



FY2008 RECOMMENDATION/FY08-BP50 VERIFIABLE IDENTIFICATION FOR ALL OFFENDERS LEAVING INCARCERATION

Status: Implementation Complete

Actions/Updates

2021 UPDATE

Senate Bill 2021-153 (Concerning a program to assist offenders with acquiring state-issued identification) was not initiated by CCJJ, but furthered efforts on the topic of CCJJ Recommendation FY08-BP #50. The bill was passed by the General Assembly 4/29/2021 and was signed by the Governor 5/6/2021.

With the passage and signing of this bill and the previous work on this topic described below, this recommendation is considered complete.

2013 UPDATE

Sheriffs will be contacted to determine where local jails stand on this issue.

2011 OVERSIGHT COMMITTEE ACTION STEPS

The Department of Corrections has addressed this issue and continues to work with the Department of Revenue/Division of Motor Vehicles. CCJJ efforts should now be focussed on local police and jails. Sheriff Grayson Robinson and Police Chief Bill Kilpatrick will pursue and develop an action plan and report back to the Commission and CCJJ staff.

2010 UPDATE

Partial implementation. Officials from the Department of Corrections report that it continues to improve and expand the Offender Identification Program. Inmate participation in the program is voluntary, and the offender must have had a previous Colorado State ID or license to obtain identification under this program. For offenders who are sentenced on a name other than their birth name, the Department is assisting and encouraging the offender to obtain birth certificates and other identification documents that will assist them in obtaining a State of Colorado ID. DOC has improved the system to process offender identification requests by investing in technological resources (broad band and computers) that expand the ability of inmates to obtain identification. DOC officials have made specific arrangements to transport offenders from other facilities to use this service. When offenders are located in the community, the DOC staff in the community are collaborating with other agencies to collect IDs and place them in the offender's working file.

The following table reflects, for 17 months, the number of Colorado IDs issued to inmates between June 2008 and September 2010.

<u>Date</u>	<u>Number of IDs</u>
June 2008	94
July 2008	136
October 2008	172
December 2008	153
February 2009	199
March 2009	182
June 2009	222
August 2009	193
September 2009	185
October 2009	151
December 2009	144
March 2010	197
May 2010	124
June 2010	193
July 2010	133
August 2010	112
September 2010	196
TOTAL	2,786

In addition, Senate Bill 10-006 prohibits the Division of Motor Vehicles from charging a fee for a Colorado ID to offenders referred by DOC. In September 2010, a referral process and form was approved between Community Re-Entry and DMV.

2009 ACTION/IMPLEMENTATION

The Departments of Corrections and Revenue continue to collaborate on a pilot project to provide a limited number of offenders with a state identification. Upon release, offenders who participated in the pilot program can receive an ID from a predetermined address in the community.

In March 2009, the DOC implemented Administrative Regulation 550-10, “Assisting Offenders Applying for Replacement Social Security Cards and Birth Certificates.”

In addition, Senate Bill 09-006, spearheaded by the Metro Area County Commissioners (MACC), creates a county jail identification processing unit in the Drivers’ Licenses Division of the Department of Revenue, consisting of a mobile identification processing vehicle staffed by Revenue employees. The bill, which appropriates \$186,000 and 1.2 FTE, mandates that inmates with a medically documented mental illness be prioritized for services.

2009 IMPACT

The number of individuals who are affected by the need for a driver’s license or state verifiable ID remains unknown. Future Commission reports will document progress towards removing barriers for inmates to obtain a verifiable ID.

2009 BARRIERS

Cost to adequately expand the pilot program at DOC that provides state IDs to inmates in advance of release. In addition, it is unclear how DOC will issue a verifiable ID with the inmate's full legal name *and* the name on the mittimus when these names are not identical; this circumstance is not included in the new administrative regulation 550-10 (effective March 1, 2009). Nor does the administrative regulation attend to identification documents, such as birth certificates or social security cards, for inmates who are not incarcerated under their legal birth name. Finally, DOC does not intend to apply for birth certificates for legal citizens born abroad.

Description

Whenever feasible, ensure every offender leaving jail and prison may obtain a driver's license or verifiable state identification upon 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 and date of birth on DOC photo inmate identification card match the name on the birth certificate. A match is permissible if DOC card bears the date of birth and 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.
- The Department of Revenue will work to ensure that its database will combine and link all known driving records associated with that person so law enforcement can review the person's complete driving history during traffic stops.

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 DOC program.

- If sufficiently funded by the state, DOC will not charge the incarcerated individual for this service. If DOC does not receive additional funding for this recommendation, DOC will apply for birth certificates if the inmate has sufficient funds in his/her inmate banking account.
- The Administrative Regulation will be amended to reflect this recommendation.

- All prisons in Colorado, including the private prisons, will comply with this policy.
- Inmates who request a birth certificate will be provided with a standardized advisory statement written by the office of the Colorado State Public Defender.

C. When DOC determines that the full legal name of the incarcerated individual differs from the name on that person's sentencing mittimus, DOC will include that name with the individual's file. Upon release of that individual, DOC will issue the individual a DOC photo inmate identification card bearing both the name entered on the individual's sentencing 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. 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.

- The Administrative Regulation will be amended to note the changes in this recommendation.
- 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 arrests.

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. If the district attorney's office receives information from law enforcement or the defense counsel concerning a defendant's true name and identity, the district attorney's office will review documents and, when appropriate, notify the Court so that the mittimus may reflect the defendant's true name and identity.

H. If the defense counsel receives information concerning a defendant's true name and identity, the defense counsel will review documents and, when appropriate, notify the district attorney's office and the Court so that the mittimus may reflect the defendant's true name and identity.

I. 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.

J. 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.

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 to 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.

- 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 DOC and jails with the necessary funding to accomplish the tasks explained here, including fees to purchase 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 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.

Agencies Responsible

County jails, Departments of Corrections and Revenue

Discussion

Parts of this comprehensive recommendation were implemented between 2009 and 2010 , removing certain barriers to obtaining a verifiable state identification card. Additional efforts on this topic occurred in 2021.