



FY2010 RECOMMENDATION/FY10-S01 ESCAPE MODIFICATION FOR NON-INMATE STATUS OFFENDERS

Status: Implementation Complete

Actions/Updates

2012 ACTION/IMPLEMENTATION

This recommendation was implemented with the passage of House Bill 2010-1373.

Description

Modify C.R.S. 18-8-209 to accomplish the following: Any individual who is on inmate status irrespective of the facility in which they are held will be subject to a mandatory consecutive sentence to prison. Any individual not on inmate status is eligible for a consecutive sentence but not a *mandatory* consecutive sentence.

Agencies Responsible

Discussion

In many states, the same behavior that in Colorado is subject to a mandatory consecutive prison sentence is considered a misdemeanor or a technical violation. Annually, fewer than ten individuals escape from a secure Department of Corrections facility. However, every year over 1,100 individuals are convicted of escape for behaviors that range from running from a police after being placed in custody to failing to return on time to a halfway house.

The escape statute requires a mandatory prison sentence that is consecutive—not concurrent—with the offender's original sentence. It is not uncommon for the escape sentence to be longer than the original sentence. In FY 2006 and FY 2007, this was the case for 40 percent and 33 percent, respectively, of parolees who returned to prison for a new crime. Seventy percent of offenders convicted of escape have no current or historical violent crime convictions.

Mandatory sentences remove judicial discretion. This approach to sentencing policy is not supported by the criminology literature which consistently reports the need for individualized interventions when the objective is to reduce the likelihood of new criminal behavior and victimization. In fact, this policy may contribute to recidivism: prison "releases who have just served their first prison sentence have sharply lower rates of recidivism than those who have

been imprisoned more than once, regardless of the sex, age, or race of the person or the type of crime” (National Research Council, 2008).

Research shows that incarceration has a return on investment when it is used for violent and high frequency offenders. The use of incarceration for lower-rate, non-violent offenders prevents and deters few crimes.

This recommendation would reduce the pool of those eligible for mandatory, consecutive escape sentencing on any given day from approximately 6,500 to 2,300 offenders. Note that this modification would not eliminate consecutive sentences for those who escaped from prison facilities, county jails, or those who abscond from supervision while on inmate status. Nor would this recommendation limit the prosecution from filing charges if new offenses were committed while on walk-away status. Modification of this statute may result in significant cost savings.

Footnotes

Note: “Inmate” and “non-inmate” is a particular status of individuals leaving prison and entering the community. Both types of offenders are under the jurisdiction of the Department of Corrections and are assigned to supervising field officers. Some of these individuals are placed in community corrections halfway houses and some are on intensive supervision. This recommendation calls for those on inmate status to remain eligible for a mandatory prison sentence if they are convicted of escape because they absconded from supervision.