

**Community Corrections Task Force  
Colorado Commission on Criminal and Juvenile Justice**

**Minutes**

October 22, 2015, 1:00PM-4:30PM  
700 Kipling, 4th floor training room

**ATTENDEES:**

**CHAIR**

Peter Weir, 1<sup>st</sup> Judicial District

**COMMUNITY CORRECTIONS TASK FORCE MEMBERS**

- Dave Weaver, Douglas County Commissioner
- Dennis Berry, Mesa County Criminal Justice System
- Glenn Tapia, Division of Criminal Justice
- Greg Mauro, City and County of Denver, Community Corrections Boards
- Gregg Kildow, Intervention Community Corrections Services
- Joe Cannata, Voices of Victims
- Melissa Roberts, Department of Corrections/Adult Parole (member of both groups)
- Michael Vallejos, 2nd Judicial District
- Rose Rodriguez, Independence House
- Shannon Carst, Colorado Community Corrections Coalition

**ABSENT**

- Angel Medina, Department of Corrections /Case Management
- Dana Wilkes, Division of Probation Service
- Denise Balazic, Colorado Parole Board
- Harriet Hall, Jefferson Center for Mental Health
- John Cooke, Senate District 13
- Kathryn Otten, Jefferson County Justice Services
- Kevin Strobel, Public Defender
- Mike McIntosh, Adams County Sheriff

**MANDATORY PAROLE SUBCOMMITTEE MEMBERS**

- Christie Donner, Criminal Justice Reform Coalition
- Joe Morales, Parole Board
- Kate Horn-Murphy, 17<sup>th</sup> JD/Victim’s Representative
- James Quinn, Attorney General’s Office

**STAFF**

- Paul Herman, CCJJ consultant (phone)
- Christine Adams, Division of Criminal Justice
- Kim English, Division of Criminal Justice
- Germaine Miera, Division of Criminal Justice

**Guest**

- Steve Allen, Joint Budget Committee

<p style="text-align: center;"><b>Issue/Topic:</b></p> <p>Welcome and Introductions</p>	<p style="text-align: center;"><b>Discussion:</b></p> <p>Mr. Weir called the meeting to order at 1:30pm. Because this is a joint meeting, with guests from the Mandatory Parole Subcommittee, he asked everyone to introduce themselves. There were approximately 20 public guests sitting and standing in the available room.</p>
---	--

<p style="text-align: center;"><b>Issue/Topic:</b></p> <p>Presentation and Discussion of MPSC Recommendation #1</p> <p style="text-align: center;"><b>Action</b></p>	<p style="text-align: center;"><b>Discussion:</b></p> <p>The Chair wished to discuss the first Mandatory Parole (MP #1) recommendation which is about length of parole, possible consequences whether those are those possible consequences sufficient to effect compliance.</p>
--	--

<p style="text-align: center;"><b>Issue/Topic:</b></p> <p>Presentation and Discussion of MPSC Recommendation #2</p> <p style="text-align: center;"><b>Action</b></p>	<p style="text-align: center;"><b>Discussion:</b></p> <p>Melissa Roberts, Director of Adult Parole, presented slides to the group to lay out exactly what the recommendation suggests. Both MP#1 and #2 as well as the Ms. Roberts' slides have been added to the end of the minutes, below.</p> <ul style="list-style-type: none"> <li>• Clarification points: <ul style="list-style-type: none"> <li>○ If they come out on inmate status the numbers shown on the statistics slide (slide #5) does include those in community corrections.</li> <li>○ This recommendation would eliminate earned time while on parole. Instead it would become straight time. If you have 6 months on mandatory parole you will serve 6 months.</li> <li>○ This gets rid of discretionary parole for the parole board.</li> <li>○ To contradict rumors that have been going around Ms. Roberts wanted to be VERY clear that these recommendations are NOT retroactive.</li> <li>○ What's the mandatory parole time for Sex offenders? Whatever current law is.</li> </ul> </li> <li>• Community Corrections was not part of the original charge for the Mandatory Parole Subcommittee but as the conversation progressed it was recognized that this needed to be addressed.</li> <li>• One purpose of this recommendation was to add clarity, certainty and to help with the predictability of release dates and planning.</li> </ul> <p>Mr. Weir asked that the group discuss MP#1 before moving on with #2</p>
--	---

because they are intertwined (see recommendations after minutes, below).

Mr. Weir asked Mr. Tapia to provide an overview of the work done by the Community Corrections Task Force thus far for our guests.

Recommendations have included:

- Changing the statutory referral process (this item was eventually tabled for further discussion by the Commission)
- Board decision making issues
- Board training and composition
- DCJ developing a program evaluation tool
- Funding a specialized program for high risk/high need offenders
- Provide reasons for rejections to DOC
- Mr. Tapia stated that the group tried to look at the whole community corrections picture.
- Not everything passed the CCJJ, but most did

Mr. Tapia was asked to describe the Progression Matrix and what it is meant to do:

- It helps to structure decisions of 6-8 months of being in community corrections to progress based on criminal needs and risks. Standardize criterion are used by staff to help release people at a lower risk.
  - Provides incentives
  - Structured decision making
  - Motivational interviewing

In light of all this, are there any thoughts on the recs from Mandatory Parole Subcommittee?

- Can we get back to earned time?
- Ms. Roberts stated that the Mandatory Parole Subcommittees is aware that the earned time statute will need to be changed to get to this done.
- Ms. Donner clarified that they did not discuss earned time in terms of community corrections.

We (the CCTF) need you (the MPSC) to layout the problems this is trying to solve and the purpose.

- Ms. Horn-Murphy stated that this subcommittee was created because of Brandon Schaffer (former Parole Board Chair and member of the Commission). He wanted to look at the efficacy of the 5 year of parole plan. No one actually serves 5 years. So we were asked to determine if there is a way to use resources in a better way to get the high risk people what they need and get low risk people off parole more quickly.
- Mr. Herman clarified that it was a compressed time period (6 months) due to the need for filing legislation within a specific time frame with a very direct charge.

Mr. Herman stated that we are here today to discuss how this recommendation (MP#2) will impact community corrections and what potential solutions may be.

- Mr. Weir stated that in his opinion this is significant public policy and shouldn't be driven by a time line. He likes and agrees with a lot of what is being said with this recommendation but stressed that we need to have these conversations.

Mr. Kildow asked if this was presented to the Commission in October to be voted on in November.

- Ms. Roberts stated that this is the Commission timeline → Present recommendations, take 30 days to discuss with constituents, and vote at the next meeting.
- Mr. Weir stated that he spoke for the Task Force at the October meeting and asked that the vote be delayed in order for this conversation to happen.
- He then stated that while the group can continue to debate the timing it may be more productive to discuss the substantive issues today.

Is there any concern that taking earned time control will effect DOC.

- Following this question Mr. Herman asked if the group could focus on community corrections impacts to which Mr. Weir stressed that all of these topics are all relevant to one another and that he'd like to discuss earned time.

Mr. Mauro asked the MPSC members what data was used to decide the percent of sentence that should be mandatorily served.

- Ms. Horn-Murphy stated that data was provided by DCJ and that it showed that most re-offences occur within 1<sup>st</sup> year.
- Ms. Roberts noted that eligibility for community corrections was made to align with the other recommendations based on COV/non-COV status.
- Ms. Horn-Murphy added that the MPSC was very hesitant to do more with community corrections, but in a very thoughtful way because they knew more was happening in this task force.

Mr. Berry asked what research they have that shows this has worked elsewhere?

- Ms. Roberts stated that there is surprisingly little research on what the appropriate amount of time is. As for timeframe for referrals to community corrections - Most states don't put people in community corrections until they've finished they're DOC time, so Colorado is unique.

Mr. Tapia stated that while he likes the statutory purposes of the recommendation he's having trouble reconciling whether mandatory parolees have worse outcomes than discretionary parolees?

- It was stated that you're not comparing equal groups because people

who go on discretionary parole are often lower risk whereas the high risk have probably already killed their number.

It was then stated that if everyone becomes mandatory parolees this would affect community corrections board decision making because more higher risk cases would be accepted than are currently be accepted if they're going to go to parole anyway.

- Mr. Herman asked how this differs from today.
- What will incentivize them to do well in community corrections? This may potentially undermine a purpose (risk reduction) of community corrections. Especially if earned time goes away.
- Secondly – what does this then do to specialized programs?
- Ms. Otten stated that we know that just putting them in the community doesn't work.
- Ms. Roberts noted that the only thing this recommendation takes away is "getting out of prison quickly." And she noted that this is only for a small population (see Statistics slide, Slide 5, below).
- Mr. Berry stated that boards often reject someone now because we don't know what the parole board will do. Having a defined parole date was something we worked on for a while. This recommendation limits our ability to keep people longer or shorter depending on what they need.

Ms. Roberts explained that a non-COV could be in community corrections for 6 months prior to their parole eligibility date (PED) and for at least 6 additional months as a condition of parole.

- Ms. English further stated that there are only about 130 COVs coming out of prison each year.
- Mr. Berry stated that there is also a small number of low risk folks but we have to manage both ends.

Mr. Tapia asked what the incentive is to do well in community corrections.

- To not go back to prison.
- To take advantage of the services and opportunities that are available outside of prison.

Ms. English stated that based on the CARAS about 80% will still come out within a year.

- Mr. Tapia then said that the bulk of our pop will be non-COV medium/high/very high risk.
- Ms. Horn-Murphy stated that non-COV offenders could start community corrections 6 months inside their sentence. But is that something we want?
- Mr. Tapia said that that's a stick but that it's hard to see carrot without earned time.
- Ms. Horn-Murphy said that one carrot could be a request for an early

termination of parole.

- Ms. Carst said that if you work on your phases you have incentives. But our movements with bed space don't always work this way.
- Ms. Donner stated that the 50/75% of their sentence is "the floor." Part of the incentive is to reach that date.
  - o The group wanted to create certainty and predictability but still have a performance based system.
- Ms. Carst stated that while they like this they (providers and other community corrections professionals) are concerned about how it will affect specialty programs.

Mr. Morales stated that when this was originally proposed by Brandon Schaffer it was seen as an opportunity for true reform. He/we felt that some of the parole periods are just too long. What is a doable amount of parole that will help an offender be successful, not just send them out and put them right back in? Parole is not about punishment but is about treatment and preparing people for the community. The parole board looks at early release referrals with a lot of weight. We look at the bigger objective of parole. There are some real worthy components of this with good purpose.

- Mr. Weir stated that he agrees. But it is a significant reform and should be done correctly.

It was stated that given everything else it's odd that the 50/75 is based on offense, not risk.

- Ms. Donner explained that when looking back on prior task force work around purposes of sentences for things like COV you will usually tilt the scale toward punishment. But the lack of certainty is really problematic.
- Victim and offender advocates agree on this issue.

Are you concerned that COVs are not eligible for community corrections prior to parole but only as a condition of parole?

- Mr. Tapia said that providers have told him that they need that leverage. Offenders need to know that they have parole coming.
- But you can't do that that and still have certainty.
- Mr. Weir suggested that it might work if parole periods were extended.
- Ms. Donner stated that the challenge is that "sticks" aren't a threat for people that know how to work the system.
  - o Mr. Tapia agreed but isn't sure they'll buy into programming without an incentive piece.

Mr. Mauro stated that earned time needs to have a very different look than it currently does. He asked if it isn't really a given that offenders will receive their time and stated that there are assumptions with this that need to be addressed.

- If they refuse to do programming in prison they're ineligible for earned time. But if you're complying with rules you're rewarded for this good behavior. But we also have waitlists.
- Mr. Mauro stated that earned time in prison lacks clarity. You say it's performance based but that needs to be laid out more clearly. He would predict it is awarded at a high rate.
- Ms. Donner explained that this recommendation makes it so that earned time in prison would cap at 50% instead of 30% as is currently the case.
- Mr. Mauro then said that this looks more like a cost reduction strategy than a risk reduction strategy. Both are good ideas but it needs to be balanced. If it's truly performance based it can't be about time.
- The purpose of this recommendation was not to reduce beds or even parole days. The purpose was to make parole more structured.
  - o Allegations were made that this was to reduce parole recidivism by just cutting the time they're being watched. But let's be clear that this was NOT the subcommittee's purpose.
  - o To the extent that money was discussed it was to use the money in the best way.

Mr. Tapia asked a provider if the job of risk reduction could be done in 18 months (for a TC program)?

- If offenders hear a number they just start counting days to get out. Concerned that this will take away from work done on treatment.
- Ms. Donner stated that while she appreciates that the MPSC is trying to create a model and only 1% are going to TC.
- Mr. Berry countered that 20% are going to special programs.
  - o Ms. Donner asked if 6 months isn't right amount of time, what is? For a model we have to pick a number.
  - o Mr. Tapia stated that "for you it's just a number, but for me it's highest risk/highest need population. What happens after community corrections can affect how what happens in community corrections is seen."

Mr. Weir, chair of the Community Corrections Task Force, had to leave at 3pm. Ms. Roberts was asked to take over running the group at that time. She stated that while this is a good discussion we need substantive recommendations to take to the MPSC to help them move forward to the Commission.

Judge Vallejos asked what the purpose is of community corrections being inside one's sentence.

- Mr. Tapia stated that there's something about one having inmate status that affects the mindset of the offender. Inmate status and possible early release to parole with earned time could serve as

incentives (“carrots”) whereas a possible return to DOC could serve as a threat (“stick”).

- Could you still do this without earned time?
- This is only looking at risk, not needs. Low risk/high need exist.
  - o Ms. Horn-Murphy stated that this recommendation doesn’t address life sentences or indeterminate sentences. They retain the current sentencing.
  - o But sex offenders with determinate sentences would fall under this recommendation? Yes.
    - Ms. English stated though that if you look at the way sex offenders fall out, with the CARAS, they come out the same way the rest of population does.
  - o Ms. Horn-Murphy Everyone has a CARAS and an LSI done prior to release which is why those tools were chosen.
    - Mr. Berry stated that that’s good, but it doesn’t consider need.
    - Ms. Donner asked if that isn’t more about case planning.
    - Mr. Berry responded by stating that they need to plan their case plans.
    - Ms. Donner stated that definitive time frames already exist but they don’t make sense and that felony class levels aren’t predicative of outcome.

Mr. Tapia asked if impacts will be made up for with longer sentences.

- Ms. Donner’s response was that these questions can’t be answered until it plays out.
- It’s not retroactive and it will phase in slowly. Ms. Donner asked if it is really this group’s responsibility to predict what a judge will think about in the future.
- Judge Vallejos stated that he’s not sure judges even think about parole.

Mr. Kildow asked if all the other statutory changes that will be needed have been thought through.

- Ms. Roberts stated that this recommendation is about the concept but that this will all be worked on with the legislation (i.e., the Legislative Subcommittee).

So what is the purpose and goal of this recommendation? We answered that: Clarity, certainty, predictability.

What if parole eligibility didn’t start until after community corrections started? There’s a carrot.

- Ms. Donner stated that you’ll run into sentence length issues and would we be treating similar offenders differently. Also, this would



be extending a jurisdiction illegally.

- Why would anyone want to do a program if parole didn't start until after completion of community corrections, this just extends their sentence? (e.g., 2 years in prison, 2 years in TC and THEN parole?)?

Mr. Mauro stated that he is concerned that this will weaken the pool of candidates presented to community corrections boards?

- But isn't it the same people?
- If we had unlimited beds this may not be an issue but we don't so it will affect our decisions.

Ms. Donner stated that the MSPC discussed and decided it is not our purpose to decide how people are chosen for or placed in community corrections. But we are asking you for advice on how to better refer.

- Ms. Roberts stated that our purpose (MPSC representatives) is not to cause problems but to take an opportunity to make the recommendation better.

Mr. Tapia asked Mr. Berry if, from a local government perspective, he sees this recommendation impacting decision making?

- Mr. Berry said, yes. It may not affect who is accepted but it will affect program goals because we won't have enough time to do everything. Most of these are condition of parole violators (in lieu of a revocation).
- So if it was 9 months instead of 6 months, would this address some of your concerns? Some.
- Also, criteria for eligibility for community corrections. Clients that will do best should be referred, not just hitting your mandatory release date (MRD).

Funding should be available to ALL programs that provide offender services, even those considered governmental.

Is there any way to study how many people this would effect? We wouldn't model it on the current population because it would stay the same for them.

- You've said it would be phased in, but would it be more referrals?
  - o Maybe it would be less because community corrections is more work than doing time.
  - o But they're not saying no at 19 months now.
- Ms. Otten stated that behavioral change is an important part of community corrections because it helps them to be productive and successful.
  - o Ms. Donner said yes, but that you can't see what's going to happen unless changes are made. Programs and evidence-based practices are still your job. We're just talking about the time at which someone gets out of prison.
  - o Mr. Kildow stated that one little change will affect all of

	<p>these other things.</p> <p>It was asked if it had been decided whether or not the Commission will vote on this recommendation in November or not.</p> <ul style="list-style-type: none"> <li>- They will make that decision at the next meeting.</li> </ul>
--	--

<p><b>Issue/Topic:</b></p> <p>Other Meetings</p>	<p><b>Discussion:</b></p> <p>Mr. Tapia notified the group that Doug Wilson is presenting this recommendation the Governor’s Advisory Council (GAC) on Nov 6 and that the whole meeting has been devoted to this topic.</p> <p>The next CCJJ Mandatory Parole Subcommittee meeting is scheduled for November 9<sup>th</sup> at 1:30pm and members of the Community Corrections Task Force are invited to join. A reminder email will be sent out a few days before the meeting.</p> <ul style="list-style-type: none"> <li>• Monday, November 9<sup>th</sup> at the Ralph Carr Judicial Building</li> <li>• 1300 Broadway, Conference Room 1E, Denver</li> <li>• 1:30-4:30pm</li> </ul>
--	--

Adjourned at 4:00pm

**CCTF Meeting Schedule and Location for Remainder of 2015 and All of 2016**

Thursday, Nov. 12 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Dec. 10 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Jan. 7 <sup>th</sup>	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 <sup>nd</sup> Thursday)
Thursday, Feb. 11 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Mar. 10 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, April 7 <sup>th</sup>	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 <sup>nd</sup> Thursday)
Thursday, May 12 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, June 9 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, July 7 <sup>th</sup>	1:00pm -4:30pm	700 Kipling St., 4th floor training room (Note: This is NOT the 2 <sup>nd</sup> Thursday)
Thursday, Aug. 11 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Sept. 8 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Oct. 13 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Nov. 10 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room
Thursday, Dec. 8 <sup>th</sup>	1:00pm -4:30pm	710 Kipling St., 3rd floor conference room

**MANDATORY PAROLE SUBCOMMITTEE**  
*PRELIMINARY* RECOMMENDATION PRESENTED TO THE  
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE  
October 9, 2015

**FY16-MP #01 Update and Rewrite the Statutory Purposes of Parole to Reflect Contemporary and Evidence-Based Common Practices**

**Recommendation FY16-MP #01**

Update the statute that describes the purpose of parole in Colorado by amending C.R.S. 17-22.5-102.5 to incorporate the language presented below.

**Discussion**

Colorado's Purpose of Parole statute requires updating to reflect current research that promotes offender success while making the transition from prison to the community. Many states have revised their parole statutes to reflect evidence-based practices and policies, and to include a focus on preparation for community release along with public protection.

**Proposed statutory language**

Amend C.R.S. 17-22.5-102.5 as follows:

**17-22.5-102.5. Purpose of parole.** (1) The purposes of this article with respect to parole are:

(A) ~~(b) To assure the fair and consistent treatment of all convicted offenders by eliminating unjustified disparity in length of incarceration, and establishing fair procedures for the imposition of a period of parole supervision;~~ TO FURTHER ALL PURPOSES OF SENTENCING AND TO IMPROVE PUBLIC SAFETY BY REDUCING THE INCIDENCE OF CRIME COMMITTED BY PEOPLE ON PAROLE;-

(B) ~~(a) To punish a convicted offender by assuring that his length of incarceration and period of parole supervision are in relation to the seriousness of his offense;~~ TO PREPARE, SELECT, AND ASSIST PEOPLE WHO, AFTER SERVING A STATUTORILY DEFINED PERIOD OF INCARCERATION, WILL BE TRANSITIONED AND RETURNED TO THE COMMUNITY;

(C) ~~(c) To promote rehabilitation by encouraging the successful reintegration of convicted offenders into the community while recognizing the need for public safety.~~ TO SET INDIVIDUALIZED CONDITIONS OF PAROLE AND TO PROVIDE SUPERVISION SERVICES AND SUPPORT TO ASSIST THE PEOPLE ON PAROLE IN ADDRESSING IDENTIFIED RISKS AND NEEDS; AND

(d) TO ACHIEVE A SUCCESSFUL DISCHARGE FROM PAROLE SUPERVISION FOR PEOPLE ON PAROLE THROUGH COMPLIANCE WITH ~~BY REQUIRING THEM TO RESPOND APPROPRIATELY TO THE DIVISION OF ADULT PAROLE AND COMPLY WITH~~ THE TERMS AND CONDITIONS OF RELEASE WHICH ADDRESS THEIR RISKS AND NEEDS.

**MANDATORY PAROLE SUBCOMMITTEE**  
*PRELIMINARY RECOMMENDATION PRESENTED TO THE*  
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE  
**October 9, 2015**

**FY16-MP #02 Prison Release Date Determined by COV/Non-COV status AND  
Mandatory Parole Period Based Upon Risk Score**

**Recommendation FY16-MP #02**

To increase clarity regarding the time individuals will serve in prison and create a mechanism whereby an offender's date of release from the Department of Corrections is determined by the severity of the offense. Persons convicted of a Crime of Violence (COV, C.R.S. 18-1.3-406) would be released to mandatory parole after serving a minimum of 75% of his/her sentence. Individuals serving a sentence for a non-COV crime would be released to mandatory parole after serving a minimum 50% of his/her sentence. Time served will take into consideration earned time. Earned time will vest monthly. For example, individuals sentenced for a COV would serve between 100% and 75% of the sentence, depending on earned time awarded. This proposal does not apply to those serving sentences for indeterminate life sentences for sex offenses, or other life sentences.

Mandatory parole periods would be determined by the Colorado Actuarial Risk Assessment Scale (CARAS), would NOT include earned time awards, and would be set as follows:

Crime of Violence (COV) mandatory parole periods:

- Very Low / Low Risk 6 months
- Medium Risk 1 year
- High / Very High Risk 2 years

Non Crime of Violence mandatory parole periods:

- Very Low / Low Risk 6 months
- Medium/ High  
and Very High Risk 1 year

Setting conditions of supervision and making revocation decisions would continue to be the responsibility of the Parole Board.

Introduce a mechanism for victim notification and input on setting of terms and conditions of parole and on early terminations and revocations of parole.

A person who is serving a sentence for a COV may be placed in a community corrections program as a condition of parole upon completion of his/her prison sentence, and a person who is serving a sentence for a non-COV may be placed in a community corrections program six months prior to completion of his/her prison sentence.

Any cost savings are to be split equally between community—based services for victims and offenders.

**MANDATORY PAROLE SUBCOMMITTEE**  
 PRELIMINARY RECOMMENDATION PRESENTED TO THE  
 COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE  
 October 9, 2015

**Discussion**

*Prison sentence modification.* The Commission has heard from stakeholders that the current sentencing scheme is difficult to understand, lacks clarity and consistency, and both victims and offenders cannot estimate when an individual will be released from prison. Additionally, this lack of predictability significantly negatively impacts parole planning.

An analysis of the *percentage of sentence served* found that those sentenced to the Department of Corrections for a COV serve, on average, 66% of the sentence compared to 68% for those serving a non-COV sentence.<sup>1</sup> This proposal increases the required time served to at least 75% for those convicted of a COV, and requires non-COV offenders to serve a minimum of 50% of the sentence. Currently, approximately 2% of those released from prison are serving sentences for a COV. The impact of this modification on the prison population, according to the Division of Criminal Justice which provides annual forecasts of the prison population, is to slow the expected increase between FY 15 and FY21, keeping the population relatively stable at 21,680 offenders rather than increasing to 23,934 in FY21. The proposal is expected to save a minimum of \$2.5 million in the first year.

*Parole period modification.* Currently parolees receive earned time while on parole, reducing the actual amount of time individuals serve on parole. In FY14, the average amount of time served on parole by those who completed their parole periods (including revocation time) was 26 months (see table below). Overall, parolees serve 68% of their statutory period of parole.

Felony class	Statutory parole period (months)	Average time served on parole (months)
2	60	37
3	60	36
4	36	27
5	24	15
6	12	9
<b>TOTAL</b>	n/a	26

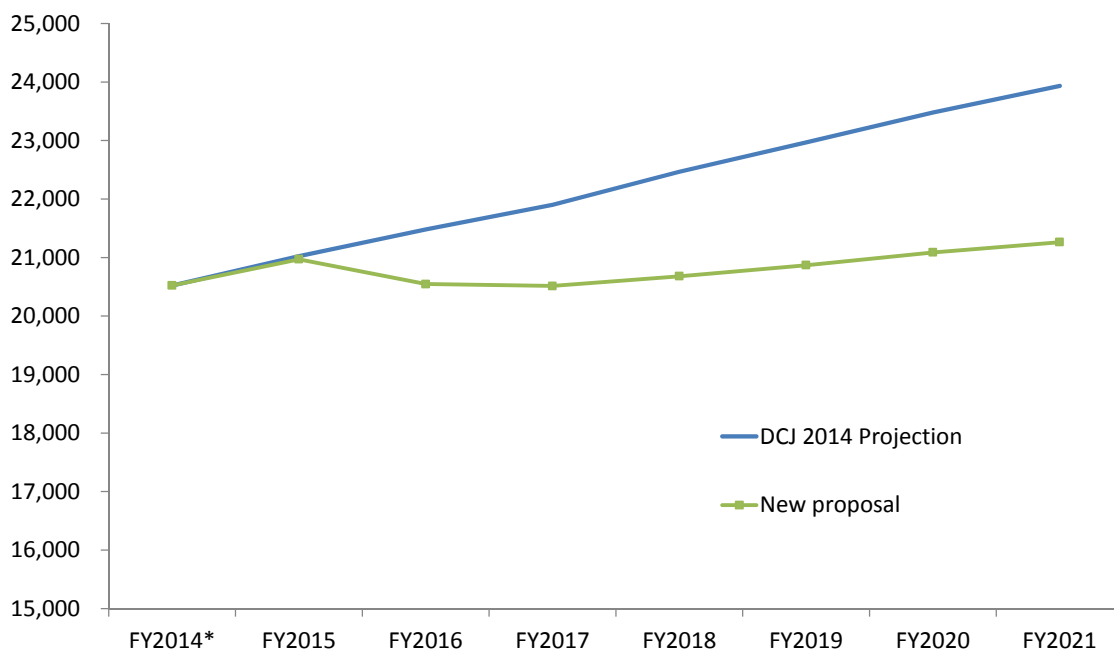
Research on evidence-based correctional practices has found that offenders at low risk of recidivism benefit from minimal criminal justice system intervention and, in fact, too much intervention can lead to poor outcomes for this population. Conversely, research has found that resources are best directed toward medium and high risk offenders. Given that offenders are currently serving only a proportion of their parole periods due to earned time, this proposal clarifies the parole period and relies on the Colorado Actuarial Risk Assessment Scale to

<sup>1</sup> Note that those convicted of COV offenses have much longer sentences: Among those released from DOC between FY12 and FY14, the average governing sentence for COV offenders was 180 months compared to 56 months for non-COV offenders. For this group, COVs served an average of 115 months compared to 37 months for non-COVs.

**MANDATORY PAROLE SUBCOMMITTEE**  
**PRELIMINARY RECOMMENDATION PRESENTED TO THE**  
**COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE**  
**October 9, 2015**

determine parole periods based on risk to reoffend.<sup>2</sup> Because individuals who fail parole generally do so in the first months following release, this proposal captures 82% of technical violations despite reducing the periods of parole. The Division of Criminal Justice projected that parolees would serve, under the existing laws, 4.31 million days on parole during the period between FY15 and FY21. Under this proposal, parolees would serve 1.11 million days on parole, a 74% reduction in the caseload that would be realized within 3 years of implementation. The cost for parole supervision in FY14 was \$12.45/day and \$26.23/day for intensive supervision parole, according to the Department of Corrections. This reduction in parole periods is expected to save a minimum of \$9.8M in the first year.

The combined impact of this proposal on the prison population, including the reduction in parole periods, is a stabilization of the size of the prison population at approximately 21,000 rather than an increase in the population, as reflected in the figure below.



*Victim services funding.* Funds received from prison/parole savings will be deposited in a separate fund to be administered by the Division of Criminal Justice, Office for Victims Programs, in the same manner as State VALE grant funds. Funds will be disseminated by DCJ to

<sup>2</sup> Since 1989, the Colorado Division of Criminal Justice has been mandated to develop and validate an actuarial risk scale for use by the parole board in making release decisions. The CARAS, updated every five years, is a static 9-item risk instrument that places individuals in five risk categories (very low, low, medium, high, and very high), each with differing probabilities of recidivism. The CARAS predicts new felony/misdemeanor filing within 3 years of release.

**MANDATORY PAROLE SUBCOMMITTEE**  
*PRELIMINARY RECOMMENDATION PRESENTED TO THE*  
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE  
**October 9, 2015**

local judicial district Victim & Witness Assistance and Law Enforcement Boards (VALE) to make grant awards for community based non-profit agencies providing direct services which address ongoing needs of survivors of crimes defined C.R.S. 24-4.1-302 (1). Survivors of crime may be defined as any person against whom any crime has been perpetrated or attempted, regardless of whether the crime was reported or prosecuted and regardless when the crime occurred. Direct services for ongoing victim needs may include, but are not limited to, stabilization support such as short- or long-term safe housing, employment assistance, benefit acquisition, identification, safety planning, clinical services and referrals to other services that may assist a crime survivor to establish functional daily living.

Local VALE Boards shall maintain and award these funds separate from moneys paid as surcharges pursuant to C.R.S. 24-4.2-103. Local VALE Boards may have the discretion to identify ongoing victim needs in their community for use of these designated funds. Each VALE Board shall submit an annual report to DCJ detailing the amount of designated funds granted to agencies that describes the projects and services for which grants were made. DCJ will advise and make recommendations to local VALE Boards concerning grant awards pursuant to C.R.S. xxx and will report annually to the appropriate governing body in a cumulative report detailing grant awards of all local VALE Boards. At the end of any fiscal year, all unexpended and unencumbered monies that have been disseminated to local VALE Boards shall remain therein and shall not be credited or transferred to the general fund or any other fund.

*Offender services funding.* Funds received from prison/parole savings will be deposited in a separate community grant program fund to be administered by the Division of Criminal Justice. The population to be served with these funds is anyone who is currently under supervision in the criminal justice system or anyone who has a criminal record. The scope of services that applicant agencies provide include crisis support (emergency shelter/housing, relocation, crisis counseling), stabilization support (assistance in obtaining employment, long-term safe housing, identification, family support services), benefit acquisition (Medicaid, SSI, SSDI), clinical services (trauma-specific therapy, support groups, behavioral health counseling), and system navigation (education, advocate support). Eligible grant applicants include nonprofit organizations or coalitions of non-profit agencies.

**Proposed statutory language**

TBD



## **Mandatory Parole Subcommittee**

Preliminary Recommendation Presentation to the  
Colorado Commission on Criminal and Juvenile

October 2015



## 2015 CCJJ Mandatory Parole Subcommittee

### MEMBERS

Doug Wilson, Chair/CCJJ	State Public Defender
Brandon Shaffer & Joe Morales/CCJJ	Parole Board Chair
Charles Garcia/CCJJ	Commission At Large Position
Kate Horn-Murphy/CCJJ	Victim's Representative, 17 <sup>th</sup> Judicial District
Norm Mueller/CCJJ	Criminal Defense Attorney
Rep. Daniel Kagan	State Representative House District 3
James Quinn	Attorney General's Office
Michael Dougherty	District Attorney's Office, 1 <sup>st</sup> Judicial District
Melissa Roberts & Kellie Wasko	Division of Parole
Christie Donner	Colorado Criminal Justice Reform Coalition

- *The Subcommittee met 7 times between May and October 2015*
- *Another meeting is scheduled for November 2015*

## BACKGROUND

### FY14 Parole Board Release Decisions

- In FY 2014, the **Board** designated 25% of offenders for release and 75% of offenders for deferral. The **Guidelines** recommended 49% of offenders for release and 51% for deferral.
- The Board agreed with the Guidelines decision to DEFER 93% of the time
- The Board agreed with the Guidelines decision to RELEASE 43% of the time

## BACKGROUND DATA

### Statistics

- 2.3% of new court commitments are COVs (approximately 121 in FY2014); 97.7% are Non-COVs (5114 in FY2014)
- 7.7% of the prison population are COVs
- COVs serve 66% of their sentence on average
- Non-COVs serve 68% of their sentence on average
- Average length of stay on parole is 26 months

## BACKGROUND

### Average time on parole

Felony class	Statutory parole period (months)	Average time served on parole (months)
2	60	37
3	60	36
4	36	27
5	24	15
6	12	9
<b>TOTAL</b>	n/a	26

## **Mandatory Parole Recommendation FY16 – MP #02**

Prison Release Date Determined by Crime of Violence/Non-Crime of Violence status  
AND Mandatory Parole Period Based Upon CARAS Risk Score

## **Mandatory Parole Recommendation FY16 – MP #02**

### **Element #1:**

#### **Release Date Determined by COV/Non-COV**

- COVs released to mandatory parole after serving a minimum of 75% of his/her sentence
- Non-COVs released to mandatory parole after serving a minimum of 50% of his/her sentence

## **Mandatory Parole Recommendation FY16 – MP #02**

### **Element #2:**

#### **Mandatory Parole periods based on risk to reoffend**

Crime of Violence (COV) mandatory parole periods:

- Very Low / Low Risk 6 months
- Medium Risk 1 year
- High / Very High Risk 2 years

Non Crime of Violence mandatory parole periods:

- Very Low / Low Risk 6 months
- Medium/ High  
and Very High Risk 1 year

## **Mandatory Parole Recommendation FY16 – MP #02**

### **Role of the Parole Board**

- Sets supervision conditions
- Makes revocation decisions
- Continues discretionary release decision making for all indeterminate sentences
- Continues discretionary release decision making for all current inmates

## **Mandatory Parole Recommendation FY16 – MP #02**

### **Regarding Victims: Introduce mechanisms for victim notification and input on:**

- Conditions of parole
- Revocations
- Early terminations of parole

## **Mandatory Parole Recommendation FY16 – MP #02**

### **Community Corrections**

- COVs may be placed in community corrections as a condition of parole at the termination of their prison sentence
- Non-COVs may be placed in community corrections 6 months prior to the termination of their prison sentence