

# **ID Subcommittee Recommendation Regarding Identification for People Leaving DOC and Jail**

**BP 50. Ensure every offender leaving jail and prison has obtained a driver's license or verifiable state identification before release to the community.**

## **NEW BP 50**

**Whenever feasible, ensure every offender leaving jail and prison has obtained a driver's license or verifiable state identification before release to the community by implementing the following business practices:**

- A. For the Department of Revenue (DOR) to issue a Colorado driver's license or state identification card to an individual incarcerated in a Department of Corrections (DOC) facility, the DOR will accept a certified state or county issued birth certificate and a DOC photo inmate identification card if the name on the DOC photo inmate identification card matches the name on the birth certificate. A match is permissible if the DOC card bears the full name of the incarcerated individual and this name matches the first and last names on the birth certificate. The lack of a middle name or initial on one of these documents will not disallow a match.
  - If an incarcerated individual previously had a Colorado driver's license or state identification card and the DOR retains that person's image, signature, and fingerprints in electronic storage, upon submission of a certified state or county issued birth certificate the DOR may determine a match in order to issue a state identification card or driver's license.
- B. The Colorado Department of Corrections (DOC) will apply for birth certificates in *every* state (including U.S. territories) on behalf of incarcerated individuals who request this service. Legal citizens born abroad may also qualify, depending upon the funding level of the DOC program.
  - a. If sufficiently funded by the state, the DOC will not charge the incarcerated individual for this service. If the DOC does not receive additional funding for this recommendation, the DOC will apply for birth certificates if the inmate has sufficient funds in his/her inmate banking account.
  - b. The Administrative Regulation will be amended to reflect this recommendation.
  - c. All prisons in Colorado, including the private prisons, will comply with this policy.

- C. When the DOC determines that the full legal name of the incarcerated individual differs from the name on that person's mittimus, the DOC will include that name with the individual's file. Upon release of that individual, the DOC will issue the individual a DOC photo inmate identification card bearing both the name entered on the individual's mittimus as well as the full legal name of that individual.
- All prisons in Colorado, including the private prisons, will comply with this policy.
- D. The DOC should sign the newest memorandum of understanding with the Social Security Administration and include all prisons, including the private prisons, on the MOU in order to apply for Social Security cards on behalf of incarcerated individuals whose full legal name they are able to confirm. Eligibility cannot be confined to the name on the mittimus.
- a. The Administrative Regulation will be amended to note the changes in this recommendation.
  - b. The application for a Social Security card will be initiated at least 120 days prior to an individual's expected date of release.
- E. Arresting entities should confirm and use a person's full legal name on all documents. This may require training on how to properly identify a person upon arrest.
- F. The law enforcement community, including state patrol, local police, sheriffs, and community corrections, should develop a statewide standard regarding the retention of (and consequences for the destruction of) primary identification documents.
- G. All district attorneys should investigate and confirm a person's full legal name at the time of prosecution, and prosecution should occur using that name. When a defendant's full legal name is ascertained by the district attorney's office and differs from the name under which the prosecution has commenced, that person's full legal name will be submitted to the Court as an AKA and included on all subsequent documents.
- H. The importance of placing the full legal name on an individual's court record, including the mittimus, as an AKA at the request of a party, should be underscored to judges and clerks.
- I. The state court system should investigate whether the court record, if filed in a name other than the individual's full legal name, could contain a field to record the individual's full legal name in addition to listing the full legal name as an AKA, at the request of a party.
- J. THIS IS LEGISLATION---Recognizing that some persons with a felony conviction may need to legally change their name in order to obtain identification documents to find work and housing, and that the current**

**name change statute, CRS 13-15-101, never allows this. This statute should be modified to allow judicial discretion in authorizing a name change under certain circumstances.**

- K. The Department of Public Health and Environment's Office of Vital Records should develop a memorandum of understanding with departments of corrections in every state. This will allow departments of corrections in states other than Colorado apply for birth certificates on behalf of inmates born in Colorado.
- L. Jail and DOC personnel should provide a one-page explanation to all individuals leaving these facilities who will need to appear at a Division of Motor Vehicle office in order to obtain a driver's license or state identification card.
  - a. The one-page information sheet, to be developed by the Department of Revenue with the purpose of preparing individuals to successfully obtain an ID at the first visit, will outline local DMV location(s), suggested "best" times to visit, map, and clear information about necessary documents.
- M. The General Assembly should provide the DOC and jails with the necessary funding to accomplish the tasks explained here, including fees to purchase of birth certificates, dossiers, and other required documents.
- N. The Commission supports the effort of the Legislative Oversight Committee for the Study of the Treatment of Persons with Mental Illness Who Are Involved in the Justice System to obtain and fund a van that will travel to jails and other locations in the seven-metro county area to provide identification documents.
- O. The Commission supports the DOC's pilot ID project with the DOR involving mobile units that issue identification to individuals releasing from incarceration.
- P. All parties addressed in these recommendations should report their progress back to the Commission in February 2009.