



## Parole Working Group

### ***Revisions to the Standard and the Additional Conditions of Parole*** **Preliminary Recommendation Presentation to the Sentencing Reform Task Force**

**Kristen Hilkey, Working Group Leader**

***Please note: At the February 24 meeting of the Sentencing Reform Task Force, this preliminary recommendation draft was not moved to a vote by the Task Force. Rather, the draft was returned to the Parole Working Group for further deliberation and revision.***

Colorado Commission on Criminal and Juvenile Justice

February 24, 2021



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## Parole Working Group

### MEMBERS

- Kristen Hilkey- *WG Leader, Chair, CO State Board of Parole*
- Taj Ashaheed- *Lived Experience, Second Chance Center*
- Michelle Aswad- *Victim Representative*
- Jeff Chostner- *District Attorney, 10<sup>th</sup> Judicial District*
- Kazi Houston- *Legal Director, Rocky Mtn. Victim Law Center*
- Mollie Schultz- *District Attorney Office, 2<sup>nd</sup> J.D.*
- Susan White- *Assistant Director, Div. of Adult Parole, CDOC*



## Parole Working Group

### GOALS

- Examine the standard and "special" conditions of parole
  - ✓ Sex Offender Management Board (SOMB)
  - ✓ Domestic Violence Offender Management Board (DVOMB)
- Examine parole practices related to supervision length
  - ✓ Other states, such as California recently changed their law
    - Misdemeanor offenses – one year
    - Felony offenses – 2 years
- Explore risk information and protective factors as they relate to parole supervision options
- Examine parole eligibility options
- Abate disparate treatment/impact



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## Parole Working Group

### Colorado Standard Conditions of Parole

AR Form 1300-02C (09/15/17)

#### Colorado Standards of Supervision

PAROLEE: [REDACTED] CDOC: [REDACTED] O/S DOC: \_\_\_\_\_

The Division of Adult Parole, Broadway Parole Office, under the terms of the Interstate Compact for Adult Offender Supervision and this signed document, has agreed to accept the supervision of the above parolee, paroled from the State of New York. As a condition of supervision within the State of Colorado, you must abide by all the supervision requirements set forth in this document. Any failure to agree to these supervision requirements will cause the Denial of Supervision by the State of Colorado.

Per ICAOS Rules, Section 4-101: Manner and degree of supervision in receiving state, and CRS 24-60-208: Supervision over probationers and parolees, you are hereby advised that you will be held to the same standards of supervision under the Colorado Department of Corrections that all Colorado parolee's are to abide by; consistent with 17-2-201 (5)(f)(I). You must also abide by any additional requirements set forth by the community parole officer, consistent with the laws of the State of Colorado.

#### COLORADO STANDARDS OF SUPERVISION

As a condition of every parole:

1. **Release:** Upon release from the Institution, Parolee shall go directly to as designated by the parole board and report upon arrival to in person or as directed.
2. **Residence:** Parolee shall establish a residence of record and shall reside at such residence in fact and on record; shall remain at the residence of record each night unless otherwise authorized by the community parole officer; shall not change his/her place of residence without the consent of his/her community parole officer; and shall not leave the area paroled to or the State paroled to without permission of the community parole officer.
3. **Conduct:** Parolee shall obey all State/Federal laws and Municipal ordinances and conduct himself or herself as a law-abiding citizen. Parolee shall follow the directives of and cooperate with the community parole officer.
4. **Report:** Parolee shall make written, and in person, reports as directed by the community parole officer; and shall permit visits to his/her place of residence as required by the community parole officer.
  - a. Parolee further shall submit urinalysis or other tests for narcotics or chemical agents upon the request of the community parole officer, and may be required to pay for all tests.
  - b. Parolee further agrees to allow the community parole officer to search his/her person, or his/her residence, or any premises under his/her control, or any vehicle under his/her control.
5. **Weapons:** Parolees shall not own, possess, nor have under his/her control or in his/her custody, firearms or other deadly weapons.
6. **Association:** Parolee shall not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of the community parole officer.
7. **Employment:** Parolee shall seek and obtain employment, or shall participate in a full time educational or vocational program, unless waived by the community parole officer.
8. **Alcohol/Drugs:** Parolee shall have no alcohol use or possession and shall not frequent any place where the primary purpose is the sale or use of alcohol. Parolee shall not possess and/or use illegal drugs, including the use and/or possession of actual or synthetic marijuana.
9. **Child Support:** Parolee shall contact any delegated child support enforcement unit with whom the parolee may have a child support case to arrange and fulfill a payment plan to pay current child support, child support arrearages, or child support debt owed under a court or administrative order.
10. **Restitution:** Parolee shall pay restitution on applicable orders by the court. The community parole officer shall schedule the manner and amount of payments.
11. **Financial Responsibilities:** Parolee may be required to pay supervision fees as determined by the community parole officer.

#### INDIVIDUALIZED CONDITIONS OF PAROLE

10. Parolee shall participate in Intensive supervision while on parole for up to 180 days at the discretion of the Community Parole Officer.

I have read the foregoing requirements or have had them read to me and agree to abide by all the requirements as a condition for me to be accepted for supervision within the State of Colorado. I understand that my failure to follow the above requirements is a violation of my parole and can lead to my arrest and detention in a local jail, ordered return back to, or the retaking to my sending state.

Parolee Signature: [REDACTED]  
Community Parole Officer Signature: [REDACTED]

Date: Nov 1, 2019  
Date: 11/1/19

Attachment C  
Page 1 of 1



# Colorado Commission on Criminal & Juvenile Justice

## Sentencing Reform Task Force

### Parole Working Group

### What Are Other States Doing?

COLORADO	PENNSYLVANIA	VERMONT	OHIO	GEORGIA
1. Release: Upon release from the Institution, Parolee shall go directly to as designated by the Board of Parole and report upon arrival to in person or as directed.				
2. Residence: Parolee shall establish a residence of record and shall reside at such residence in fact and on record. Parolee shall not change his/her residence without giving prior notification to his/her Community Parole Officer, and shall not leave the state paroled to without permission of the Community Parole Officer.	1. Cannot leave their parole district without prior written permission of the parole agent 2. Must have prior written permission to change residence	4. Do not leave the state without permission	4. Don't leave the State without permission	4. Need permission to leave state/change residence
3. Conduct: Parolee shall obey all State/Federal laws and Municipal ordinances and conduct himself or herself as a law-abiding citizen. Parolee shall follow the directives of and cooperate with the Community Parole Officer.	4. Comply with criminal law, codes, ordinances 7. Refrain from assaultive behavior - verbal and physical	1. You shall not violate the law, court orders, notify of law enforcement contact	1. Obey the law 6. Obey any special conditions	1. Obey the law 7. Must participate in the plan created by your P.O. which includes working and being drug tested
4. Report: Parolee shall make written, and in person, reports as directed by the Community Parole Officer; and shall permit visits to his/her place of residence as required by the Community Parole Officer.	3. Must maintain regular contact with parole agent re: Report as instructed; report arrests w/ 72 hrs; change in employment	3. Report as instructed, notify parole officer of changes in work or residence, allow officer to visit you at home and consent to reasonable searches.	3. Follow the instructions of your parole officer	
a. (Not Applicable)				
b. Parolee shall make reports as directed by his or her community parole officer, shall permit residential visits by the community parole officer, and shall allow the community parole officer to make searches of his/her person, residence and/or vehicle.			Notice: You are subject to warrantless searches	2. Subject to warrantless searches
5. Weapons: Parolee shall not own, possess, nor have under his/her control or in his/her custody, firearms or other deadly weapons.	6. Cannot possess firearms or other weapons.	2. Not purchase, possess, or handle firearms/ammunition	5. Don't possess firearms or deadly weapons	3. No firearm or deadly weapon
6. Association: (Not Applicable)			2. No contact with the victim	
7. Employment: Parolee shall seek and obtain employment, or shall participate in a full time educational or vocational program, unless waived by the Community Parole Officer.				6. If have no job and no H. S. diploma must work on GED
8. Alcohol/Drugs: Parolee shall have no alcohol use or possession and shall not frequent any place where the primary purpose is the sale or use of alcohol. Parolee shall not possess and/or use illegal drugs, including the use and/or possession of actual or synthetic marijuana.	5. No possession/sale of drugs; no use of controlled substances without a prescription			
9. Child Support: Parolee shall contact any delegated child support enforcement unit with whom the parolee may have a child support case to arrange and fulfill a payment plan to pay current child support, child support arrearages, or child support debt owed under a court or administrative order.				
10. Restitution: Parole Board orders restitution to be paid by parolee, if restitution has been ordered by the court. Parolee must make restitution within the period of time he/she is on parole as specified by the Parole Board.				5. Must pay fees, restitution, child support
11. Financial Responsibilities: Parolee may be required to pay supervision fees as determined by the Community Parole Officer.	8. Make payments as ordered by the court		Notice: Must pay your supervision fees	



## **Parole Working Group**

### **WG MEMBER POINTS**

- Every condition was viewed as warranted by the multi-disciplinary working group.
  - Criminal justice professionals
  - Victim representatives
  - Those with Lived Experience
- Despite every condition being warranted, the current standard conditions of parole appear overwhelming and the meaning of the conditions are ill-defined and/or non-specific.
- Conditions naturally fall into four standard condition categories



## Parole Working Group

### STANDARD CONDITIONS OF PAROLE

- Condense conditions
- Reordered existing sections of statute outlining conditions of parole (§17-2-201, C.R.S.)
- Eliminated as a Standard Condition
  - Parolee associations with others
  - Use of alcohol
  - Use of medical marijuana
  - Use of recreational marijuana
- Added as a Standard Condition
- Protection Order

*Please note: This preliminary and unapproved recommendation has not been assigned an “official” CCJJ index reference, hence the designation, “FY21-SR #xx.”*



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## Parole Working Group

### Standard Conditions of Parole

# NEW LOOK Colorado Standard Conditions of Parole

DRAFT

1. Parolee shall comply with Federal and State laws and Municipal ordinances, act as a law-abiding citizen, and not engage in any behavior that would indicate the potential for crime or violence.
2. Upon release, Parolee shall report to their Community Parole Officer and follow all directions and requirements for their entire parole period, including but not limited to:
  - (a) Parolee shall report when and how (in person, in writing, by phone, online) the Community Parole Officer requires.
  - (b) Parolee shall maintain a residence of record and provide any changes in residence to the Community Parole Officer within 48 hours of moving.
  - (c) Parolee shall allow visits to residence of record by the Community Parole Officer.
  - (d) Parolee shall allow searches of person, residence and/or vehicle by the Community Parole Officer.
  - (e) Parolee shall pay required supervision fees, as required by the Community Parole Officer.
  - (f) Parolee shall maintain employment or participate in an educational or vocational program, unless waived by the Community Parole Officer.
  - (g) Parolee shall not use or possess any illegal drugs as defined under Colorado statutes and shall submit to random drug screening as ordered by the Community Parole Officer.
  - (h) Parolee shall remain in Colorado unless given permission by the Community Parole Officer to leave the state and sign a waiver of extradition agreeing to be returned to Colorado and waiving all formal extradition procedures if terms of parole are violated and Parolee is arrested in another state.
3. Parolee shall not own, possess, nor have under control or in custody any firearms or other deadly weapon(s).
4. Parolee shall comply with and follow any court orders, including but not limited to:
  - (a) Parolee shall follow and comply with all terms of any protection orders.
  - (b) Parolee shall make any child support payments, including current amounts, arrearages and/or child support debt owed.
  - (c) Parolee shall pay restitution within the parole period.
5. Parolee shall comply with any other condition the Colorado State Board of Parole requires, including:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

Failure to comply with any of the above conditions may result in the revocation of parole.





## Parole Working Group

### STANDARD CONDITION #1

1. Parolee shall comply with Federal and State laws and Municipal ordinances, act as a law-abiding citizen, and not engage in any behavior that would indicate the potential for crime or violence.

DRAFT



## Parole Working Group

### STANDARD CONDITION #2 (a.) through (h.)

2. Upon release, Parolee shall report to their Community Parole Officer and follow all directions and requirements for their entire parole period, including but not limited to:
  - a) Parolee shall report when and how (in person, in writing, by phone, online) the Community Parole Officer requires .
  - b) Parolee shall maintain a residence of record and provide any changes in residence to the Community Parole Officer within 48 hours of moving .
  - c) Parolee shall allow visits to residence of record by the Community Parole Officer.
  - d) Parolee shall allow searches of person, residence and/or vehicle by the Community Parole Officer.
  - e) Parolee shall pay required supervision fees , as required by the Community Parole Officer.
  - f) Parolee shall maintain employment or participate in an educational or vocational program, unless waived by the Community Parole Officer.
  - g) Parolee shall not use or possess any illegal drugs as defined under Colorado statutes and shall submit to random drug screening as ordered by the Community Parole Officer.
  - h) Parolee shall remain in Colorado unless given permission by the Community Parole Officer to leave the state and sign a waiver of extradition agreeing to be returned to Colorado and waiving all formal extradition procedures if terms of parole are violated and Parolee is arrested in another state.



## Parole Working Group

### STANDARD CONDITION #3

3. Parolee shall not own, possess, nor have under control or in custody any firearms or other deadly weapon(s).

### STANDARD CONDITION #4

4. Parolee shall comply with and follow any court orders, including but not limited to:
- a) Parolee shall follow and comply with all terms of any protection orders.
  - b) Parolee shall make any child support payments, including current amounts, arrearages and/or child support debt owed.
  - c) Parolee shall pay restitution within the parole period.



**Colorado Commission on Criminal & Juvenile Justice  
Sentencing Reform Task Force**

**Parole Working Group**

**STANDARD CONDITION #5**

5. Parolee shall comply with any other condition the Colorado State Board of Parole requires , including:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

DRAFT



**Colorado Commission on Criminal & Juvenile Justice  
Sentencing Reform Task Force**

**Parole Working Group**

**PROPOSED STATUTORY CHANGES**

Current Statute	WG's Recommended Statute Changes	WG's Recommended Standard Conditions of Parole
-----------------	----------------------------------	--

*See the Proposed Statutory Changes document.*



# Colorado Commission on Criminal & Juvenile Justice

## Sentencing Reform Task Force

### Parole Working Group

## Colorado Additional Conditions of Parole

*Additional conditions of parole are ordered by the Colorado State Board of Parole*

#### Additional Conditions of Parole

1. Substance Abuse Program: Parolee shall participate in a substance abuse needs assessment and follow recommended treatment at assessed level.
2. No Alcohol: Parolee shall not possess or use alcohol in any form.
3. No Recreational Marijuana: Parolee shall not consume or possess recreational marijuana in any form.
4. Mental Health Program: Parolee shall participate in a mental health needs assessment and follow recommended treatment, which may include taking medication(s) as prescribed.
5. Anger Management Program: Parolee shall participate in and successfully complete an anger management program.
6. Cognitive Behavioral Therapy (CBT) Program: Parolee shall participate in and successfully complete a cognitive behavioral therapy (CBT) program.
7. Domestic Violence Program: Parolee shall participate in an assessment through an approved Domestic Violence Offender Management Board (DVOMB) provider and, if recommended, successfully complete domestic violence treatment.
8. Sex Offender Program: Parolee shall participate in an assessment through an approved Sex Offender Management Board (SOMB) provider and, if recommended, successfully complete sex offender treatment.
9. Community Corrections as a Condition of Parole (COP) Bed: Parolee, if approved, shall enter and successfully comply with all conditions to complete a community corrections program as a condition of parole (COP).
10. No Driving, No Discretion: Parolee shall not drive until such time that their behavior (i.e. substance use) would not place the public at risk if operating a motor vehicle.
11. Interlock Device: Parolee shall utilize an interlock system, if permitted to drive, throughout duration of parole.
12. Electronic Monitoring: Parolee shall participate in electronic monitoring.
13. Electronic Monitoring: Parolee shall participate in electronic monitoring at the discretion of the CPO based on risk/needs assessment for a period of up to 180 days.
14. Electronic Monitoring: Parolee shall participate in electronic monitoring throughout duration of parole, per C.R.S. 18-1.3-1004.
15. No Contact Order: Parolee shall have no contact with \_\_\_\_\_.
16. No Return to the United States (if deported): Parolee shall not return to the United States if deported. |



## Parole Working Group

### **ADDITIONAL CONDITIONS related to SUBSTANCE USE**

1. Substance Abuse Program: Parolee shall participate in a substance abuse needs assessment and follow recommended treatment at assessed level.
2. No Alcohol: Parolee shall not possess or use alcohol in any form.
3. No Recreational Marijuana: Parolee shall not consume or possess recreational marijuana in any form.



## Parole Working Group

### **ADDITIONAL CONDITIONS related to MENTAL HEALTH**

4. Mental Health Program: Parolee shall participate in a mental health needs assessment and follow recommended treatment, which may include taking medication(s) as prescribed.
5. Anger Management Program: Parolee shall participate in and successfully complete an anger management program.
6. Cognitive Behavioral Therapy (CBT) Program: Parolee shall participate in and successfully complete a cognitive behavioral therapy (CBT) program.





## Parole Working Group

### **ADDITIONAL CONDITIONS related to SPECIAL CIRCUMSTANCES**

7. Domestic Violence Program: Parolee shall participate in an assessment through an approved Domestic Violence Offender Management Board (DVOMB) provider and, if recommended, successfully complete domestic violence treatment.
8. Sex Offender Program: Parolee shall participate in an assessment through an approved Sex Offender Management Board (SOMB) provider and, if recommended, successfully complete sex offender treatment.



## Parole Working Group

### **ADDITIONAL CONDITION related to TRANSITION**

9. Community Corrections as a Condition of Parole (COP) Bed:  
Parolee, if approved, shall enter and successfully comply with all conditions to complete a community corrections program as a condition of parole (COP).

DRAFT



## Parole Working Group

### **ADDITIONAL CONDITIONS related to DRIVING**

10. No Driving, No Discretion: Parolee shall not drive until such time that their behavior (i.e. substance use) would not place the public at risk if operating a motor vehicle.
11. Interlock Device: Parolee shall utilize an interlock system, if permitted to drive, throughout duration of parole.



## Parole Working Group

### **ADDITIONAL CONDITIONS related to ELECTRONIC MONITORING**

12. Electronic Monitoring: Parolee shall participate in electronic monitoring.
13. Electronic Monitoring: Parolee shall participate in electronic monitoring at the discretion of the CPO based on risk/needs assessment for a period of up to 180 days.
14. Electronic Monitoring: Parolee shall participate in electronic monitoring throughout duration of parole, per C.R.S. 18-1.3-1004.



## Parole Working Group

### **ADDITIONAL CONDITIONS regarding CONTACT and ICE**

15. No Contact Order: Parolee shall have no contact with\_\_\_\_\_.

- Victim
- Minors
- Gangs / Gang Members
- Co-defendants
- Subject of Restraining/Protection Order
- Location

16. No Return to the United States (if deported): Parolee shall not return to the United States if deported.



# Colorado Commission on Criminal & Juvenile Justice Sentencing Reform Task Force

## Parole Working Group

### IN SUMMARY...

- Provided Mission
- Reviewed current Colorado Standard Conditions
- Reviewed current Additional Conditions
- Condensed/Modified current Colorado Conditions
- Re-wrote statutory language to be recommended



## Parole Working Group

### RECOMMENDATION

- Adopt the recommended Standard Conditions of Parole and the revised statutory language in CRS
- Recommend that the Colorado Board of Parole incorporate the revised Additional Conditions of Parole as a policy

DRAFT



**Colorado Commission on Criminal & Juvenile Justice  
Sentencing Reform Task Force**

**Parole Working Group**

**QUESTIONS?**

***Please note: At the February 24 meeting of the Sentencing Reform Task Force, this preliminary recommendation draft was not moved to a vote by the Task Force. Rather, the draft was returned to the Parole Working Group for further deliberation and revision.***