

Annual Meeting in Durango, May 5-6

CACCB is scheduled to hold its Annual Meeting in Durango, May 5-6, at the Best Western Rio Grande Inn & Suites.

Agenda items on May 5 feature: Ms. Candace Alburn and Ms. Stephanie Scott presenting *6th Judicial District Sex Offender Treatment*; Ms. Alburn and Mr. Cody Favilla presenting *Restorative Justice - Durango Style*; Mr. Hal Nees presenting *Community and Restorative Justice in Colorado*.

You have until April 22 to receive special room rates of \$54 single/\$79 double. Please contact the Best Western Rio Grande Inn and Suites at (970) 385-4980 for reservations. Please inform your contact person by April 28 to confirm your registration for the conference.



Colorado Springs Meeting

John Suthers, Executive Director of DOC, and Jeaneene Miller, DOC Director of Community Corrections, are pictured here at a recent CACCB meeting in Colorado Springs. Mr. Suthers was the Friday evening keynote speaker, while Ms. Miller was a Saturday Business Meeting presenter.
(photo by Larry Nelson)

Kuenhold to Continue as Council Chairperson

O. John Kuenhold, 12th JD District Judge, was selected by members of the Governor's Advisory Council on Community Corrections to continue as its Chairperson.

Kuenhold, who has been chairperson of the executive branch advisory group since 1986, stated that the focus of the February meeting was to introduce Council members to each other and to the Division of Criminal Justice staff, review the historical aspects of the Council, and make subcommittee assignments.

Subcommittee assignments were as follows: Per Diem - Jeaneene Miller (Chair), Dan Hall, Jonathan Fry, and Judy Horose; Bed Use - Milt Blakey (Chair), Miller, Tom Giacinti, and Hall; Awards - Giacinti and Horose; Standards - Mike Holland (Chair) and Hall; New Technologies - Giacinti (Chair), Kuenhold, and Fry. Assignments to the Audit Appeals Review subcommittee will be revisited at the next meeting, while the Transition and Parole Placement Improvement subcommittee was combined with the Bed Use subcommittee. Letter to Local Boards and Community Corrections Contract subcommittees were discontinued as they have met their objectives and were no longer necessary.

Election of Association Officers Slated for Durango

CACCB will hold its elections for officers on May 6, during the business section of the annual meeting. Individuals nominated by the Selection Committee are: Larry Nelson, President; Charlie Schmalz, Vice President; Harold "Scat" Scatterday, Jr., Secretary; Richard Pacheco, Treasurer. For more information on the prospective CACCB officers, please see individual biographies on page 2.

Biographies of 00-01 Association Officer Candidates

President Candidate - Larry Nelson

Mr. Nelson was elected Association vice-President in 1998, and has served as President since October 1999. He has been a citizen member of the Boulder County Community Corrections Board since 1991, and is currently its Chairperson.

Mr. Nelson received his BA in Philosophy from the University of Colorado in 1982. He began his career in community service and volunteerism after retirement. Along with serving on the Boulder Board, Mr. Nelson was a volunteer firefighter and paramedic.

Mr. Nelson has been a resident of Louisville since 1973, and has one son.

Vice President Candidate - Charlie Schmalz

Mr. Schmalz has worked in probation for a combined 17 years. Prior to entering probation, he worked as a house parent for a boys group home in Alamosa, and was a middle school teacher for two years. He began his probation career in 1972, and in 1974, became Chief Probation Officer for the 12th Judicial District. In 1978, he left probation to attend graduate school at Arizona State University, where he received his MSW.

After completing graduate school, Mr. Schmalz became employed as a school social worker in Grand Junction for 5 years, and eventually became director of the Social Services Department at the Grand Junction Regional Center for two years.

In 1987, he returned to probation as the Chief Probation Officer 21st Judicial District in Grand Junction. Mr. Schmalz has been on the 21st Judicial District Community Corrections Board since October 1980, serving as Chairperson from 1990-92, and currently as a member of the Executive Committee. Mr. Schmalz has been married for 30 years and has two boys, ages 16 and 17.

Secretary Candidate- Harold "Scat" Scatterday, Jr.

Harold "Scat" Scatterday, Jr. represents the City of Lakewood on the Jefferson County Board and is in his third term as city councilman. "Scat" has been active in the Association for many years and has also served on numerous local boards during his public service career. If elected, Mr. Scatterday's third and final consecutive term.

Mr. Scatterday has been married to Janice for 45 years, and has two children and one grandson. His son manages Scatterday Lumber Yard in Lakewood, a family business that has been owned and operated for three generations.

Treasurer Candidate - Richard Pacheco

Richard Pacheco is the Chief Probation Officer in the 12th Judicial District in Alamosa, Colorado. He has been employed in this capacity for two years and was a Probation Officer for almost 21 years prior to being appointed to his current position.

Mr. Pacheco is a native of San Luis, Colorado, and except for four years he spent in the United States Navy from January 1970 to December 1973, he is a lifetime resident of Costilla County. He graduated from Sierra Grande High School in 1968, and attended Adams State College for one year before enlisting in the Navy.

After being honorably discharged from Military Service, he returned to Adams State College in 1974 and graduated in 1977 with a BS in Sociology.

Mr. Pacheco and his wife, Marie, have been married for 25 years and have two children, Lorenzo, an 18 year old high school senior, and Ana, a 15 year old high school sophomore.

*Note: Nominations for officer positions can be made by a voting delegate from the floor during the Business Meeting on May 6.

Community Corrections Legislative Watch

By Tom Giacinti, Director

Jefferson County Department of Justice Services

- ◆ **HB 1033 Study Mentally Ill in Criminal Justice System**
 - community corrections program liability for criminal acts of mentally ill offenders
 - differential per diem for mentally ill offenders accepted into community corrections

- ◆ **HB 1034 Community Treatment of Mentally Ill in Criminal Justice System**
 - pilot programs to treat mentally ill who are supervised in community
 - test two adult and two juvenile programs in urban and rural settings

- ◆ **SB 047 Standardized Process for Mentally Ill Offenders**
 - creation of standardized process to determine mental illness among individuals involved in criminal justice system
 - presently no uniform practices in evaluating, preparing treatment recommendations

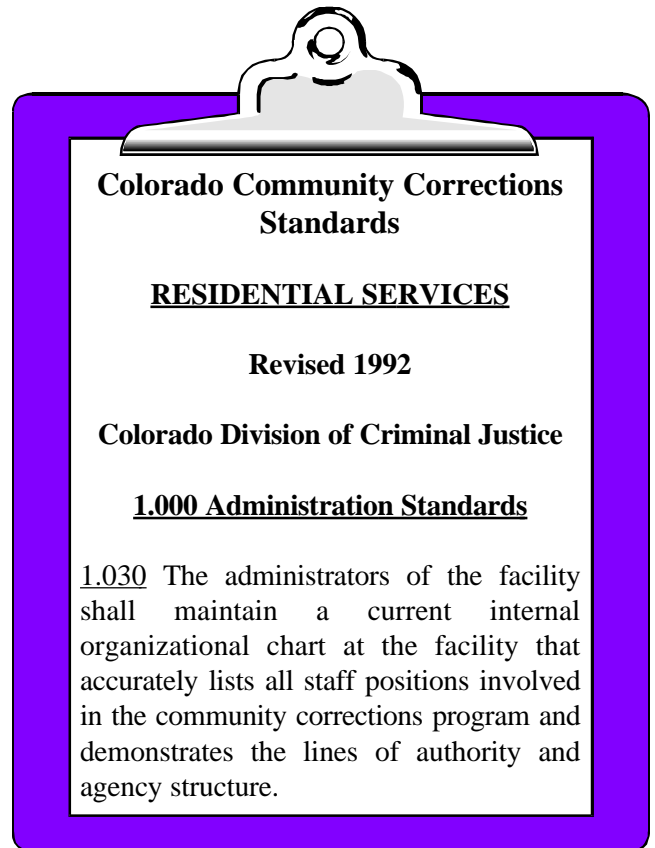
- ◆ **HB 1169 Criminal Restitution**
 - order of restitution for felonies, misdemeanors, petty offenses, or traffic offenses unless court makes a finding that there was no victim or pecuniary loss
 - permits modifying court's order if additional victims or losses are later discovered
 - establishes that orders are final civil judgements that remain in effect until paid in full,
 - if defendant does not immediately pay, appearance required before court's collections investigator
 - investigator determines payment schedule and monitors
 - authorizes DOC engage in same process and to enforce restitution upon parole
 - unclaimed restitution be paid to victim and witness assistance fund and the victim compensation fund removes discretion of court not to assign restitution on juveniles increases liability for parents of juvenile offenders to \$25,000

(Please see "Legislature" page 4)

Ex-Warden, Author to Speak at Durango Meeting

Ms. Tekla Miller, the first female prison warden in the country and author of *The Warden Wore Pink*, will be the featured speaker during the evening program of the Association annual meeting in Durango, May 5-6. Ms. Miller has been featured in several television news magazines.

See you in Durango!



Colorado Springs Meeting

CACCB Vice-President Jean Carlberg (l) is pictured here conversing with Rose and Tom Giacinti at a recent Association meeting.

Legislature

Continued from page 3

◆ **HB 1254 Out of State Offenders in Colorado for Treatment Services**

- follow up to HB99-1353 controls of movement of out of state offenders into Colorado for treatment services
- require Colorado nonresidential programs that treat offenders from another state to register with administrator of Interstate Compact on out-of-state parole supervision
- clarifies definition of supervised and unsupervised persons
- programs for out-of-state, supervised alcohol and drug abuse offenders be approved by division of alcohol and drug abuse
- programs for out-of-state, supervised sex offenders be approved sex offender management board
- programs for out-of-state, supervised domestic violence offenders be approved by domestic violence treatment board
- license for any treatment or counseling agency required by division of adult services in departments of corrections, regulatory agencies, division of mental health, state board of nursing, state board of medical examiners
- treatment or counseling ordered as a condition of probation, parole, or community corrections to be obtained from facility or person approved, certified, or licensed in same manner as programs for out-of-state offenders
- class 5 felony if person who is required to have permission prior to stay in Colorado as a nonresident does not comply or if is resident for more than 90 days without approval

◆ **HB 1421 Department of Corrections Community Corrections Program Agents**

- defines responsibilities that DOC community corrections program agents have
- example, level 1a peace officers with ability to initiate warrants, make arrests, investigate crimes, coordinate with community corrections boards, authorize transfers of inmates from program to program, and supervise offenders

www.courts.state.co.us/comcor/caccb.htm

JOHNSON *ET AL.*

*By John Jordan, Chief Deputy District Attorney
18th Judicial District*

In People v. Johnson, 987 P.2d 928 (Colo. App. 1999), *cert. granted*, the Court of Appeals began a series of cases dealing with the relation of parole to a total sentence. The court held that a defendant who is re-sentenced after a violation of Community Corrections is entitled to credit for the period of mandatory parole against the sentence. The basis of this decision is the holding that parole is a service of the sentence outside prison walls. As a result of this case the total Department of Corrections sentence, including parole, may not exceed the original Community Corrections sentence. This case is currently pending in the Colorado Supreme Court. In People v. Snare, 97CA2083, Oct. 29, 1999 another division of the Court of Appeals ruled that parole is not part of the total sentence. Benavidez v. People, 986 P.2d 943 (Colo. 1999) and Craig v. People, 986 P.2d 951 (Colo. 1999) were decided by the Colorado Supreme Court and concern the relationship between plea agreements, advisement and mandatory parole. These two cases hold that a Department of Correction sentence and parole are separate and distinct. They hold that the defendant must be advised of the Department of Correction sentence and the legal parole period. They also stated that if the advisement is deficient, the error is harmless if the Department of Corrections sentence and the parole period combined do not exceed the possible Department of Corrections sentence the defendant faced. These cases may indicate the Supreme Court disagrees with the Johnson definition of a sentence. The Supreme Court should rule on Johnson later this year after oral argument in June.

Thanks from the Editor

The Newsletter Editor would like to thank Judy Horose, Larry Nelson, Jim Dumas, Tom Giacinti, John Jordan, and Toni Mench for their contributions in making this newsletter possible.

Your continued support and service to the Association are appreciated!



CPAI Panel Discussion

Jonathan Fry, Jim Tanner, and George Burke (l-r), community corrections vendors, were panelists for a discussion of the Correctional Program Assessment Inventory (CPAI) at the recent Association meeting in Colorado Springs. The CPAI provides a critical assessment of the strengths and weaknesses of correctional programs.



“Scat” & Janice

“Scat” Scatterday and wife Janice pose for a picture at a recent meeting in Colorado Springs.

The “Twenty-Year” Program

Newsletter Editor Pat Herrera will not be in attendance at the Annual Meeting in Durango as he will be graduating from Adams State College that Saturday, May 6. Pat will receive his BA in Sociology, with a Criminal Justice emphasis. Pat said that to avoid *further* embarrassment, he had to finish college before his 20th high school reunion this Spring.

President’s Reflections

By Larry Nelson, CACCB President

On February 25th, I had the opportunity to attend the newly reconstituted Governor’s Advisory Council on Community Corrections. John Kuenhold was re-elected to the chairmanship, which was the first order of business, and that set the tone for what looks to me like a council that is on track to define and promote community corrections in Colorado in ways that will generate good will and foster sound and enlightened practices.

The Governor is lucky to have such a qualified and talented group to explore the issues related to corrections conducted outside correctional institutions, and to help him make policy that saves us money as taxpayers while generating savings and investments in human spirit that also pay off for the state.

Ensuing business dealt with subcommittee constitution and elucted discussions about bed space, communication with the JBC, visitation policies, co-occurring disorders, per-diems for offender categories, institutional and community corrections population statistics, new technology, corporate buy-outs of programs, audits, and other issues.

On another front, it was decided by acclamation at our last quarterly meeting in Colorado Springs, that the CACCB would be a sponsor and participant of the ICCA regional meeting to be held in Boulder in August. Hal Nees has generously worked to bring a two-and-a-half-day program to Colorado. I hope everyone will try to attend this worthwhile meeting. The Boulder Board has agreed to sponsorship, as well. (Sponsorship means committing to have people attend) I encourage other boards to sponsor, too.

As you know, the CACCB awards honorary membership to individuals who have significantly benefited community corrections in Colorado. Nomination for honorary membership is done by the Executive Committee. Please contact your friendly Executive Committee members if you know of someone you think should receive this award.

Our next quarterly meeting May 5-6 in Durango promises to be interesting and affords the opportunity to see a beautiful part of Colorado. I hope you can come.

www.courts.state.co.us/comcor/caccb.htm

CACCB Officers

Larry Nelson.....President
20th JD, Citizen Board Member, Boulder County

Jean Carlberg..... Vice-President
18th JD, Citizen Board Member, Arapahoe County

Harold "Scat" ScatterdaySecretary
1st JD, Citizen Board Member, Jefferson County

Ted McNeilsmith Treasurer
12th JD, Citizen Board Member, Alamosa County

Jim Dumas Past President
2nd JD, Citizen Board Member, Denver City and County

Toni MenchAdministrative Coordinator
20th JD, Boulder County

Upcoming Events *Quarterly Meeting Schedule*

Spring 2000

May 5-6

Durango

6th JD

Annual Meeting

Summer 2000

August 11-12

Pueblo

10th JD

Fall 2000

November 10-11

Denver

2nd JD

Legislative Meeting

Winter 2001

February 9-10

Golden

1st JD

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