

Post-Incarceration Supervision Task Force
Colorado Commission on Criminal and Juvenile Justice
Date: September 9, 2009, 9:30AM - 12:00PM

Attendees:

David Kaplan, Chair
Christie Donner, Task Force Leader
Tamara Brady, Colorado State Public Defender's Office
Lacey Berumen, Executive Director, National Alliance for the Mentally Ill (NAMI)
Carl Blesch, DCJ/Community Corrections
Joe Cannata, Voices of Victims
Tim Hand, Deputy Director of Regional Operations (Parole)
Regina Huerter, Manager of Denver Public Safety
Greg Mauro, Community Corrections
David Michaud, Parole Board Representative
Jeaneene Miller, Division Director (Parole)
Maureen O'Keefe, DOC via the phone
Sarah Steen, CU
Melissa Thrasher
Dianne Tramutola-Lawson, CURE
Carolyn Turner, CURE
Kerry Cataldo, DCJ
Kim English, DCJ
Kevin Ford, DCJ
Paul Herman, Consultant

Absent:

Kathie Izor, CURE
Pete Hautzinger, District Attorney

Issue/Topic:	Discussion:
Welcome	David Kaplan welcomed the group.

Issue/Topic:	Discussion:
<p data-bbox="99 352 527 420">Update on the American Probation & Parole Training Institute</p> <p data-bbox="272 426 354 453">Tasks:</p> <p data-bbox="94 495 521 596">Tim Hand is going to bring copies of the APPA presentation to the next meeting.</p> <p data-bbox="94 638 532 844">The Parole Department is going to brief Ari Zavaras on the PVDMI instrument. Then they will plan on pulling together a committee to look at the PVDMI and see how it can be adapted for use in Colorado.</p> <p data-bbox="94 886 509 987">DOC Parole is going to look into bringing Tom Hoffman to Colorado for consultation.</p>	<p data-bbox="558 346 1511 590">Tim Hand updated the group on the 34th Annual Training Institute of the American Probation and Parole Association in CA August 23-26, 2009. A panelist at one of the sessions was Tom Hoffman, the former Director of California's Parole Department. The panel presentation dealt with the problem of technical violators in California and an effort to reduce technical violations. (See "Parole Violations and Revocations in California" (2008) at http://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf)</p> <p data-bbox="558 632 1516 875">California's parole system is much larger than Colorado's with over 170,000 parolees, and over 2,800 parole officers. California was facing the same problems as Colorado with technical violations leading to the implementation of a violation decision-making system over three years ago (developed with the Center for Evidence Based Public Policy). The new program began with pilots in Southern California late 2008 concluding by late summer 2009 with roll-outs across the state.</p> <p data-bbox="558 917 1528 1232">The aspects Tim liked about California's new program were: (1) the ability to create an environment of change that was comfortable for parole officers who were originally resistant to change; and (2) the decision instrument that California is using known as the Parole Violation Decision Making Instrument (PVDMI). After the presentation, Tim met with Mr. Hoffman to ascertain his interest in consulting with Colorado. Tim is interested in having Mr. Hoffman look at the Colorado Parole processes, meet with staff (i.e. team leaders and supervisors), and look at their management team. Tom has agreed to come out. Also, Tim will work with others at DOC to study the PVDMI.</p> <p data-bbox="558 1274 1520 1480">DOC representatives feel that the California model of change offers promise, but would require that any study efforts be delayed due to the heavy staff demands resulting from current budget issues. A counter-argument is made that the budget situation offers a perfect opportunity to explore practices and processes for potential efficiencies and evidence-based improvements that will save money, reduce recidivism, and enhance public safety.</p> <p data-bbox="558 1522 1471 1623">When the reform efforts and study are undertaken, DOC representatives are asked to identify potential aspects of parole reform that might require recommendation(s) from the task force for legislative action.</p>

Issue/Topic:	Discussion:
CARAS update	Analysis done by the Colorado Department of Corrections found that the CARAS (Colorado Actuarial Risk Assessment Scale, ver. 5) predicts such offender outcomes as arrest, conviction, and return to prison, including for sex offenders and violent offenders. The prediction for sex offender functions at a level similar to other measures, like the Static-99 (0.32 correlation coefficient). While

recommending continued monitoring of the function of the CARAS, the DOC does endorse its use as one of the factors the Parole Board considers when making decisions.

The Colorado's Sexually Violent Predator (SVP) instrument also predicts for sex offenders as well. The CARAS and the SVP instrument should both be used by the Parole Board.

Issue/Topic:	Discussion:
<p data-bbox="110 489 513 554">DOC/Parole policies and statutes on revocation</p>	<p data-bbox="558 489 1507 554">Jeaneene Miller provided two handouts on DOC's/Parole's policies and statutes on revocation:</p> <ol data-bbox="607 594 1495 730" style="list-style-type: none"><li data-bbox="607 594 1438 659">1. Statute and Policy: Mandatory Filing of Parole Complaints Seeking Revocation (<i>Attached at the end of the document</i>)<li data-bbox="607 663 1495 730">2. Detention/Complaint Guideline: Adult Parole, Community Corrections, and Youthful Offender System (<i>Attached at the end of the document</i>) <p data-bbox="558 772 1230 804">Several points were highlighted during the presentation.</p> <ul data-bbox="570 808 1507 1335" style="list-style-type: none"><li data-bbox="570 808 1507 982">• Parole Officers do not make decisions to revoke on their own. There is a system of checks and balances when deciding to revoke. There is first a supervisory review, and, if revocation is decided, the complaint is forwarded to the Parole Board where the final decision is made whether to revoke the parolee.<li data-bbox="570 987 1507 1087">• Revocation is not always the ultimate intent when filing a parole complaint. Parolees respond differently to the Parole Board than to a Parole Officer and some offenders find new motivation in a complaint hearing.<li data-bbox="570 1092 1507 1192">• Intermediate sanctions are an option where legislation allows. There are many restrictions in legislation that constrain the response to parole violations and the options for sanctions.<li data-bbox="570 1197 1507 1335">• The study of disproportionate minority decisions among parole officers is made difficult by the aforementioned legislative constraints which dictate parole actions based on the actions of others (for example, arrest for particular offenses).

Issue/Topic:	Discussion:
<p data-bbox="203 1480 423 1545">Parole data issues</p> <p data-bbox="272 1518 354 1545">Tasks:</p> <p data-bbox="94 1591 529 1761">David Michaud is going to continue working with Maureen O'Keefe (DOC) and Kevin Ford (DCJ) regarding what kind of data and data system the Parole Board needs.</p>	<p data-bbox="558 1480 1523 1512">David Michaud (with supplemental comments by Jeaneene Miller) reported that:</p> <ul data-bbox="570 1516 1523 1869" style="list-style-type: none"><li data-bbox="570 1516 1305 1547">• The data collection and capture capabilities are inadequate.<li data-bbox="570 1551 1523 1652">• He does not have access to sufficient parole data to complete annual reports (for example, he cannot accurately report the number of parole hearings held each year, etc.).<li data-bbox="570 1656 1523 1757">• He relies on the DOC Office of Planning and Analysis and Maureen O'Keefe to cobble data together for reporting purposes, but Parole requests are not a priority for the office.<li data-bbox="570 1761 1523 1869">• Nonetheless, DOC's P & A Office is working with the Parole Board to address the problem. Also mentioned was that, in the past, the Parole Board had a researcher responsible for managing Parole Board data.

The PIS task force should recommend to the Commission that the Parole Board receive assistance and support with the creation of a Parole database, for setting up data collection processes, and the integration of Parole data with offender data from other entities to effectively track parole decisions and outcomes.

Look at the internal systems in Georgia and Massachusetts that are addressing the Parole Board needs.

- Currently statute (S.B. 09-135) mandates that DCJ provide data analysis to Parole. Given Parole’s database needs suggest closer integration with the DOC, it is unclear how best to resolve data management and analysis responsibilities with the requirements of the legislation. Should there be a statutory change? The reason DCJ was designated in the legislation was due to legislative precedent establishing a working relationship between the Parole Board and DCJ (on such things as the CARAS and Parole Guidelines.)
- There needs to be a system within DOC that tracks the offender’s entry into DOC through Parole revocation unlike the current piecemeal system that is not integrated.
- The PIS task force should recommend to the Commission that the Parole Board/DOC receive assistance and support with the creation of a Parole database, including data collection processes and the integration of Parole data with offender data from other entities to effectively track decisions and outcomes from admission to release (and re-admission when it occurs). A fiscal note should be attached to fund the planning and implementation tasks and to fund a Parole Board researcher to conduct the ongoing tasks.

There needs to be a determination and differentiation of what:

- Can be accomplished within the existing capabilities and structure
- Cannot be accomplished due to lack of funds within the existing capabilities and structure, and
- Cannot be accomplished due to insufficient capabilities and structure.

A budget request should be constructed to address the need for funds and the capabilities and structure necessary to reach the goal of a data system for the Parole Board and, ultimately, for an integrated (“stem to stern”) offender data system.

[Note: Several of these issues overlap with existing Commission recommendations, namely, BP-46 Standardized Comprehensive Offender Profile, BP-47 Offender Profile to Follow Throughout the System, BP-56 Funding for the Parole Board, BP-57 Outside Agency Analysis and Assistance for the Parole Board)

Issue/Topic:	Discussion:
<p>Senate Bill 09-135 Concerning information collection regarding parole decisions</p>	<p>Given the inadequate state of Parole Board data collection, DOC and DCJ are not able to comply with S.B. 09-135. It was suggested that this senate bill be revised and clarified.</p> <ul style="list-style-type: none"> • In regard to S.B. 135, the PIS TF should recommend that compliance be delayed until adequate data systems are in place. • In regard to any legislation or existing statutes, the PIS TF should recommend clarification of data collection, management, analysis and reporting responsibilities regarding Parole data among the Parole Board, DOC, and DCJ.

Issue/Topic:	Discussion:
<p data-bbox="180 174 448 275">Parole update on CCJJ recommendations (BP-48 and BP-51)</p> <p data-bbox="94 1276 532 1409">Tim Hand will report on the progress of the DOC committee looking at a standardized policy to address BP-51.</p>	<p data-bbox="561 174 1419 201">BP-48 IMPROVE DOC'S INMATE TRANSPORTATION/DROP-OFF SYSTEM</p> <p data-bbox="561 243 1520 310">Develop an efficient system for transferring an offender from DOC institutional custody to the custody of community corrections and/or parole supervision.</p> <p data-bbox="561 352 708 380"><i>DISCUSSION</i></p> <p data-bbox="561 388 1528 667"><i>The Department of Corrections routinely drops off released inmates at a predetermined location on Smith Road in Denver. The drop-off times vary and offenders can be dropped off in a variety of weather conditions. There are no services available at the Smith Road drop-off location and an offender is often left on his or her own to find their way from the drop-off site to a required location (e.g. parole office and/or place of residence). The Commission feels there should be a more methodical drop-off procedure that would maximize the offender's ability to immediately access available re-entry services.</i></p> <p data-bbox="561 709 643 737">Action</p> <p data-bbox="561 745 1511 1129">As of September 2009, DOC's response was to develop a RFI (request for interest) for transportation services. Given the current budget circumstances and the unavailability of funds, an RFI was considered more appropriate than an RFP (request for proposals). It was observed that there may be a possibility for community partners (local non-profits or faith-based organizations) to provide transportation services (for example, Church in the City offers bus service for family members to incarceration facilities). DOC responded that they have explored non-profits in the past, but the community partners were not able to provide the services due to the liability issues of transporting offenders. However, they could apply for grants to cover the high costs of the insurance premiums.</p> <p data-bbox="561 1171 1211 1199">BP-51 STANDARDIZE DRIVER'S LICENSE RESTRICTIONS</p> <p data-bbox="561 1241 1479 1346">Any limitation or restriction of an offender's driver's license while on parole and community corrections must be based on specific, written, and standardized criteria.</p> <p data-bbox="561 1388 708 1415"><i>DISCUSSION</i></p> <p data-bbox="561 1423 1479 1528"><i>The DOC does not currently have a written policy that addresses this recommendation. A policy should be developed to standardize driver's license restrictions.</i></p> <p data-bbox="561 1570 643 1598">Action</p> <p data-bbox="561 1606 1495 1732">As of September 2009, Tim Hand has formed a committee to look at this issue. They are planning on meeting next week (between Sept. 14-18) to form a standardized policy, which they hope to have in place by the end of the month. Tim will update the PIS TF of developments at the next meeting.</p>

<p>Issue/Topic:</p> <p>Structured decision making</p> <p>Tasks:</p> <p>The PIS TF should discuss and select the matrix vs. tree approach.</p>	<p>Discussion:</p> <p>Examples of structured decision making were provided by Paul Herman and Christie Donner. The examples are provided below of a matrix approach and a decision tree approach. The models provided are merely concept examples and are not intended as proposals for implementation.</p> <p>Release decisions are complicated by the public’s need for offenders to serve more time even though the offender may be low risk and demonstrating good behavior. Structured decision making can provide everyone (for example, offenders, victims, the public, Parole Board members) a clear understanding of the basis upon which decisions are made.</p> <p>Implementing structured decision making allows Parole Board members to better differentiate low, medium, and high risk offenders to enhance review efficiency. PB members can focus attention and scrutiny on parole decisions for offenders who are higher risk rather than undertaking the same level of review for all offenders.</p> <p>Structured decision making by the Parole Board could affect the subsequent decisions made by community corrections boards.</p> <p>The first impression by several TF members was to lean toward the decision tree approach with its potential for the inclusion of broader considerations, like the determination of readiness.</p> <p>At the next PIS meeting, the task force should discuss which of the two approaches is preferred (a matrix or decision tree).</p>
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<p>Issue/Topic:</p> <p>Next steps</p>	<p>Discussion:</p> <p>Potential items for discussion include:</p> <ul style="list-style-type: none"> • Updates from Tim Hand: copies of APPA presentation, progress on review of the PVDMI model, progress on Tom Hoffman invitation, possible areas within reform efforts that may require legislation. • Updates on Parole data issues: review of Georgia and Massachusetts systems, data collection and database planning including a determination of the current capabilities and structure and funds needed to reach goals, drafting recommendation to CCJJ for the support of Parole data management and tracking, clarification of SB 135 • Update from Tim Hand on committee in Parole that meet during Sept. 14-18 to discuss CCJJ recommendation BP-51 (Standardize Driver’s License Restrictions) • Structured decision-making alternatives: matrix vs. decision tree.
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Next meeting:
Wednesday, October 14, 2009
9AM-12PM
150 East 10th Avenue

STRUCTURED DECISION MAKING MODELS

MATRIX APPROACH

- States use a matrix as a starting point to determine when to schedule face-to-face hearings vs. when to conduct a file review.
- The advantage of a matrix, once everyone is familiar with its use, is the standardization which promotes simplicity of decision-making, reduces the workload of parole board members, and provides clarity of decisions for everyone (i.e. Parole Board, inmates, etc).

The matrix example provided merely introduces the concept of structured decision-making via a matrix. The first example matrix starts simply and the subsequent examples show how that matrix could be modified to higher levels of complexity to account for additional factors (for example, earned time, extraordinary risk, specific crimes, etc.)

EXAMPLE 1: DRAFT FOR DISCUSSION: No Earned Time

The first example provides a visual on what the grid would look like, absent Exceptional Circumstances and Extraordinary Risk. This is a very simple presentation that has the felony class (severity) on the left and the risk level (severity) across the top. Each cell contains a range based on the minimum and maximum sentences for each felony class and the risk level of the offender.

For felonies committed on or after July 1, 1993 **Does not include Exceptional Circumstances/Extraordinary Risk**

Method: The method begins with the highest year in the presumptive range which serves as the basis for the highest number in the Very High Risk category. For Very High risk/F2s, the first number in this cell is .8 x the highest year in the normal range (.8 x 24 = 20). The ranges decrease by 20% for each lower risk category. High risk/F2s ranges are derived as follows: 20 x .8 = 16 and 24 x .8 = 20. The multiplied figures are rounded to the closest whole number. The ranges decline with risk level.

CARAS-5 RISK LEVEL					
FELONY CLASS (Severity)	Very Low	Low	Medium	High	Very High
2 (8-24)	8-10 yrs	10-13 yrs	13-16 yrs	16-20 yrs	20-24 yrs
3 (4-12)	4-5 yrs	5-6 yrs	6-8 yrs	8-10 yrs	10-12 yrs
4 (2-6)	2-2.5 yrs	2.5-3 yrs	3-4 yrs	4-5 yrs	5-6 yrs
5 (1-3)	12-15 mos	15-18 mos	1.5-2 yrs	2-2.5 yrs	2.5-3 yrs
6 (1-1.5)	Less than 8 mos	Less than 10 mos	10-12 mos	12-15 mos	15-18 mos

EXAMPLE 2: DRAFT FOR DISCUSSION: Earned Time at 50%

The second example includes Exceptional Circumstances and Extraordinary Risk. Including these factors normally expands the sentencing range maximum sentence level. Although it is possible to expand the sentencing range at the lower level as well for Exceptional Circumstances, since this is rarely the case we did not include it in the example. Thus you see two different ranges in this example vs. the first. In addition, in this example we included the factor of 50% earned time (note this percent is used simply as an example for demonstration purposes). In this example the upper range in each cell is the range for offenses in each felony level, including Exceptional Circumstances and Extraordinary Risk. The second set of numbers in each cell represents the range if you applied a 50% earned time to the minimum range.

For felonies committed on or after July 1, 1993 **Includes Exceptional Circumstances/Extraordinary Risk**

Method: 20% difference across 3 highest risk groups; Very low and low risk begin with lowest sentence in the range.

Full range 50% Earned time

CARAS-5 RISK LEVEL					
FELONY CLASS (Severity)	Very Low Full range 50% Earned time	Low Full range 50% Earned time	Medium Full range 50% Earned time	High Full range 50% Earned time	Very High Full range 50% Earned time
2 (8-48)	<u>8-10</u> yrs 3-5 yrs	<u>8-18</u> yrs 4-9 yrs	<u>19-24</u> yrs 10-12 yrs	<u>24-30</u> yrs 12-15 yrs	<u>38-48</u> yrs 19-24 yrs
3 (4-32)	<u>4-13</u> yrs 2-7 yrs	<u>4-17</u> yrs 7-8 yrs	<u>17-21</u> yrs 8-11 yrs	<u>21-26</u> yrs 11-13 yrs	<u>26-32</u> yrs 13-16 yrs
4 (2-16)	<u>2-6</u> yrs 1-3 yrs	<u>2-8</u> yrs 1-4 yrs	<u>8-10</u> yrs 4-5 yrs	<u>10-13</u> yrs 5-7 yrs	<u>13-16</u> yrs 7-8 yrs
5 (1-8)	<u>1-3</u> yrs 6-18 mos	<u>1-4</u> yrs 6-24 mos	<u>4-5</u> yrs 2-2.5 yrs	<u>5-6</u> yrs 2.5-3 yrs	<u>6-8</u> yrs 3-4 yrs
6 (1-4)	<u>12-19</u> mos 6-10 mos	<u>19-24</u> mos 6-12 mos	<u>2-2.5</u> yrs 12-15 months	<u>2.5-3</u> yrs 2-2.5 yrs	<u>3-4</u> yrs 1.5-2 yrs

EXAMPLE 3: DRAFT FOR DISCUSSION (Texas model)

The third example applies Colorado’s sentencing ranges to the Texas Model. This model was presented to you before, but to refresh your memory. Texas had concerns about the offenses that ended up in various felony levels. They, like many states were in a situation where statutes were layered on top of other statutes and in some cases there was no particular rhyme or reason why an offense fell into a particular felony level. Thus, the board reviewed over 2,000 offenses and classified them in severity levels. Those severity levels make up the left side of their matrix.

For felonies committed on or after July 1, 1993

CARAS-5 RISK LEVEL					
Offense Severity	Very Low	Low	Medium	High	Very High
2 (8-48)	<u>8-10</u> yrs 3-5 yrs	<u>8-18</u> yrs 4-9 yrs	<u>19-24</u> yrs 10-12 yrs	<u>24-30</u> yrs 12-15 yrs	<u>38-48</u> yrs 19-24 yrs
<i>Kidnapping with cruelty</i>	<u>10+</u> yrs 5+ yrs	<u>12-18</u> yrs 6-9 yrs	19-24 yrs 10-12 yrs	24-30 yrs 12-15 yrs	38-48 yrs 19-24 yrs
3 (4-32)	<u>4-13</u> yrs 2-7 yrs	<u>4-17</u> yrs 7-8 yrs	<u>17-21</u> yrs 8-11 yrs	<u>21-26</u> yrs 11-13 yrs	<u>26-32</u> yrs 13-16 yrs
<i>First degree assault Extreme indifference</i>	<u>13+</u> yrs 7+ yrs	<u>13+</u> yrs 7+ yrs	17-21 yrs 8-11 yrs	<u>Up to 26</u> yrs <u>Up to 13</u> yrs	<u>32</u> yrs 16 yrs
<i>First degree assault Police/fire/judge</i>	<u>13+</u> yrs 7+ yrs	<u>13+</u> yrs 7+ yrs	17-21 yrs 8-11 yrs	<u>Up to 26</u> yrs <u>Up to 13</u> yrs	<u>32</u> yrs 16 yrs
<i>Armed robbery</i>	<u>10+</u> yrs 7+ yrs	<u>10+</u> yrs 7+ yrs	17-21 yrs 8-11 yrs	<u>Up to 26</u> yrs <u>Up to 13</u> yrs	<u>32</u> yrs 16 yrs
4 (2-16)	<u>2-6</u> yrs 1-3 yrs	<u>2-8</u> yrs 1-4 yrs	<u>8-10</u> yrs 4-5 yrs	<u>10-13</u> yrs 5-7 yrs	<u>13-16</u> yrs 7-8 yrs
<i>Drug crime small amt</i>	At PED	At PED	At PED	At PED	At PED
5 (1-8)	<u>1-3</u> yrs 6-18 mos	<u>1-4</u> yrs 6-24 mos	<u>4-5</u> yrs 2-2.5 yrs	<u>5-6</u> yrs 2.5-3 yrs	<u>6-8</u> yrs 3-4 yrs
<i>Drug crime small amt</i>	At PED	At PED	At PED	At PED	At PED
6 (1-4)	<u>12-19</u> mos 6-10 mos	<u>19-24</u> mos 6-12 mos	<u>2-2.5</u> yrs 12-15 months	<u>2.5-3</u> yrs 2-2.5 yrs	<u>3-4</u> yrs 1.5-2 yrs
<i>Drug crime small amt</i>	At PED	At PED	At PED	At PED	At PED

EXAMPLE 4: DRAFT FOR DISCUSSION: Earned Time at 50%

The fourth example is similar to the second example except that it shows what you would do in each felony level to deal with the sentence length. So for a Class 5 felony there would be eight (8) rows and the cells in each row would correspond to the sentence represented by that row. This allows for the sentencing disposition in terms of years to be considered when identifying the minimum and maximum guideline release period for each risk level.

For felonies committed on or after July 1, 1993

Includes Exceptional Circumstances/Extraordinary Risk

Method: 20% difference across 3 highest risk groups; Very low and low risk begin with lowest sentence in the range.

Full range 50% Earned time

CARAS-5 RISK LEVEL					
FELONY CLASS (Severity)	Very Low Full range 50% Earned time	Low Full range 50% Earned time	Medium Full range 50% Earned time	High Full range 50% Earned time	Very High Full range 50% Earned time
2 (8-48)	<u>8-10</u> yrs 3-5 yrs	<u>8-18</u> yrs 4-9 yrs	<u>19-24</u> yrs 10-12 yrs	<u>24-30</u> yrs 12-15 yrs	<u>38-48</u> yrs 19-24 yrs
3 (4-32)	<u>4-13</u> yrs 2-7 yrs	<u>4-17</u> yrs 7-8 yrs	<u>17-21</u> yrs 8-11 yrs	<u>21-26</u> yrs 11-13 yrs	<u>26-32</u> yrs 13-16 yrs
4 (2-16)	<u>2-6</u> yrs 1-3 yrs	<u>2-8</u> yrs 1-4 yrs	<u>8-10</u> yrs 4-5 yrs	<u>10-13</u> yrs 5-7 yrs	<u>13-16</u> yrs 7-8 yrs
**5 (1-8)	<u>1-3</u> yrs 6-18 mos	<u>1-4</u> yrs 6-24 mos	<u>4-5</u> yrs 2-2.5 yrs	<u>5-6</u> yrs 2.5-3 yrs	<u>6-8</u> yrs 3-4 yrs
8					
7					
6					
5					
4					
3					
2					
1					
6 (1-4)	<u>12-19</u> mos 6-10 mos	<u>19-24</u> mos 6-12 mos	<u>2-2.5</u> yrs 12-15 months	<u>2.5-3</u> yrs 2-2.5 yrs	<u>3-4</u> yrs 1.5-2 yrs

** In this example, under felony level five with the exceptional circumstances and the extraordinary risk, for each felony level you would see a “drop down” series of rows with the sentences in the range. Each cell would then be populated with the appropriate years and or months based on the descending severity of the sentence. That would be the case for each felony level.

DECISION TREE APPROACH

Parole Board Administrative Release Guidelines

Colorado Revised Statute § 17-22.5-404 lists the factors the parole board must consider in deciding whether to release someone to discretionary parole.

The goal of these Administrative Release Guidelines is to provide a framework for the Colorado parole board to evaluate and weigh the statutorily mandated factors in their decision making and offer advisory decision options. These guidelines are advisory and parole board members retain the authority to make the release decision that s/he believes it most appropriate in any particular case.

These administrative release guidelines are not to be used in considering those inmates for discretionary release for whom the Sex Offender Management Board has established separate and distinct release guidelines.

These guidelines are prefaced on the various risk levels that correspond to the Colorado Actuarial Risk Assessment Score (CARAS).

Very low or low risk: the advisory decision option is that the inmate is to RELEASE to discretionary parole at the first (or any subsequent) parole hearing with the standard parole plan and standard conditions unless:

- the inmate had harassed the victim either verbally or in writing during the period of incarceration; (if present, the parole board should delay release until it is established that the inmate does not pose a threat to the victim and an adequate supervision plan can be developed); or
- the inmate was convicted of a Class I Code of Penal Discipline violation within the past twelve months or a Class II violation within the past three months¹; (if present, the parole board should delay release until the inmate meets the timeline for being violation free as indicated above); or
- the inmate is currently incarcerated after being regressed from community corrections as a transition inmate; (if present, the parole board does not necessarily have to delay release but should consider whether any special conditions of parole are warranted based on the reasons for the regression.)

Very high risk: the advisory decision option is to NOT RELEASE on discretionary parole unless:

- There are factors such as advanced age, medical disability, or successful completion of intensive treatment program that would tend to significantly reduce the risk of re-offense; or
- The parole board has confidence that risk can be reasonably controlled with intensive supervision.

Medium or high risk:

For those inmates assessed as either medium or high risk, the parole board should more closely evaluate the inmate's "readiness" for release. A matrix has been developed to assist the parole board which includes an analysis based on risk and readiness.

Parole Readiness: evaluates a number of factors to determine to what extent an inmate is ready for release as evidenced by risk and needs assessments, institutional behavior and accomplishments, and viability of the parole plan. The parole board should consider the effort made by the inmate to complete recommended programs or classes while incarcerated. However, because inmates are not always able to enroll in recommended programs or classes while incarcerated, these guidelines also allow the parole board to consider whether the inmate could and reasonably would participate in the recommended programs in the community, if released.

Readiness factors include:

¹ This timeline was chosen because it conforms to what is considered acceptable institutional conduct for eligibility for referral to community corrections.

- Assessments: to include risk and needs assessments, as well as any specialized assessments including but not limited to mental health or substance abuse treatment needs.
- Institutional adjustment: identifies the number and type of major Code of Penal Discipline violations and the amount of time that has lapsed since the last major violation.
- Program performance: includes the inmate's access to programs while incarcerated, the degree of completion of recommended programs, overall level of participation, and achievement of program objectives.
- Job performance: includes the inmate's evaluations in any facility job, vocational training program, apprenticeship, or Correctional Industries position.
- Parole plan: evaluates the adequacy and appropriateness of the parole plan to include the potential parole sponsor, housing option, employability, treatment/relapse prevention plan, and supervision plan and conditions of release that address criminogenic risk issues.
- Additional information: including whether there are documented threats by prisoner to victim(s)/others or whether the inmate has exhibited exemplary behavior or committed meritorious act while incarcerated.

After evaluating these factors, an inmate is categorized as being "high", "average", or "low" readiness for reentry.

- HIGH readiness is defined as an inmate who has fully participated in and/or successfully completed recommended programs available to him/her (or is likely to participate and successfully complete recommended programs in the community), has demonstrated an acceptable level of institutional behavior, has had few major conduct violations, and has a strong parole plan.
- AVERAGE readiness is defined as an inmate that has fully participated in and/or successfully completed some of the recommended core programs available to him/her (or is likely to participate and successfully complete recommended programs in the community), has demonstrated an acceptable level of institutional behavior, has had few major conduct violations, and has an adequate parole plan.
- LOW readiness is defined as an inmate who has not fully participated and/or successfully completed recommended programs available to him/her (and is not likely to participate and/or successfully complete recommended programs in the community), has not demonstrated an acceptable level of institutional behavior, has a pattern of major conduct violations, and does not have an adequate parole plan.

	High readiness	Average readiness	Low readiness
<i>Medium Risk</i>	<p>Advisory decision option is to RELEASE if:</p> <ul style="list-style-type: none"> • a suitable parole plan can be developed with special conditions and transition services to adequately address risk. • If the decision is to NOT RELEASE, the parole board should work with the inmate to develop a plan that would address issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible. • If the inmate completes the recommended program or addresses the issues or concerns of the parole board, the advisory decision option is to RELEASE at the next parole review/hearing. 	<p>Advisory decision option is to RELEASE if:</p> <ul style="list-style-type: none"> • a suitable parole plan can be developed with special conditions and transition services to adequately address risk. • If the decision is to NOT RELEASE, the parole board should work with the inmate to develop a plan that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible. • If the inmate completes the recommended program or addresses the issues or concerns of the parole board, the advisory decision option is to RELEASE at the next parole review/hearing. 	<p>Advisory decision option is to NOT RELEASE.</p> <ul style="list-style-type: none"> • If the decision is to NOT RELEASE, the parole board should work with the inmate to develop a plan that would address the issues or concerns of the parole board. If the parole board recommends that a program be completed, the prison case manager should assist the inmate in enrolling or being prioritized for enrollment in that program prior to the next scheduled parole hearing, to the greatest extent possible. • If the inmate completes the recommended program or addresses the issues or concerns of the parole board, the advisory decision option is to RELEASE at the next parole review/hearing. • If the decision is to RELEASE, the parole board should ensure that a suitable parole plan can be developed with special conditions and transition services to adequately address risk.
<i>High risk</i>	<p>Advisory decision option is to RELEASE if</p> <ul style="list-style-type: none"> • a suitable parole plan can be developed with special conditions and transition services to ensure effective monitoring and accountability. • Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program. 	<p>Advisory decision option is to NOT RELEASE.</p> <ul style="list-style-type: none"> • The parole board should work with the inmate on a plan to increase their readiness in preparation for the next parole hearing. • Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program. • If the decision is to RELEASE, the parole board should ensure that a suitable parole plan is developed with special conditions and transition services that provides for effective monitoring and accountability. 	<p>Advisory decision option is to NOT RELEASE.</p> <ul style="list-style-type: none"> • The parole board should work with the inmate on a plan to increase their readiness prior to the next parole hearing. • Or parole board should determine whether the inmate should be referred to community corrections or residential treatment program. • If the decision is to RELEASE, the parole board should ensure that a suitable parole plan is developed with special conditions and transition services that provides for effective monitoring and accountability.

An Information and Action Form should be developed consistent with these guidelines to adequately capture the parole board’s decision-making. If the parole board departs from the advisory decision option, the rationale for such should be documented in the action form.

Statute and Policy:
Mandatory Filing of Parole Complaints Seeking Revocation

ALL C.R.S. CITATIONS REFER TO CURRENT PUBLISHED YEAR, 2008	FILING OF PAROLE COMPLAINT SEEKING REVOCATION STATUTORILY MANDATED	FILING OF PAROLE COMPLAINT SEEKING REVOCATION ADMIN REGULATION MANDATED
C.R.S. 17-2-103.5: Parolee found in possession of a deadly weapon as defined in CRS 18-1-901	YES	YES AR 250-41
Parolee is arrested and charged with a felony	YES	YES AR 250-41
Parolee is arrested and charged with a crime of violence, as defined CRS 16-1-104(8.5)	YES	YES AR 250-41
Parolee is arrested and charged with misdemeanor assault involving a deadly weapon or resulting in serious bodily injury	YES	YES AR 250-41
Parolee is arrested and charged with sexual assault in the third degree as defined in CRS 18-3-404 (2) as it existed prior to July 1, 2000 or ...	YES	YES 250-41
Parolee is arrested and charged with unlawful sexual contact as defined in CRS 18-3-404 (2)	YES	YES 250-41
C.R.S. 17-2-201 (5.5)(e)		
Parolee refuses to submit to chemical testing of sample of his/her biological substance:	YES	NO
1) Immediately upon the parolee's release from incarceration		
2) Within the first 30 days from the date of parole		
3) On or after 60 days but not later than six months from the date of parole and		AR 250-41 [citing 17-2-201 (5.5) (e)] requires "a complaint and arrest/hold" for each four factors but fails to specify that the complaint shall seek revocation
4) Annually on or after one year from the date of parole for the duration of parole		

Statute and Policy:
Mandatory Filing of Parole Complaints Seeking Revocation

ALL C.R.S. CITATIONS REFER TO CURRENT PUBLISHED YEAR, 2008	FILING OF PAROLE COMPLAINT SEEKING REVOCATION STATUTORILY MANDATED	FILING OF PAROLE COMPLAINT SEEKING REVOCATION ADMIN REGULATION MANDATED
C.R.S. 16-11-102.4 (3) (a): Parolee refuses to allow collection of biological substance for DNA testing	NO	YES AR 300-24
C.R.S. 17-2-207 (3): Parolee leaves state without permission	NO Statute provides that parolee be arrested and held as "parole violator".	NO AR 250-41 [citing CRS 17-2-207 (3)] requires that parolees be "arrested and held".
C.R.S. 17-2-207 (3): Parolee is found in a county in which a correctional facility is located and does not have permission to be in the specified county	NO Statute provides that parolee be arrested and held as "parole violator".	NO AR 250-41 [citing CRS 17-2-207 (3)] requires that parolee be "arrested and held".
C.R.S. 17-2-207 (3): Parolee is found within the boundaries of state property and does not have permission to be in the county in which the property is located	NO Statute provides that parolee be arrested and held as "parole violator".	NO AR 250-41 [citing CRS 17-2-207 (3)] requires that parolee be "arrested and held".

DETENTION/COMPLAINT GUIDELINE [4-APPFS-2B-03]
 Adult Parole, Community Corrections, and Youthful Offender System

Offense (includes commission, attempt, conspiracy, or solicitation)	Arrest	Hold/House Arrest	Sanctions Applied	Complaint	Revocation Sought
Is or has been in possession of a deadly weapon (CRS 18-1-901)	Mandatory	Mandatory	Not Applicable	Statutorily Mandated	Statutorily Mandated
Arrested and charged with a felony, crime of violence (CRS 16-1-104b(8.5), misdemeanor assault involving deadly weapon or resulting in serious bodily injury, sexual assault in the third degree (CRS 18-3-404), any municipal violations involving assaultive offenses against a person	Mandatory	Mandatory	Not Applicable	Statutorily Mandated	Statutorily Mandated
All other misdemeanors, municipal code violations, and Class I or II traffic offenses	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary
Refuses to provide a laboratory specimen for DNA testing according to AR 300-24 "Offender DNA Testing"	Mandatory	Mandatory	Not Applicable	Mandatory	Mandatory

Technical Violations	Arrest	Hold/House Arrest	Sanctions Applied	Complaint	Revocation Sought
Directly refuses to submit to random chemical testing	Statutorily Mandated	Statutorily Mandated	Not Applicable	Statutorily Mandated	Discretionary
Refuses to allow search of person, residence, premises or vehicle under his/her control	Mandatory	Mandatory	Not Applicable	Mandatory	Discretionary
Leaves the state without lawful permission (CRS 17-2-207 (3))	Statutorily Mandated	Mandatory	Not Applicable	Mandatory	Discretionary
Is within boundaries of a county in which a correctional facility is located without permission or within the boundaries of state property without permission (CRS 17-2-207 (3))	Statutorily Mandated	Statutorily Mandated	Discretionary	Discretionary	Discretionary
Absconding from supervision (when Parole Board warrant is issued)	Mandatory	Mandatory	Not Applicable	Mandatory	Discretionary
Absconding from supervision (when NO Parole Board warrant is issued)	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary
Fails to make initial report to CPO upon release to parole	Discretionary	Discretionary	Not Applicable	Mandatory	Discretionary
Positive UA	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary
Other technical violations	Discretionary	Discretionary	Discretionary	Discretionary	Discretionary