control Commission should call for jail programming based on criminogenic need, and current programs should be evaluated based on the extent they address criminogenic need.

1. The Correctional Program Assessment Inventory (CPAI) or equivalent should be used to assess programs and CPCC resources should be used to bring current programs up to CPAI standards and to build new programs as needed.

RECOMMENDATION P.

The Commission should seek to better understand Denver jail populations by pursuing future research on several key questions suggested by currently available data.

Research questions for future work --

1. Why are Whites higher risks on almost all areas? Follow up by comparing initial charges to sentences given for all three racial groups. Are high risk Whites in jail because equivalent Hispanics and Blacks are placed in prison? Are high risk Whites in jail because of deals with prosecutors and judges more likely to be worked out by private attorneys? Are high

risk Whites in jail because the system punishes Whites more severely than Blacks? Other reasons?

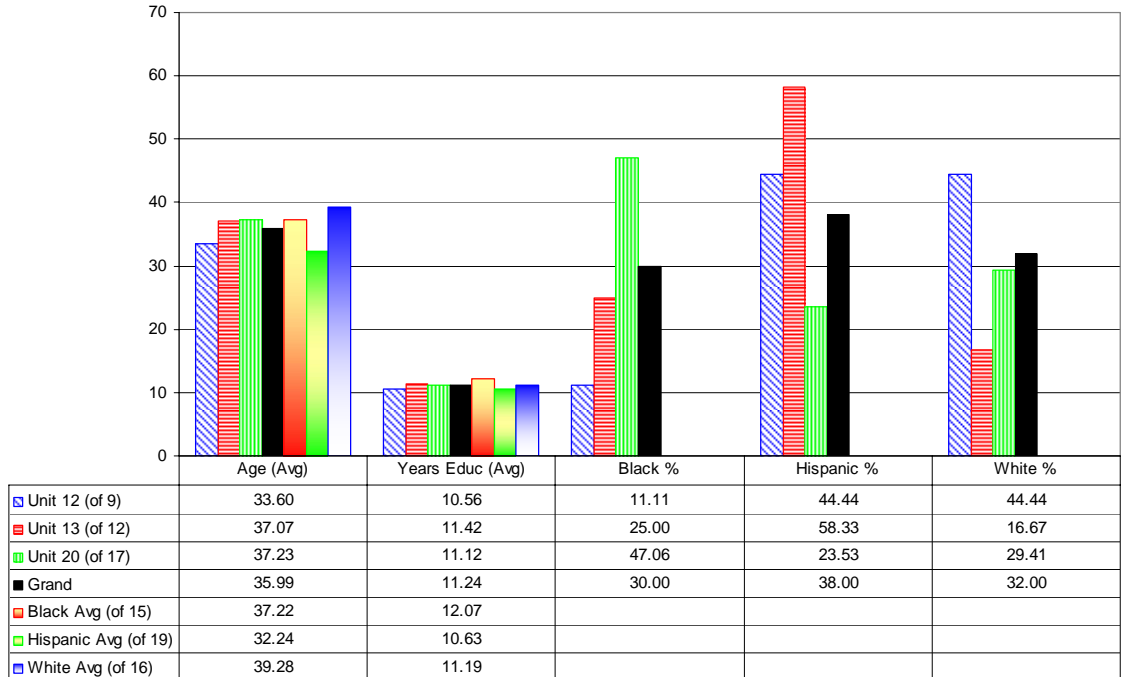
2. Why do Hispanics have higher defensiveness levels? Are Whites and Blacks simply more open with White interviewers, as their defensiveness scores were lower? Follow up: Conduct interviews by matching same-race interviewers with same-race offenders to measure risk levels.
3. How do the LSI-R/ASUS assessments of jail inmates compare to offenders in community corrections and prison? Is the jail dealing with more serious offenders or less serious offenders? With the LSI-R/ASUS, there will be fewer apples to oranges comparisons.
4. Why do Whites, Blacks, and Hispanics in the jail system have significantly different average ages? Latino average age is 32.24; White 39.28 and African American at 37.22.
5. What process changes can be accomplished in the criminal justice system to provide for improved public safety? Could the City and County improve public safety by providing rapid trials and specialized courts for certain offenders?

Appendix – LSI and ASUS Results

From a Total Sample of 50 Offenders

	Raw #	% of Sample		Raw #	% of Sample
Gender:			Unit:		
Male:	49	98%	Unit 6	2	4%
Female:	1	2%	Unit 9	1	2%
Age:			Unit 11	1	2%
18-29	14	28%	Unit 12	9	18%
30-39	15	30%	Unit 13	12	24%
40-60	15	30%	Unit 18	3	6%
Ethnicity:			Unit 20	17	34%
Black	15	30%	Unit 22	1	2%
Hispanic	19	38%	PAL	3	6%
White	16	32%	Female	1	2%

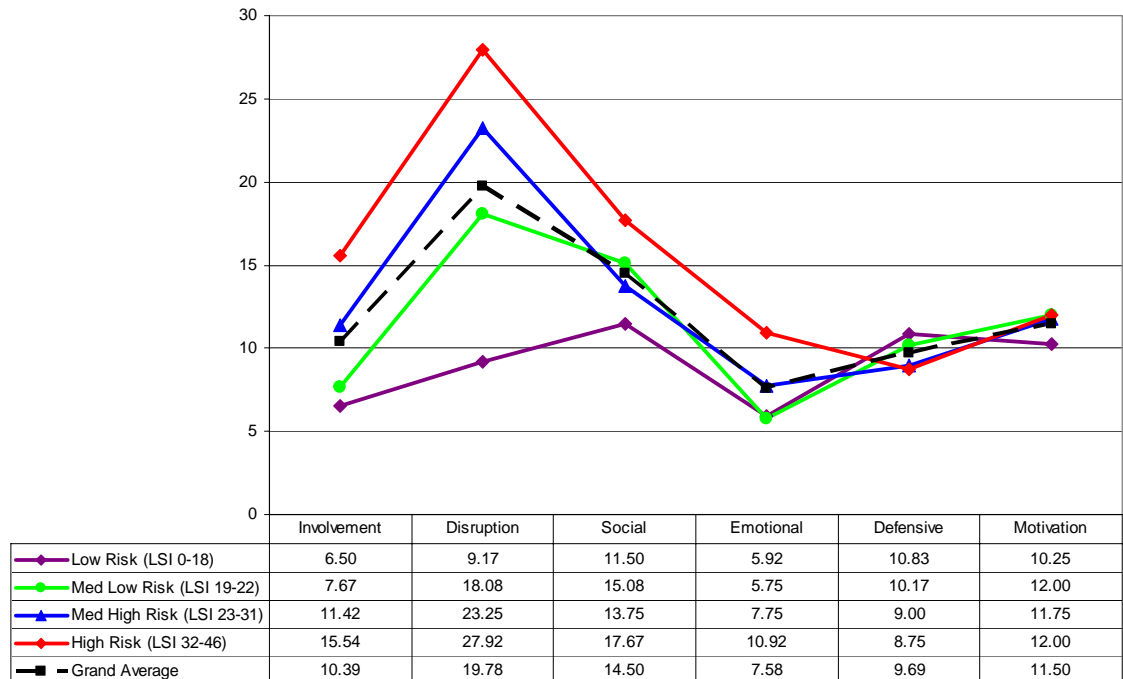
Demographics by Offender Unit



I. Findings:

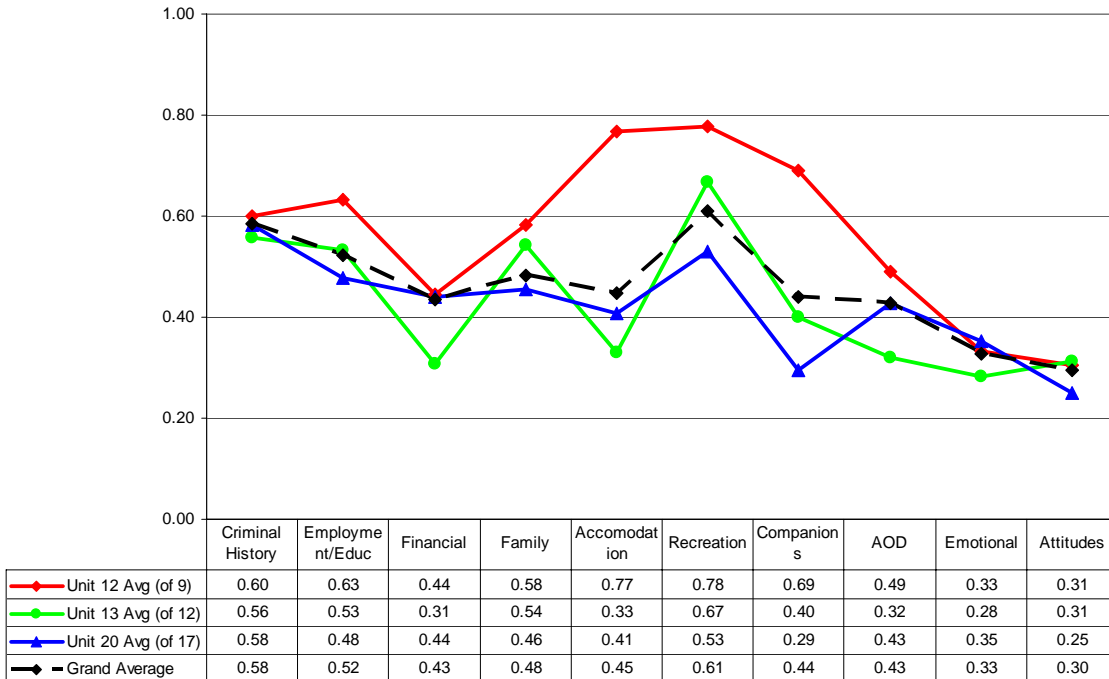
- Tool Validity: LSI and ASUS are tracking as expected. High LSI risk offenders are also high on ASUS Involvement, Disruption, Social, and Emotional scores. Low LSI risk folks are the opposite. The only exceptions are that Medium High risk offenders show slightly lower Social scores than Medium Low LSI risk and Low and Medium Low Risk offenders are roughly tied on Emotional.

ASUS Scores by LSI Score Risk Level



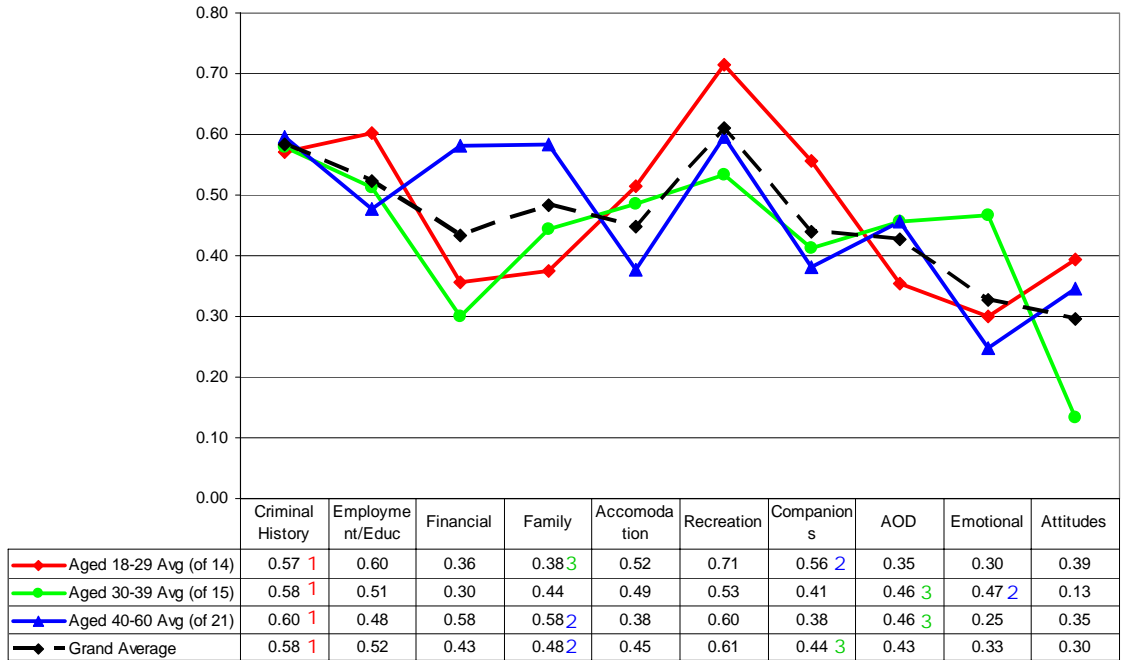
- Jail Seems to be Already Assigning Units by Risk to Some Extent: Of the units from which we had more than 3 offenders, Unit 12 seems to have the highest risk overall, 20 is medium, 13 is lowest:

LSI Subscale Scores by Offender Unit

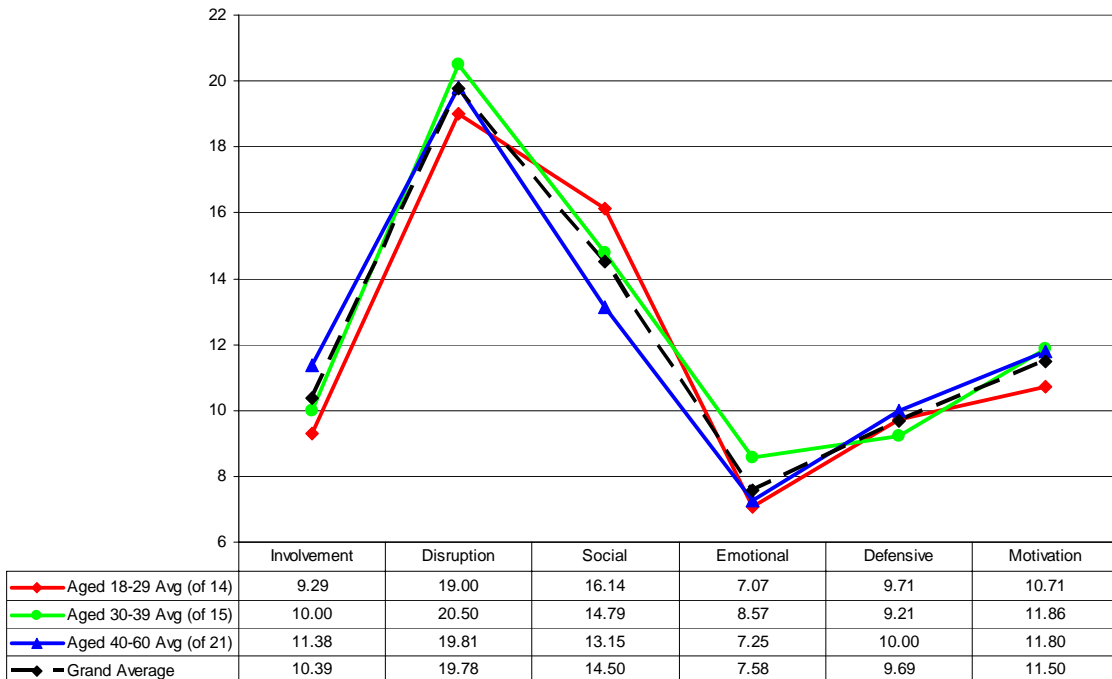


- Profiles by Age: As age increases, ASUS Involvement, Disruption, and Motivation go up, Social goes down. Offenders 40 show Crim. Needs in Self Control, Family, and AOD. Offenders from 30-39 have needs of Self Control, Emotional, and AOD. Those offenders in the 18-29 bracket show Crim. Needs in Self Control, Companions, and Family.

LSI Subscale Scores by Offender Age

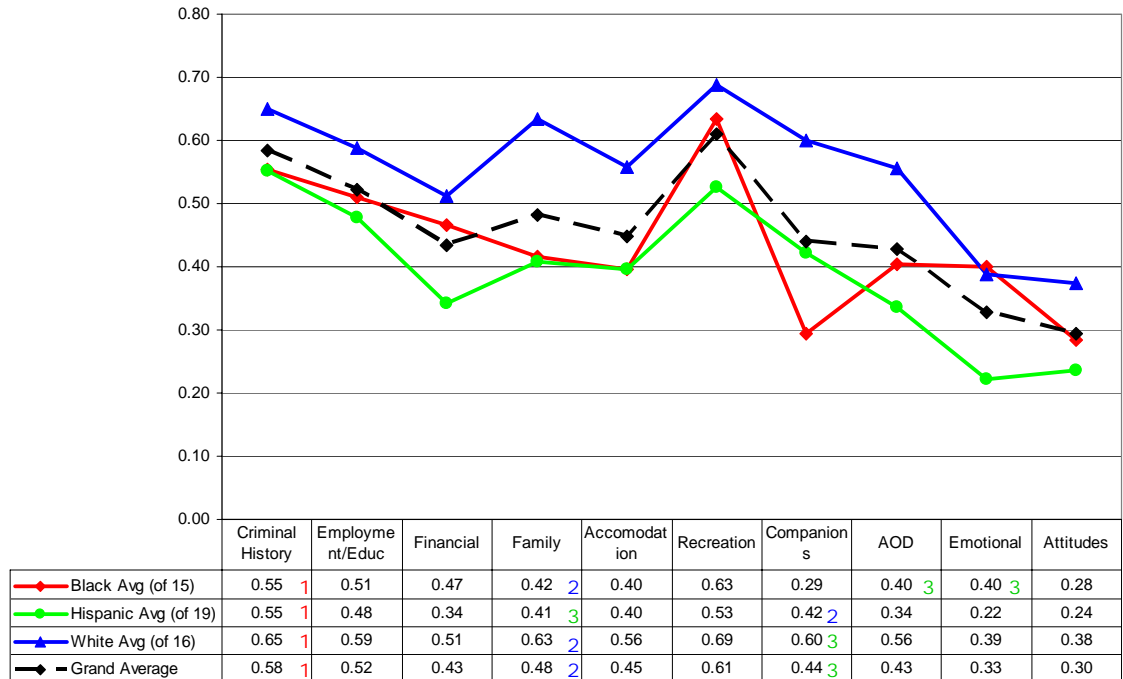


ASUS Scores by Offender Age

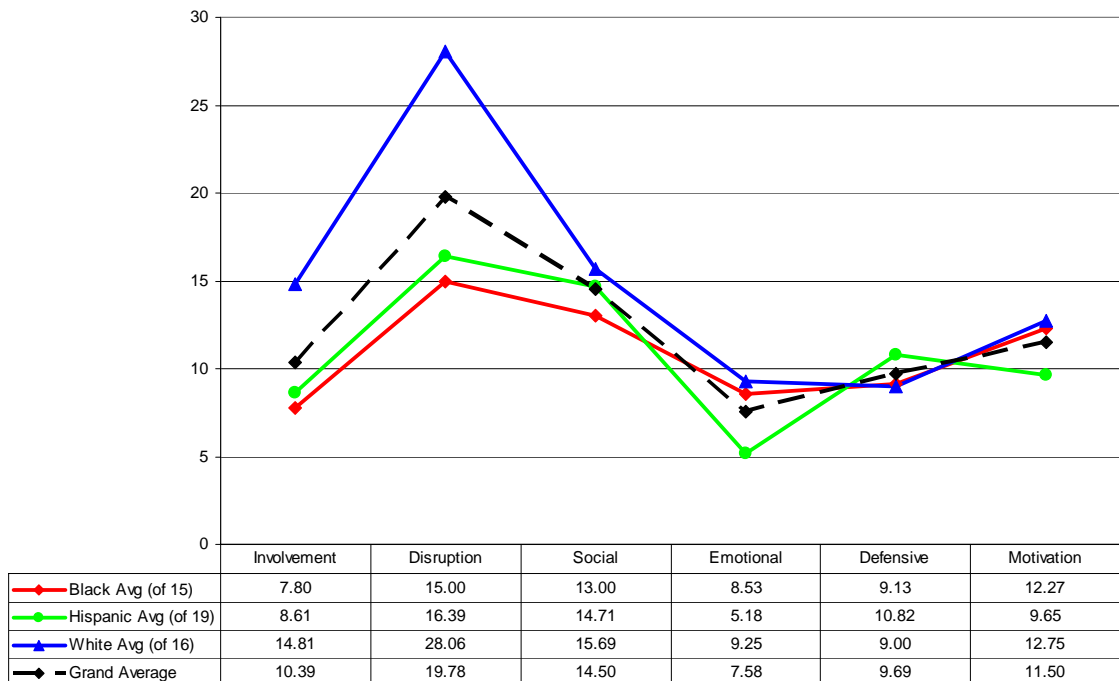


Ethnicity Profiles: Whites are higher risk on almost all profiles in both ASUS and LSI, with highest Criminogenic Needs in Self Control, Family, and Companions. Blacks are medium risk with Criminogenic Needs in Self Control, Family, and AOD/Emotional. Hispanics report the lowest risk, but their defensiveness scores are higher than Blacks and Whites. They more reported AOD issues on the ASUS than the LSI. Their Criminogenic needs are Self Control, Companions, Family.

LSI Subscale Scores by Offender Ethnicity

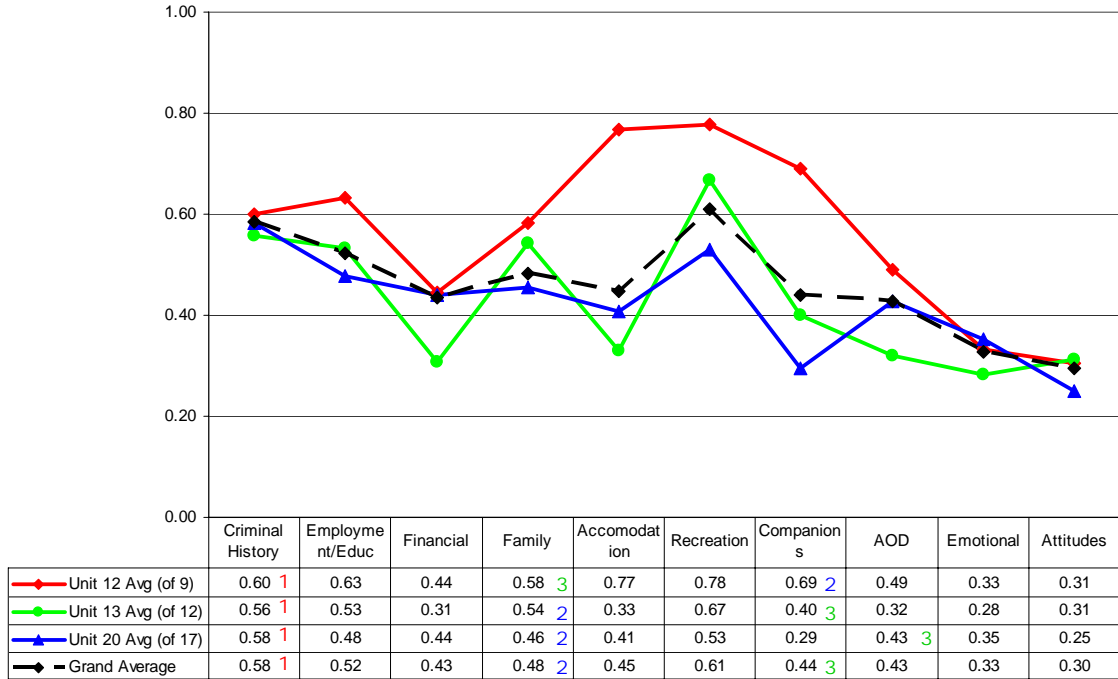


ASUS Scores by Offender Ethnicity

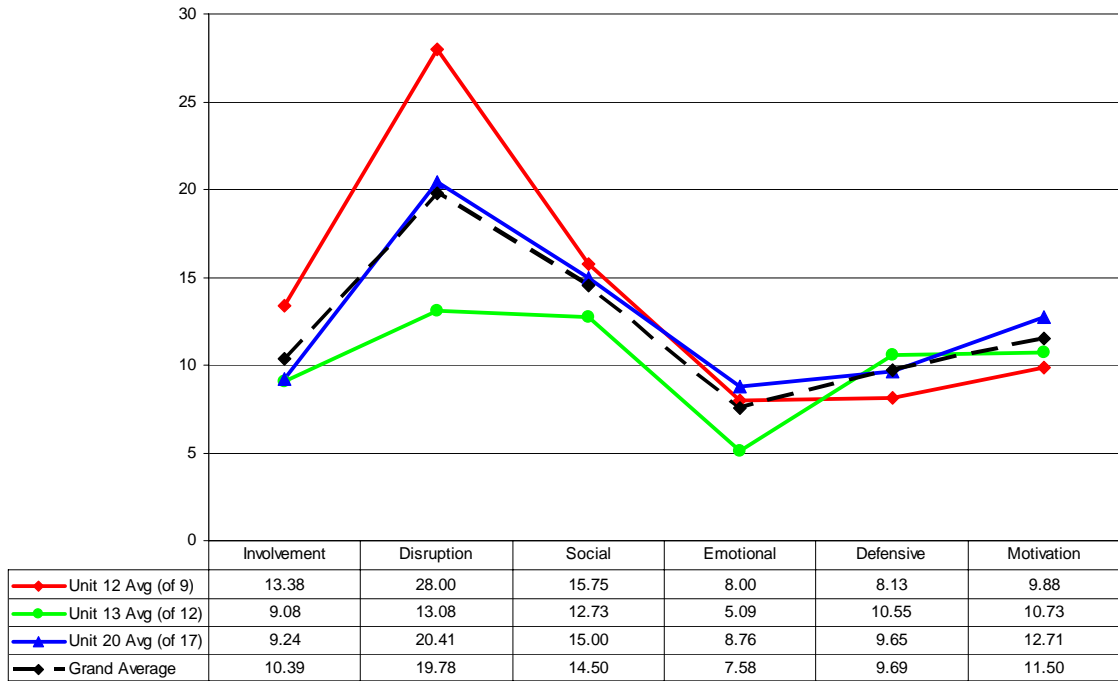


- Unit Profiles: Unit 12 is highest risk, with highest Criminogenic needs in Self Control, Companions, and Family. Unit 20 is medium risk with highest Criminogenic needs of Self Control, Family, and AOD. Unit 13 is lowest risk, with needs of Self Control, Family, and Companions.

LSI Subscale Scores by Offender Unit



ASUS Scores by Offender Unit



Endnotes:

ⁱ The following are the Alternatives Committee recommendations:

Overall Crime Control & Prevention System Goal Recommendations

- (1) Establish a **Crime Control & Prevention Commission** to conduct analysis and strategic planning, to establish performance measures and outcomes, to hold the system accountable for achieving outcomes, and to oversee implementation of the system's sanctioning philosophy and policies

Implementation Timeline: Mid-term

- (2) Create an initial **\$5 million Crime Control & Prevention Fund** for evidence-based sanctions and options that effectively divert or reduce jail bed use

Implementation Timeline: Long-term

- (3) Establish a **sanctioning philosophy/goal for the justice system** to focus reform work

(4)

Implementation Timeline: Immediate

- (5) Obtain the following **data and refine the Ten-Point Crime Control & Prevention Program** accordingly:

- a. Research who is currently in the jail and for which crimes focusing on the 20-to-30% who are taking up 80% of the jail bed days
- b. Assess a sample of offenders to determine criminogenic needs (factors that research shows need to be addressed to impact recidivism)
- c. Map offender flow through the system to identify decision points and timelines for moving cases through the process for comparison to national standards
- d. Conduct inventory of existing programs and whether programs address criminogenic needs of Denver's offender population

Implementation Timeline: Immediate to Long-term

Ten Point Crime Control & Prevention Program Priorities

Pre-Trial Sentencing Options and Programs

1. Re-establish the successful pre-trial supervision component of the now-defunct Drug Court to increase the number of offenders diverted from jail for drug offenses by approximately 1,000-1,200 annually to save an estimated 63 jail beds or about \$2 million in operating costs

Implementation Timeline: Immediate

2. Increase utilization of the Electronic Monitoring Program for approximately 200 pre-trial detainees to save an estimated 17 beds or about \$544,000 in operating costs

Implementation Timeline: Mid-Term

3. Obtain statutory (C.R.S. 16-4-104) authority for the Denver Court to impose an alternative 10% cash bond in certain non-high-risk cases. (Cost estimates not yet available, but could impact those who can provide the cash percentage, but who are unable to obtain financing through a bonding agent due to lack of collateral.)

Implementation Timeline: Immediate 2005 General Assembly

Alternatives to Incarceration

4. Increase utilization of Sheriff's Home Detention Program to capacity, or about 740 detainees per year, to save an estimated 31 beds for a cost savings of \$944,000

Implementation Timeline: Immediate

5. Transition certain sentenced misdemeanants who have served at least 75% of their sentence to Electronic Monitoring to save 5 beds, or about \$160,000

Implementation Timeline: Mid-term

Community Assimilation

6. Increase mental health, substance abuse, and other treatment services (such as CITAP) for about 40 juveniles and 250 adults annually in the criminal justice system who have mental health issues as an alternative to incarceration or other criminal justice sanctions

Implementation Timeline: Long-term

7. Provide re-entry and employment assistance to people leaving the Denver County Jail to help them successfully re-integrate into communities

Implementation Timeline: Long-term

8. Provide accredited coursework and treatment within the Denver County Jail to those who are incarcerated for offenses related to substance abuse and domestic violence

Implementation Timeline: Long-term

Criminal Justice Management

9. Establish a Crime Control & Prevention Commission by the executive and legislative branches to monitor implemented recommendations, evaluate their impact, and provide ongoing management of the jail population including ways to reduce it through diversion, process improvements, and alternative sanctions

Implementation Timeline: Mid-term

10. Establish a standing semi-monthly meeting of criminal justice leadership with the Mayor to create a data-driven Comstat-type process to manage the jail population