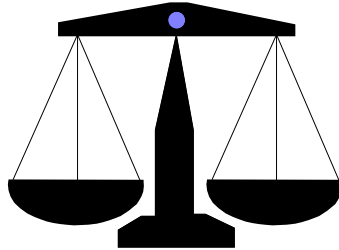


4th Judicial District
El Paso and Teller Counties
Colorado
El Paso County Community Corrections Board



OFFENDER PLACEMENT REVIEW POLICIES AND PROCEDURES

Adopted July 25, 1997

Developed from and expanded upon "1997 Criteria for Acceptance of Proposed Diversion, Transitional Offenders, Condition of Parole Placement and Intensive Supervision Inmate Program Placement" adopted May 5, 1997

Amendments

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

**TO MAKE A REFERRAL TO THE 4TH JUDICIAL DISTRICT, PLEASE USE FORMS:
ATTACHMENTS A or B.**

For more information,
contact the El Paso County Department of Justice Services,
Community Corrections Division at (719) 520-7970 or visit our website...

http://adm.elpasoco.com/Justice_Services/

A. PURPOSE

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

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

B. IDENTIFICATION OF PRINCIPALS

1. The El Paso County Community Corrections Board (CCB)

Acting under the authority of the C.R.S. 17-27 and 18-1.3-301 and El Paso County Resolution 96-365, General-103 adopted 10-7-96, the CCB is the decision-making body with responsibility to determine acceptability of offender placements into community corrections. The CCB reviews all offender referrals from Probation, the District Attorney's Office, and DOC proposed for community placement in El Paso County or for funding by El Paso County in another Colorado county.

2. The El Paso County Department of Justice Services, Community Corrections Division (CCD)

The El Paso County Department of Justice Services, Community Corrections Division is the unit of County government responsible for administering and carrying out the directions of the CCB for the review, approval and placement of offenders into El Paso County community corrections programs.

3. 4th Judicial District Probation Department

The Probation Department is the entity responsible for the statutory supervision of and the dissemination of information on all proposed offender placements from Colorado District Courts into the El Paso County community corrections programs.

4. Colorado Department of Corrections (DOC)

The DOC is the entity responsible for the statutory supervision of offenders and the dissemination of information on all proposed offender placements from DOC facilities into the El Paso County community corrections programs.

5. The El Paso County Community Corrections Programs (Service Providers)

The service providers are comprised of all community corrections programs who have petitioned and been approved by the CCB to provide community corrections services to offenders approved for placement in El Paso County.

C. AUTHORITY FOR THE SCREENING OF OFFENDER PLACEMENTS

To the full extent permitted by C.R.S. 17-27 et seq., articles 27.1 and 27.5 of title 17, 18-1.3-301 and 19-2-702 (1c) or 801 (2), any "offender" being considered by the court, the Colorado Department of Corrections, or the Colorado Board of Parole for placement in community corrections residential facilities or non-residential programs within the territorial jurisdiction of the CCB, or in other jurisdictions in with 4th Judicial District resources may be used to fund community corrections placements, shall be screened by the CCB in accordance with the

procedures and requirements established therefore. Once screened and approved by the CCB, the offender placement may occur. 4th Judicial District residents* will be given first priority. * *RESIDENT* is defined as one who has been an inhabitant of El Paso or Teller counties continuously for more than a year immediately prior to the conviction for the offense in question.

D. THE PROPOSED OFFENDER PLACEMENT REVIEW PROCESS

1. Offender Information for Screening Review

The State entities initiating a referral will provide the El Paso County Department of Justice Services Community Corrections Division with a completed referral form and the following information, as applicable, for the review process:

- a. Pre-Sentence Investigation Report from the Probation Department including age and other personal and social information, description of the current offense and County, criminal history, evaluation and recommendation, and summary of all previous community placements and terminations/conclusion (Probation, ISP, treatment provider, community, etc.);
- b. Complaint and Report of the Probation Officer (revocation);
- c. Summary of Supervision from Probation (revocation);
- d. a victim impact statement;
- e. current case's Judicial District;
- f. Diagnostic Narrative Summary form from DOC;
- g. Admission Data Summary form from DOC;
- h. Community Release form from DOC (including Parole Board decisions and Parole plans and destination, and institutional conduct summary);
- i. INA ("Initial Needs Assessment") from DOC;
- j. referral agency's evaluation and recommendation;
- k. LSI ("Level of Supervision Inventory") and/or an OSOA ("Oregon Sex Offender Assessment");
- l. Minute Order reflecting plea agreement or documentation of plea agreement; and
- m. any other relevant documents supporting an offender's suitability for community placement.*

*If a psychological evaluation is to be considered, it must be included with the original referral packet and shall not be the sole basis for reconsideration.

2. Weekly Screening Review

Every Wednesday of each month, unless cancelled by the CCD or moved to accommodate a holiday (and beginning in October of 2000), the CCB will review proposed offender placements and phone, fax, e-mail, or deliver their votes to the CCD before 1:00 p.m. of that Wednesday. A meeting open to the public will be convened at which time the votes will be counted.

3. Distribution of Information for Screening

Every Wednesday of each month unless cancelled by the CCD or moved to accommodate a holiday at 8:00am, prior to the CCB screening for the following week, information on any proposed placement will be provided to the CCD staff. Cases and incomplete case information received after the Wednesday cut-off will be reviewed at the next regularly scheduled screening after receipt.

Every Friday of each month unless cancelled by the CCD or moved to accommodate a holiday, CCD staff will mail out case materials to Board members.

4. The Conduct of the Screening Portion of the CCB Meeting on the second Wednesday of every month and the conduct of the weekly Board case review.
 - a. The CCB Chair will chair the meeting.
 - b. Each member will be asked if there are cases that they wish to discuss. After such discussion, the CCB will vote on the acceptability of the proposed community placement. The CCD staff will record the result of the vote.
 - c. At the conclusion of the meeting, the CCD staff will provide notification in writing to the referring agency and/or the court of the CCB's decision.
 - d. All offenders approved for placement in another jurisdiction's community corrections program must be accepted by that jurisdiction's corrections board.
 - e. The weekly Board case review will be conducted by the CCD staff. Board members will phone, fax, e-mail, or deliver their votes to the CCD before 1:00 p.m. of that Wednesday and, at that time, the CCD staff will provide notification in writing to the referring agency and/or the court of the CCB's decision. Notification to Board members of the weekly case reviews will be reported and ratified at the regularly scheduled meeting on the 2nd Wednesday of each month.
 - f. If any one voting Board member would like to table the vote on a particular case so that discussion may take place at the regularly scheduled meeting on the second Wednesday of each month, that Board member should notify the CCD before 1:00 p.m. on that Wednesday of the month. Votes received on the case will be voided and the case will be carried over to the next regularly scheduled meeting.
 - g. Each member will sign their own ballot and unsigned ballots will not be counted. Voting results will be reported by total numbers of accept, reject, abstain. Members have the prerogative to publicize ONLY their OWN vote. Any improper influence by outside parties experienced by Board members and/or Board staff should be reported immediately to Board staff Director for possible investigation by Board, Board staff, Colorado Springs Police Department, and/or El Paso County Sheriff's Office.

5. Screening Quorum

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

6. Screening Voting

A simple majority (51%) voting to accept a community placement will constitute an acceptance. A tie vote will constitute a rejection.

7. Guidelines for the Review of Proposed Offender Placement

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

- a. Mental health problems.
- b. Suicide potential.
- c. History of escape attempts.
- d. Prior unsuccessful community placement(s).
- e. History of violent behavior.
- f. Previous management problems in correctional facilities.
- g. Likelihood of continued criminal behavior.
- h. Criminal history.
- i. Serious health care problems.
- j. Ties (or lack thereof) to El Paso and Teller Counties
- k. Mitigating or extenuating circumstances related to the current offense.

I. Victim impact statement

8. Criteria Requiring Mandatory CCB Review

The following cases, if approved by the provider(s), must also be formally reviewed and approved by the CCB:

- a. Any offender having been convicted of a Class I or Class II felony.
- b. Any offender having been previously convicted or currently charged or currently convicted of a crime of violence as defined C.R.S. 16-11-309 et. seq. (except "escape"), felony menacing as defined in C.R.S. 18-3-206, and current felony charges with "violence" defined as physical force or the abusive or unjust exercise of power exerted for the purpose of violating, damaging or abusing.
- c. Any offender having been convicted of possession or distribution of more than twenty-eight (28) grams (1 oz.) of cocaine as defined in C.R.S. 18-18-105.
- d. Deferred prosecutions or sentences are not eligible for placement without review of the Board.
- e. Any proposed diversion offenders that have been adjudicated in a court other than the 4th Judicial District
 1. except for diversion offender referrals from the 7th JD who will be returning to the 7th JD upon completion of their residential placement in the 4th JD. Should the plan change and the offender wish to remain in the 4th JD for their non-residential supervision or for any other requiring criteria listed here, the service provider must bring that referral to the Board for review before the residential placement is complete.
 2. Also exempt from CCB review are those IRT (Intensive Residential Treatment) diversion and transition offenders who are referred from out-of-district if being out-of-district is the only condition under which they would be reviewed by the full Board.
 3. Also exempt from CCB review are those WRP (Women's Remediation Program) transition offenders who are referred from out-of-district if being out-of-district is the only condition under which they would be reviewed by the full Board.
 4. Also exempt from CCB review are those Residential Dual Diagnosis Treatment (RDDT) transition offenders who are referred from out of district if being out of district is the only condition under which they would be reviewed by the full Board. Offenders must be returning to their home parole districts upon completion of RDDT. If the offender is to remain in the 4th Judicial District that offender would require full Board approval.
- f. Any transition offender who is currently or was previously convicted of felony sexual assault except those who meet the Transition Sexual Offender Guidelines for acceptance listed below:
 1. The offender must have successfully completed Phase I of the sexual offender program within the Colorado Department of Corrections.
 2. Positive consideration for acceptance will be given to those offenders who have entered the therapeutic community of sex offenders within the Colorado Department of Corrections.
 3. The offender must have a positive recommendation from the sex offender treatment team at the Colorado Department of Corrections.
 4. Positive consideration for acceptance will be given to offenders whose risk factors are minimal as referenced in the professional literature.
 5. The offender does not have a history of violent, sexually aggressive behavior.
 6. The offender must consent to conditions of community treatment as required by the State of Colorado Sex Offender Treatment Board's Guidelines. This would include, but not be limited to, periodic polygraph examinations, increased surveillance, mandatory offense-specific therapy, and, if warranted, plethysmograph examinations.

- g. Any diversion offender currently or previously convicted of felony sexual assault except those diversion offenders admitted to a certified sex offender program.
- h. Proposed transition offenders who are not legal residents (see page 2 for *resident* definition) of the 4th Judicial District.
- i. All cases in which a victim requests notification and asks to provide information pursuant to the Victim's Rights Amendment to the Colorado Constitution. Transition referrals from the Colorado Department of Corrections and diversion referrals from the District Court in which the victim(s) of the offender requests, in writing, the opportunity to provide information to the Board regarding the offender's proposed placement in community corrections consistent with C.R.S. 24-4.1-302.5 and 24-4.1-303. If the victim requests this notification, the Board will review the case at the next regularly-scheduled meeting of the Board on the second Wednesday of every month. The Department of Justice Services will notify the State Department of Corrections and the District Court via the referring agency of the meeting time and place for the case review. In turn, the statutory responsibility of the Department of Corrections and the District Court to notify the victim of the review date is confirmed.
- j. An offender whose present offense, criminal history, correctional performance or treatment diagnosis indicate that they represent a serious threat to the community or that they will fail in a community placement.

Diversion cases being referred to a non-residential community corrections program as a condition of probation and not a direct sentence need not be reviewed by the CCB unless the offense includes any of the criteria identified above in a. through j. If a diversion case referred as a condition of probation includes any of the criteria identified above in a. through j., it must be reviewed by the CCB.

9. Condition of Parole Placement

- a. A copy of the Parole Agreement/Order specifying the placement in community corrections must be received per C.R.S. 18-1.3-30 for those cases to be reviewed for placement as a condition of parole or in lieu of revocation.
- b. An offender who has had his/her parole revoked must meet the criteria for transition placement in order to return to the community corrections program.

10. Intensive Supervision Inmate Program

There are two types of ISP offenders. One is moving from a regular residential community treatment program onto ISP supervision. The second is a direct referral from the Department of Corrections; the offender has not completed any residential program prior to this ISP movement.

- a. The following conditions apply to both types of offenders.
 - 1. An offender must meet the minimum criteria as determined by the Colorado Department of Corrections' policy, Regulation No. 250-1; IV. B., C.
 - 2. Offender should have demonstrated a pattern of compliance with the primary objectives of their individual supervision plan as developed by the provider and the DOC Community Agent.
 - 3. An offender should not have had any DOC Code of Penal Discipline Class II conviction(s) in the last three (3) months.
 - 4. An offender must have full-time employment or the equivalent (such as an alternate income source or support system).
 - 5. An offender must have a residence in the 4th Judicial District community that should have a single telephone line service for electronic monitoring or telephone curfew check.

6. An offender should demonstrate the ability to pay outstanding subsistence fees to the provider prior to ISP placement as well as those fees associated with ISP supervision.
 7. An offender within thirty (30) days of a firm out date will not be eligible for placement unless special situations exist to support such short placement.
 8. Exceptions to these policies and procedures may be made and movement may take place in individual cases if agreed upon by both the provider and the DOC Community Agent.
- b. The following condition applies ONLY to DOC direct referrals.

All direct ISP referral offenders must be presented to the full Board for their approval. The referral and screening process follows the procedure outlined in D. 3. The form to be used is listed as Attachment B.

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

The offender should spend a minimum of ninety days in the residential facility prior to eligibility for consideration.

- d. The following applies only to ISP-I inmates.

If a ISP-I referral was submitted and rejected by the Community Corrections Board then future referrals may be rejected by the Community Corrections Coordinator if there is no new information included in the referral.

11. Excluding Criteria

The following individuals are not eligible for placement review by the CCB and shall not be approved for placement in the El Paso County community corrections program(s):

- a. Defendants who have not entered a guilty plea or been convicted of a felony or a misdemeanor in a Colorado court except those cases to be dismissed as part of a plea agreement.
- b. Offenders on probation who have not admitted to a violation of probation or had their probation revoked by a judge after a complaint for revocation has been filed by a probation officer.
- c. Offenders whose cases are being returned to the sentencing courts on 35B Motions for Reconsideration of Sentence and in which the motions have not yet been filed with the courts. The formal motions must be filed with the sentencing courts before the offenders can be reviewed by the CCB.
- d. Offenders with active felony or Immigration and Naturalization Service detainers.
- e. Offenders who have not been referred by
 1. a sentencing court of the State of Colorado as either a direct sentence or as a condition of probation (including 35B Motions for Reconsideration of Sentence) or
 2. the probation department of the 4th Judicial District when community corrections is a viable sentencing alternative within the open sentencing range and is consistent with a plea agreement or
 3. the Colorado Department of Corrections as a transitional referral or
 4. the Colorado Board of Parole as a condition of parole.

12. CCB Offender Placement Review Procedures

- a. All proposed placements requiring mandatory CCB review will be presented to the full Board in written form by the El Paso County Department of Justice Services Community Corrections Division staff. When available, the victim impact statement will be attached

to the written form and distributed to the Board members. It is the policy of the Board to hold all records in confidence and refer all inquiries for those records directly to the Department of Corrections or the district court.

- 1- The victim(s) of an offender being considered for community placement has the right to provide a written and/or verbal victim impact statement. It shall be the responsibility of the CDOC or District Court Victim's Advocate to assure that the victim is aware of this opportunity and to provide the written statement to the board prior to the review, or to schedule the appearance of the victim at the monthly full board meeting when the case is going to be reviewed in accordance with clause D.8.i.
- 2 A victim or a single victim's representative may make an oral statement to the board, which should be limited to 3 to 5 minutes.
- 3 Audio and/or visual aids shall not be permitted.
- 4 The Board Chair may stop the statement if the individual becomes disruptive.
- 5 After the statement is made, the Board may ask the victim or the victim's representative questions.
- 6 Attorneys, family members, or friends present (other than the victim's representative) shall not be permitted to make oral statements to the Board.
- 7 The Board will not allow a defendant/offender or representative of a defendant/offender to address the Board except with written information provided with the referral packet.

- b. A simple majority vote of the Board will be required to accept these placements. A tie vote will constitute a rejection. Formal notification of the Board's decision-making on these cases will be communicated to the referring State authorities.

13. Reconsideration After Rejection by Either Provider(s) or Board (not after termination from the program)

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

- a. The request must be in writing and directed to the Chair of the CCB through the CCD;
- b. The request must be limited to three (3) pages including exhibits; and
- c. The request must cite as its justification one or more of the following:
 1. an irregularity in the original screening which prevented fair consideration;
 2. misconduct on the part of the CCB;
 3. newly-discovered relevant information not available at the time of the original screening *

*If a psychological evaluation is to be considered, it must be included with the original referral packet and shall not be the sole basis for reconsideration; or
4. an error in applying CCB written criteria.
- d. The request must include documentation and/or arguments to support the reconsideration request relative to section 13.3. (1-4) of these Policies and Procedures.
- e. Requests citing #2 above will be referred immediately to the CCB at the next regularly scheduled meeting for review. All other requests shall be handled as follows:
 1. upon review of the information contained in the request, the CCD shall review the request to determine if (a) the request has been made in writing, (b) the request is

limited to three pages including exhibits; and (c) the request cites one or more of the justifications for reconsideration and present to the CCB if it meets those qualifications. The CCB shall vote on whether to reconsider the placement request;

2. if the CCB unanimously agrees to reconsider the placement, the procedures for offender placement review will be implemented; and
3. if there is no consensus on the reconsideration for placement, the original action of the CCB shall stand.

14. Rejection After Acceptance

The CCB reserves the right to reject after acceptance any offender placed into an El Paso County community corrections program and delegates this authority to both the CCD and approved service provider(s) when such action is deemed to be in the interest of public safety.

15. Reconsideration for Screening After Termination from a Program - Diversion Offenders

Diversion offenders terminated from a community corrections program may be re-screened under the following conditions. Submission of a re-referral is limited to the terminating service provider.

- a. If the decision to terminate an offender by a program was deemed inappropriate by the program itself after the required Administrative Review procedures were followed;
- b. If the decision to terminate an offender by a program was based on a new charge and that charge was either dismissed or dropped; or
- c. If new, extenuating or mitigating relevant information relating to the termination can be provided by the referring agency.

E. EXCEPTIONS TO CCB POLICIES AND PROCEDURES

1. The CCB may make an exception to these policies and procedures for cause through a formal act of the Board except as precluded by statute.
2. Offenders referred for placement by the 4th Judicial District Court in programs in jurisdictions other than El Paso or Teller Counties will be screened for appropriateness of placement and continued funding by the CCB.
3. The Director of El Paso County Department of Justice Services Community Corrections Division or his/her designee may approve for temporary placement a previously released parolee who is being referred for residential treatment by the parole officer to a community corrections facility in the course of his/her supervision or a diversion offender or a transition offender in need of immediate placement in the interest of public safety. Placements which are approved under this section are subject to Board review at which point the placement may be continued or terminated and will be presented to the Community Corrections Board at the next scheduled meeting or review. Placements approved under this section are cases whose criminal history is governed by Section 8 (Criteria Requiring Mandatory CCB Review) of these Offender Placement Review Policies and Procedures.
4. The Community Corrections Board may consider emergency placements outside of the regularly scheduled screenings or meetings to protect public safety. The program director must approve the placement prior to the emergency placement request being submitted to the Board. Once requested the Community Corrections Coordinator will prepare and distribute the packet to the Board outside of the scheduled meeting or screening. Votes will be tabulated and once quorum is reached the program will be notified of the results.

F. ADDITIONAL REQUIREMENTS OF CCB ON OFFENDER PLACEMENTS

1. Sex Offender Registration. It is the requirement of the CCB that sex offenders, as defined by statute, admitted to a community corrections facility under the jurisdiction of this Board be required to register as a sex offender according to the statutory schedule with the local law enforcement authority of the jurisdiction in which the program is located and the offender will reside within 5 calendar days of the offender's placement. Proof of this registration will be maintained in the offender's case file.
2. Eligibility for Non-Residential Placement. A diversion offender placed initially in community corrections in the 4th Judicial District is required to complete a minimum of 180 days in the residential setting before becoming eligible for non-residential placement consideration. If service providers have offenders that may be exceptions to this policy, i.e., the offender should be eligible for consideration before 180 days, the provider will bring the case forward to the Community Corrections Board via the Community Corrections Specialist for consideration. Any changes to this policy will be brought before the Community Corrections Board via the Community Corrections Specialist for consideration.

G. AGENCY REQUEST TO PROVIDE COMMUNITY CORRECTIONS SERVICES IN 4TH JD

When a request is received from an agency requesting approval from the El Paso County Community Corrections Board to provide community corrections services in the 4th Judicial District (El Paso and Teller Counties), the following procedures will be followed.

1. Information. Information will be sent on the process and the requirements. (See Attachment A.)
2. Application. The application process will require that the requesting agency submit a letter of application to the CCB which will include all information as outlined in Attachment A.
3. Committee. The CCB will, as needed, appoint an Agency Review Committee which will be comprised of three (3) CCB members for each agency applying for approval. One of the Committee members will act as Chair. The Committee will meet as needed and as determined by the Chair for the purpose of determining agency approval. The Committee will submit its recommendation to the full CCB for a vote.
4. Review Process.
 - a. All applications will be submitted through El Paso County Department of Justice Services.
 - b. CCB will review the application letter and determine
 1. if there is a demonstrated need for the program,
 2. what additional information needs to be requested from the agency,
 3. if an on-site visit would be needed for the purpose of verifying agency compliance with State (and CCB) standards,
 4. determine if a DOC or DCJ audit was completed within six months of the application and the CCB would wish to use that material for its review, and
 5. determine if the CCB would like to request an oral presentation by the agency to either the Committee or the full Board.
5. Decision. One of the following recommendations will be made by the Committee and voted on by the entire Community Corrections Board and communicated in writing to the applying agency:
 - a. AGENCY FULLY APPROVED, or
 - b. AGENCY PROVISIONALLY APPROVED (for a determined length of time and then audited to ensure final compliance), or

c. AGENCY REJECTED.

6. The CCB will act on an application within forty-five (45) days of receipt of the all the information requested and notify the applying agency within that period of time.

Effective date: September 1, 1997

Approved by the El Paso County Community Corrections Board
{S} Willie Alexander, Chair
{S} Ron Truax, Vice-Chair

Reviewed by the Chief Judge of the 4th Judicial District
{S} Gilbert Martinez, Chief Judge

Attachment A

El Paso County Community Corrections Board submitted through
 Department of Justice Services Community Corrections Division
 MAIL P. O. Box 2007 Colorado Springs CO 80901
 DELIVERY 2880 International Circle, Suite N060
 TELE (719) 520-7970 FAX (719) 520-7972

Proposed Community Corrections Placement

DIVERSION REFERRAL

Date _____

Person Referring _____
 Circle one Attorney / Public Defender /
 Parole Officer / Probation Officer / Other

Mailing Address _____ Phone # _____ Fax # _____

Check one: Direct Sentence Revocation 35B Reconsideration Condition of Probation
 Diversion IRT AND Direct Sentence SOA-SAR Score ____ (Must be 5; Include override reason if 4 or 6)
 Diversion IRT ONLY SOA-SAR Score _____ (Must be 5; Include override reason if 4 or 6)

Hearing/Sentencing Date _____ Time _____

Offender _____ SS # _____

DOB _____ Sex _____ Race _____ Custody circle one walk-in CJC Other _____

Current/last known address prior to this conviction _____

DNA Testing is required: yes no

If so, has testing been completed on required cases and forwarded to CBI according to CRS 16-11-104: yes no

	PSIR		Current	Revoc	Felony	Convicted	Judicial	Div	Judge	Defense
New	Old	N/A	Case #		Class	Charge	District			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	_____	_____	_____	_____	_____	_____

Forward PSIRs on new cases as soon as possible. The screening process will begin when all required documents have been received. Include previous PSIRs on referred cases when possible. In the event no PSIR is available, include a copy of the probable cause affidavit or the police report (if available) to facilitate appropriate decisions.

Continued on other side

COMMUNITY CORRECTIONS DIVISION USE ONLY

LSI _____ C&R _____ PSIR _____

SUM _____ MO _____ F _____ M _____

Automatic Provider _____

Undetermined

Criteria

Other attachments yes no Identify _____

Offender legal resident of
4th Judicial District? yes no

Victim requests notification/input
of community placement? yes no unknown

Prior community/probation failures? yes no _____

Are there any misdemeanor or
felony cases pending where a
plea has not yet been entered? yes no Case(s) _____

Any past or present offenses
involving sexual assault? yes no
had treatment? yes no DOC _____ Other _____
(If yes, include information regarding relevant criminal history if not part of current information.)

Any past or present felony offenses
involving violence? yes no (defined as physical force or abusive/unjust exercise of power
exerted for the purpose of violating, damaging or abusing; C.R.S.
16-11-309; felony menacing C.R.S. 18-3-206)
(If yes, include information regarding relevant criminal history if not part of current information.)

Current offense involves
possession or distribution
of more than 28 grams
of any controlled substance? yes no

Specialized needs identified by referring agency to include any medical and/or mental health
issues? _____

Is the offender able to work? _____

Notes _____

Attachment B

El Paso County Community Corrections Board submitted through
Department of Justice Services Community Corrections Division
MAIL P. O. Box 2007 Colorado Springs CO 80901
DELIVERY 2880 International Circle, Suite N060
TELE (719) 520-7970 FAX (719) 520-7972

Proposed Community Corrections Placement

INTENSIVE SUPERVISION INMATE REFERRAL

(no previous community placement on current conviction)

Date _____

Parole Officer Referring _____

Mailing Address _____ Phone # _____ Fax # _____

Offender _____ SS # _____ DOC # _____

DOB _____ Current address _____ Current telephone _____

Victim requests notification of community placement?

- no
- yes (Victim Impact Statement must be included with this referral.)

The following documentation must be included with and is attached to this referral.

- Admission Data Summary
- Diagnostic Narrative Summary
- Initial Needs Assessment
- Community Release Form

In making this referral, DOC confirms that this offender

yes n/a

- meets the minimum criteria as determined by the Colorado Department of Corrections' policy, Regulation No. 250-1; IV. B., C.
- has demonstrated a pattern of compliance with the primary objectives of their individual supervision plan as developed by the provider and the DOC Community Agent.
- has not had any DOC Code of Penal Discipline Class II conviction(s) in the last three (3) months.
- has full-time employment or the equivalent (such as an alternate income source or support system).
- has a residence in the community that has a single telephone line service for electronic monitoring or telephone curfew check.
- has demonstrated the ability to pay outstanding subsistence fees to the provider prior to ISP placement as well as those fees associated with ISP supervision.
- is not within thirty (30) days of a firm out date OR there is a special situation that exists to support such short placement. The special situation is _____

All **applicable** of the above must be checked UNLESS an exception is being requested.

- An exception to any of the conditions listed above is requested. This exception(s) is _____

Step-by-step PROCEDURES FOR MAKING A REFERRAL

- 1 Complete referral.** Please complete Referral: Attachment A in full – front and back - or Attachment B. Do not use terms such as “see attached” or “see PSIR.”
- 2 Submit referral with documentation.** The Community Corrections Board has determined that the following information will be needed for both the El Paso County service providers and the Board to make decisions:

 - a – completed referral form
 - b – *Minute Order* reflecting community corrections screen
 - c – Pre-sentence Investigation Report for current/past offense(s) including face sheet
 - d – first and last name, address and telephone number of the defense counsel
 - e – Probation *Complaint and Report* form
 - f – *Summary of Supervision* (of time while offenders was on probation or under ISP supervision)
 - g – a description of the current offense(s)
 - h – disposition on any PENDING felony cases as soon as available
 - i – *Minute Order* reflecting probation revocation (if referral is a revocation)
 - j – an LSI (Level of Supervision Inventory) and/or an Oregon Sex Offender Assessment
 - k – *Minute Order* reflecting a 35B Reconsideration referral
 - l – *Minute Order* reflecting plea agreement or documentation of plea agreement
 - m - Community Corrections Board funding approval for out-of-district referrals by any jurisdiction other than the 4th Judicial District
- 3 Receive referral confirmation letter.** This letter will be sent to the referral agency upon receipt of the referral. It will let you know (a) if the Department has enough information to process the referral or (b) if the referral will be held anticipating receipt of other documentation – and the letter will outline what is needed. If the referral is from the 4th Judicial District, confirmation will be sent to the sentencing court and the referral agency.
- 4 Receive notice of referral results.** When a decision has been made by (1) the service provider, the sentencing court, the referral agency, prosecutor and defense counsel will be notified immediately. If the case needs to be put before (2) the full Board, that date will be given and after that meeting, the results will be forwarded to the sentencing court, the referral agency, prosecutor and defense counsel.

G. AGENCY REQUEST TO PROVIDE COMMUNITY CORRECTIONS SERVICES IN 4TH JD

ATTACHMENT A 2 pages

Community Corrections Board Policies and Procedures for Review Adopted August 13, 1997

**APPLICATION TO PROVIDE COMMUNITY CORRECTIONS SERVICES
TO THE 4TH JUDICIAL DISTRICT**
El Paso and Teller Counties

Any agency requesting approval from the El Paso County Community Corrections Board to provide community corrections services in the 4th Judicial District will need to submit the listed information to:

El Paso County Department of Justice Services Community Corrections Division
27 East Vermijo
P. O. Box 2007
Colorado Springs CO 80901

The Board will review all applications.

Please furnish four (4) copies of your application responses. See details below.*

Upon the Board's review of your application, you will be notified in writing within forty-five (45 days) of the receipt of a complete application packet of the status of your application.

An on-site visit and/or a presentation to the Board may be requested.

A record of Board actions, findings and recommendations is maintained.

Information identified by applicants as proprietary must be identified as such and must not be disclosed to those outside the Community Corrections Board or Department.

Thank you for your interest.

* Application Details

Please provide a letter of application to include the following (identified by number):

1. Agency name and documentation of legal status (corporate or organizational papers, articles of incorporation and by-laws, licenses, I.R.S. tax-exempt letter, etc.);
2. Names and addresses of Board of Directors, Officers, and Executive Director;
3. Organizational chart (hierarchical structure of agency);
4. Description of how employees are selected, trained and supervised;
5. Historical background of agency;
6. Description and location of facilities;
7. Proof of compliance with licenses and inspections as required in the COLORADO COMMUNITY CORRECTIONS STANDARDS including
 - a. zoning certificate or proof of compliance with zoning ordinances,
 - b. most recent building certificate or proof of compliance with building code,
 - c. OSHA reports,
 - d. certification of ADA facility compliance,
 - e. most recent fire department inspection report,
 - f. proof of automatic fire alarm and smoke detection system,
 - g. most recent health inspection certificate,
 - h. Colorado Department of Health License to Operate a Food Service Establishment (if applicable);
8. Copy of the Policy and Procedure Manual;

9. Copy of general and automobile liability insurance certificates;
10. Copy of existing contracts with other government agencies;
11. Copy of Rules and Regulations including procedures for client grievances;
12. Copy of last facility or program audit, if available;
13. Copy of all promotional materials on the agency;
14. Emergency procedures to be followed in the event of medical emergencies, staff absences and work strike;
15. Description of services that will be provided including
 - a. program mission statement,
 - b. program philosophy of managing and treating offenders,
 - c. schematic or flow chart of the screening and assessment process,
 - d. description of case planning procedures,
 - e. formats used for case records,
 - f. level systems that may be employed describing the lengths, privileges and restrictions associated with each level, ranges and types of services and programs separating those provided in-house from those services provided by outside agencies and explaining which services clients are expected to pay for themselves (including, but not limited to, substance abuse monitoring and treatment, employment assistance programs, basic education/literacy programs, mental health services, offender financial management/budget skills development, and specialized services such as sex offender treatment, the number of anticipated clients and the duration of the program;
16. Documentation of a specifically demonstrated need for the program and, if the service is already being provided by another agency, support for duplication of services;
17. Letters in support of the application;
18. Written clarification as to the delineation of roles between the Department of Corrections and/or the Division of Criminal Justice and the agency regarding services;
19. Outline of funding sources already in existence;
20. Circumstances of being denied or terminated by any other community corrections board;
21. A projected start-up date;
22. A current annual report.