



FY2008 RECOMMENDATION/FY08-CS66 EARNED RELEASE TIME GRANT 30/60 DAYS BEHAVIOR-BASED EARNED TIME CREDIT FOR NEW INTAKES AND CURRENT POPULATION (EXCLUDING TECHNICAL VIOLATIONS) SERVING TIME FOR NON-PERSON CRIMES

Status: Implementation Complete

Actions/Updates

2010 UPDATE

Implementation complete. The estimated reduction in beds for FY 2010 was 146, increasing each year to 342.5 in FY 2014. The savings from these reductions are estimated to be \$2.8M in FY 2010 increasing to \$6.6M in 2014.

2009 IMPACT

The Department of Corrections received resources for nearly 11 staff in House Bill 09-1351 including parole officers, time computation staff, and information technology staff. Measures of impact will be reported in future Commission reports when data are available.

Description

Since implementation of evidence-based practices requires the reallocation of existing state resources, and because research shows that incentives are a powerful and important method to modify behavior, business practices should be amended to accomplish the following:

To allow for enhanced release planning and services, DOC case managers, time computation staff, and members of the parole board should schedule for release a certain category of offenders up to 60 (class 4 and 5) or 30 days (class 6) prior to MRD. This *earned release* time is available for individuals serving a sentence for non-person conviction crimes* who meet the following criteria:

- No Code of Penal Discipline (COPD) violations;
- In compliance with recommended programming;
- No prior convictions for a person offense.

Those individuals released in this manner will be classified by DOC as *earned releases* (not discretionary or mandatory releases). The parole board retains discretion over the final release decision.

Note that additional earned time will move up the date that the individual becomes eligible for community corrections, and this may reduce the size of the prison population. Any savings that results from the application of earned time from these changes in practice should be placed in a designated fund for recidivism reduction programming.

**Nonperson offenses are defined as those identified in the Victim Rights Act plus false imprisonment, violation of a custody order, enticement of a child, Internet luring of a child, Internet sexual exploitation of a child, wrongs to children (C.R.S 18-7-402 through 18-7-407), arson, first degree burglary, weapons/explosives/incendiary devices (C.R.S. 18-12-102 through 109).*

Agencies Responsible

General Assembly

Discussion

This recommendation was successfully implemented with the passage of House Bill 09-1351 which increased prison earned time based on demonstrated program progress by inmates. The bill provides for any savings generated to be applied to recidivism reduction programs beginning in FY 2013.

The use of incentives is a fundamental component of evidence-based correctional practices designed to encourage offenders to engage in behaviors that will improve their likelihood of success in the community. The passage of HB 09-1351 is consistent with the Commission's statutory mandate to "focus on evidence-based recidivism reduction initiatives..." [C.R.S. 16-11.3-103(1)].

Footnotes

Note: An errata was distributed to correct a discriptive error made on the original CS-66 (see page 57-58 of the CCJJ Annual Report December 2008).