

**Articles
Criminal Law**

**Adult Parole in Colorado: An Overview
by Patrick D. Butler**

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About the Author

Patrick D. Butler is a District Court Judge for the 20th Judicial District.

This article discusses adult parole and the Colorado State Board of Parole.

This article is designed to give the reader a practical overview of the Colorado parole system and how it functions. For practitioners, it provides an understanding of how to determine when a client may be parole eligible and what steps an inmate can take to be a better candidate for parole when appearing in front of the Colorado State Board of Parole (Board).

The General Nature of Parole and its Statutory Bases

"Parole" is a system of governmental supervision of convicted felons after they are released from the penitentiary. There are two kinds of parole—mandatory parole and discretionary parole—which are distinguished by whether the inmate has served his or her full sentence or has been released early.

Mandatory Parole

Every time a trial judge imposes a sentence for a class 2, 3, 4, 5, or 6 felony (that is, for every non-drug felony other than first-degree murder or first-degree kidnapping with bodily injury) or a level 2, 3, or 4 drug felony, the sentence must be accompanied by a statutorily

mandated period of parole.¹ The felon must successfully complete that mandatory parole after he or she reaches the mandatory release date on his sentence and is released.²

The statutorily required mandatory parole periods are:

- class 1 felony: no parole
- class 2 felony: 5 years
- class 3 felony: 5 years
- class 4 felony: 3 years
- class 5 felony: 2 years
- class 6 felony: 1 year
- drug felony 1 (DF1): 3 years
- drug felony 2 (DF2): 2 years
- drug felony 3 (DF3): 1 year
- drug felony 4 (DF4): 1 year.³

Discretionary Parole

The Board has the discretion to order inmates convicted of these same parole-eligible felonies released to parole before they reach their mandatory release date. The general rule is that to be eligible for parole, an inmate must have served at least 50% of his or her sentence, less earned time, although this so-called parole eligibility date (PED) can be extended by the executive director of the Department of Corrections or his designee for misconduct during incarceration.⁴

An important exception to this general rule for the calculation of the PED applies to offenders convicted of certain violent offenses. Any person convicted and sentenced for a class 2 or 3 felony consisting of second-degree murder, first-degree assault, first-degree kidnapping unless the first-degree kidnapping is a class 1 felony, first-degree arson, first-degree burglary, or aggravated robbery is not eligible for parole until after he or she has served 75% of the sentence imposed, less any earned time.⁵ This bumping up of the PED to 75% also applies to persons convicted and sentenced on any of the laundry list of offenses that may be class 4 or 5 felonies, rather than class 2 or 3 felonies, if the offender has previously been convicted of a crime of violence as defined in CRS § 18-1.3-406.⁶

Determining an Inmate's PED

After taking 50% or 75% of the whole sentence, as the case may be, one must then subtract from that date all presentence credits and all good time and earned time credits, to reach the PED.

Good Time Credit

Every inmate confined in a correctional facility of the department who has committed no infraction of the rules or regulations of the department or the law of the state and who perform in a faithful, diligent, industrious, orderly, and peaceable manner the work, duties, and tasks assigned to him or her to the satisfaction of the executive director or any of his designees may be allowed time credit reductions as follows: A deduction of two months in each of the first two years, four months in each of the next two years, and five months in each of the remaining years of his or her term of confinement, and correspondingly for any part of the year if such term of confinement is for less than one year.⁷

Additional good time credit is permitted, not to exceed five days per month for each calendar year remaining to be served for either meritorious service by an inmate, or outstanding performance of assigned tasks in correctional industries.⁸ Likewise, good time credit may be removed, even if accrued, if an inmate assaults any keeper, guard, foreman, officer, inmate, or other person; threatens or endangers the person or life of anyone; violates or disregards any departmental rule or regulation; neglects or refuses to do the work to which he is assigned; is guilty of any misconduct; or violates parole.⁹

Earned Time Credit

In addition to the good time authorized by CRS § 17-22.5-301, earned time, not to exceed thirty days for every six months of incarceration, may be deducted from the inmate's sentence on a demonstration to the department by the inmate that he has made substantial and consistent progress in each of the following categories:

- 1) work and training, including attendance, promptness, performance, cooperation, care of materials, and safety;
- 2) group living, including housekeeping, personal hygiene, cooperation, social adjustment, and double bunking;
- 3) participation in counseling sessions and involvement in self-help groups; and
- 4) progress toward the goals and programs established by the Colorado diagnostic program.

An inmate shall not be credited with more than one-half of allowable earned time for any six-month period or portion thereof unless such inmate was employed or was participating in institutional training or treatment programs provided by the department or was participating in some combination of such employment, training, or treatment programs.¹⁰

The Parole Board

The Board is a creature of statute, namely CRS § 17-2-201. That statute provides that there are to be seven members of the parole board, all appointed by the Governor and confirmed by the Colorado Senate. The members of the Board serve three-year terms and may serve consecutive terms if reappointed and re-confirmed.

Two members must have experience in law enforcement, one in supervising offenders, and the four others in "relevant fields." Each member must have five years of experience in his or her particular field, as well as

knowledge of parole laws and guidelines, rehabilitation, correctional administration, the functioning of the criminal justice system, issues associated with the victims of crime, the duties of parole board members, and actuarial risk assessment instruments and other offender instruments used by the board and the department of corrections.¹¹

A board member cannot have been convicted of a felony and any felony conviction suffered during his or her term will automatically disqualify the member from further service.¹² The

Board's main duty is to consider applications for discretionary parole; the statute expressly provides that it must meet frequently enough to enable it to consider all timely applications for discretionary parole.¹³ The Board also has many other duties, including the duty to conduct hearings on parole revocations and to adopt rules, regulations, and policies governing its operations.¹⁴

How Inmates are Assessed for Release on Parole

The Board uses the Parole Board Release Guideline Instrument (PBRGI) to help provide a consistent framework for the Board to evaluate and weigh specific release decision factors and, based on a structured decision matrix, to offer an advisory release decision recommendation for parole applicants.¹⁵ This instrument was developed to adhere to the mandate in CRS § 17-22.5-107(1) that requires the Board to "develop an administrative release guideline instrument for use by the Board in evaluating applications for parole" and to include "a matrix of advisory-release-decision recommendations for the different risk levels."

The PBRGI is a set of thirteen items that combine to create a matrix with two dimensions. The first dimension is risk of recidivism and the second dimension is readiness for parole. The Colorado Actuarial Risk Assessment Scale (CARAS) and the Level of Supervision Inventory-Revised (LSI-R) are among the data elements that serve as the basis for the risk and readiness information used in the matrix. The CARAS is an actuarial risk assessment instrument developed by the Division of Criminal Justice (DCJ) for use by the Board when making release decisions.¹⁶ The CARAS is a nine-item risk scale that predicts three-year recidivism rates, defined as re-arrest for any crime or new court filing.¹⁷ The CARAS instrument scores offender risk factors such as age, number of current conviction charges, and number of previous incarcerations. Offenders fall into one of five risk categories from very low to very high risk.

The LSI-R is a programming assessment tool of fifty-four items across ten subcomponents: criminal history, education/employment, financial, marital/family, accommodations, leisure/recreation, companions, alcohol/drug problems, emotional/personal, and attitudes/orientation. Each item is scored 0 or 1, where a point indicates that an item is true. After each item is scored, the points are totaled to obtain a composite risk score. Higher risk scores are indicative of greater service needs. The score helps determine the "readiness" factor for release.

The combination of these two scores places an offender in a five-level risk (Very Low, Low, Medium, High, or Very High) by three-level readiness (Low, Medium, or High) matrix, where each matrix position is associated with an advisory "release" or "defer" recommendation.¹⁸ "Defer" simply means the offender must continue to serve the sentence and the decision to parole is deferred to the next possible parole consideration date, as determined by statute.

Applicants with a range of Very Low to High on the risk category are typically recommended for release if their readiness category scores High. On the other hand, the matrix will typically recommend a defer recommendation for someone who is Low risk but is also Low on the readiness scale. Therefore, having a sound plan for parole appears to be weighed much more heavily than the risk an applicant may pose to the community for past conduct, at least when it comes to using the assessment instrument.

Substantial progress has been made recently to develop a paperless hearing process and a mechanism for the Board to reliably collect parole hearing data. These steps have helped enable the tasks necessary to develop and integrate the PBRGI.¹⁹

Once an advisory recommendation is made, it is displayed to Board members through the Parole Board Hearing Application Portal. The Board members may also view an offender's specific placement in the decision matrix and the data used to derive the risk and readiness scores. The Board members can choose to concur with or depart from the recommendation. A departure from the recommendation requires that the Board member provide the reason(s) for the departure.²⁰

For sex offenders with indeterminate sentences, parole release decisions are guided by criteria created by the Sex Offender Management Board (SOMB). The SOMB, in collaboration with the Department of Corrections (DOC), the judicial department, the Division of Criminal Justice in the Department of Public Safety (DCJ), and the Board, is tasked with developing a set of specific sex offender release guideline instrument for use by the Board for those inmates classified as sex offenders with determinate sentences.²¹

Ideally, in addition to the PBRGI assessment and recommendation, the Board considers multiple factors in determining whether to grant an application for parole. Statutorily, Board members are required to consider the totality of the circumstances, including but not limited to the following factors for a parole determination:

- 1) the testimony or written statement from the victim of the crime or a relative of the victim or a designee;
- 2) the actuarial risk of re-offense;
- 3) the offender's assessed criminogenic need level;
- 4) the offender's program or treatment participation and progress;
- 5) the offender's institutional conduct;
- 6) the adequacy of the offender's parole plan;
- 7) whether the offender, while under sentence, has threatened or harassed the victim or the victim's family or has caused the victim or the victim's family to be threatened or harassed, either verbally or in writing;
- 8) aggravating or mitigating factors from the criminal case;
- 9) the testimony or written statement from a prospective parole sponsor, employer, or other person who would be available to assist the offender if released on parole;
- 10) whether the offender had previously absconded or escaped or attempted to abscond or escape while on community supervision; and
- 11) whether the offender successfully completed or worked toward completing a school diploma, a high school equivalency examination, or a college degree during his or her period of incarceration.²²

Victims may attend and give testimony at Full Board Reviews (FBRs), Early Discharge Reviews, and Special Needs Parole Reviews in person, by telephone, or by video conferencing to make a statement to the Board. Victims may also submit written statements to the Board before the FBR for consideration.²³

Members of the public may attend FBRs, Early Discharge Reviews, and Special Needs Parole Reviews pursuant to the provisions of the Colorado Open Meetings Law set forth in CRS § 24-6-402. However, the Board must take all necessary precautions to ensure the confidentiality of victim testimony to ensure compliance with the Victim's Rights Act found at CRS §§ 24-4.1-301 *et seq.*

Revocation of Parole

By statute, the DCJ is required to report Board decisions regarding parole revocation, the reasons for these decisions, and departures from the administrative revocation guidelines.²⁴

A project has been initiated with the Office of Information Technology at DOC to automate revocation hearings, similar to the automated system for release application hearings. Currently, there are two projects ongoing to accomplish the mandated reporting of revocations: the Parole Board Revocation Automation Project and the Parole Board Revocation Guidelines Project.²⁵ The development and testing is continuing during FY 2014–15.

A parole officer has the right to arrest any parolee when:

- 1) the parole officer has a warrant commanding that such parolee be arrested;
- 2) the parole officer has probable cause to believe that a warrant for the parolee's arrest has been issued in this state or another state for any criminal offense or for violation of a condition of parole;
- 3) any offense under the laws of this state has been or is being committed by the parolee in the parole officer's presence;
- 4) the parole officer has probable cause to believe that a crime has been committed and that the parolee has committed such crime;
- 5) the parole officer has probable cause to believe that the parolee has violated a condition of his or her parole or has probable cause to believe that the parolee is leaving or about to leave the state, or that the parolee will fail or refuse to appear before the board to answer charges of violation of one or more conditions of parole, or that the arrest of the parolee is necessary to prevent physical harm to the parolee or another person or to prevent the commission of a crime; or
- 6) the parolee, who is on parole as a result of a conviction of any felony, has been tested for the illegal or unauthorized use of a controlled substance and the result of such test is positive.²⁶

Typically, one Board member hears the case to conclusion. If given an adverse result, the parolee may appeal to two members of the Board. Such appeal shall be on the record.²⁷ However, an FBR of any inmate making application for parole can also occur.

Whether an FBR is warranted is decided on a case-by-case basis, as recommended by the Board member who conducts the Parole Application Interview.²⁸

An FBR shall be conducted of all inmates whose crimes involve violence, sexual offenses, or any other offense the Board deems to warrant an FBR in the consideration of the application for parole. All FBRs shall be conducted by no fewer than four Board members, and shall be presided over by the chair vice chair. An inmate's application must receive at least four votes in favor of parole for parole to be granted. For purposes of this process, "crime of violence" includes (1) any case involving a death; (2) first- or second-degree assault; (3) kidnapping; (4) aggravated robbery; (e) first-degree arson; (f) first-degree burglary; or (g) escape (by force).

Further, the following felony crimes are among those that warrant an FBR: (1) robbery; (2) vehicular assault/homicide; (3) menacing; (4) stalking; (5) domestic violence; (6) habitual criminal convictions (excluding traffic); (7) child abuse (other than supplying liquor); (8) any crime against a person at risk; and (9) any sexual offense.²⁹

Parole revocation hearings must be held within a reasonable time, not to exceed thirty days, whether the parolee is in custody or released after arrest. Delays may be granted for good cause.³⁰ In instances where an individual picks up a new criminal charge, there is usually good cause shown to wait until that individual is convicted or acquitted of any such charge before deciding the parole revocation issue. That does not always happen, though.

The burden of proof at a final hearing is on the division of parole to establish by a preponderance of the evidence the violation of a condition of parole, except that the commission of a criminal offense must be established beyond a reasonable doubt, unless the parolee has been convicted thereof in a criminal proceeding. However, when it appears that the alleged parole violation consists of an offense with which the parolee is charged in a criminal case then pending, testimony given before the Board in a parole revocation proceeding shall not be admissible in such criminal proceeding before a court.³¹

After a hearing, if a determination is made that a violation of parole has occurred, the Board has five working days to revoke the parole or continue it in effect, or modify the conditions of parole. If the violation was not the commission of a new crime, the Board may:

- 1) revoke parole and request the sheriff of the county in which the hearing is held to transport the parolee to a place of confinement designated by the executive director of the DOC;
- 2) revoke parole for a period not to exceed 180 days and request the sheriff of the county in which the hearing is held to transport the parolee to a community corrections program, a place of confinement within the DOC, or any private facility that is under contract with the DOC;
- 3) revoke parole for a period not to exceed ninety days and request the sheriff of the county in which the hearing is held to transport the parolee to the county jail of such county or to any private facility that is under contract with the DOC; or
- 4) revoke parole for a period not to exceed 180 days and request the sheriff in the county in which the hearing is held to transport the parolee to a pre-parole facility as described by statute.³²

An inmate has no constitutional right to counsel at a parole revocation hearing.³³

Statistics and Recidivism

In 1990, when the Board was expanded from five to seven members, the combined average daily population of inmates and parolees of the DOC was 9,543. By FY 2013, this combined total had grown to 32,757, representing an increase of roughly 245% in the number of offenders for whom the Board may conduct hearings in a given year. Recently, the Board has conducted 25,000 to 30,000 hearings and reviews of various types per year.³⁴

By statute, the Board is required to work in consultation with the DCJ and DOC to develop and implement a process to collect and analyze data related to the basis for and the outcomes of the Board's parole decisions.³⁵

Between September 2012 (when the PBRGI was implemented) and June 2013, the Board conducted release application hearings for 7,966 non-sex offenders. The PBRGI recommended 4,584 (57.5%) offenders for release and 3,382 (42.5%) for deferral. Fifty percent of these offenders were categorized as very low or low risk. Of this hearing sample, Board members designated 2,817 (35.4%) of the offenders for release and 5,149 (64.6%) for deferral.³⁶ Clearly, the Board is not simply rubber-stamping parole applications based solely on the PBRGI recommendations.

Based on these statistics, it appears that the Board deferred many more applicants for future review than were recommended for release by the PBRGI. Reasons given for departing from the recommendation included aspects of the crime of conviction, the need for additional time to stabilize in community corrections placements, the need for additional program or treatment interventions, and/or a lack of accountability for one's actions.³⁷

In the instances where the Board departed from the PBRGI recommendation to defer and made a decision to parole an inmate, the departure reasons are grouped into the following general categories:

- 1) parole plan quality;
- 2) demonstrated growth/positive attitude;
- 3) risk considerations;
- 4) treatment participation considerations;
- 5) time served or imminent mandatory release date (MRD)/ statutory discharge date (SDD);
- 6) program participation considerations; and
- 7) performance in the community.

The number one reason cited by Board members to depart from the recommendation for deferral was that the applicant was able to impress on the Board the quality of his or her parole plan by showing a good support system, housing, employment, education options, or

a move to a different state or country. During FY 2013, this factor accounted for 46.7% of the departure reasons in which an applicant was released on parole despite a deferral recommendation. Applicants who demonstrated progress in the programs at the prison and showed a positive attitude accounted for 40.8% of reasons stated for release on parole, despite a recommendation for deferral by the PBRGI.³⁸

Positive offender attitude, taking responsibility for actions, positive behavioral adjustment, readiness for parole, and the ability to present a positive plan for the future were all viewed as favorable factors for parole applicants. The applicant's performance within the DOC system was also considered, and if the applicant was able to show that he or she had no or, at worst, minor violations of DOC Code of Penal Discipline, that was considered a positive factor for release consideration.

The reason the Board considered paroling individuals who were approaching their MRD or SDD was a rationale that it was preferable to give an inmate a period of transition back to the community on parole rather than just releasing him or her with no parole supervision.³⁹

As a further control measure, after the design of the PBRGI, the DCJ conducted a retrospective study on 25,585 non-sex offenders who were released from the DOC between FY 2004 and FY 2007 and whose three-year recidivism rates had already been determined. This study created a tentative estimation of the validity of the decision matrix in predicting future recidivism. So, a risk and readiness score was calculated for each of the 25,585 offenders in the sample. Some reasonable calculations had to be used for certain risk/readiness factors. After scoring each of these individuals, 33.7% were given a recommendation of release and 66.3% for defer.

Recidivism was defined to include any of the following events over a three-year period following the release from prison: (1) a new district court case filing; (2) a conviction for a new felony; or (3) a return to prison for a technical violation while on parole. The study revealed that of 676 inmates who were defined as very low risk and high readiness, 20.3% recidivated. On the other end of the matrix, of the 5,692 inmates categorized as very high risk and low readiness, 72.6% recidivated. However, it should be noted that of the 9,220 very high risk inmates throughout all categories of readiness, 6,751 or 73.2% recidivated. Through all the categories of inmates who were categorized as very low or low risk categories, 38.7% recidivated. Using this hindsight of a retrospective analysis, it appears that the PBRGI assessment tool was a fair predictor of recidivism.⁴⁰ However, it would suggest that the initial categorization of the risk factor was more the predictor of future recidivism, rather than the readiness factor. It makes sense that those individuals who were categorized as very low or low risk were less likely to recidivate than those individuals who were categorized as high or very high risk inmates. The legislative intent regarding parole is that the primary consideration for any decision to grant parole shall be the public safety.⁴¹

Supervision of Parole: Adult Parole Services

Community Parole Officers meet with offenders and their families, sponsors, treatment providers, and employers in the community to monitor the offender's compliance with parole conditions. Recently, the Division of Adult Parole supervised an average daily population of 8,774 parolees, while another 1,922 were being administratively supervised in another state by the Interstate Compact Office.⁴²

There are currently four regions within the Division of Adult Parole in Colorado:

- 1) the Northern Region (five parole field offices located in Westminster, Longmont, Greeley, Ft. Collins, and Sterling);
- 2) the Denver Metro Region (one parole field office located in downtown Denver)
- 3) the Western and South Metro Region (parole field offices located in Craig, Grand Junction, Durango, and Englewood); and
- 4) the Southern Region (parole field offices in Colorado Springs, Pueblo, Cañon City, La Junta, and Alamosa).⁴³

The Division of Adult Parole supervises high-risk/high-needs offenders under an Intensive Supervision Parole Program (ISPP). About 15% of parolees are ISPP parolees.

DOC maintains funding for 1,400 beds in community corrections facilities to supervise an average population of approximately 1,783 inmates in their facilities, as well as through the Intensive Supervision Inmate Program. This is known as a "Step Down Process," where an inmate moves or progresses from a DOC facility to a community corrections center. Then, a parolee may further progress to the Intensive Supervision Inmate Program, to the Intensive Supervision Parole Program, to regular Adult Parole, and finally to successful discharge of the sentence. All parolees do not necessarily have to go through each of these rungs of the Step Down Process.⁴⁴

On or after July 1, 2004, for persons who are sentenced for second-degree murder, first-degree assault, first-degree kidnapping unless the first degree kidnapping is a class 1 felony, first-degree arson, first-degree burglary, or aggravated robbery who have prior crime of violence convictions, parole eligibility is available after serving 75% of the sentence, at which time such person shall be referred to the Board, which may place the person on parole for the period of time specified in CRS § 18-1.3-401. This only applies to those who have been convicted and sentenced for class 2 or class 3 felonies and have a prior crime of violence conviction; or persons convicted and sentenced for class 4 or class 5 felonies and have twice previously been convicted of a crime of violence as defined in CRS § 18-1.3-406.⁴⁵

Sex Offenders and Parole

Any sex offender, as defined in CRS § 18-1.3-1003(4), who is sentenced to an indeterminate sentence for commission of a sex offense after November 1, 1998 is eligible for parole when the Board determines that placing the inmate on parole is appropriate. When placed on parole, such sex offender is placed on an indeterminate period of parole as provided in CRS § 18-1.3-1006. If a sex offender inmate is not released on parole, the Board must reconsider the offender for release on parole at least once every three years.⁴⁶

Once released on parole, the Division of Adult Parole is tasked with supervision and assistance in securing employment, housing, and other services that may affect the successful reintegration of the sex offender into the community while recognizing the need for public safety. These tasks for the Division of Adult Parole apply to both sex offenders and non sex offenders.⁴⁷

Conclusion

Although predictions can be made for the probable release date or approximate time period for release of any individual who is sentenced to DOC using arithmetic formulas, much more goes into a determination of parole than mere statistics and mathematical formulas. Behaving while incarcerated, progressing in programs offered by DOC while incarcerated, and having a solid parole plan in place appear to be the most important factors influencing Board members in making positive parole release decisions. Also, of course, quite apart from the Board's role in deciding whether to grant discretionary parole, parole officials across Colorado serve an important supervisory role in managing all inmates on parole, regardless of whether those inmates were released early.

Notes

1. CRS § 18-1.3-401.
2. CRS § 18-1.3-401(1)(a)(V)(B) and (D).
3. CRS § 18-1.3-401(1)(a)(V)(A).
4. CRS § 17-22.5-403(1).
5. CRS § 17-22.5-403(2.5)(a).
6. CRS § 17-22.5-403(2.5)(b)(I) and (II).
7. CRS § 17-22.5-201(1).
8. CRS § 17-22.5-201(3).
9. CRS § 17-22.5-201(6).
10. CRS § 17-22.5-302(5). Before August 1, 1977, the parole statute was contained in CRS § 17-1-101 and was known as the "State Parole Reorganization Act of 1951."
11. CRS § 17-2-201(1)(a).
12. *Id.*
13. CRS § 17-2-201(4)(a).
14. CRS § 17-2-201(3) and (4).
15. DCJ and Board, "Analysis of Colorado State Board of Parole Decisions: FY 2013 Annual Report" (Nov. 2013), www.colorado.gov/pacific/sites/default/files/Parole%20Board%20FY%202013%20Decisions%20Report.pdf.
16. CRS § 17-22.5-404(2).
17. See DCJ, "Risk Scales and Handbooks," www.colorado.gov/pacific/dcj-ors/ors-riskscales.

18. CRS § 17-22.5-107(1)(b).
19. DCJ, *supra* note 15.
20. CRS § 17-22.5-404(6)(b).
21. CRS § 17-22.5-404(c)(II).
22. CRS § 17-22.5-404(4)(a).
23. Shaffer, "Memorandum: Policy Concerning Victim Attendance at Parole Hearings" (Nov. 10, 2014), www.colorado.gov/pacific/sites/default/files/Policy%20Concerning%20Victim%20Attendance%20at%20Parole%20Hearings.pdf.
24. CRS § 17-22.5-404(6).
25. DCJ, *supra* note 15.
26. CRS § 17-2-103(1).
27. CRS § 17-2-103(2)(b).
28. Board, Memorandum re: Full Board Review Criteria (Sept. 19, 2014).
29. *Id.*
30. CRS § 17-2-103(7).
31. CRS § 17-2-103(9).
32. CRS § 17-2-103(11).
33. See *Wilkerson v. Patterson*, 303 F.Supp. 665 (D.Colo. 1969); *Firkins v. Colo.*, 434 F.2d 1232 (10th Cir. 1970).
34. DCJ, *supra* note 15.
35. CRS § 17-22.5-404(6)(a).
36. DCJ, *supra* note 15.
37. *Id.*
38. *Id.*
39. *Id.*
40. *Id.*

41. CRS § 17-2-100.2.
42. DOC, Adult Parole Information, www.doc.state.co.us/adult-parole-information.
43. DOC, www.doc.state.co.us.
44. DOC, Division of Adult Parole, www.doc.state.co.us/parole-and-community.
45. CRS § 17-22.5-403(3.5).
46. CRS § 17-22.5-403(7)(b).
47. CRS § 17-22.5-403(8)(a) and (b).

Parole Laws in Colorado

Pre 1979

Indeterminate sentencing. Parole board has sole discretion to determine release. Parole period within the sentence; could not exceed time left on the sentence, or 5 years, whichever was less.

1979-1984

Determinate sentencing. Parole board has no discretion unless inmate was convicted of a sex offense or habitual offense. For all others, inmate must be paroled after serving 50% of sentence, less any pretrial confinement or earned time credit. Parole period is 1 year consecutive to sentence. If revoked parolee had remaining portion of the parole period left to serve.

1984-1985

Parole board has no discretion unless inmate was convicted of a sex offense or habitual offense. For all others, inmate must be paroled after serving 50% of sentence, less any pretrial confinement or earned time credit. Consecutive parole is period of 0-3 years. If revoked parolee has what time remains on the sentence (not parole period) less time credit. Inmate eligible for re-parole at discretion of parole board.

1985-1993

Parole board makes release decision once inmate has reached parole eligibility date (PED). Parole is within the sentence; length of parole cannot exceed statutory discharge date. If revoked parole board must consider case at least once per year. If convicted of certain offenses and revoked on parole, parole time does not count toward service of sentence.

1993-present

Mandates a period of parole for all inmates following a prison sentence. Parole board can release at PED, must release at mandatory release date. Parole is 1-5 years and consecutive in impact: once an inmate is released on parole (including discretionary release), the sentence is deemed discharged and the inmate will begin to serve his/her mandatory parole period. If revoked the inmate has only the time remaining on the parole period to serve. People revoked on parole are not eligible for earned time in prison; earned time on parole reinstated in 1995 for certain nonviolent offenders.

HB08-1382: restored earned time to all people paroled on or after 1/1/09 regardless of crime of conviction.

HB 10-1374: Mandate to DCJ/DOC/Parole Board to develop structured parole and revocation decision making instruments/processes

Mandatory Parole Subcommittee of the Colorado Commission on Criminal and Juvenile Justice

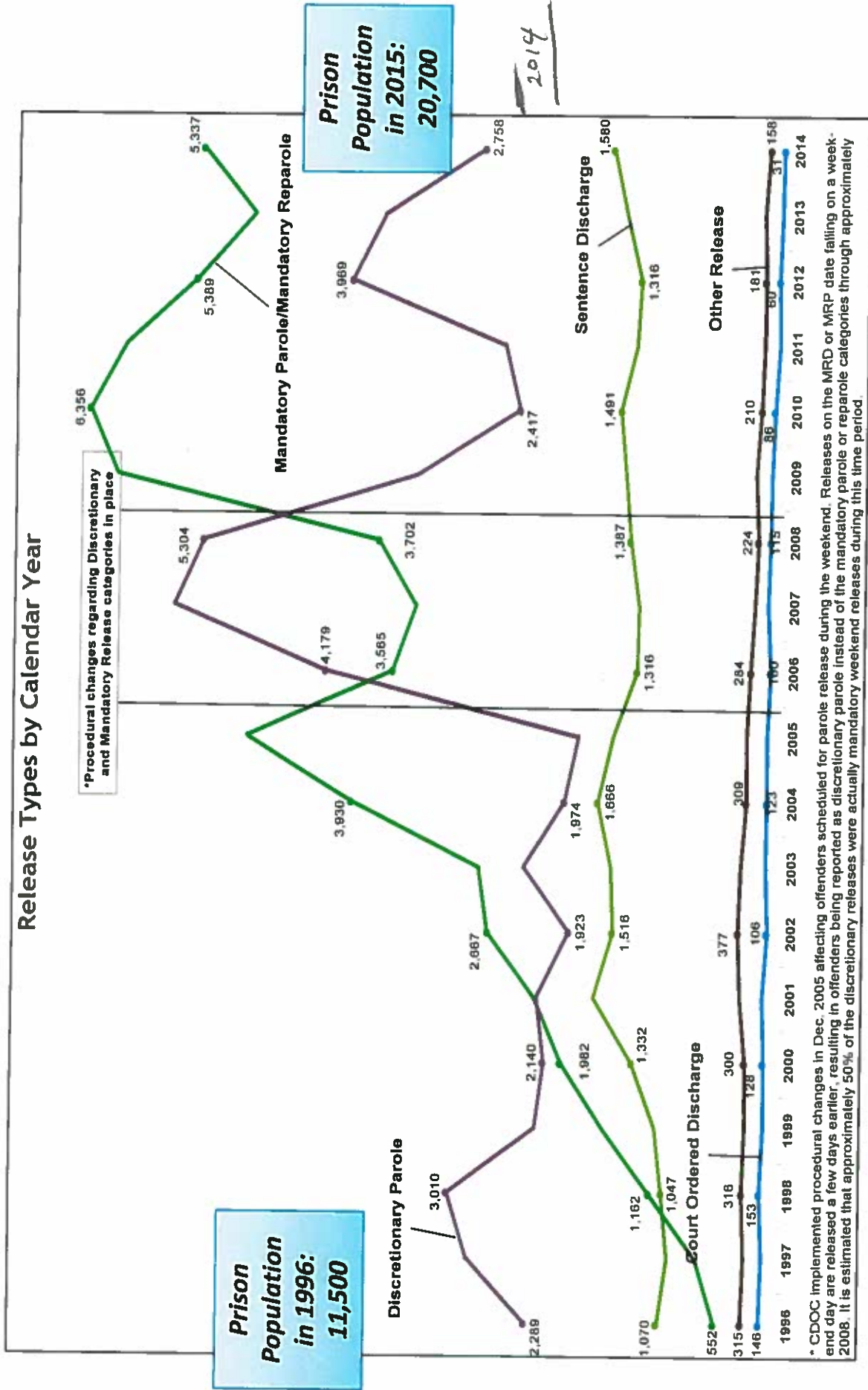


Data Overview

May 4, 2015

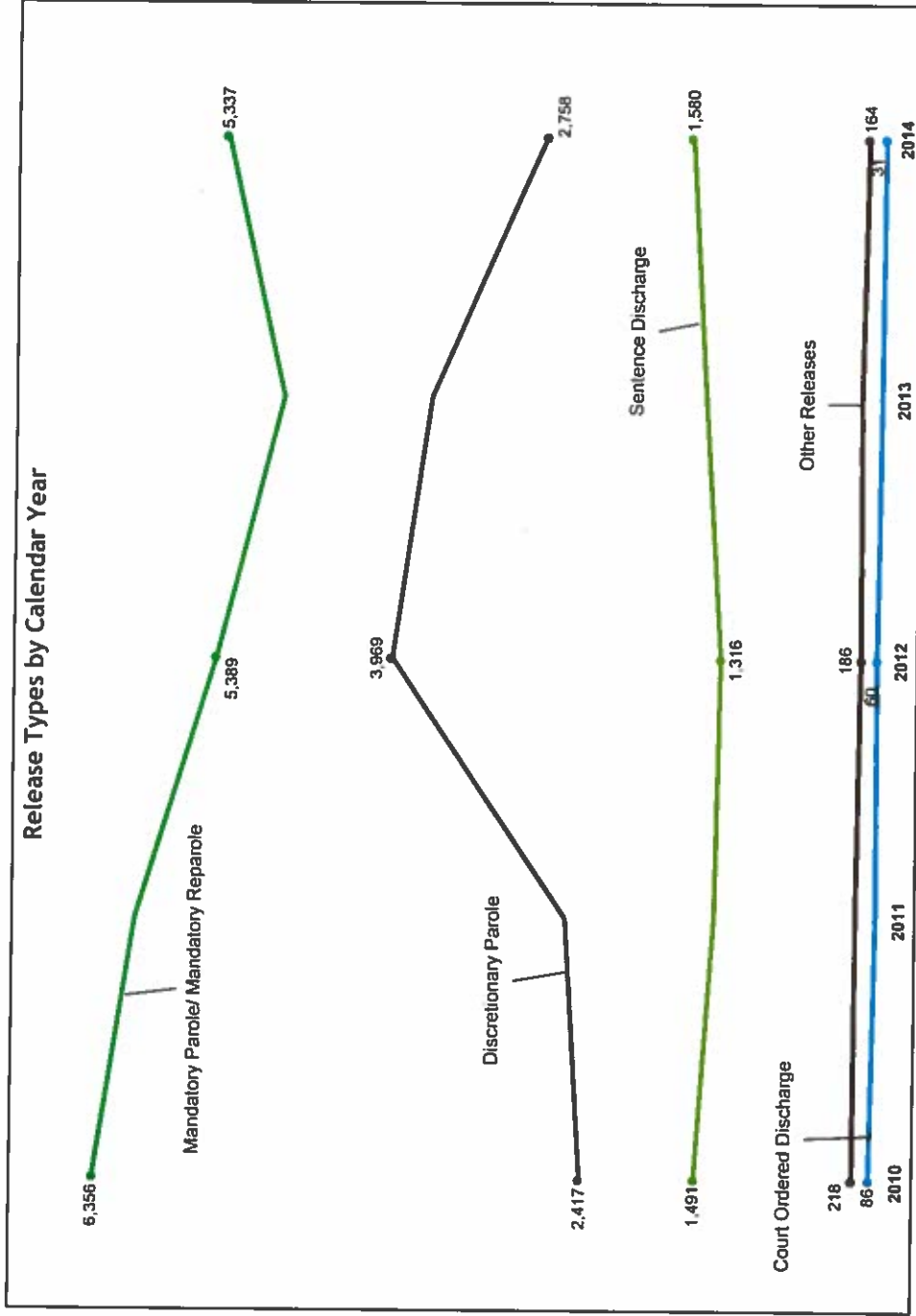
Paul Herman

Release Decision: Release Type, 1996-2014



Prepared by Anne Carter, DOC, for the Mandatory Parole Committee

Release Decision: Release Type, 2010-2014



Release Decision: Release Decision, Key Factors

- Parole Board Release Guideline Instrument (PBRGI) Matrix:
RISK x READINESS

– RISK

- CARAS 9-item risk instrument*
- COPD violations**
- 60+ years of age**
- Escape history

	<i>*Risk of new filing</i>	<i>(% of inmate pop)</i>
Very Low	17%	(11%)
Low	23%	(18%)
Medium	32%	(15%)
High	46%	(23%)
Very High	76%	(33%)

**Also included in CARAS

– Readiness

- LSI
- Treatment/program participation
- Parole plan
- Medical condition/Manageable in the community

Release Decision: Key Factors PBRGI

Advisory release decision recommendation matrix with risk and readiness categories and associated recommendations.

ADVISORY RELEASE DECISION RECOMMENDATION MATRIX			
RISK CATEGORY	READINESS CATEGORY		
	3 High	2 Medium	1 Low
1 Very Low	RELEASE (Best candidates for release)	RELEASE	RELEASE
2 Low	RELEASE	RELEASE	DEFER
3 Medium	RELEASE	RELEASE	DEFER
4 High	RELEASE	DEFER	DEFER
5 Very High	DEFER	DEFER	DEFER (Best candidates for defer)

Release Decision: Key Factors

- **DCJ analysis of FY 2014 decisions found:**
 - The Board designated 25% offenders for release and 75% offenders for deferral
 - The PBRGI recommended 49% offenders for release and 51% for deferral
 - 68% of all decisions agreed with the PBRGI and 32% of all decisions departed from the PBRGI

Release Decision: Key Factors

- **DCJ analysis of FY 2014 decisions found:**
 - 68% of all decisions agreed with the PBRGI and 32% of all decisions departed from the PBRGI

The Board agreed with the PBRGI decision to defer 93% of the time.

For the 7% released, reasons included:
Offenders had...

- Demonstrated growth,
- Mitigated their higher risk,
- Presented a comprehensive parole plan, and/or
- Been successful in programs, treatment or community placements

The Board agreed with the PBRGI decision to release 43% of the time.

For the 57% not released, reasons included:

- Aspects of the crime of conviction or other risk considerations,
- The need for additional time to stabilize in community corrections placements,
- A lack of accountability for one's actions and/or
- The need for additional program or treatment interventions

Release Decision: Risk

Average CARAS score by Release Type

	2012	2013	2014
Discretionary	34	34	34
Mandatory	37	37	37

Release Type by Risk Level, 2014

	Very low	Low	Medium	High	Very high
Discretionary	18%	24%	16%	21%	20%
Mandatory	13%	20%	16%	22%	29%

Prepared by Anne Carter, DOC, April 2015

Profile of Parolees on June 30, 2013

(n=9,094)

Discretionary 51%
Mandatory 35%
Reparole 13%

Violent conviction crime 32%
Non violent 68%

Gang Affiliation Yes 23%
No 77%

LSI risk category
Low 13%
Medium 49%
High 38%

Source: DOC Annual Statistical Report, FY13

Return-to-Prison/Revocation

3-Year Return-to-Prison rate calendar year 2014
(Release cohort from 2011)

Return Type	Cumulative Return Rates
New Crime	13.9%
Technical Violation	32.2%★
Total	46.1%

★ DCI's CARAS-5 study found that approximately 24% of these are new crimes; 94% were misdemeanors and nonviolent offenses.

Source: Presentation by Alison Morgan to CCJJ Re-Entry Task Force, April 8, 2015

Return-to-Prison/Revocation

3 year Return-to-Prison Rates

Discretionary	42%
Mandatory	56%
Mandatory Re-parole	59%
Sentence Discharge	21%

Top table: DOC annual report for FY13, page 45

Return-to-Prison/Revocation

3 year Return-to-Prison Rates

	No return	TV	New Crime
Discretionary	61%	28%	11%
Mandatory	43%	41%	16%
Sentence Discharge	77%	n/a	23%

Type of New Crime

	Violent	Property	Drug	Escape/ Att Escape	Other
Discretionary	18%	30%	21%	18%	13%
Mandatory	25%	26%	16%	21%	13%
Discharge	27%	32%	12%	9%*	21%

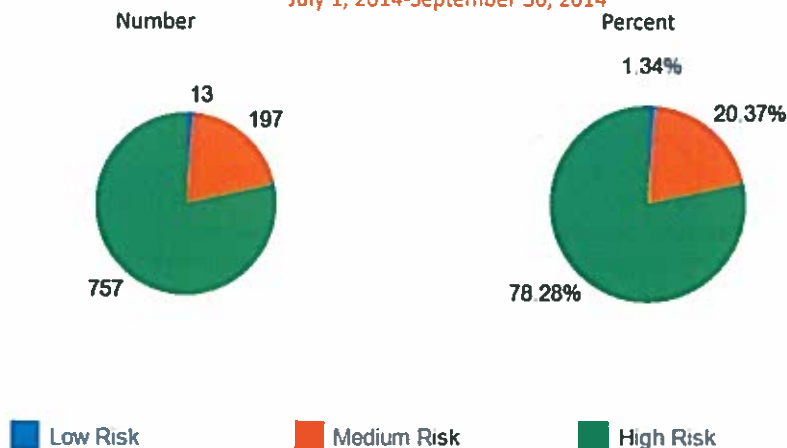
*Escape from custody

Prepared by Anne Carter, DOC, May 2015

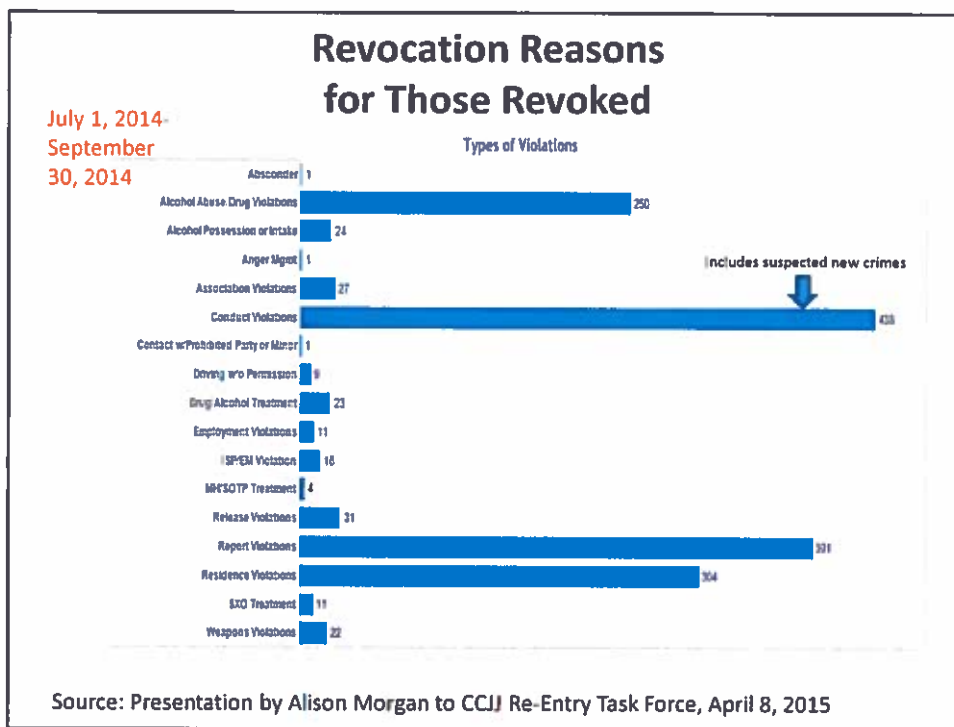
Revocation

Revoked Offenders by LSI Risk Level

July 1, 2014-September 30, 2014



Source: Presentation by Alison Morgan to CCJJ Re-Entry Task Force, April 8, 2015

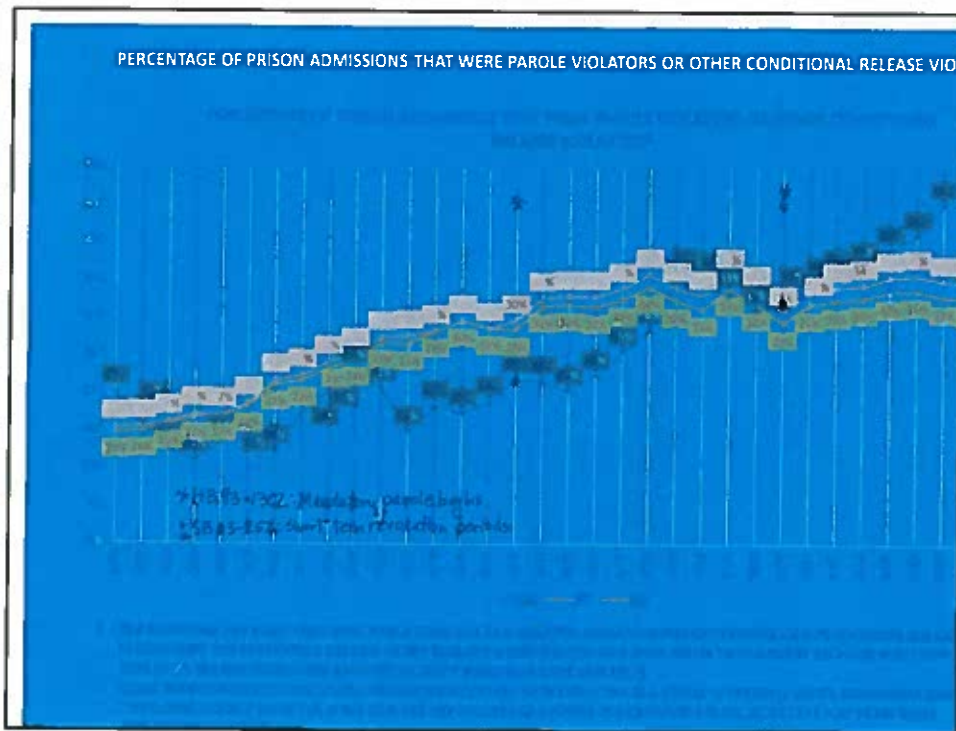


Colorado and other states, 2013

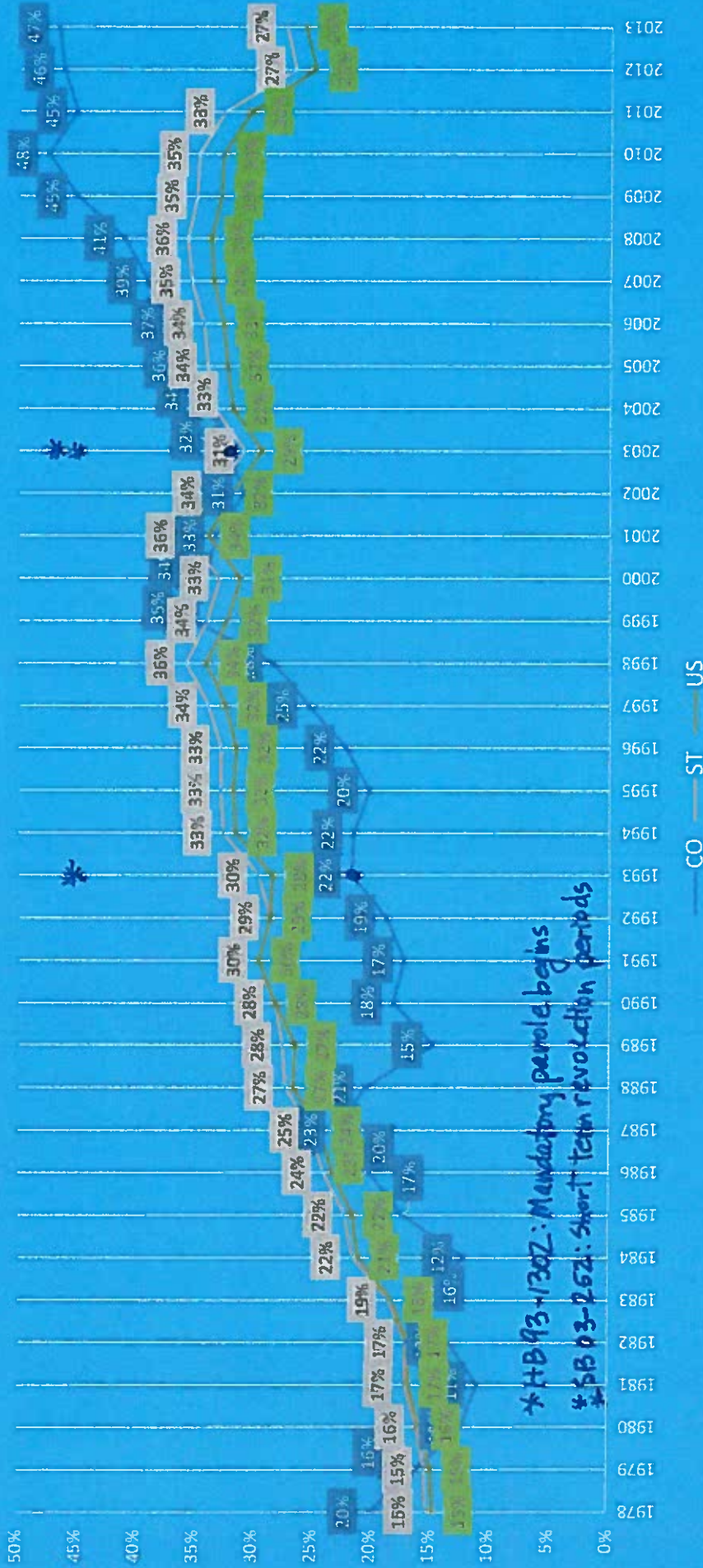
- **Percentage of Prison Admissions that were parole violators**
 - Colorado 47%
 - States total 27%

- **Percentage of Parole successful completions**
 - Colorado 48%
 - States total 56%

Source: Robina Institute tables prepared for Colorado Parole Board, April 2015, based on BJS National Prisoner Statistics; BJS Annual Parole Survey



PERCENTAGE OF PRISON ADMISSIONS THAT WERE PAROLE VIOLATORS OR OTHER CONDITIONAL RELEASE VIOLATORS¹



* HB 93-1302: Mandatory parole begins
 * SB 03-262: Short term revolution periods

- THE PROPORTION OF PRISON ADMISSIONS THAT WERE DUE TO PAROLE VIOLATORS OR OTHER CONDITIONAL RELEASE VIOLATORS HAS BEEN RISING IN COLORADO. THE PROPORTION HAS RISEN EVERY YEAR FROM 2002 (31%) TO 2013 (47%). OTHER THAN A SLIGHT DECREASE FROM 1999 (35%) TO 2002 (31%), THE PROPORTION HAS BEEN RISING NEARLY EVERY YEAR SINCE 1989 (15%).
- WHILE THE PROPORTION WAS SIMILAR IN COLORADO COMPARED TO THE COUNTRY AS A WHOLE IN THE EARLY 2000'S, COLORADO'S RATE HAS INCREASED IN RECENT YEARS WHILE THE RATE FOR THE COUNTRY AS A WHOLE HAS REMAINED STEADY, AND IN THE PAST THREE YEARS, EXPERIENCED A DECLINE.
- THROUGHOUT THE 1990S, THE PROPORTION IN COLORADO WAS LOWER THAN THE COUNTRY AS A WHOLE.

ST = 50 states, excludes federal
 US = 50 states + federal

The Colorado Actuarial Risk Assessment Scale (CARAS) Version 5			
Item	Description	Response	Points
1. NUMBER OF CURRENT CONVICTION CHARGES	The total number of criminal conviction charges associated with the current incarceration	1	12
		2	21
		3 to 4	23
		Missing & 5 or More	33
2. NUMBER OF COPD VIOLATION CONVICTIONS	The total number of COPD infractions the offender has been convicted of (this as well as prior incarcerations)	0 (None)	6
		1 to 3	8
		4 to 9	9
		10 or More	12
3. LSI TOTAL SCORE	The total of the 54 Level of Supervision Inventory (LSI) items	20 or Lower	6
		21 to 29	10
		Missing & 30 to 38	12
		39 or More	15
4. ARRESTED UNDER AGE 16	Offender was arrested for criminal activity before age 16, according to the LSI instrument	Missing & No	11
		Yes	17
5. CURRENT AGE	Age of the offender at the time of this Assessment	47 or Older	9
		40 to 46	18
		Missing & 39 or Younger	23
6. ASSESSED CUSTODY LEVEL	Offender is <u>assessed</u> to require minimum or minimum restrictive custody level supervision	Yes	5
		Missing & No	8
7. PRIOR PAROLE RETURN ON NEW CRIME	Offender has been returned to prison from a prior parole as the result of a new crime. Does not include returns for technical violations.	Missing & No	4
		Yes	6
8. INCARCERATION NUMBER	The number of prison incarcerations resulting from new court commitments offender has experienced. This does not include returns to prison for parole violations.	Missing & 1	23
		2	30
		3 or More	35
9. SUBSTANCE ABUSE NEED LEVEL	The DOC case management level of need for substance abuse treatment determined during the initial needs assessment	Missing & 1 or 2	13
		3 or More	18
		Constant	-88

DOC FY13 Statistical Report

INMATE ADMISSIONS

Admissions to the CDOC adult prison system increased 5.5% from FY 2012 to FY 2013, which is in contrast to the decrease from FY 2008 to FY 2012 (see Figure 13). Nonetheless, releases have still surpassed admissions, now for the fourth year in a row, causing the inmate population to continue its declining trend.

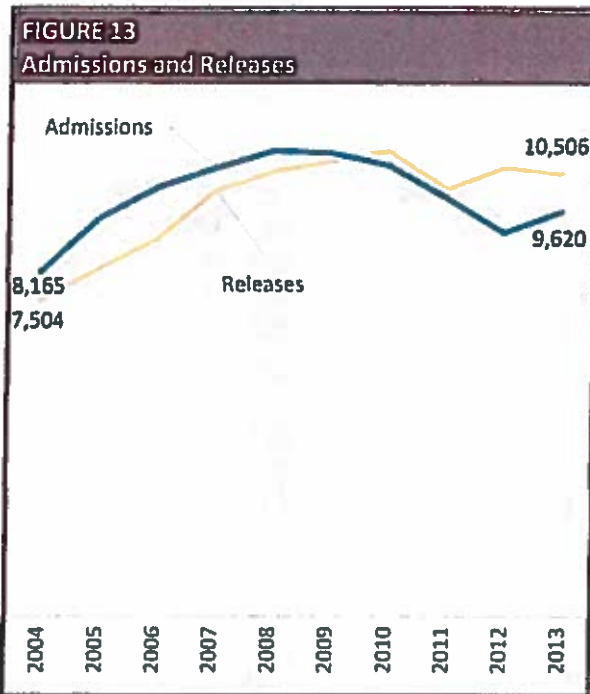


Table 4 shows counts by admission type and gender for FY 2013. Compared to FY 2012, male admissions increased 6.1% while female admissions only increased 1.6%. Court commitments include individuals receiving new incarceration sentences while technical returns include offenders previously incarcerated in Colorado who released to parole, probation, or a court-ordered discharge and subsequently returned without a new felony conviction. Technical returns may have new misdemeanor convictions, traffic convictions, or violations of conditions specified in the parole agreement. Other admissions consist of transfers under interstate compact agreements, bond returns, returns under the consecutive sentence audit, and dual commitments (i.e., from the state hospital).

TABLE 4
Adult Admissions

Admission Type	Male	Female	Total
Court Commitments/New Conviction			
New Commitments	4,509	635	5,144
Parole Return	721	94	815
Court-Ordered Return	9	5	14
Probation	17	1	18
YOS Failure	3	0	3
Subtotal	5,259	735	5,994
Technical Returns			
Parole Return	3,170	388	3,558
Court-Ordered Discharge	22	1	23
Probation	22	1	23
Subtotal	3,214	390	3,604
Other			
Interstate Compact	8	0	8
Bond Return/Audit	11	3	14
Return/State Hospital			
Total Admissions	8,492	1,128	9,620

Figure 14 shows 10-year trends of admissions by type. Court commitments decreased from FY 2008 through FY 2012, while technical returns only decreased from FY 2010 through FY 2012. Both court commitments and technical returns contributed to the overall increase in admissions in FY 2013.

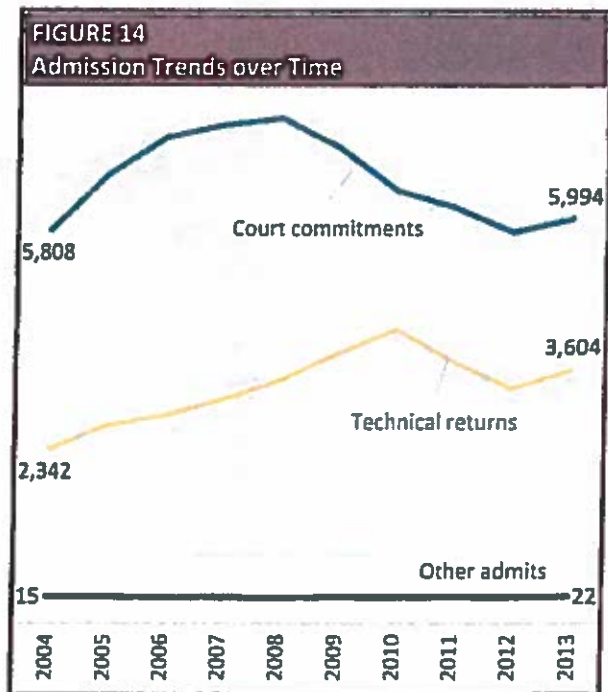
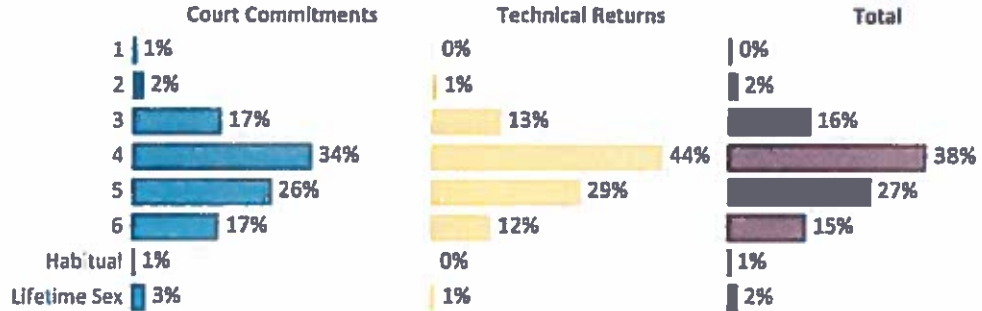
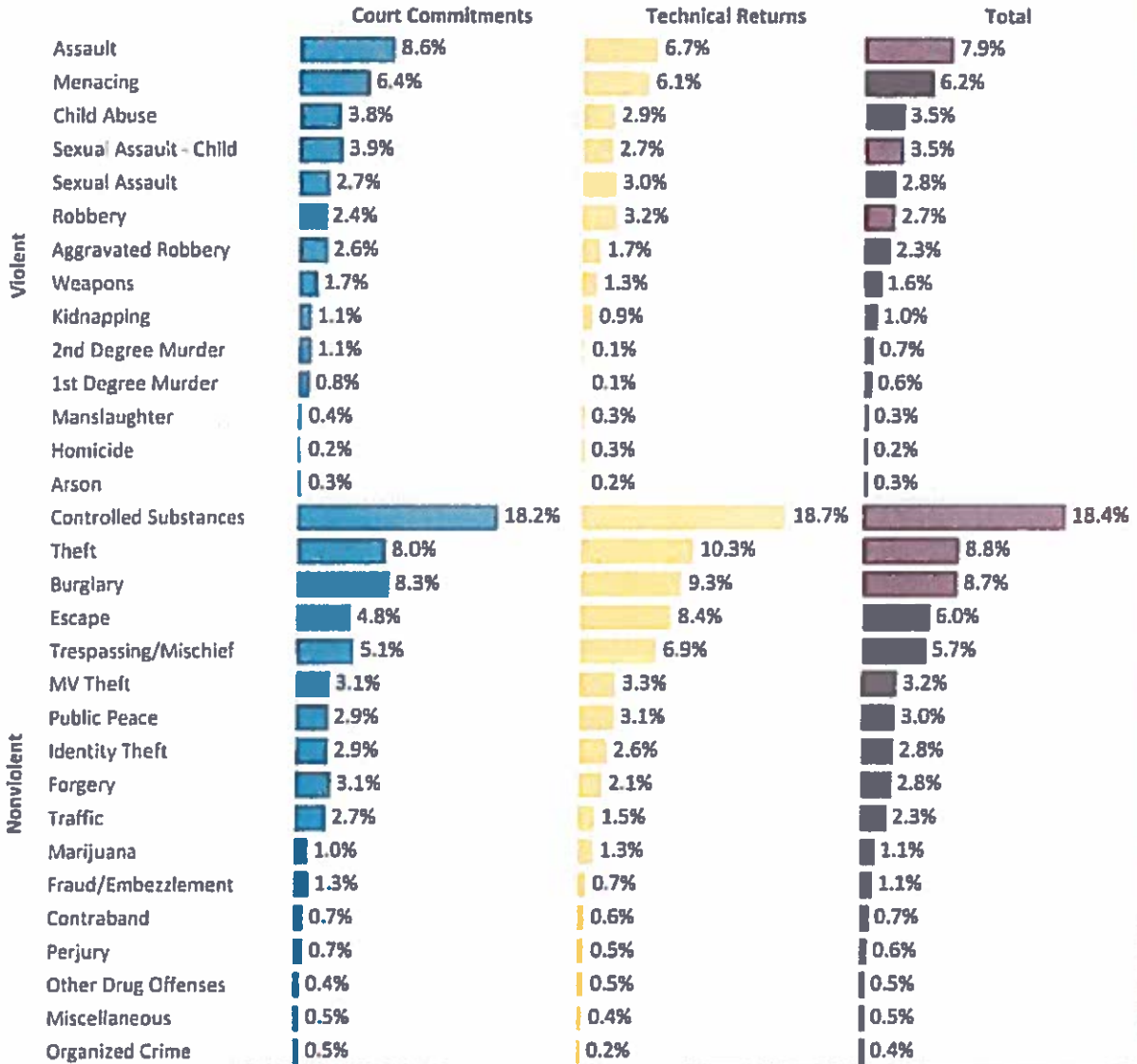


FIGURE 16
Admission Type by Most Serious Offense

Felony Class



Crime Type



offenders who discharge their sentence are *not* required to serve a period of parole. The other 96% had released to parole previously and subsequently had their parole revoked. These individuals discharged from inmate status as they reached the end of their sentence before they could reparole.

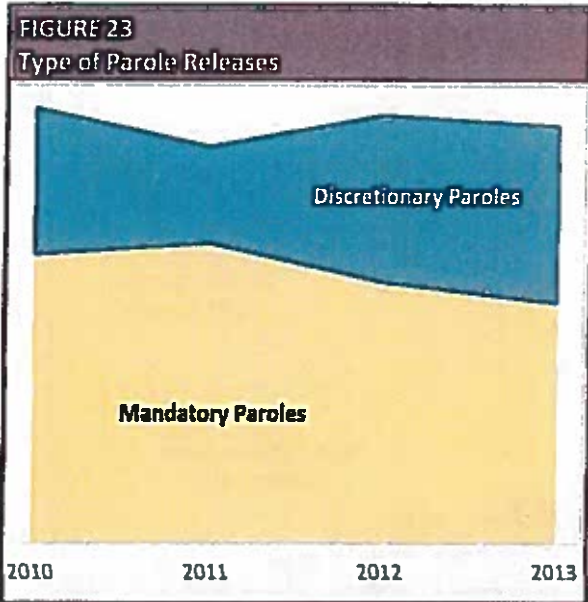
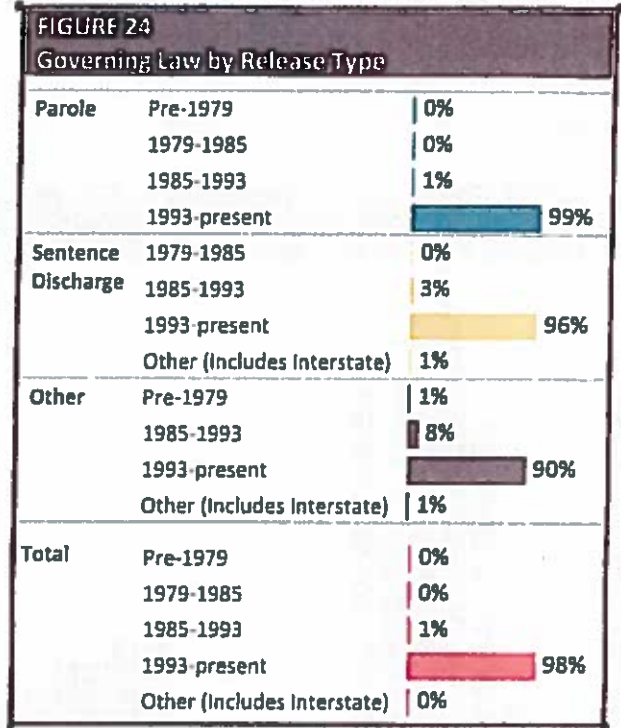


TABLE 8
Inmate Release Types by Gender, FY 2013

Release Type	Male	Female	Total
Parole			
Discretionary	3,293	513	3,806
Mandatory	2,134	221	2,355
Mandatory Reparole	1,896	244	2,140
HB 1351 Mandatory	554	91	645
Subtotal	7,877	1,069	8,946
Sentence Discharge			
Discharge	1,070	115	1,185
Martin/Cooper Discharges	27	0	27
Discharge to Pending Charges	124	6	130
Discharge to Detainer	48	7	55
Subtotal	1,269	128	1,397
Other			
Probation	57	13	70
Court-Ordered Discharge	36	9	45
Deceased	44	2	46
Colorado State Hospital Transfer	1	0	1
Appeal Bond	1	0	1
Subtotal	139	24	163
Total Releases	9,285	1,221	10,506



The rate of releases by type and location is displayed in Figure 25. Releases are not shown by specific prison facilities because inmates often release from a transport hub, which skews the data.

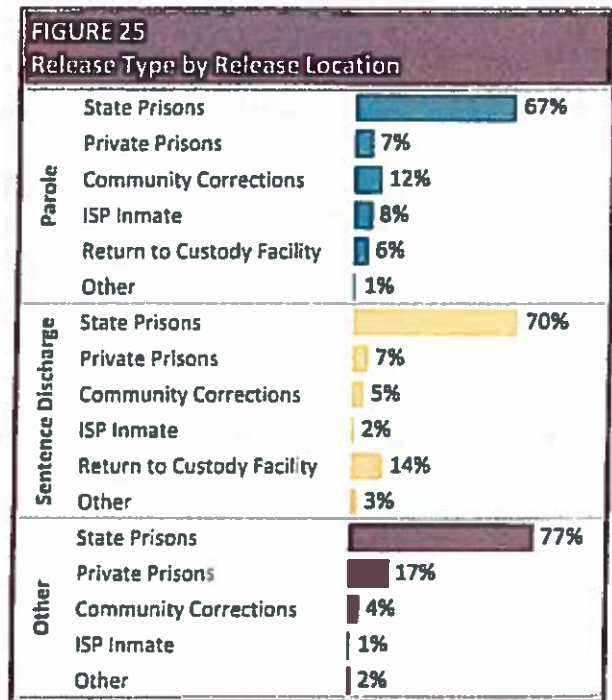
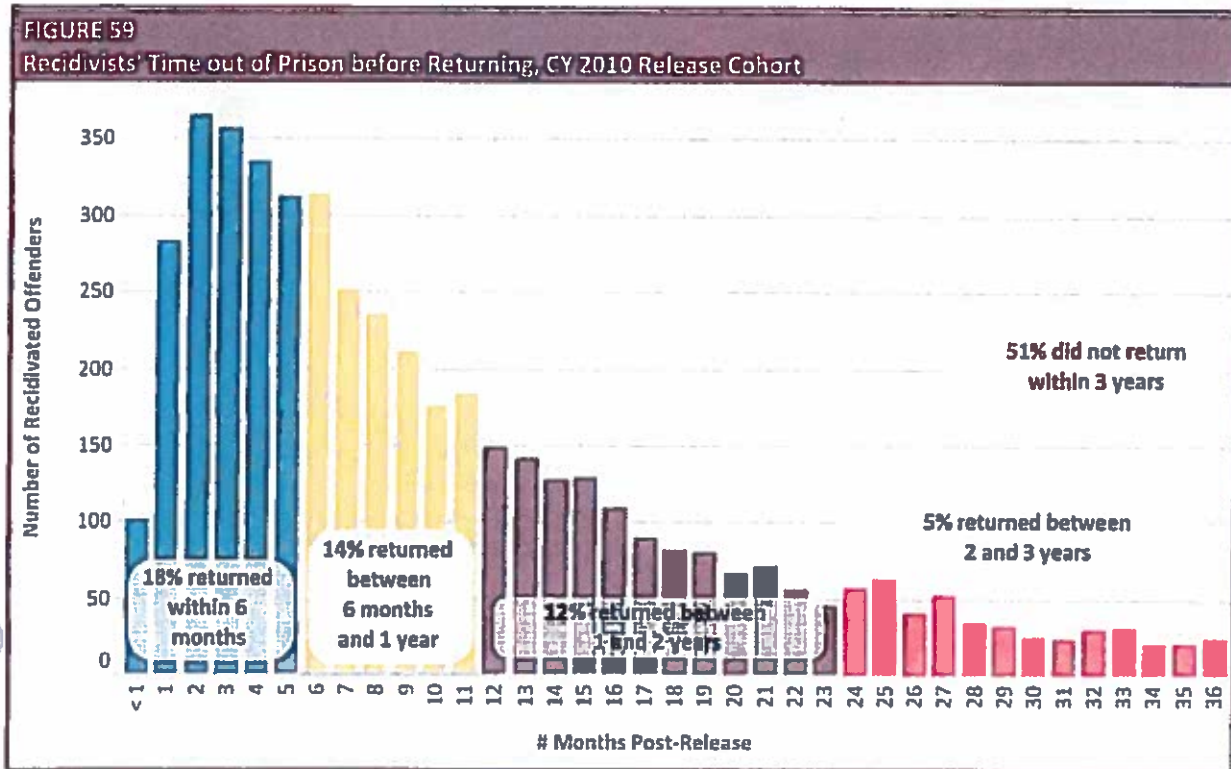


Figure 59 analyzes the 2010 release cohort, detailing the amount of time it took a recidivist to return back to inmate status. As time passed, the number of offenders who returned to prison decreased. The

majority of offenders who failed did so within the first year, particularly within two to seven months post-release, showing that this is the highest risk period.



Recidivism rates vary by offender characteristics (see Figure 60). Recidivism rates are higher for males than females and are higher for younger offenders than older ones. Certain minority groups are more likely to fail (Native Americans and African Americans) than other minority groups (Hispanics/Latinos and Asian Americans).

Criminal history is a strong predictor of post-release success. The number of prior incarcerations and type of release are among the strongest recidivism predictors. Offenders who discharge their sentence receive no post-release supervision and thus have the lowest return rate. Discretionary parole is granted by

the Parole Board to offenders who are the most prepared to re-enter society, and their recidivism rate is the next lowest. Offenders who do not release until their mandatory parole date or who reparole after a failure have the highest return rates. Felony class alone does not have a clear relationship with outcomes, but gang membership has one of the strongest relationships with recidivism.

Certain needs areas, including mental health, sex offender, and substance abuse, increase an offender's likelihood of recidivism. Risk, as measured by the Level of Supervision Inventory – Revised (LSI-R) is also a strong indicator of recidivism.

FIGURE 60
3-Year Recidivism Rate by Offender Characteristics

Gender

Male	49.9%
Female	41.0%
Total	48.8%

Ethnicity

Native American	60.8%
African American	55.1%
Caucasian	47.4%
Hispanic/Latino	46.2%
Asian American	38.1%

Age Group

Under 20 yrs old	52.9%
20 - 29 yrs old	54.4%
30 - 39 yrs old	47.7%
40 - 49 yrs old	46.6%
50 - 59 yrs old	40.5%
60 - 69 yrs old	31.1%
70+ yrs old	10.0%

Needs Level (3-5)

Mental Health	53.5%
Sex Offender	53.6%
Substance Abuse	50.8%

Prior Incarcerations

None	45.5%
One	55.0%
Two	58.6%
Three or More	64.5%

Felony Class

Class 1	45.5%
Class 2	31.0%
Class 3	46.5%
Class 4	50.1%
Class 5	49.8%
Class 6	44.4%

Release Type

Discretionary Parole	41.9%
Mandatory Parole	56.4%
Mandatory Reparole	59.3%
Sentence Discharge	20.7%
Court Release	45.3%

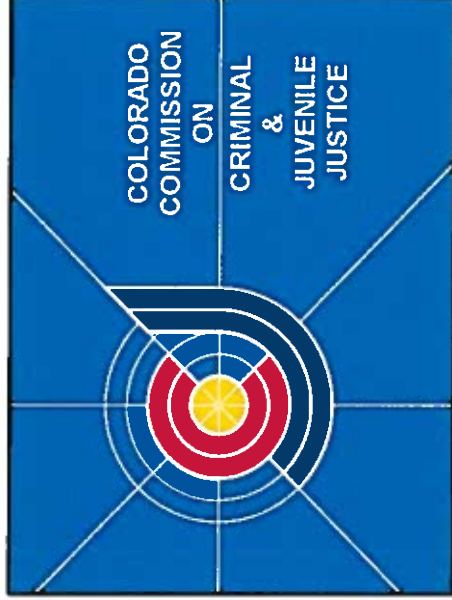
Gang Affiliation

Yes	57.8%
No	46.4%

LSI-R Risk Category

Low Risk	32.1%
Medium Risk	37.8%
High Risk	53.0%

Mandatory Parole Subcommittee of the Colorado Commission on Criminal and Juvenile Justice



June 8, 2015

Purposes of Sentencing

(C.R.S. 18-1-102.5)

- Punishment in relation to the seriousness of the offense
- Fair and consistent treatment by eliminating unjustified disparity in sentences
- Crime prevention/deterrence
- Rehabilitation
- Individualized sentence length/supervision to reduce recidivism
- Promote accountability by offenders and healing for victims by using restorative justice practices

Purposes of Parole

(C.R.S. 17-22.5-102.5)

- 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 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; and
- To promote rehabilitation by encouraging the successful reintegration of convicted offenders into the community while recognizing the need for public safety.

Parole Guidelines Statute

(C.R.S. 17-22.5-404)

- The risk of re-offense shall be the central consideration by the state board of parole in making decisions related to the timing and conditions of release on parole or revocation of parole.
- Research demonstrates that actuarial risk assessment tools can predict the likelihood of risk of reoffense with significantly greater accuracy than professional judgment alone. Evidence-based correctional practices prioritize the use of actuarial risk assessment tools to promote public safety. The best outcomes are derived from a combination of empirically based actuarial tools and clinical judgement.

Parole Guidelines Statute (cont.)

(C.R.S. 17-22.5-404)

- Although the state board of parole is made up of individuals, using structured decision-making unites the parole board members with a common philosophy and set of goals and purposes while retaining the authority of individual parole board members to make decisions that are appropriate for particular situations. Evidence based correctional practices support the use of structured decision-making.
- Structured decision-making by the state board of parole provides for greater accountability, standards for evaluation outcomes, and transparency of decision-making that can be better communicated to victims, offenders, other criminal justice professionals, and the community.
- An offender's likelihood of success may be increased by aligning the intensity and type of parole supervision, conditions of release, and services with assessed risk and need level.

Purpose of Parole (example #1)

- The purpose of parole is to improve public safety by reducing the incidence and impact of crime committed by parolees. Parole is not leniency or clemency but an extension of the sentence to provide the opportunity to return offenders to society as productive and law abiding citizens after a reasonable period of incarceration and at a time when they are assessed to have the capability and desire to succeed and live up to the responsibilities inherent in such a release.

Purpose of Parole (example #2)

- The purpose of parole is to prepare, select and assist offenders who, after a reasonable period of incarceration, could benefit from an early release while, at the same time, ensuring an appropriate level of public protection conditions of parole and provision of supervision services.

CDOC defines recidivism as return to prison or inmate status in Colorado within 3 years of release, for either new criminal activity or a technical violation of parole, probation, or non-departmental community placement. Recidivism rates are based on calendar year (CY). Release cohorts include the number of inmates released, not the number of times inmates released. Therefore, even if an inmate released multiple times within a year, that individual was only counted once per release cohort.

The 3-year rate is for the CY 2011 release cohort, the 2-year rate is for the CY 2012 release cohort, and the 1-year rate is for the CY 2013 release cohort.

1 year Recidivism Rates (2013 release cohort)



1 year Returns by New Crime Groups

	Violent Crimes	Property Crimes	Drug Crimes	Escape/Attempted Escape	Other
Discretionary Parole	11.1%	23.9%	23.2%	32.9%	9.0%
Mandatory Parole	16.8%	16.9%	18.4%	40.5%	7.4%
Sentence Discharge	25.0%	42.6%	13.2%	8.8%	10.3%

2 year Recidivism Rates (2012 release cohort)



2 year Returns by New Crime Groups

	Violent Crimes	Property Crimes	Drug Crimes	Escape/Attempted Escape	Other
Discretionary Parole	21.6%	26.4%	21.1%	18.4%	12.6%
Mandatory Parole	25.2%	21.7%	17.0%	25.1%	11.0%
Sentence Discharge	30.7%	36.4%	11.3%	2.6%	19.0%

3 year Recidivism Rates (2011 release cohort)

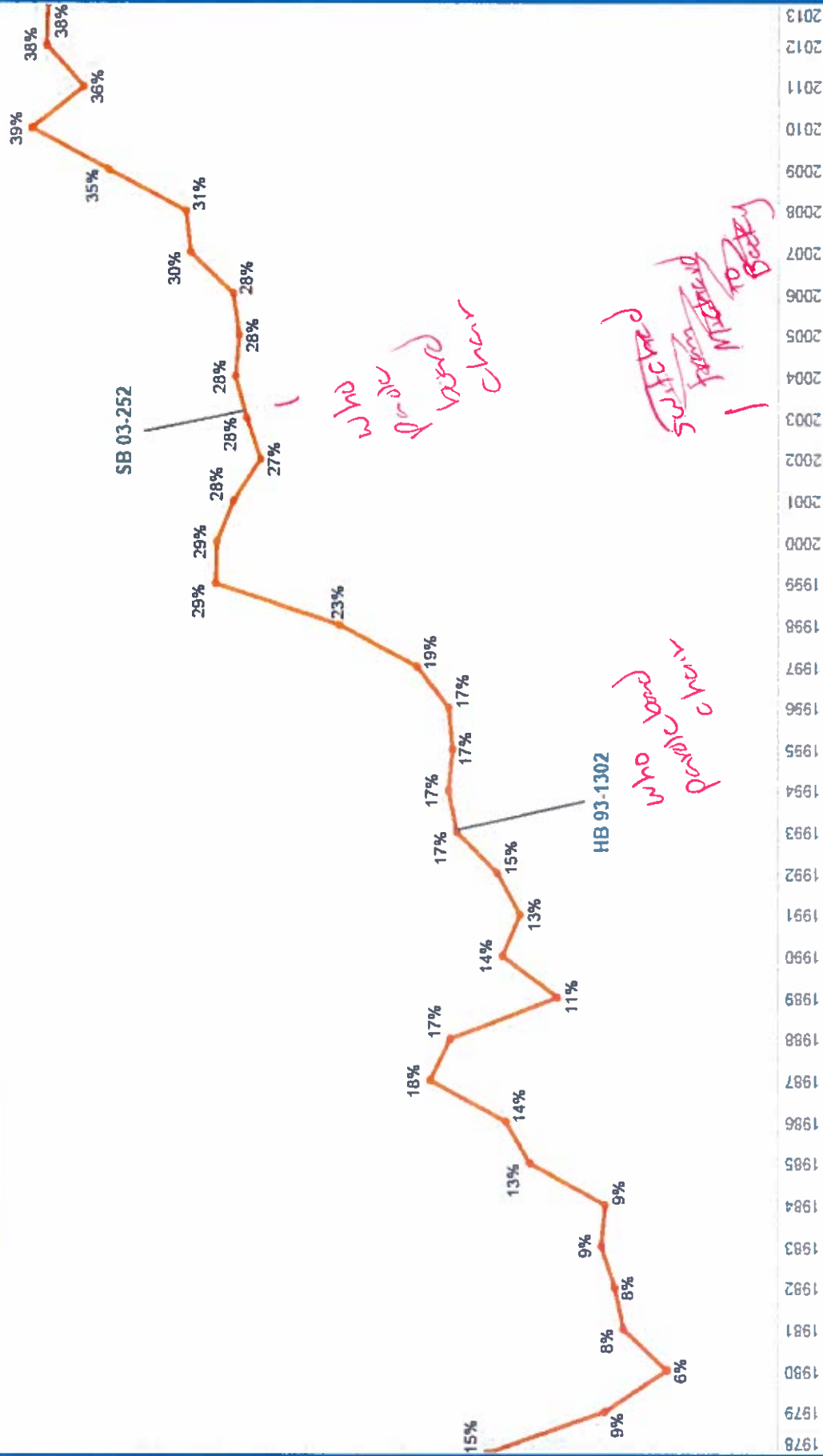


3 year Returns by New Crime Groups

	Violent Crimes	Property Crimes	Drug Crimes	Escape/Attempted Escape	Other
Discretionary Parole	17.6%	28.3%	21.2%	19.9%	13.0%
Mandatory Parole	24.6%	25.9%	15.6%	21.5%	12.4%
Sentence Discharge	28.7%	28.5%	12.7%	8.7%	21.4%

Percentage of CDOC Admissions that were Technical Parole Violators ¹

(includes only technical parole violators, does not include parole violators with new crimes or other conditional release violators with and without new crimes)



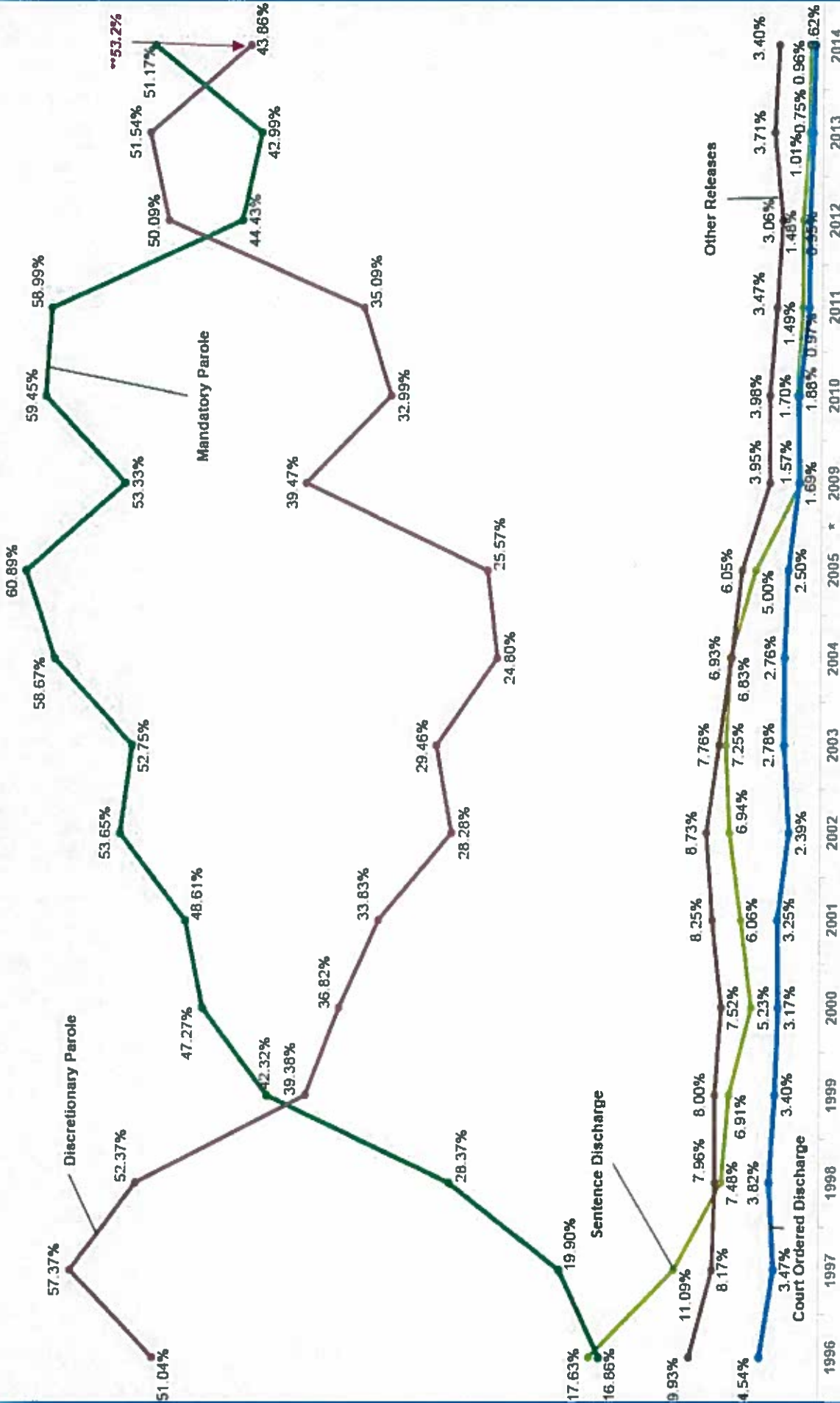
HB 93-1302: Mandated a period of parole for all offenders following a prison sentence. Parole Board can release at Parole Eligibility Date (PED), must release at Mandatory Release Date (MRD). Parole is 1-5 years and consecutive in impact once an inmate is released on parole (including discretionary release), the sentence is deemed discharged and the inmate will begin to serve his/her mandatory parole period. If revoked the inmate has only the time remaining on the parole period to serve.

SB 03-252: Modified short-term revocation periods. Limited the time that a parolee can be revoked for a technical violation to 180 days.

¹United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. National Prisoner Statistics, 1978-2013. ICPSR35608-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2015-01-09. <http://doi.org/10.3886/ICPSR35608.v1>

Release Types by Calendar Year for ONLY those eligible for a Discretionary Release

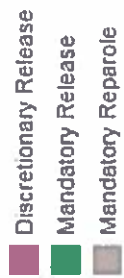
(includes only offenders' first release opportunity for each incarceration)



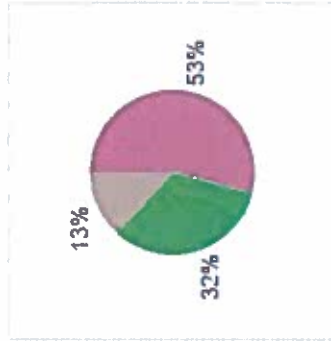
* Data from 2006-2008 is excluded from this graph. CDOC implemented procedural changes in Dec. 2005 affecting offenders scheduled for parole release during the weekend. Releases on the MRD or MRP date falling on a weekend day are released a few days earlier, resulting in offenders being reported as discretionary parole instead of the mandatory parole or reparole categories through approximately 2008. It is estimated that approximately 50% of the discretionary releases were actually mandatory weekend releases during this time period.

** In 2014, an additional 943 offenders were placed on the Community Corrections Track Presumptive Parole (CCTPP). If these offenders successfully complete the CCTPP, they will be granted discretionary release. A total of 53.2% of offenders were granted a Discretionary Release to parole when these additional offenders are included in the total for the calendar year.

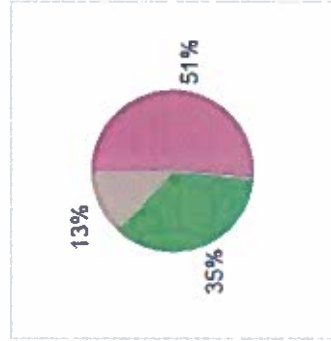
Parole Population by Release Type



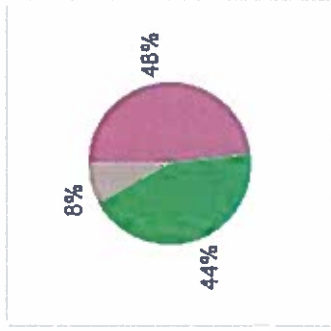
FY 2014



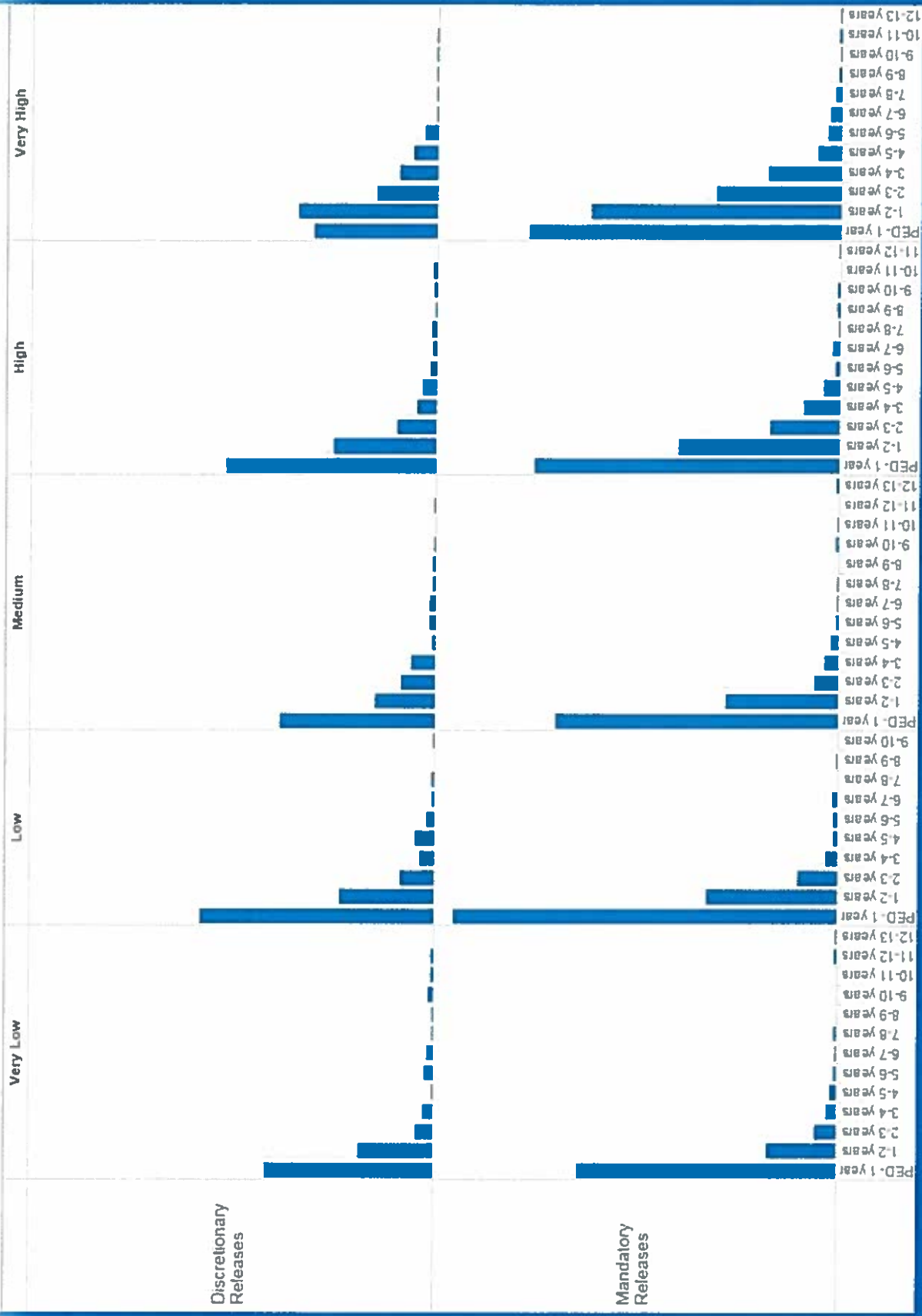
FY 2013



FY 2012



Amount of Time from PED to PB Hearing by CARAS Risk Level and Release Type



The GOALS of an ideal parole system - What is the purpose of the amount of parole time served and what is the purpose of the method of release?

1. To ensure PUBLIC SAFETY (the impulse to keep someone behind bars may not result in the outcome of public safety – except for short-term incapacitation)
2. CLARITY of sentence length / how much time actually served
3. SUCCESSFUL TRANSITION
4. To INCENTIVIZE good behavior
5. To encourage positive SOCIALIZATION

The EXERCISE – Break into two groups, keep the above goals in mind and create a system that accomplishes these five goals.

Group #1 – Discretionary release inside the sentence

Brandon, Rep. Kagan, James, Doug

Group #2 – Supervised release at a certain percentage/No mandatory parole

(Supervision after release after a date certain time)

What would a model look like w/ no Parole Board

Norm, Christie Donner, Michael D., Melissa Roberts

MEETING OUTCOMES / Group #1

DISCUSSION POINTS

- “Punishment” is on the table under the existing statute - but not something we really want to have in play as far as establishing a system going forward.
- Mandatory parole release vs. Mandatory period of parole – clarify parole period and method of release.
- The concept is to go to pure discretionary parole, but with some sort of mandatory parole period tail.
- There is a necessity for some type of transition period for everyone, 6 months for low and very low, one year minimum for med, high, very high.

What about mandatory release vs. mandatory parole supervision period

- Possible proposal inclusions:
 - Provide a reduction of mandatory parole period / 6 months?
 - Be based on risk
 - Ensure nobody is on paper more than 5 years
 - Put a cap on parole / Mandatory moved to lower ranges, if granted discretionary then that's the amount of time, period.
 - Provide automatic release on PED with CARAS score and Risk classification?
Parole board will not like that.
 - Shorten tail

Next steps-

- Brandon will put together slide show on the consensus pieces.
- Anne to provide data on low level risk folks / F4, F5, F6 who get out on PED date

MEETING OUTCOMES / Group #2

DISCUSSION POINTS

-
-

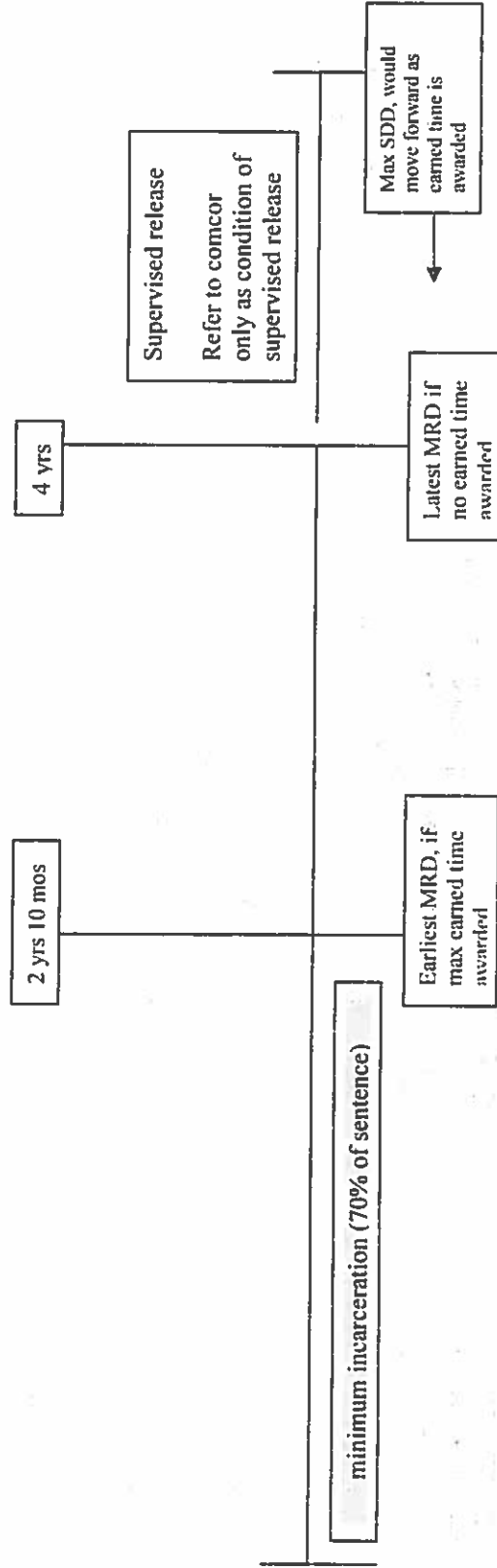
Parole Model "no parole board"

Description: Period of incarceration would be the total length of sentence minus pretrial confinement credit and earned time. By law, earned time is currently capped at 30% of the total sentence. Therefore, the minimum of 70% of the total prison sentence would have to be served prior to release for all offenses. A consecutive period of supervised release would be imposed for some/all? Community corrections would be a placement option only as a transition from prison after completion of sentence.

Assumptions: 4 year sentence; no pretrial confinement credit

Maximum time served prior to MRD: 4 years

Minimum time served prior to MRD: 2 years, 10 months (30% deduction for earned time)



- Need to run data

ORS to do



Data

next

meeting

August

7090 plus

additional

modeling

MRD= (mandatory release date), the date at which point an inmate must be released from prison to serve the period of supervised release.
 SDD= (statutory discharge date), the date at which point the criminal justice system loses jurisdiction and the sentence is discharged

Questions:

How long should people be on supervised release? Continue early termination option? If so, by whom?

Who sets terms/conditions of supervised release?

Who deals with revocations from supervised release?

Can people be revoked for technical violations and reincarcerated? If so, by whom and for how long?

What happens to special needs parole?

What happens to Lynne's law - re: have to serve 75% w/ or w/o eligibility for earned time

Who is appropriate for comcor (voluntary basis - high needs - high risk?)

Parole Inside the Sentence

Parole “inside” the sentence

Once an offender passes his or her parole eligibility date, the parole board can parole the offender for a discretionary amount of time up to and including the offender’s statutory discharge date.

(If an offender had a 10-year sentence and was eligible for parole after serving 5 years, the Board could set a discretionary parole period of 5 years (5 years in prison + 5 years on parole = 10-year sentence. However, if the Board granted parole at the 6-year mark, it could only parole the offender for 4 years (6 years in prison + 4 years on parole = 10-year sentence. In any case, the parole board could not exceed the 10-year sentence by requiring a parole period that extended beyond the offender’s statutory discharge date.)

Mandatory parole

Once an offender is eligible for parole, the board may grant discretionary parole; however, it is required to set a period of parole prescribed by law. Additionally, once an offender serves his or her required prison sentence, he or she is still obligated to complete mandatory parole.

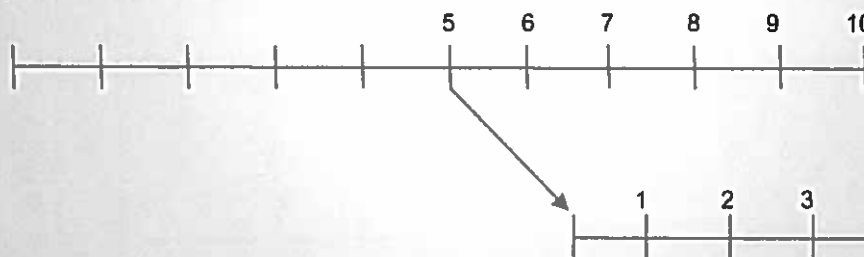
Current mandatory periods of parole

Felony Class	Mandatory Parole
1	None
2	5 years
3	5 years
4	3 years
5	2 years
6	1 year
DF 1	3 years
DF 2	2 years
DF 3	1 year
DF 4	1 year
DF 2, 3, 4 (enhancer)	3 years

Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

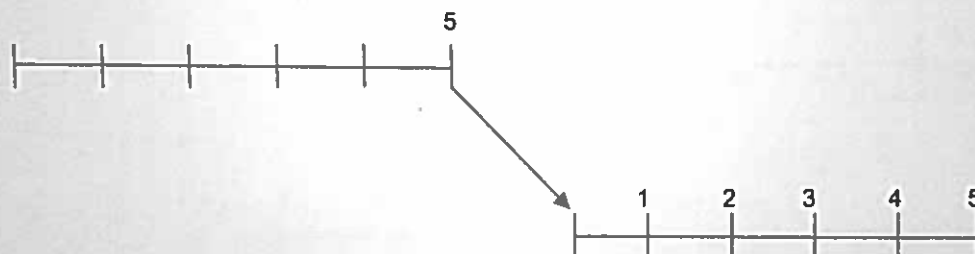
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

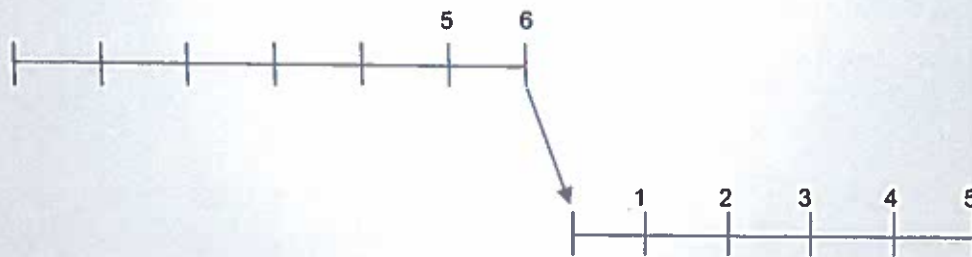
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

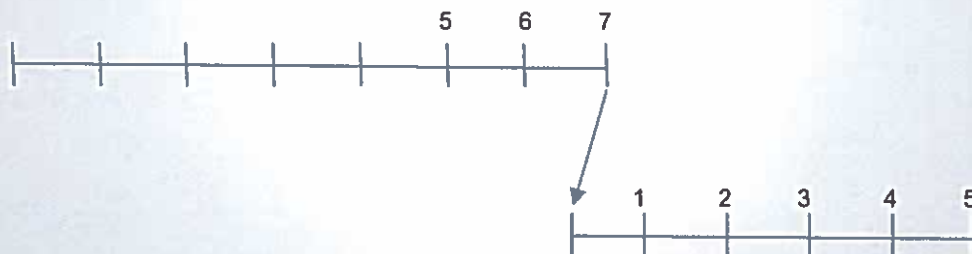
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

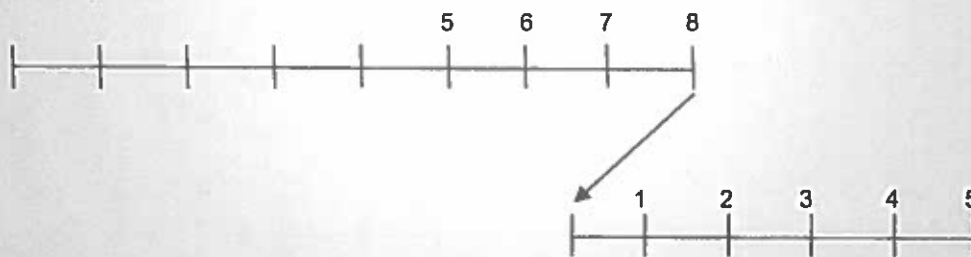
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

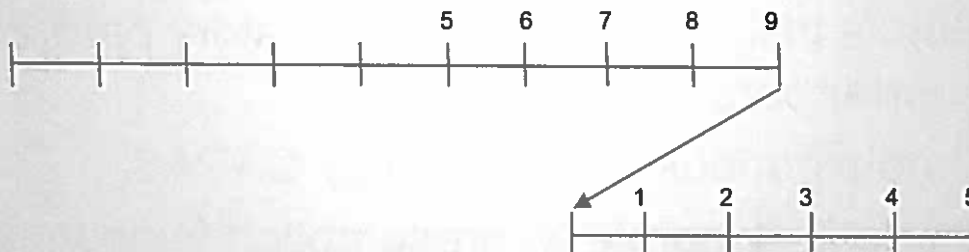
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

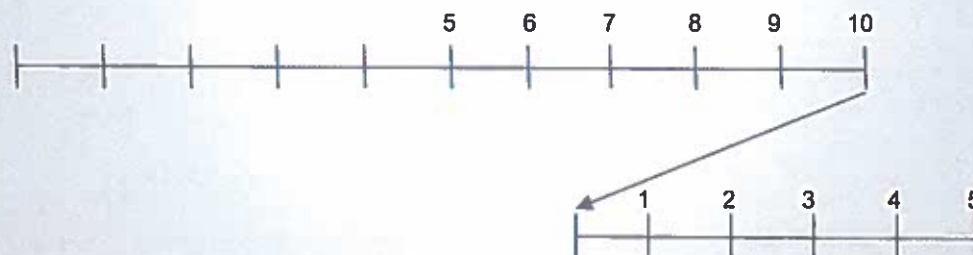
parole



Current time-line

Example: 10-year sentence, PED after 5 years
F3 = 5 years mandatory

parole



Different options

1. Parole inside sentence
2. Parole inside sentence (max 3-years on parole)
3. Parole inside sentence + mandatory parole + shorter parole periods
4. Parole periods determined by CARAS
5. Mandatory parole w/ presumption for low risk

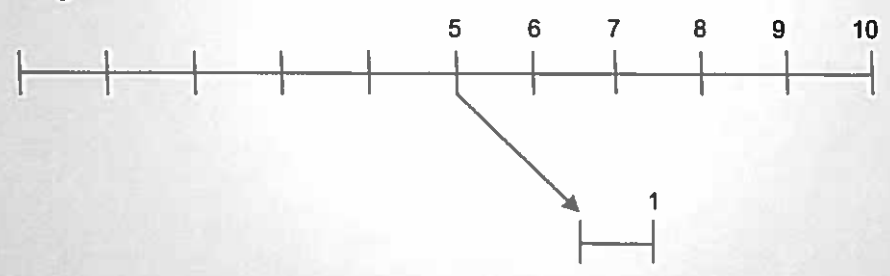
fix

CARAS instead of felony class + Shorter periods of mandatory parole

Very Low	6 months
Low	6
months	
Medium	1 year
High	1
year	
Very High	1 year

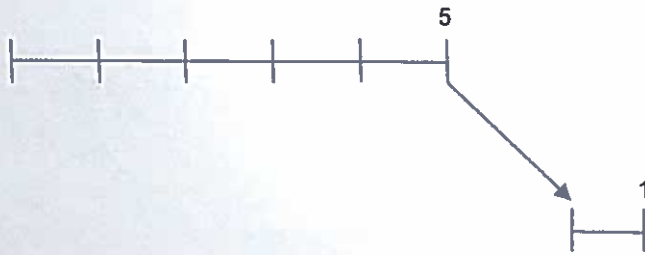
New time-line

Example: 10-year sentence, PED after 5 years
 Med - Very High CARAS
 = 1 year



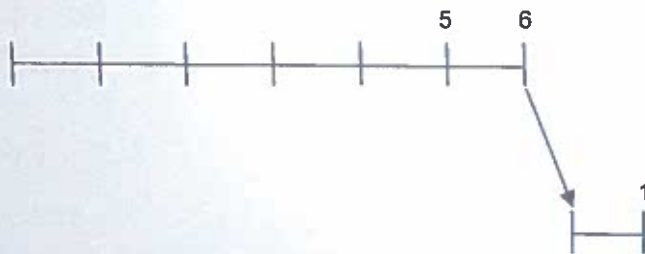
New time-line

Example: 10-year sentence, PED after 5 years
Med - Very High CARAS
= 1 year



New time-line

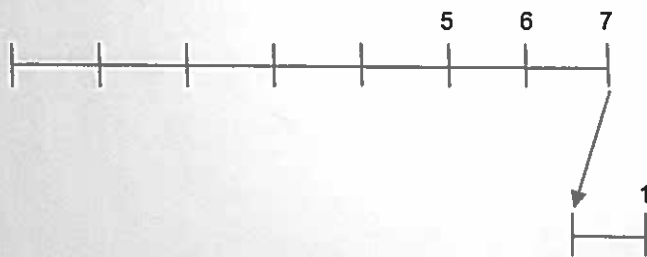
Example: 10-year sentence, PED after 5 years
Med - Very High CARAS
= 1 year



New time-line

Example: 10-year sentence, PED after 5 years
Med - Very High CARAS

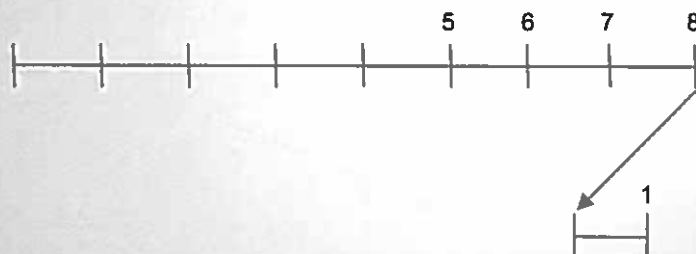
= 1 year



New time-line

Example: 10-year sentence, PED after 5 years
Med - Very High CARAS

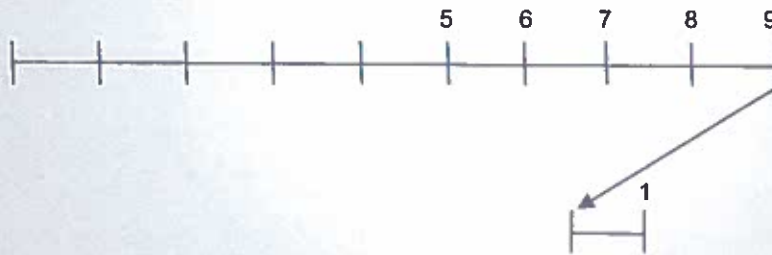
= 1 year



New time-line

Example: 10-year sentence, PED after 5 years
Med - Very High CARAS

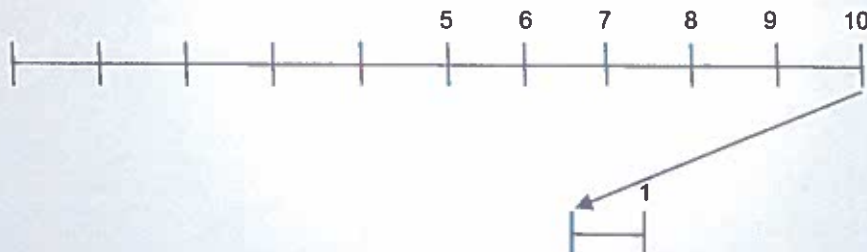
= 1 year



New time-line

Example: 10-year sentence, PED after 5 years
Med - Very High CARAS

= 1 year



Benefits

1. Reduced recidivism rate (estimate 3-year recid rate would go from 46% to 14% because no TPV in years 2 and 3)
2. Cost savings; rough estimate from \$1.3M to \$11.25M
3. No "max out" problem

Benefits

4. Reduce over crowding of county jails
5. Cost savings can be applied to treatment
6. More significant incentive to do well while on the inside
7. Easy to draft - relatively simple changes to the existing statute
8. Move from 252 to Sure and Swift (?)

Questions

1. How does this impact public safety?
2. Are 6 month and 1 year mandatory parole periods the appropriate periods?
3. Does it make sense to simply discharge the Very Low and Low risk offenders instead of insisting on 6 months of parole?
4. Should there be a "presumption of parole" so offenders are released closer to their PED?

The following reflects the possible cost avoidance that could be anticipated if offenders were no longer returning to CDOC on technical parole violations in years 2 and 3 of supervision.

Calendar year	Average Yearly Cost for year 2 revocation of TPV who were Mandatorily released	Average Yearly Cost for year 3 revocation of TPV who were Mandatorily released
2007	\$10,479,810.49	\$2,471,450.04
2008	\$11,257,671.89	\$1,847,196.20
2009	\$9,306,752.85	\$1,521,807.42
2010	\$7,061,916.49	\$1,300,668.60
2011	\$6,396,421.50	\$1,325,287.50

5 year average	\$8,900,514.64	\$1,693,281.95
Range of anticipated cost avoidance	\$6,396,421.50 to \$11,257,671.89	\$1,300,668.60 to \$2,471,450.04

Total Range of anticipated cost avoidance for eliminating both 2 and 3 year TPV returns	\$1,300,668.60 to \$11,257,671.89
---	---

Time from Parole Board hearing at which an offender is granted release to actual release from CDCOC for calendar year 2014

Average time (days)	Time in days from Hearing to Release	% of offenders releasing within each time frame
	0	37.8%
	60	25.5%
	120	20.6%
	180	8.7%
	240	4.2%
	300	2.5%
	360	0.8%

Average time (days)
106

Calendar Year 2012 Hearing Cohort Release Percentages for Offender's at the time of 3rd or later Parole Board Hearing for each Incarceration by Felony Class and Risk Level

Percentage of Releases across Felony Class

Release	Defer	Total
1	0.31%	0.31%
2	0.82%	2.96%
3	7.76%	9.40%
4	27.07%	28.91%
5	10.62%	10.83%
6	0.92%	0.41%
Total	47.19%	52.81%



Percentage of Releases within each Felony Class

Release	Defer	Total
1	100.00%	100.00%
2	21.62%	78.38%
3	45.24%	54.76%
4	48.36%	51.64%
5	49.52%	50.48%
6	69.23%	30.77%



Percentage of Releases across Risk Level

Release	Defer	Total
Very Low	4.19%	3.98%
Low	6.95%	5.82%
Medium	5.52%	6.74%
High	13.07%	14.20%
Very High	17.47%	22.06%
Total	47.19%	52.81%



Percentage of Releases within each Risk Level

Release	Defer	Very Low	Low	Medium	High	Very High
Very Low	51.25%	48.75%	51.25%	51.25%	51.25%	51.25%
Low	54.40%	45.60%	45.60%	45.60%	45.60%	45.60%
Medium	45.00%	55.00%	55.00%	55.00%	55.00%	55.00%
High	47.94%	52.06%	52.06%	47.94%	47.94%	47.94%
Very High	44.19%	55.81%	55.81%	44.19%	44.19%	44.19%

*Felony class taken from the offense with the governing sentence at the time of the PB hearing.
 **Risk level taken from the most recent CARAS score calculation at the time of the PB hearing.

Release
Defer

Total # of offenders considered in sample: 979

Mandatory Parole	783
Sentence Discharge	134

Calendar Year 2012 Hearing Cohort Release Percentages for Offender's at the time of 2nd Parole Board Hearing for each incarceration Percentage by Felony Class and Risk Level

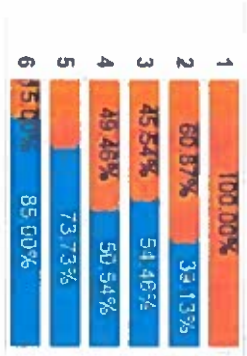
Percentage of Releases across Felony Class

Release	Defer	Total
1	0.09%	0.09%
2	1.60%	2.50%
3	10.87%	9.09%
4	25.04%	24.51%
5	16.76%	5.97%
6	3.03%	0.53%
Total	57.31%	42.69%



Percentage of Releases within each Felony Class

Release	Defer	Total
1	100.00%	100.00%
2	39.13%	60.87%
3	54.46%	45.54%
4	50.54%	49.46%
5	73.73%	26.27%
6	85.00%	15.00%



Percentage of Releases across Risk Level

Release	Defer	Total
Very Low	8.57%	4.02%
Low	12.95%	7.32%
Medium	9.11%	5.27%
High	13.04%	9.55%
Very High	13.66%	16.52%
Total	57.32%	42.68%



Percentage of Releases within each Risk Level

Release	Defer	Total
Very Low	68.09%	31.91%
Low	63.88%	36.12%
Medium	63.35%	36.65%
High	57.71%	42.29%
Very High	45.27%	54.73%

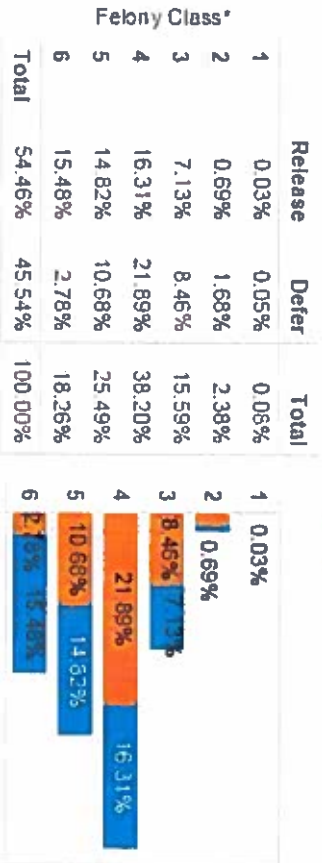


*Felony class taken from the offense with the governing sentence at the time of the PB hearing.
 **Risk level taken from the most recent CARAS score calculation at the time of the PB hearing.

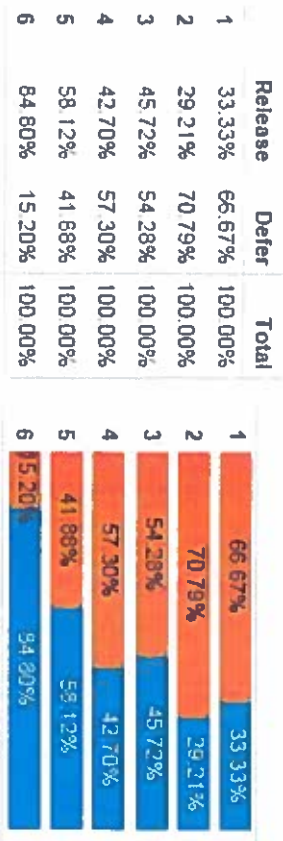
Total # of offenders considered in sample: 1,122
 Mandatory Parole: 685

Calendar Year 2012 Hearing Cohort Release Percentages for Offender's at the time of 1st Parole Board Hearing for each incarceration by Felony Class and Risk Level

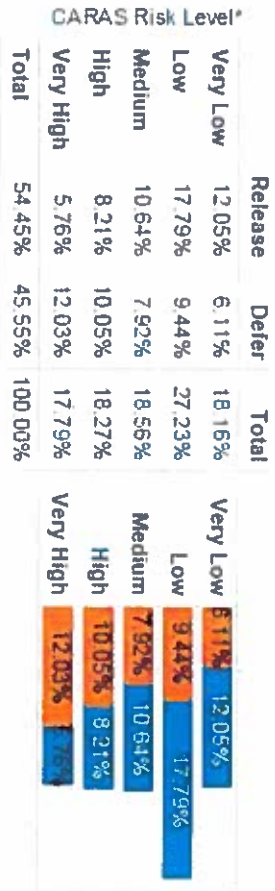
Percentage of Releases across Felony Class



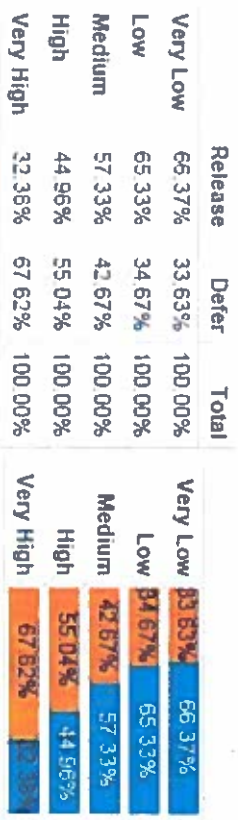
Percentage of Releases within each Felony Class



Percentage of Releases across Risk Level



Percentage of Releases within each Risk Level



*Felony class taken from the offense with the governing sentence at the time of the PB hearing
 **Risk level taken from the most recent CARAS score calculation at the time of the PB hearing.

Total # of offenders considered in sample
 3,943

Mandatory Parole 1,549

When exercising your discretion → who gets out at PED date

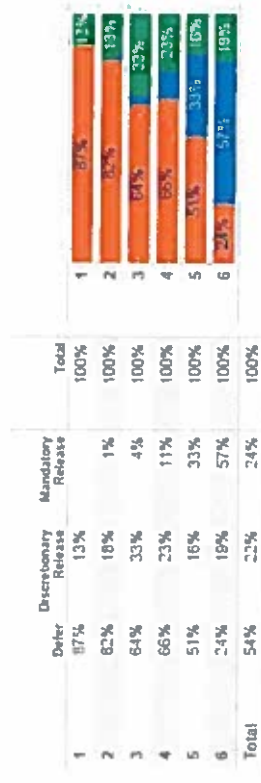
Calendar Year 2014 Release Percentages for Offender's at the time of 1st Parole Board hearing for each incarceration by Felony Class and Risk Level



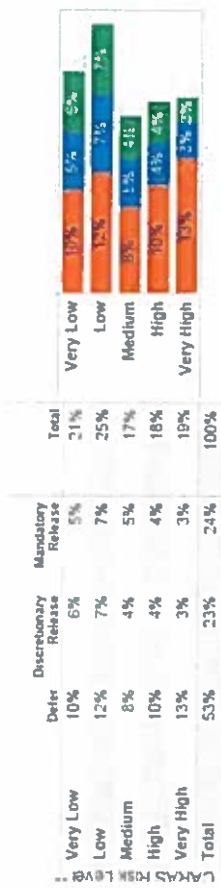
Percentage of Releases across Felony class



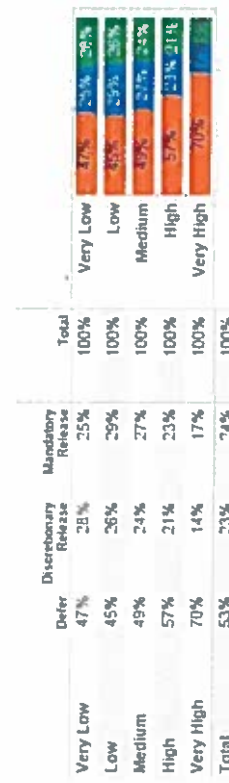
Percentage of Releases within each Felony class



Percentage of Releases across Risk Level



Percentage of Releases within each Risk Level



*Felony class taken from the offense with the governing sentence at the time of the PB hearing

**Risk level taken from the most recent CARAS score calculation at the time of the PB hearing

n = 5,220

Calendar year	Total Early Release Applications	Total Early Release Applications Granted
2013	260	210
2014	365	319
2015*	734	530

*2015 calendar year totals projected based on numbers from first 6 months

Scenario 3

Release date determined by Title 18 COV/Non-COV; Mandatory parole period based upon risk score. Cost savings split between wrap around services for victims and parolees.

I. CRS 18-1.3-406 Crimes of Violence

Release to mandatory parole after serving 2/3 of sentence
Release from DOC based upon earned time accumulation

Mandatory parole periods set by risk assessment

VL, L 6 months

M 1 year

H, VH 2 years

II. All Non COVs

Release to mandatory parole after serving 1/3 of sentence
Release from DOC based upon earned time accumulation

Mandatory parole periods set by risk assessment

VL, L 6 months

M, H, VH 1 year

III. Any cost savings split equally between community based agencies for victims and offenders.

IV. Conditions of release

Parole Board

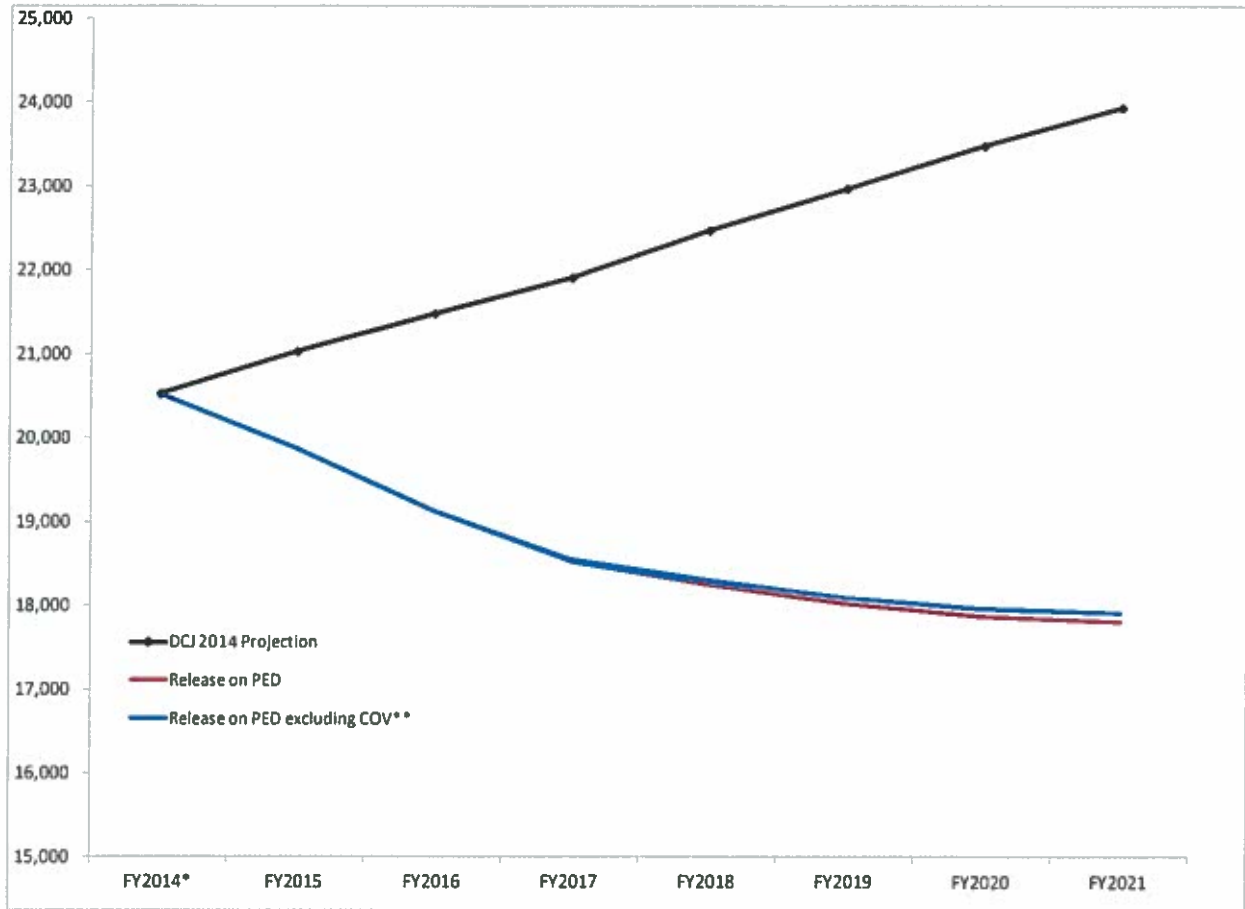
V. Revocation decision making

Parole Board

Title 17 and earned time provisions would have to be addressed
Parole board continues for indeterminate release decisions as well

	Proposal #1 Supervised Release at a certain % of the sentence	Proposal #2 Discretionary release inside the sentence	Proposal #3 Release date determined by severity (COV vs. Non-COV) and parole period based on risk
PROS			
CONS			
Statutory changes that will be needed			
Does this accomplish the GOALS of an ideal parole system? -YES -MAYBE/UNKNOWN -NO	<ul style="list-style-type: none"> To ensure PUBLIC SAFETY CLARITY of sentence length / how much time actually served SUCCESSFUL TRANSITION To INCENTIVIZE good behavior To encourage positive SOCIALIZATION 	<ul style="list-style-type: none"> To ensure PUBLIC SAFETY CLARITY of sentence length / how much time actually served SUCCESSFUL TRANSITION To INCENTIVIZE good behavior To encourage positive SOCIALIZATION 	<ul style="list-style-type: none"> To ensure PUBLIC SAFETY CLARITY of sentence length / how much time actually served SUCCESSFUL TRANSITION To INCENTIVIZE good behavior To encourage positive SOCIALIZATION

Scenario 1: Release all new court commitments on PED¹



* actual EOFY 2014 population

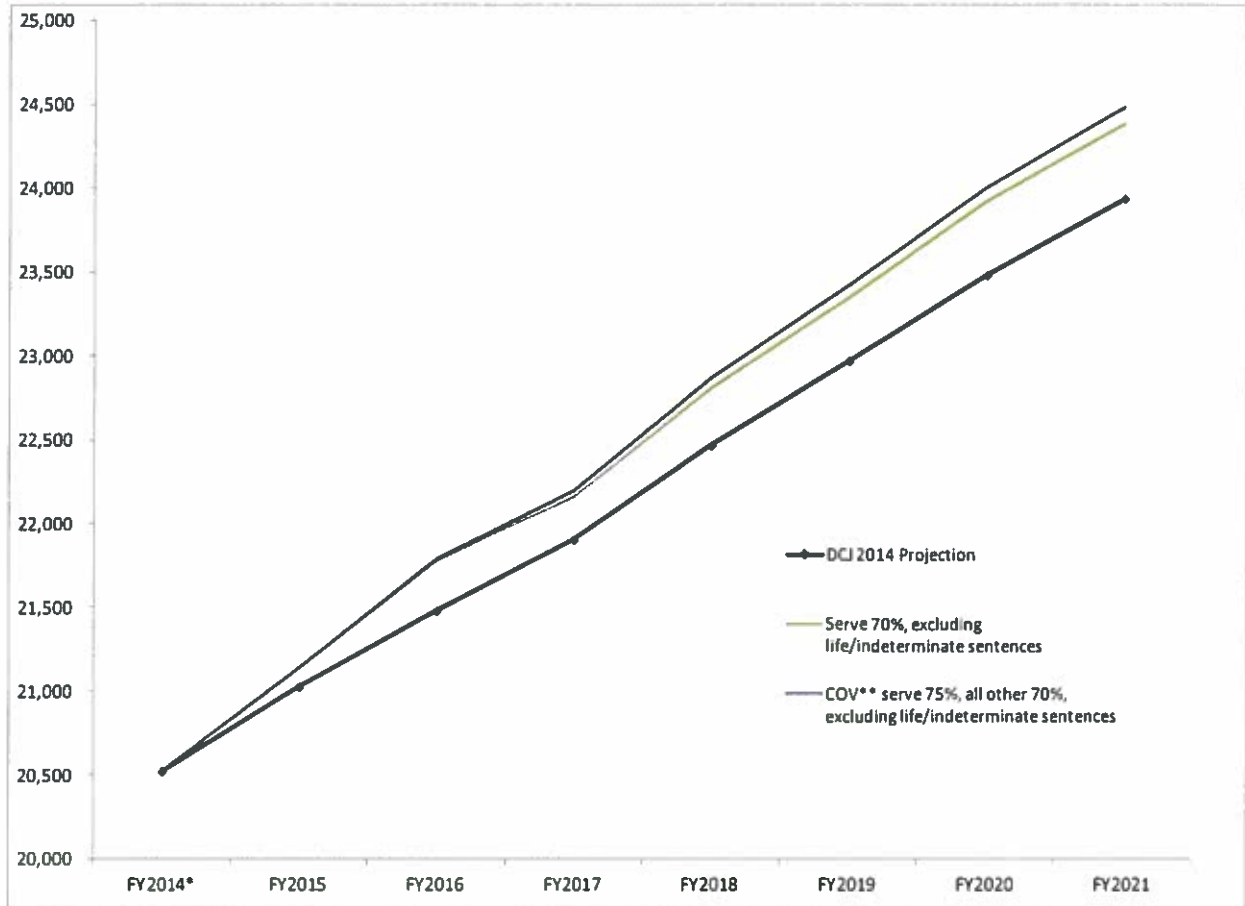
**new court commitments with enhanced sentences per CRS 18-1.3-406

¹ Parole eligibility estimate based on PED at time of release for FY 2014 release cohort.

Percentage reduction in prison population if release new court commitments on parole eligibility date (PED)¹.

	DCJ 2014 Projection	Percent Reduction	Reduction excluding COV**
FY2014*	20,522		
FY2015	21,026	-5.5%	-5.5%
FY2016	21,478	-11.0%	-11.0%
FY2017	21,903	-15.4%	-15.3%
FY2018	22,466	-18.8%	-18.6%
FY2019	22,970	-21.5%	-21.3%
FY2020	23,478	-23.9%	-23.5%
FY2021	23,934	-25.6%	-25.2%

Scenario 2: Release new court commitments at 70%/75% of sentence, excluding life/indeterminate sentences.



* actual EOFY 2014 population

**new court commitments with enhanced sentences per CRS 18-1.3-406

Percentage increase in prison population if release new court commitments at 70/75% of sentence, excluding life/indeterminate sentences

	DCJ 2014 Projection	Percent increase: release at 70%	Percent increase: release COV** at 75%, all others at 70%
FY2014*	20,522		
FY2015	21,026	0.5%	0.5%
FY2016	21,478	1.4%	1.5%
FY2017	21,903	1.2%	1.3%
FY2018	22,466	1.5%	1.8%
FY2019	22,970	1.6%	2.0%
FY2020	23,478	1.9%	2.2%
FY2021	23,934	1.9%	2.3%

* actual EOFY 2014 population

**new court commitments with enhanced sentences per CRS 18-1.3-406

Table 1: All new court commitments to prison FY 2011-FY 2015

All offender types	Fiscal Year									
	2011		2012		2013		2014**		Total	
	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY
COV*	100	2.0%	122	2.5%	141	2.7%	121	2.3%	484	2.4%
Non-COV	4974	98.0%	4804	97.5%	5003	97.3%	5114	97.7%	19895	97.6%
Total	5074	100.0%	4926	100.0%	5144	100.0%	5235	100.0%	20379	100.0%

* Identified with a Crime of Violence per statute 18-1.3-406

Note: This number was validated using ICON. 125 unique offenders with proven 18-1.3-406 sentence enhancers were sentenced to DOC in FY 2014

Table 2: All new court commitments to prison FY 2011-FY 2015: By offender type

Indeterminate and Life sentences only	Fiscal Year									
	2011		2012		2013		2014		Total	
	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY
COV*	18	12.8%	18	9.9%	15	8.5%	20	13.2%	71	10.9%
Non-COV	123	87.2%	163	90.1%	161	91.5%	132	86.8%	579	89.1%
Total	141	100.0%	181	100.0%	176	100.0%	152	100.0%	650	100.0%
All additional sex offenders	0	.0%	0	.0%	3	1.3%	0	.0%	3	.3%
COV*	225	100.0%	209	100.0%	227	98.7%	219	100.0%	880	99.7%
Non-COV	225	100.0%	209	100.0%	230	100.0%	219	100.0%	883	100.0%
Total	82	1.7%	104	2.3%	123	2.6%	101	2.1%	410	2.2%
COV*	4626	98.3%	4432	97.7%	4615	97.4%	4762	97.9%	18435	97.8%
Non-COV	4708	100.0%	4536	100.0%	4738	100.0%	4863	100.0%	18845	100.0%

* Identified with a Crime of Violence per statute 18-1.3-406

Table 3: Releases of all new court commitments to prison FY 2011-FY 2014

All offender types	Fiscal Year									
	2011		2012		2013		2014		Total	
	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY
COV*	64	1.2%	87	1.5%	113	2.0%	114	2.2%	378	1.7%
Non-COV	5099	98.8%	5755	98.5%	5550	98.0%	5011	97.8%	21415	98.3%
Total	5163	100.0%	5842	100.0%	5663	100.0%	5125	100.0%	21793	100.0%

* Identified with a Crime of Violence per statute 18-1.3-406

Table 4: Releases to parole or sentence discharge only, by offender type and release type

Offender type	Fiscal Year											
	2011		2012		2013		2014		Total			
	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY	Count	% within FY		
All non-sex, non-indeterminate or life without parole sentences	23	44.2%	52	67.5%	68	69.4%	73	75.3%	216	66.7%		
COV*	27	51.9%	18	23.4%	25	25.5%	22	22.7%	92	28.4%		
	2	3.8%	7	9.1%	5	5.1%	2	2.1%	16	4.9%		
Total	52	100.0%	77	100.0%	98	100.0%	97	100.0%	324	100.0%		
Discretionary Parole	1494	32.3%	2615	50.0%	2761	55.0%	2385	52.7%	9255	47.7%		
Mandatory Parole	3109	67.3%	2599	49.7%	2255	44.9%	2130	47.1%	10093	52.0%		
Sentence discharge	18	.4%	15	.3%	8	.2%	10	.2%	51	.3%		
Total	4621	100.0%	5229	100.0%	5024	100.0%	4525	100.0%	19399	100.0%		
All indeterminate/ life without parole sentences			1	100.0%			2	100.0%	3	100.0%		
COV*			1	100.0%			2	100.0%	3	100.0%		
	23	100.0%	83	100.0%	106	100.0%	112	100.0%	324	100.0%		
Total	23	100.0%	83	100.0%	106	100.0%	112	100.0%	324	100.0%		
Discretionary Parole	0	0%	1	25.0%	2	28.6%	2	22.2%	5	22.7%		
Mandatory Parole	1	50.0%	1	25.0%	0	.0%	0	.0%	2	9.1%		
Sentence discharge	1	50.0%	2	50.0%	5	71.4%	7	77.8%	15	68.2%		
Total	2	100.0%	4	100.0%	7	100.0%	9	100.0%	22	100.0%		
Discretionary Parole	27	10.4%	74	26.1%	75	26.7%	59	25.0%	235	22.1%		
Mandatory Parole	183	70.4%	170	59.9%	166	59.1%	155	65.7%	674	63.5%		
Sentence discharge	50	19.2%	40	14.1%	40	14.2%	22	9.3%	152	14.3%		
Total	260	100.0%	284	100.0%	281	100.0%	236	100.0%	1061	100.0%		

* Identified with a Crime of Violence per statute 18-1.3-406

Table 5: All Inmates EOFY 2014

	Count	Percent
COV*	1575	7.7
Non_COV	18840	92.3
Total	20415	100.0

Note -Includes all inmates, regardless of governing law or lifetime sentence status.

* Identified with a Crime of Violence per statute 18-1.3-406

Table 6: All Inmates EOFY 2014 by offender/sentence type

	All indeterminate/life/pre-93 sentences and all sex offenders		All indeterminate/life/pre-93 sentences**		All other sex offenders	
	Count	Percent	Count	Percent	Count	Percent
COV*	939	5.7%	595	18.0%	41	5.5%
Non-COV	15423	94.3%	2708	82.0%	709	94.5%
Total	16362	100.0%	3303	100.0%	750	100.0%

* Identified with a Crime of Violence per statute 18 1 3-406

EXHIBIT 1

Differences between DCJ's 66% (COVs) and 68% (non-COVs) *average sentence served* and DOC's FY13 Annual Statistical Report, Figure 26 on page 20 (see following page).

DOC Report	DCJ Analysis
<ul style="list-style-type: none">• Focus: <i>average % time served in DOC facilities</i>	<ul style="list-style-type: none">• Focus: <i>average % of sentence served</i>
<ul style="list-style-type: none">• Excluded pretrial jail time credit	<ul style="list-style-type: none">• Included pretrial jail time credit
<ul style="list-style-type: none">• Separated out habituals and lifetime sex offenders into separate categories	<ul style="list-style-type: none">• Included habitual offenders• Excluded sex offenders, life sentences, and pre-1993 sentences

The majority of inmates release from state prisons to parole. Approximately 16% successfully transition from prison to parole via community corrections and/or ISP inmate status. More offenders released from private prisons in FY 2013 than in previous years; this is due to a large number (703) of releases directly from Cheyenne Mountain Reentry Center. Approximately 7% either return to parole or discharge their sentence from a return to custody facility. Inmates sentenced in Colorado who are under the supervision of other jurisdictions are reported in "Other." Other jurisdictions may include the Colorado Mental Health Institute at Pueblo (CMHIP), other state facilities, dual commitments to interstate compact and Colorado, and the federal system.

TIME SERVED IN PRISON

Time served in prison relative to governing sentence was analyzed for prison releases. The **governing sentence** represents the original sentence to incarceration, including consecutive terms for multiple sentences; the parole sentence for technical parole returns serving a mandatory parole period; and the combined governing sentence, including the parole sentence plus new conviction sentences for parole returns with new sentences to incarceration. The broad presumptive sentencing ranges, combined with

enhanced sentencing and concurrent versus consecutive sentencing provisions, create vast disparities within each crime category and felony class. **Time served in prison** does not include time previously served in prison, time credits awarded for probation or diversionary programs, jail credits, and presentence confinement awards; however, time spent in county jail (backlog) waiting for prison bed space after sentencing is included as time served in prison.

A narrow definition was used to best represent the amount of time that newly sentenced inmates might spend in prison. Only court commitments that released to parole or discharged their sentence were included in the comparison (see Figure 26). Governing sentences and imprisonment time clearly increases with felony class. Habitual offenders and lifetime supervision sex offenders also serve lengthy sentences, with habitual offenders serving about the same amount of time as class 2 felons and lifetime sex offenders serving slightly more than class 3 felons. It should be noted that many offenders in the lower felony class ranges (i.e., class 5 and 6) may have first been sentenced to probation or diversion, but were resentenced to serve a term of imprisonment due to technical violations or new crimes.

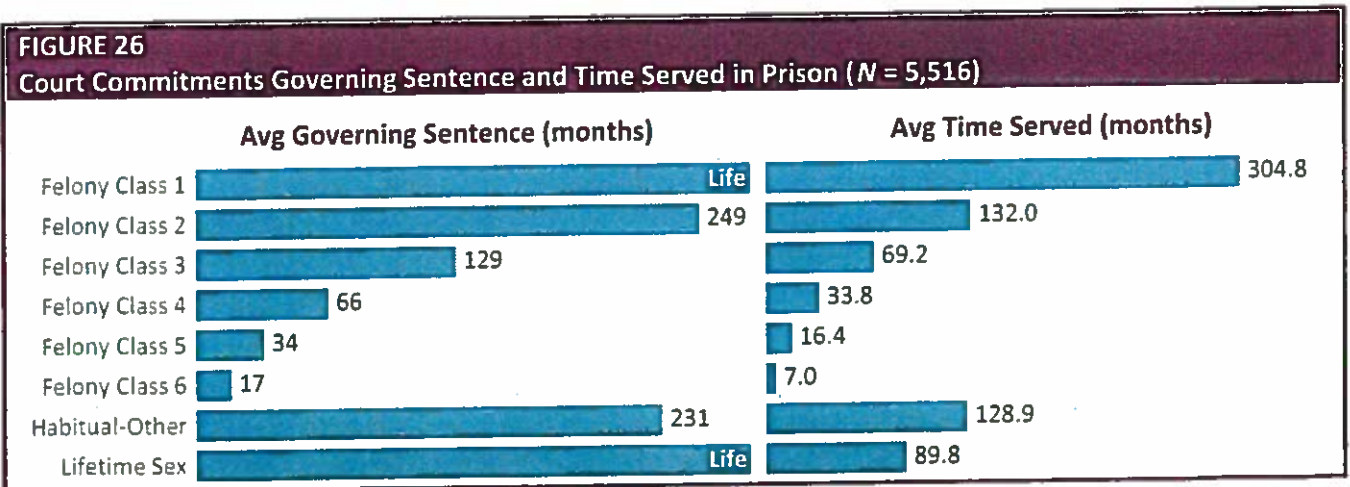


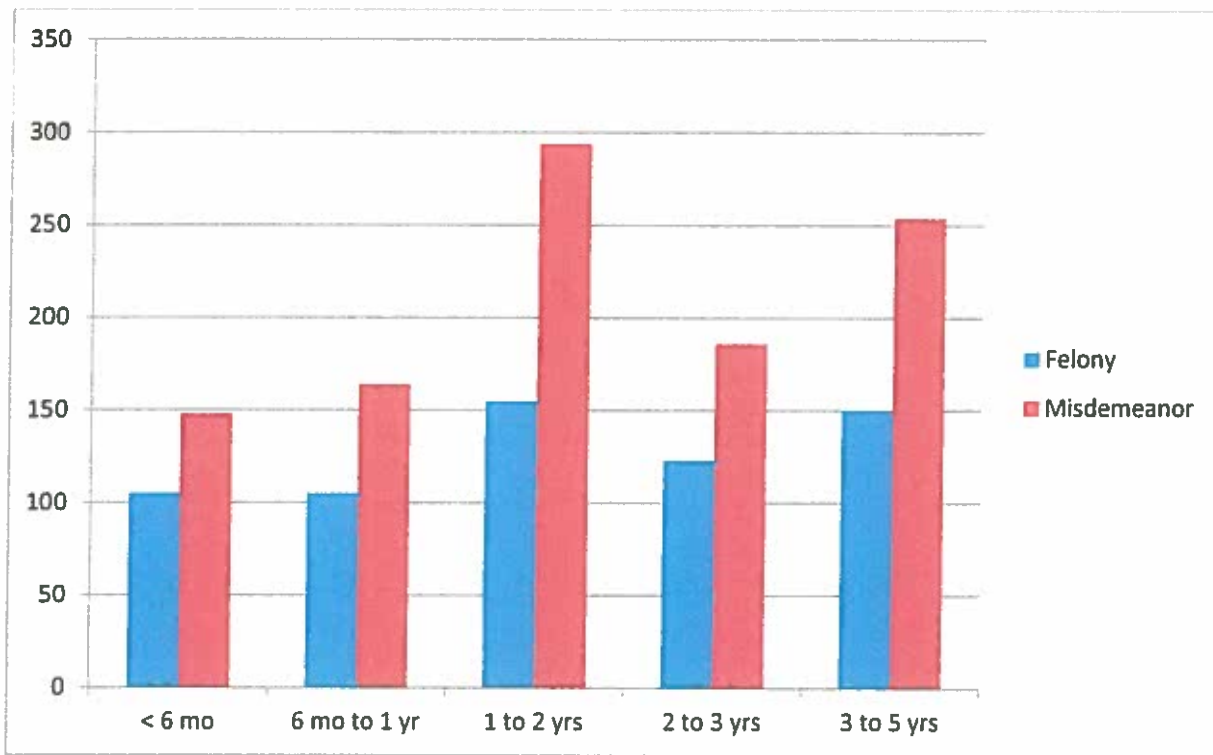
Figure note. Data is based on new commitments who released to parole or discharged their sentence. Time served only includes prison time served from admission to release date.

CHARTS

Recidivism Crimes of Prison Releases from 2008-2010 by CARAS Risk Group

FELONY/MISDEMEANOR

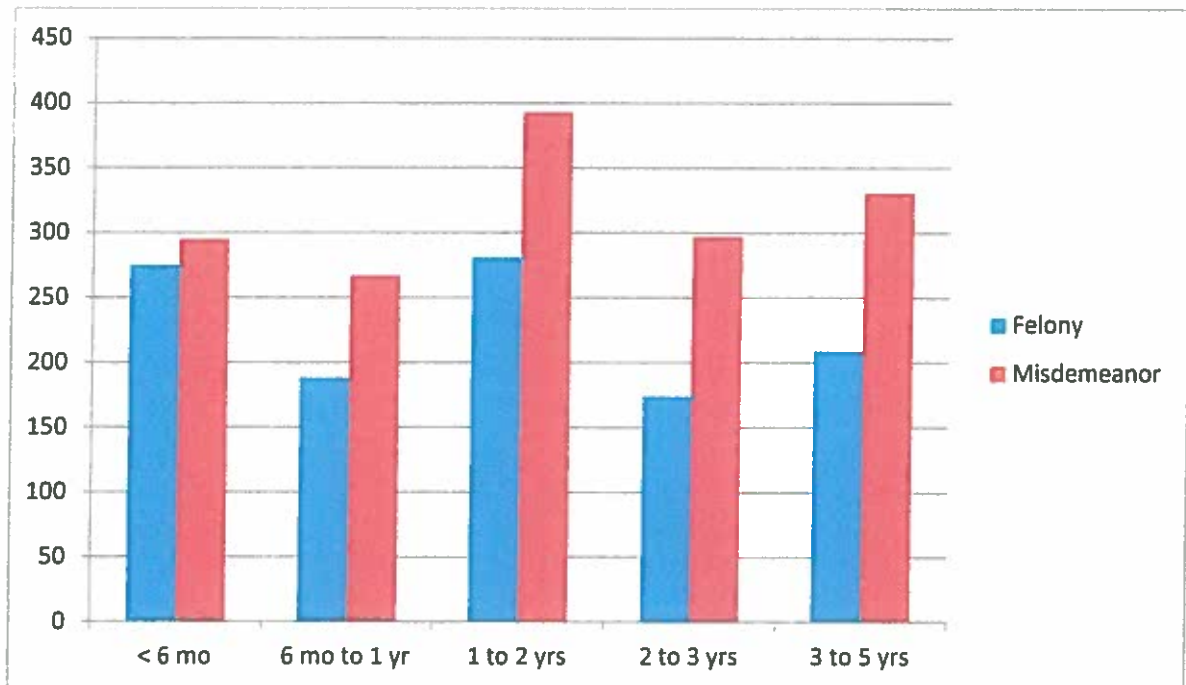
Very Low/Low Risk Group (N=1,684)



Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.

CHARTS

Medium Risk Group (N=2,710)

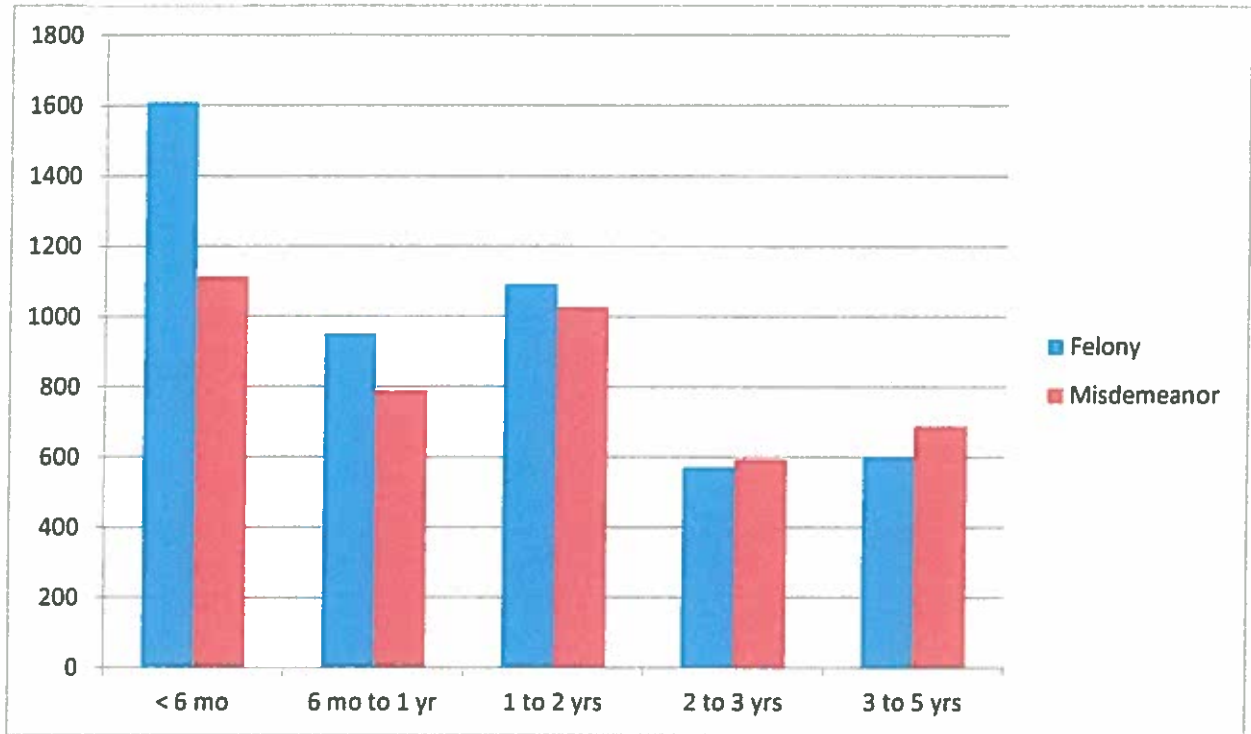


Data

Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.

CHARTS

High/Very High Risk Group (N=9,040)

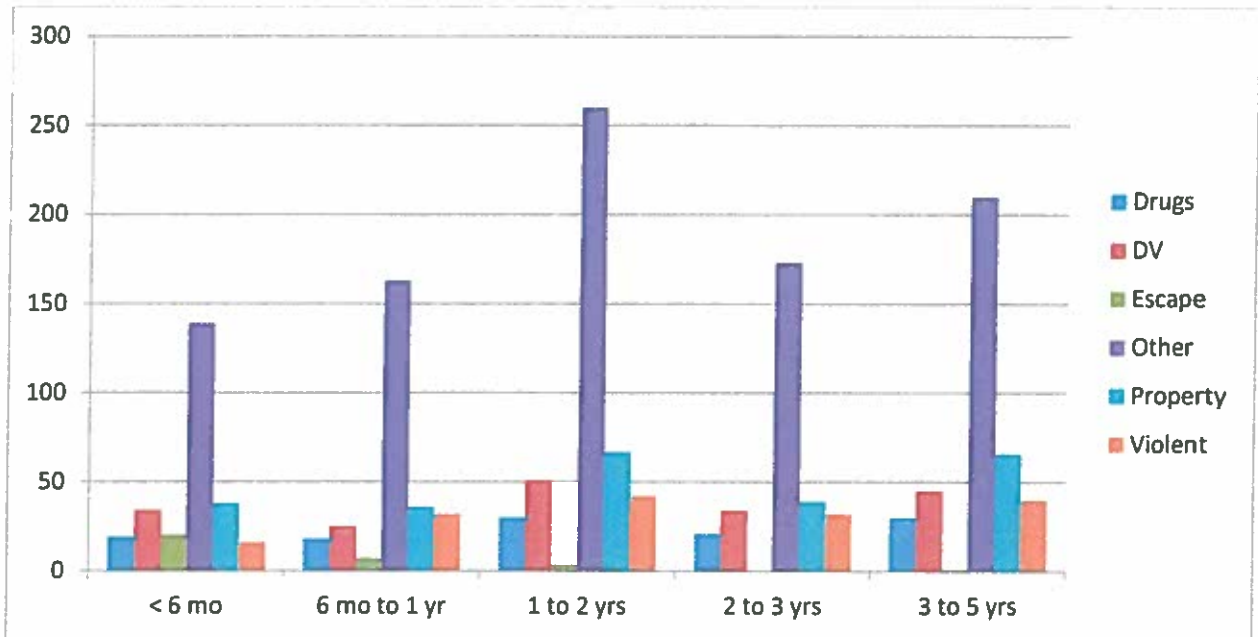


Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records.

CHARTS

CRIME CATEGORIES

Very Low/Low Risk Group (N=1,692)



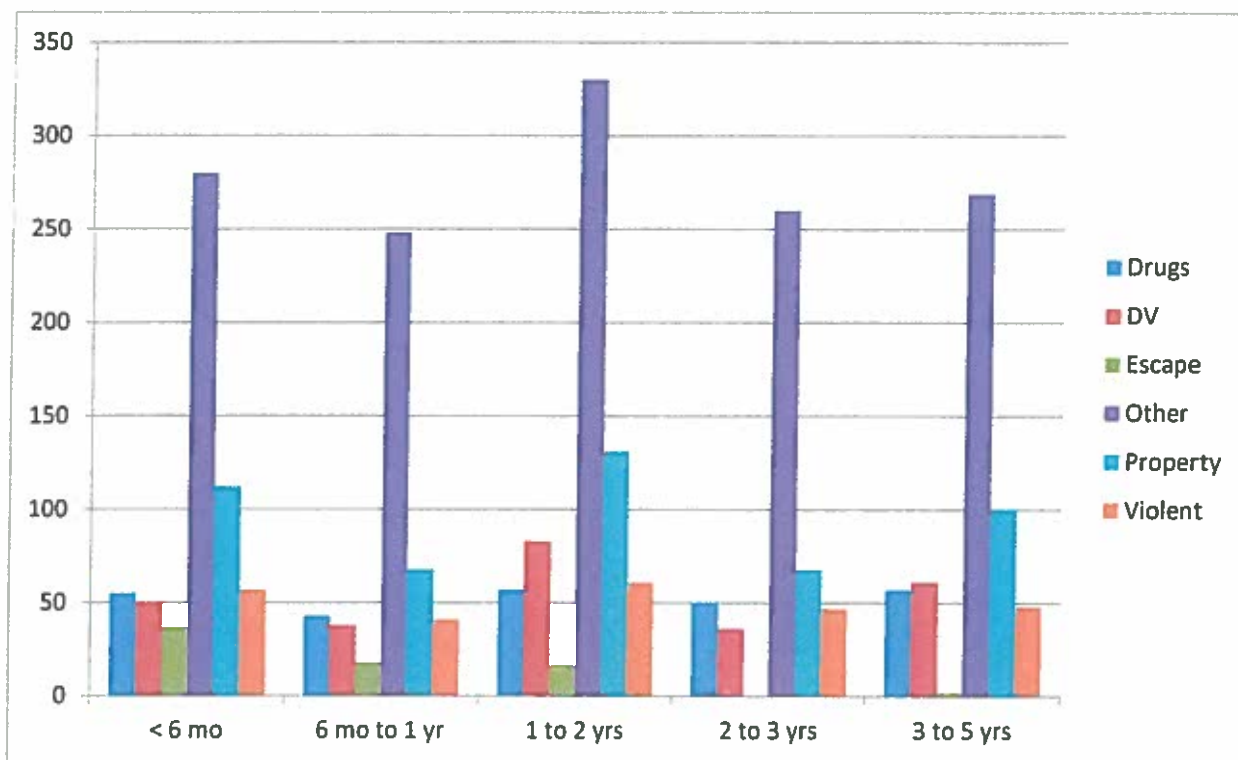
Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records. Domestic violence arrests extracted from Colorado Bureau of Investigation (CBI) criminal history, and do include Denver county.

Notes:

- Domestic Violence (DV) includes arrests or filings flagged as domestic violence.
- Violent includes, in addition to other violent crimes, sexual crimes including hands-off sex offenses.
- Other includes felony and misdemeanor traffic violations, along with other crimes.

CHARTS

Medium Risk Group (N=2,724)



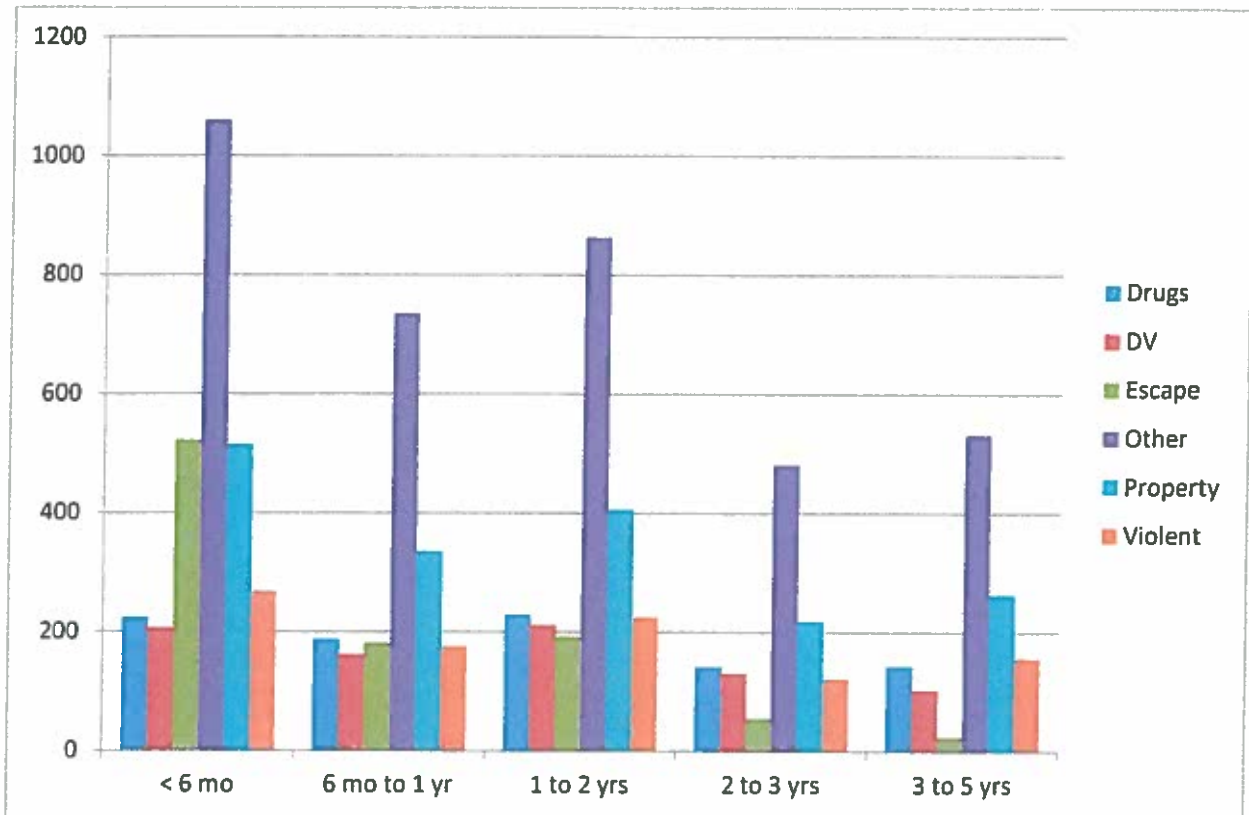
Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records. Domestic violence arrests extracted from Colorado Bureau of Investigation (CBI) criminal history, and do include Denver county.

Notes:

- Domestic Violence (DV) includes arrests or filings flagged as domestic violence.
- Violent includes, in addition to other violent crimes, sexual crimes including hands-off sex offenses.
- Other includes felony and misdemeanor traffic violations, along with other crimes.

CHARTS

High Risk Group (N=9,071)



Data sources: Court records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS. Excludes Denver County court records. Domestic violence arrests extracted from Colorado Bureau of Investigation (CBI) criminal history, and do include Denver county.

Notes:

- Domestic Violence (DV) includes arrests or filings flagged as domestic violence.
 - Violent includes, in addition to other violent crimes, sexual crimes including hands-off sex offenses.
- Other includes felony and misdemeanor traffic violations, along with other crimes.

EXHIBIT 2

Percentage of sentence served by Felony Class

DOC Releases FY2012 through FY 2014 (n=14,878)

Excluded: Sex offenders, Life, pre-1993 sentences

Percentage served

Felony Class	COV*	Non-COV	TOTAL
2	68.7% (29)	57.1% (262)	58.2% (291)
3	65.3% (100)	60.5% (2,436)	60.5% (2,536)
4	66.5% (76)	67.3% (5,539)	67.3% (5,615)
5	68.5% (12)	71.4% (3,797)	71.4% (3,809)
6	77.8% (1)	71.6% (2,617)	71.6% (2,618)
Drug 4		58.5% (6)	58.4% (6)
TOTAL	66.4% (218)	67.8% (14,660)	67.8% (14,878)

*Identified with a Crime of Violence per C.R.S 18-1.3-406.

Average Governing Sentence (Months)

Felony Class	COV*	Non-COV	Total
2	305	202	213
3	217	110	115
4	108	61	61
5	44	32	32
6	48	18	18
D	-	8	8
Total	180	56	58

Average Months Served

Felony Class	COV*	Non-COV	Total
2	202	114	123
3	134	66	69
4	69	41	41
5	33	23	23
6	37	13	13
D		5	5
Total	115	37	38

Average length of time on parole by felony class and CARAS risk category

Average Length of stay and Average amount of parole period served by Felony class and CARAS risk level

Average Length of Stay on Parole (in Months)						Average % of Statutory Parole Period served					
Felony class	Very Low/Low	Medium	High/Very High	Total	N	Felony class	Very Low/Low	Medium	High/Very High	Total	N
2	40.41	33.22	35.66	37.41	251	2	67%	55%	59%	62%	251
3	35.92	33.50	37.64	36.01	1,135	3	60%	59%	63%	60%	1,135
4	27.62	25.58	26.17	26.73	1,906	4	77%	71%	73%	74%	1,906
5	14.85	14.41	15.56	15.00	1,051	5	62%	60%	55%	63%	1,051
6	9.04	9.37	9.50	9.25	361	6	75%	78%	79%	77%	361
Total	26.56	22.79	25.40	25.58	4,704	Total	68%	65%	69%	68%	4,704
N	2,371	755	1,578			N	2,371	755	1,578		

Felony Class	Statutory Parole Periods (in Months)
2	60
3	60
4	36
5	24
6	12

Overall averages across all felony classes and risk levels
 Avg. Parole LOS (in Months) 25.58
 Avg. % Statutory Parole Period Served 68%

- Data includes parole LOS for offenders who completed their parole periods during Fiscal Year 2014. Includes all parolees completing parole, regardless of revocation status for technical violations of parole. (e includes those who were revoked during the parole period to DOC for a technical parole violation(s))
- DOES NOT include the following: parole absconders/escapes at any time during the parole period; interstate parolees; offenders with life type sentences; those who died while serving their parole periods; and parole returns for new felony convictions
- CARAS score included is the most recent score at the time of release to parole

Note: Figures include all months applied to each parolee's term of parole, which may include time spent in prison following a revocation due to a technical violation.

EXHIBIT 4

Impact on the parole and prison populations with shorter parole periods determined by CARAS

Proposal:

COV (1.7% of releases)

Very low/low = 6 months

Medium = 1 year

High/Very high= 2 years

Non-COV (98.3% of releases)

Very low/low=6 months

Med/High/Very high= 1 year

FY14 parole terminations (including those from inmate status) (n=5,157)

- Current estimate: 4,311,603 DAYS expected to be served on parole
- Proposal estimate: 1,117,254 DAYS expected to be served on parole
 - 74% average reduction in parole days to be served
 - Approximately 920 (18% of TV returns) fewer people return to DOC
- 2014 parole population = 10,432
- 2021 parole population = 2,554
- 74% reduction in caseload realized within 3 years

Parole caseload impact

	DCJ 2014 projection	% change	New Caseload	% change	Change from DCJ 2014 projection
FY2014*	10,432	-8.70%	10,432	87.0%	-
FY2015	9,819	-5.87%	9,819	-5.9%	0.0%
FY2016	9,499	-3.26%	4,354	-55.7%	54.2%
FY2017	9,442	-0.60%	2,399	-44.9%	74.6%
FY2018	9,306	-1.44%	2,380	-0.8%	74.4%
FY2019	9,374	0.73%	2,447	2.8%	73.9%
FY2020	9,590	2.30%	2,501	2.2%	73.9%
FY2021	9,791	2.10%	2,554	2.1%	73.9%