

Colorado Commission on Criminal and Juvenile Justice



Overview of Community Reentry and Transition & Working Group History Sentence Progression Working Group

Presentation to the Sentence Progression Working Group on June 28, 2022

A Working Group of the Sentencing Reform Task Force (SRTF) of the Colorado Commission on Criminal and Juvenile Justice (CCJJ)



Some Definitions

Parole Eligibility Date (PED): The earliest possible Parole Release date, which is established by *length of sentence, computation of time served, good time credits earned* and/or *lost*, and governed by statute as calculated by CDOC's offender time/release operations. PED reflects the first date for which an inmate is eligible to make initial Parole application.

Mandatory Release Date (MRD) – Parole Release date over which the Board has no discretion that mandates an inmate's release to parole.



Some Definitions

Discretionary Parole: At the discretion of the Board, the release of an inmate who has met his or her Parole Eligibility Date but not yet met his or her Mandatory Release Date, and is returned to the community subject to conditions imposed by the Board, and subject to the custody of the Division of Parole and jurisdiction of the Board.

Mandatory Parole: The release of an inmate who was sentenced to one or more terms of imprisonment, has met his or her statutory Mandatory Release Date, and is returned to the community subject to conditions imposed by the Board, and subject to the custody of the Division of Parole and jurisdiction of the Board.



Some Definitions

Intensive Supervision Program-Inmate (ISP-I): Structured supervision for monitoring and guiding activities of offenders living in an approved private residence such as a house or apartment and operated by the CDOC. Offenders may be placed on ISP upon review and approval by Community Corrections Board in the county in which offenders are requesting to live. Individuals placed in ISP-I programs are on Inmate status and can be referred directly from a DOC facility for placement into ISP-I or upon completion of community corrections prior to parole.

Community Corrections: Offenders that meet acceptance criteria are transitioned from prison to the community as inmates before release to parole. Community corrections manages and supervises these *Transition clients*. A small number of parolees also can be placed in community corrections as a condition of their parole.



Paths to Reentry

Parole review process
3 months before PED

Parole Eligibility Date (PED)

Discretionary decision
period

Mandatory Release Date
(MRD)

Not eligible for discretionary parole hearing if commit a Type 1 of Code of Penal Discipline (COPD) violation in the last year

Eligibility: For most offenders after serving 50% of the sentence, less earned time (up 10 days a month)

For violent and Felony 2 offenses, after serving 75% of the sentence

FY21 Discretionary release: 4,049 (57% of parole releases)

FY21 Mandatory release: 2,007 (28% of parole releases)

Number of offenders incarcerated on 6/30/21: 15,434



Paths to Reentry

Community Corrections	Intensive Supervision-Inmate (ISP-I)	Parole
<ul style="list-style-type: none"> • <u>Non-violent offenders</u> <ul style="list-style-type: none"> ❖ Referrals at 19 months prior to PED (parole eligible at 50% of sentence) ❖ Placement at 16 months prior to PED • <u>Violent offenders</u> <ul style="list-style-type: none"> ❖ 9 months prior to PED (parole eligible at 75% of sentence) ❖ Placement at 6 months prior to PED • Subsequent referrals can be made after initial referrals every 6 months – 12 months • Supervised by Community Parole Officers (CPOs) from Adult Parole at DOC • Local boards and programs determine acceptance • DOC offenders in community corrections remain inmates (Transition clients) • Parolees also may be placed in community corrections as a condition of parole 	<ul style="list-style-type: none"> • A transition release program run by DOC • Structured supervision of an offender living in an approved private residence. • Referrals at 180 days (6 months) to PED • Inmates are supervised by Community Parole Officers (CPOs) from Adult Parole at DOC • Approved by local community corrections boards of the county they are requesting to live. 	<ul style="list-style-type: none"> • Individual conditions of Parole set by State Board of Parole and varies due to risk and need • Parolees report to Community Parole Officers • Division of Adult Parole provide supervision and assistance in securing housing, employment and services for successful integration of the parolees
<p>FY21 Transition referred: 4599/ Accepted: 1932 (42%) Condition of parole referred: 678/ Accepted: 379 (56%)</p>	<p>Snapshot: 3/31/21 Direct Referred/eligible: 320 Accepted: 215 (59%)</p>	<p>Number of parolees on 6/30/21: 11,890</p>



Sentence Progression WG (Phase 1; 11/3/20 - 2/16/21)

The goal during the *first phase* of the WG was to examine expanded opportunities for people under the CDOC supervision who are in the last phase of their sentence.

- Dean Williams, WG Leader
- Reviewed ISP-I history and statute, data related to targeted population, and explored other topics including home detention programs and electronic monitoring.
- Developed an outline for a “Transitional Confinement” pilot program that would allow DOC to place offenders, not already placed in the community, into a community placement one year or more prior to their MRD. However, this proposal was not approved and reasons included absence of local community approval and existence of current programs. There were also concerns regarding placement of these individuals who already had been denied parole, community corrections and/or ISP-I placement.
- Outcome: Continue to identify current gaps in reentry programming in the community by undertaking a more comprehensive study of the existing transition options.



Sentence Progression WG (Phase 2; 3/9/21 - 7/7/21)

The goal during the *second phase* of the WG was to examine existing transition options for incarcerated individuals who are approaching their release dates, and to better prepare them for release and reentry into the community.

- WG Co-leaders: Kristen Hilkey, Greg Mauro
- The WG reviewed information and data on Community Corrections, ISP-I, and Parole.
- Outcome: The WG determined that the scope of work was rather broad and several study items deserved much more review and consideration (*see next slides*). The size limitation of the WG restricted the breadth of member perspectives and bandwidth to address all the potential study items. The WG requested guidance from the SRTF for its task priorities.
- The Sentencing Reform Task Force placed the WG on hiatus at its meeting on 7/7/21 until after other interrelated work of the Task Force better delineated the work topics and focus for the Sentence Progression WG.



Study topics identified during previous WG phases

1. **Placement in Community Corrections;** the timing and criteria used for placement; reasons for acceptance/rejection; and the relationship of these placements to processes of the Parole Board (“Board”), the Division of Adult Parole (“Division”) and Intensive Supervised Program-Inmate status (ISP-I).
2. **Placement on ISP-I;** including criteria for placement; reasons for or value of the program; reasons for acceptance/rejection; and its relation to the Board, Division and Community Corrections.
3. **Release to Parole;** consideration of criteria for placement; timing of review; and the relationship between the Parole Board and Parole Division considerations and Community Corrections and ISP-I considerations.
4. **Improve reentry preparation** of individuals for transition to the community prior to placement in any of the above programs or prior to release to parole.



Study topics identified during previous WG phases

- 5. Program specification.** Clarify, specify, differentiate and improve the selection criteria for and the services available within each reentry program.
- 6. Client specification.** Based on the program criteria and specifications above, develop methods and processes to better identify and match the appropriate and desirable candidates for each program. These methods should also include considerations of candidate risk/need, research, and evidence-based or best practice.
- 7. Client movement.** Define the circumstances and criteria when clients are moved (“progressed” or “regressed”) within or between these transition options.
- 8. Data coordination.** Improve processes to share and coordinate (case/services) data and information between the programs and individuals involved with the above efforts.
- 9. Evaluate/ensure proper victim notification** processes are in place when offenders are placed or moved. Design efficient hearings/reviews to reduce onerous, difficult and overly frequent participation demands on victims.