



Commission on Criminal and Juvenile Justice
Cost Savings Sub-Committee
Minutes

September 29, 2008
 700 Kipling St., Suite 1000
 Lakewood, CO 80215

Attendees:

Peter Weir, Chairman	Barry Pardus	Don Quick
Jeanne Smith	Kristi Rosten	Nancy Feldman
Kathy Sasak	Christie Donner	Kim English
Erick Scheminske	Ken Tomlinson	Jeaneen Miller
Nancy Feldman	Scott Hromas	Grayson Robinson

Absent: Ann Terry

Call to Order:

Jeanne Smith called the meeting to order at 1:10. The members of the subcommittee introduced themselves.

The Commission has directed the subcommittee to examine potential cost savings measures. Specifically, is it reasonable to reduce the sentence of non-violent offenders by 30 – 60 days? What would the cost savings be? Can we do this without effecting public safety?

Can we make the Parole Eligibility Date (PED) more meaningful?

1. The concept of truth in sentencing is getting more support across the state. If we recommend shortening the sentence of non-violent offenders by 30 – 60 days, the Commission would be moving away from this concept.
2. If we work with the parole eligibility date may be something we can do without legislative changes.
3. Is there a category of offenders (non-violent, low-risk) that could get paroled out without going through a hearing? Would this result in cost savings? There has to be some sort of review by the Parole Board. DOC does not want to release an inmate early whose needs have not been addressed. If you send someone out without a parole meeting, it undermines the authority of the Parole Board.
4. A lot of the class 5's and 6's are not in DOC a long time, and therefore, do not have a lot of incentive to work toward increasing earned time. What makes the

Class 5's, 6's and technical violators (TK's) such a tough group? They have a lot of drug and alcohol and mental health issues.

5. How many people get out at PED? Very few. Can we identify a population that would be presumed to get out without a hearing?
6. Class 4's, 5's and 6's are already past their PED when they come in. If we are trying to get them out early, they would be released after being inside for 30 days. Why incarcerate them in the first place? They would not be in DOC long enough to get treatment. What would they be in compliance with? Treatment received in the county jail?
7. Can DOC find out what the population would look like if we moved someone's PED date up? Can we see what the population would look like?
8. Could we recommend adding additional earned time of 2 days a month to move up the PED from 10 days a month to 12 days a month? This would not be retroactive. In conjunction with this recommendation, we would have to lift the 25% cap on earned time.

Decreasing the sentence by giving 30 – 60 days earned time:

1. Giving a time credit is more manageable than adjusting parole eligibility dates. It will require a change in the statute. An inmate is eligible for a maximum amount of earned time – a sentence can only be reduced by 25% through earned time. If we raise the cap from 25% upwards, then you can give inmates more earned time. For example, inmates can get time for hazardous work (i.e. fire suppression work) but they have to stop once they have reached their 25% maximum.
2. What is the timing on the Community Corrections? For non-violent offenders, they can refer out at 19 months. Violent offenders can refer out at 9 months. There could be advantages in treatment and success rates if offenders were referred out earlier. This would require a statutory change and would add to the backlog unless Community Corrections capacity could also be increased. This may be a longer term suggestion and warrants further discussion.
3. The 30-60 days might be a good way to start if you begin with offenders who have a low score on the risk assessment scale. If it is a small amount of people that this affects, and it is successful, then the concept can be expanded.

Can the release date be set for 30 or 60 days prior to the Mandatory Release Date (MRD)?

1. Parole eligibility dates are identified early in the sentence. 85% of offenders are paroled out at their MRD. If there is an early release date, an argument could be made that the offender served a significant portion of their sentence.
2. Services need to be in place for the offender prior to their release. DOC does not want to send them out homeless.
3. Have to define a category of individuals who would be eligible for an early release date. Can have a set of criteria that would be met. They would have

to have a parole plan. They would have to have a low score on the risk assessment form.

4. Does this set up a new set of parole hearings? The Parole Board can set a list of conditions that the inmate has to meet and then another category can be set up that does not need an additional parole hearing.
5. What does the MRD group looks like? Do we have a good picture of who is getting discretionary release? Why are they getting out at MRD? What other risk factors kept them in after their PED? Can this information be shared by the group via email?

Definitions:

If you use the 30 or 60 days for earned time, what does this mean and how do you calculate it?

What is the definition of a “non-violent offender?”

1. The offender’s criminal history should be examined. Someone may have a violent history, but just be put in DOC for a vehicle theft.
2. Can we define them by statute? Such as 16-11-309? And include crimes such as harassment, stalking, child abuse, menacing, and sex assaults.
3. Maybe use the term “low –risk” as opposed to “non-violent.”
4. Should we look at a time criteria? If they had an assault 20 years ago, that is one thing. If the assault happened three years ago it is another.
5. If we are looking at a “non-violent” group, do we have an average length of stay for this group? Class 6 felonies serve an average of eight months and class 5 felonies serve an average of 16.6 months.
6. Need to create a definition that lists the crimes that would classify an inmate as a violent offender. Can the crimes listed in the Victim’s Rights Act be used? Use the list that DOC has already developed

Definition of compliant:

1. The Code of Penal Discipline (COPD) provides a list of behavior that is considered a violation. It also gives a rating for the behavior.
2. Division of Criminal Justice is revising the risk assessment scale. The risk assessment scale does include the risk to the public in the equation. DCJ’s risk assessment tool is designed to be populated by an automated system. The items included in the scale are: total LSI score, substance abuse score, COPD violations, return on a new crime, age at first arrest and current age,. One hope is that those who have a low score on the risk assessment scale may be the ones that get out on their first parole eligibility date.

Why this would be a good idea?

1. Everyone serves more of their sentence than they did 10 years ago.

2. Identify a group of inmates that are low-risk. If we can get them out the door sooner, we could save money and use the savings to fund treatment programs that could follow these offenders through the system and into the community.
3. Define it as a pilot program for a subset of violators to see if it is successful.

Wrap-up and Next Meeting:

Next meeting will be Monday, October 6th from 1:00 – 3:00 in the 1st floor conference room at 700 Kipling St. Topics to be discussed will be

1. Cost savings, cost avoidance and resource allocation. Would any of these steps help us minimize our reliance on private prisons?
2. Make-up of offenders who get out at their parole eligibility date (PED).
3. Make-up of offenders who get out at Mandatory Parole Date (MRD).

The meeting adjourned at 3:00 p.m.