



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

October 6, 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	Jeaneene Miller
Nancy Feldman	Scott Hromas	Grayson Robinson
Ann Terry		

Absent: Kathy Sasak

Call to Order:

Jeanne Smith called the meeting to order at 1:09 p.m. Kim English (Division of Criminal Justice) and Kristi Rosten (Department of Corrections) developed six time reduction scenarios and corresponding cost savings. All scenarios assume the program continues indefinitely.

Scenario number one:

- Based on 80% of inmates eligible for earned time.
- Increases earned time from 10 days a month to 12 days a month (net increase of 2 days).
- Excludes inmates who are in on technical violations.
- Cost saving by year two (2) would be less than \$2 million dollars.
- Cost saving by year four (4) is almost \$8 million dollars.
- Reduces time served from 75% of sentence to 71.43%.

Scenario number two:

- Based on 80% of inmates eligible for earned time.
- Increases earned time from 10 days a month to 12 days a month (net increase of 2 days).
- Includes inmates who are in on technical violations.
- Cost savings by year two (2) are less than \$2 million dollars.
- Cost savings by year four (4) are over \$8 million dollars.
- Reduces time served from 75% of sentence to 71.43%.

Scenario number three:

- Based on 80% of inmates eligible for earned time.
- Increases earned time from 10 days a month to 15 days a month (net increase of 5 days).
- Excludes inmates who are in on technical violations.
- Cost savings by year two (2) are less than \$4 million dollars.
- Cost savings by year four (4) are almost \$15 million dollars.
- Reduces time served to 66.67% of sentence. If there is a discretionary release in the middle of a sentence, there are no savings. The savings come from inmates going to their mandatory release date.

Scenario number four:

- Based on 80% of inmates eligible for earned time.
- Increases earned time from 10 days a month to 15 days a month (net increase of 5 days).
- Includes inmates who are in on technical violations.
- Cost savings by year two (2) are almost \$4 million dollars.
- Cost savings by year four (4) are over \$17 million dollars.
- Reduces time served to 66.67% of sentence. If there is a discretionary release in the middle of a sentence, there are no savings. The savings come from inmates going to their mandatory release date

Scenario number five:

- Based on 80% of inmates eligible for earned time.
- Calculates a 30 – 60 day reduction of sentence for select felony classes (non-violent offenders).
- Inmates are in compliance (no COPD's in the last year).
- Includes inmates with violent histories
- Cost savings by year two (2) are slightly over \$10 million dollars.
- Cost savings by year four (4) are approximately \$17 million dollars.

Scenario number six:

- Based on 80% of inmates eligible for earned time.
- Calculates a 30 – 60 day reduction of sentence for select felony classes (non-violent offenders).
- Inmates are in compliance (no COPD's in the last year).
- Inmates have no violent history in last 10 years.
- Cost savings by year two (2) are over \$3 million dollars.
- Cost savings by year four (4) are over \$6 million dollars.

Discussion:

What is the definition of “non-violent?” Combination of violent crimes, include all crimes against children and the VRA crimes. Added 1st degree burglary, child enticement, and any charge with a weapon. Does not include escape in the violent crimes. It is the same definition of violent offense.

If you implemented the 30 – 60 days, it could be done by the Executive Director of DOC. However, an ‘emergency’ has to be declared because of the early release.

How did you calculate your savings? They used \$51.91 a day which is the cost of a bed in a private prison. This is the amount published from last year.

Does this include any information from Parole? This recommendation will have an increase in parole’s case load and it would have a fiscal impact. Individuals would be discharged from parole earlier, so this should also be taken into account. No, these figures do not take account for any impact on Parole.

Where should we be going with this information? Any of these scenarios will be “tough sells”. Yes inmates are released earlier, but the cost savings will be directed to treatment programs to keep the parolee from going back to jail.

What is in the interest of public safety? Can you look at length of stay? Or percentage of sentence served? From a pure recidivism interest, the reduction is based in evidence. However, incarceration also serves the interest of punishment.

The technical violators should not be included. 252’s are people who are doing the short length of stay and the return to incarceration. If you shorten their stay, DOC may not be able to stabilize them. Also, it would be harder to sell giving someone earned time that is not able to maintain compliance with parole rules and regulations.

Pros of earned time excluding the technical violators:

- Offender has to earn the “earned time” by behavior.
- Encourage positive behavior.
- Can be applied to factors that tie to reducing recidivism.
- Could influence more programming and job assignments.
- Effective incentive for inmates.

Cons to earned time.

- Harder to understand earned time as opposed to 30 – 60 days time frames
- Delayed impact in cost savings
- Impact less certain. Savings could be negated if Parole Board decides to increase discretionary releases.
- Public perceptions will be negative.
- Harder to explain to victims
- Public does not like programs given to inmates.
- Increases people going to parole, which will increase Parole’s workload. However, it is a gradual increase, and you can also shorten their parole time so the increase on the workload is lessened.

Pros for 30 – 60 days:

- Offender has to earn the early release by behavior

- Encourage positive behavior
- Literature says this is an effective incentive
- Gets money faster

Con's for 30 – 60 days:

- Increases population going to Parole sooner and you are not shortening the parole time.
- Have to make sure the treatment program you took the inmate out 30 days early is continued while they are on parole. Have to make sure it is well planned.
- Big impact on time comp, case managers.
- Could increase the quick release of inmates – the “revolving door”.

DCJ is finalizing a new risk assessment tool that should be completed in about 30 days. The tool takes into account the individual's history and other indicators for reoffending. What will the programming require with the DOC systems? DCJ has been talking to DOC about the programming. High risk people need to go to their mandatory release date. The low risk people don't need the services. It is the people in the middle that should receive the services.

Can we recommend that low-risk inmates get a reduction of 30 – 60 days prior to MRD? The last Parole Board hearing could not only set the MRD, but also an early release date so long as the inmate is in compliance with set standards.

Recommendation:

- DOC does not have a lot of room in the external capacity line in the budget. If there are savings in this area, it cannot be realized and directed elsewhere during the first year. The savings and reallocation of funds would begin during the 2nd year. Resources would be redirected into community supervision.
- Would require legislation to get the cost savings funneled back to DOC for parole programs.
- Have a two-tiered recommendation. (1) Offer 30 – 60 days discretionary release off the back end of the sentence. The offender should be classified as a non-violent offender, with no history of violence, and in compliance. (2) Second tier is to offer 12 days earned time for offenders to get immediate feedback on being in compliance. These two things give us cost savings that can be diverted into treatment programs. Opening a bed for a violent offender by releasing a low risk offender is a good thing.

The challenge to earn time in Colorado is that we don't have the programs. People get earned time if they just sign up for a program. If we increase motivation and programming by increasing the earned time and still not have the programs to inmates in, then nothing is gained.

The meeting adjourned at 3:00 p.m.