Meeting: Community Corrections Advisory Group
Date: 9-26-2019
Meeting Location: Carla Madison Recreation Center, Multi-Purpose Room, 1st Level at 2401 E.
Colfax Ave. Denver, CO 80206
Facilitator: Johanna Leal

Excused Advisory Group Members: Dianne Tramutola-Lawson. All other members present.

Guest Speakers: Andrew Webb, Senior City Planner, Tina Axelrad, Zoning Administrator

Guests: See attached sign in sheet. Please note, not all guests in attendance signed in.

• Executive Director of Safety Troy Riggs welcomed the group and thanked everyone for their commitment to this important topic.

Ms. Leal led a conversation on the following topics:

• Purpose of the Advisory Group

Scope of Work: To identify options for Denver following the City Council vote to distance itself from GEO and CoreCivic as community corrections service providers which meets the needs of all stakeholders.

The group will also provide recommendations to improve the process for clients and families to report complaints.

Identified Stakeholders Include:

• Clients served by the beds currently held by GEO & CoreCivic
• Client Families and Friends
• Employers of Community Corrections Clients
• The Community
• Victims

○ Introductions: Advisory group members shared the skills, experience and perspectives they bring to the conversation and identified what they want to get out of the process.

○ Visioning a Future State of Community Corrections in Denver. A brainstorming exercise without regard to limitations.
  ▪ People with experience as Community Corrections Clients leading the solutions
  ▪ Smaller sized facilities
  ▪ Not Privatized
  ▪ Permanent Solutions
  ▪ Addressing therapeutic systems/housing
  ▪ Cooperative Leadership
- Shared Responsibility
- More providers-utilizing broader community support
- Participant Choice
- Connected to Community
- More Treatment
- Geography-location
- Humanity
- Neighborhoods
- Rethink Placement Process.
- Driven by Individual Needs
- More Community Involvement
- Employment/Training
- Step to advancement
- Culture shift in public safety that includes community-reframe “Inmate Status”
- Healing environment
- Safety, empathy, understanding, client centered
- Tailored
- Community accessibility
- Not dependent on capacity-based outcomes
- Mentorship
- Restorative programs
- Fewer barriers
- Graduated Services

- Zoning Presentation
  - How Community Corrections Facilities are regulated in Denver
    - Operations (acceptance criteria, setup and role of board, programs):
      - Denver Revised Municipal Code
      - Department of Safety Rules and Regulations
      - Colorado Community Corrections Standards & Statutes
    - Location and size of facilities:
      - Denver Zoning Code
      - Regulations date from previous zoning code (Former Ch. 59), and were last updated in 2008
  - Zoning Regulations: Zone Districts that Permit Community Corrections Facilities
    - Community Corrections is currently a Residential Care Use in the Zoning Code’s Group Living category, subject to specific regulations and broader Group Living requirements
    - Community Corrections Facilities are permitted in the following zone districts:
      - Industrial Mixed-Use (I-MX-)
      - Industrial zones (I-A and I-B)
      - Some Downtown districts
Zoning Regulations: Use Limitations

- Buffer Requirements specific to Community Corrections use:
  - 1,500 feet from a school meeting all requirements of the compulsory education laws of the state; and
  - 1,500 feet from a Residential Zone District
  - Includes multi-unit and mixed-use residential districts

- Additional requirements applicable to all Large Residential Care Facilities
  - A Large Residential Care use shall be a minimum of 2,000 feet from another such use; and
  - No more than two other such uses shall exist within a 4,000 foot radius measured from the proposed use

Impact of Current DZC location Regulations

- Very limited locations where a new facility could be established
  - Approximately 3,246 acres
  - Available land is in areas where similar uses are already concentrated
- Most existing facilities are compliant or non-conforming to zoning regulations
- Non-conforming = legally established but no longer permitted in applicable zone district
  - Original operator may continue, but transfer of permits, expansion are limited.
- Compliant = legally established but no longer meets a use limitation
  - Most compliant CCF uses are closer than 1,500 feet to a residential zone district
  - Original operator may continue, but transfer of permits, expansion are limited.

Current Community Corrections facilities and areas where new facilities could be established (See Exhibit 1)

- New facilities could be established in tan areas.
- Where 4,000 buffers overlap tan areas, presence of other Large Residential Care Facilities would preclude additional CCFs

Facility Size: Current DZC requirements

- In the I-MX zone district, not to exceed 1 person per 50 square feet of gross floor area in sleeping areas with a maximum of 40 residents. (when adopted, this standard was aligned with state population density requirement, which has since changed to 40 square feet)
- In the I-A and I-B zone districts, a maximum of 60 residents, provided, however, that if such facility is operated by the Denver Manager of Safety, or under contract to the Manager of Safety, such facility may have up to 120 residents, except that the existing facility located at 570 West 44th Avenue (CoreCivic Fox) may have up to 90 residents.
• In the D-C, D-TD, and D-LD zone districts, not to exceed **1 person per 50 square feet** of gross floor area in sleeping areas or **40 residents**, whichever is less.

  ▪ **Group Living Project (See exhibit 2)**
  ▪ Reviewing zoning regulations for many uses in both the Group Living category and conventional households, including:
    - Shelters
    - Assisted Living Facilities
    - Nursing Homes
    - Special Care Homes
    - Community Corrections
  ▪ Uses not well addressed in code (Co-op living, tiny home villages, etc.)
  ▪ Led by 50-member Group Living Advisory Committee of residents, operators, neighborhood representatives and other stakeholders
  ▪ More than 30 meetings since March 2018 as full committee and in topic specific subgroups
  ▪ All meetings open to public, published on Group Living website
  ▪ Next meetings on this topic will be schedule in late October and November
  ▪ Late 2019 & Early 2020: Public Meetings to Review/Discuss Proposed Changes
  ▪ By End 1st Quarter 2020: Proposed amendments to Denver Zoning Code for public review & comments
  ▪ 2nd-3rd Quarters 2020: Formal amendment adoption process (Planning Board and City Council Public Hearings required)

  ▪ **Zoning Code challenges identified by CCF subgroup**
    - Demand Exceeds current capacity
    - Limited space in available districts for new facilities
    - Existing compliant, non-conforming uses have limited allowances for expansion
    - Vehicle parking requirements exceed demand and take up space that could be used for programming
    - Population limits and requirements need revision
    - *more details and full problem statements at [www.denvergov.org/groupliving](http://www.denvergov.org/groupliving)*

  ▪ **CCF revisions currently under consideration**
    - Allow in more zone districts (e.g. mixed-use, commercial corridors)
    - Reduce school/residential district buffer requirements
      - Without addressing buffers, allowing in more zone districts has limited impact
    - Reduce off-street parking requirements
      - Most facilities only need parking for employees
    - Reconsider caps on number of residents
      - Consider allowing smaller CCFs (less residents) in more zone districts, with reduced or eliminated buffers

  ▪ **Next Steps – Please Get Involved**
    - CPD project team is following city’s process to transition CCF operations
• We need input from potential new operators! We need to ensure any zoning changes support new models of service provision
• The CCF subgroup meetings are posted on project website, interested stakeholders are welcome to attend and participate!
• Next CCF subgroup meetings: Late October and November 2019
  o Contact us – your questions & comments are welcome anytime:
    o Andrew Webb: andrew.webb@denvergov.org; 720-865-2973 (project mgr)
    o Project website: www.denvergov.org/groupliving
• Q&A
  o Q: Has there been a court challenge to this zoning, based on racist or classist practices
    ▪ A: Not that Zoning is aware of.
  o Q: Describe the moratorium that ended in 2018 and how is it anticipated that the committee’s recommendations will pair with the intent of the moratorium.
    ▪ A: History
      • In 2006 the Department of Safety worked with City council to expand the number of beds that were available in Denver Community Corrections. This raised the maximum capacity from 60 to 120 beds. One facility was raised to 90 beds.
      • In 2008 the city council adopted the moratorium due to concern about what impact these expanded capacities would have on the neighboring community.
    ▪ A: Current: Zoning will be following this committee’s process so that they can assure that identified zoning updates align.
  o Q: Was there research completed affirming or contradicting the idea of neighborhood impact.
    ▪ A: No research was completed.
    ▪ A: Data tend to show that there are not property value impacts.
  o Q: Is it possible to separate Community Corrections from the Rest of Residential Care Uses?
    ▪ Yes: It can be done, and was just done for tiny homes.
    ▪ Challenges:
      • The concern is that the code loses the ability to look at all residential care uses.
      • There were delays in the development of the rest of the residential care uses when Tiny homes were addressed separately. Similar delays could be expected.
• Comments from Committee
The timelines presented for the zoning project do not appear to align with the timelines for GEO & CoreCivic Closures.

The cost of land may be prohibitive to new/small operators.

History
- The effect of the zoning changes historically was to push facilities out of the Capitol Hill area and to more industrial areas.
- It was considered to be a tradeoff—Community Corrections could have more beds they were not located where the community did not want them.

GEO Facility Update
- Williams Street Center
  - 9/9-9/20/19 staff reviewed files, levels, barriers to movement & reviewed placement options.
  - 9/23/19 referring agencies (DOC & Probation), DCJ and DCCB reviewed individualized transition plans. Currently:
    - 29 were recommended for continuing programming at ACRC. This decision was made because it is the only metro facility with substantial capacity for this number of residents. ICCS in Jeffco has very little capacity, and Adams County (CoreCivic) has a 6-7 week wait list.
    - Remainder of population has been recommended for non-residential services.
      - Direct sentence going to non-residential status.
      - DOC recommended for non-res are either:
        - Prior Parole Date
        - Recommended for Parole Review
        - ISP

Agenda Setting
- Meeting Structure
  - Meetings will be 2 hours from 5:30 p.m. to 7:30 p.m.
    - Meeting 2 will be 10/10/2019
    - Meeting 3 will be 10/24/2019
  - Meetings shall accommodate participation of current residents
- Recommended Future Meeting Topics
  - Zoning
  - Community's willingness to expand types and locations of community corrections facilities.
  - Statutory Barriers to changing Denver Community Corrections.
  - Essentials of Establishing & Maintaining a Community Corrections Facility.
  - Other regulations, standards, and rules
    - Ordinance 565
Division of Criminal Justice Standards

Next Meeting Topics
- Framing General Assembly’s Community Corrections Budget structure
- Identify what flexibility exists within Division of Criminal Justice standards and what requirements are rigid.
- Understanding DCJ programmatic requirements as currently written.

To Dos
- Focus group to be completed with residents
- Development of Google Form or Auto Reply Email to collect public comments
- Develop plan for public comment to be presented to the committee (Johanna, Hassan, Greg)