



FY2011 RECOMMENDATION/FY11-D07 ESTABLISH A PAROLE PILOT PROGRAM

Status: Implementation Complete

Actions/Updates

2012 ACTION/IMPLEMENTATION

Action on this recommendation was completed with the passage of House Bill 11-1064.

Description

Create a parole board pilot program to further encourage and facilitate parole board release approval, and corresponding community services, for parole-eligible inmates currently incarcerated with a controlling sentence for drug use or possession.

Agencies Responsible

Discussion

In 2010, H.B. 10-1352 lowered sentences for convictions for drug use and possession offenses and redirected cost savings from corrections to behavioral health treatment. H.B. 10-1352 was based on recommendations approved by the Commission which determined that supervision and treatment in the Community would be a more effective use of resources than the current system of escalating punishments that often results in a prison sentence for those convicted of drug use and possession.

The sentencing reforms in H.B. 10-1352 cannot be applied retroactively to those inmates who committed a drug use or possession offense prior to its enactment. According to information received from the Department of Corrections, as of August 2010 there were approximately 1,600 inmates in prison whose governing sentence was for drug use/possession who were sentenced prior to the enactment of H.B. 10-1352. Of this group, 92% are or will be past their parole eligibility date by the end of the year.

This parole pilot program is a strategy that aims to apply the Commission's new drug crime philosophy combining treatment and accountability to those sentenced before the passage of H.B.10-1352 (see footnote). Providing for more comprehensive pre-release planning, community-based treatment and support services to parolees is expected to increase success on parole and reduce recidivism. Therefore, the Commission recommends developing legislation to

establish a pilot program creating a presumption, subject to the final discretion of the Parole Board, that the Parole Board grant parole to those inmates currently convicted and incarcerated with a “controlling sentence” for drug possession or use occurring prior to the enactment of H.B. 10-1352 provided they meet core criteria. The release criteria for the pilot program would include those to whom H.B. 10-1352 would have applied to had their crime been committed today and also that the inmate meet the following conditions:

- *be at or past his or her parole eligibility date (PED);*
- *has no current or prior felony convictions for violent crimes, crimes against children, weapons offenses or a sex offense;*
- *has a record of acceptable institutional conduct to include no Class I COPD convictions within 12 months, no Class II COPD convictions within 3 months;*
- *has not refused to participate in any DOC recommended programs;*
- *has no active felony or immigration detainer; and*
- *has an approved parole plan including information relating to treatment need level and amenability to treatment.*

While such a presumption of release shall exist if the conditions are met, the Parole Board shall always retain the discretion to deny parole when appropriate. All or some of any cost savings from DOC resulting from this program should be reinvested into pre-release services inside of DOC and toward expanding current funding for community based behavioral health treatment and wrap-around services for parolees. The DOC and the Parole Board should be mandated to provide an annual status report to the General Assembly on the impact of this program.

Footnotes

Note: Please see the White Paper from the Treatment Funding Working Group (December 2010) for more information on the treatment/accountability approach to sentencing and corrections, available at: http://www.colorado.gov/ccjdir/Resources/Resources/Report/2010-12_TxtFundingWP.pdf