

[Handout- Pending further action]

MANDATORY PAROLE SUBCOMMITTEE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
December 11, 2015

FY16-MP #02 Prison Release Date Determined by COV/Non-COV

Recommendation FY16-MP #02

To increase clarity regarding the time individuals will serve in prison and create a mechanism whereby an offender's date of release from the Department of Corrections is determined by the severity of the offense. Persons convicted of a Crime of Violence (COV, C.R.S. 18-1.3-406) would be released to mandatory parole after serving a minimum of 75% of his/her sentence. Individuals serving a sentence for a non-COV crime would be released to mandatory parole after serving a minimum 50% of his/her sentence. Time served will take into consideration earned time. Earned time will vest monthly. For example, individuals sentenced for a COV would serve between 100% and 75% of the sentence, depending on earned time awarded. This proposal does not apply to those serving sentences for indeterminate life sentences for sex offenses, or other life sentences.

Setting conditions of supervision and making revocation decisions would continue to be the responsibility of the Parole Board.

Individuals may be placed in community corrections 12 months prior to completion of his/her prison sentence, and can obtain earned time during this period.

Any cost savings are to be split equally between community—based services for victims and offenders.

Discussion

Prison sentence modification. The Commission has heard from stakeholders that the current sentencing scheme is difficult to understand, lacks clarity and consistency, and both victims and offenders cannot estimate when an individual will be released from prison. Additionally, this lack of predictability significantly negatively impacts parole planning.

An analysis of the *percentage of sentence served* found that those sentenced to the Department of Corrections for a COV serve, on average, 66% of the sentence compared to 68% for those serving a non-COV sentence.¹ This proposal increases the required time served to at least 75% for those convicted of a COV, and requires non-COV offenders to serve a minimum of 50% of the sentence. Currently, approximately 2% of those released from prison are serving sentences for a COV.

¹ Note that those convicted of COV offenses have much longer sentences: Among those released from DOC between FY12 and FY14, the average governing sentence for COV offenders was 180 months compared to 56 months for non-COV offenders. For this group, COVs served an average of 115 months compared to 37 months for non-COVs.

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Victim services funding. 50% of prison savings will be deposited in a separate fund to be administered by the Division of Criminal Justice, Office for Victims Programs, in the same manner as State VALE grant funds. Funds will be disseminated by DCJ to local judicial district Victim & Witness Assistance and Law Enforcement Boards (VALE) to make grant awards for community based non-profit agencies providing direct services which address ongoing needs of survivors of crimes defined C.R.S. 24-4.1-302 (1). Survivors of crime may be defined as any person against whom any crime has been perpetrated or attempted, regardless of whether the crime was reported or prosecuted and regardless when the crime occurred. Direct services for ongoing victim needs may include, but are not limited to, stabilization support such as short- or long-term safe housing, employment assistance, benefit acquisition, identification, safety planning, clinical services and referrals to other services that may assist a crime survivor to establish functional daily living.

Local VALE Boards shall maintain and award these funds separate from moneys paid as surcharges pursuant to C.R.S. 24-4.2-103. Local VALE Boards may have the discretion to identify ongoing victim needs in their community for use of these designated funds. Each VALE Board shall submit an annual report to DCJ detailing the amount of designated funds granted to agencies that describes the projects and services for which grants were made. DCJ will advise and make recommendations to local VALE Boards concerning grant awards pursuant to C.R.S. xxx and will report annually to the appropriate governing body in a cumulative report detailing grant awards of all local VALE Boards. At the end of any fiscal year, all unexpended and unencumbered monies that have been disseminated to local VALE Boards shall remain therein and shall not be credited or transferred to the general fund or any other fund.

Offender services funding. 50% of prison savings will be deposited in a separate community grant program fund to be administered by the Division of Criminal Justice. The population to be served with these funds is anyone who is currently under supervision in the criminal justice system or anyone who has a criminal record. The scope of services that applicant agencies provide include crisis support (emergency shelter/housing, relocation, crisis counseling), stabilization support (assistance in obtaining employment, long-term safe housing, identification, family support services), benefit acquisition (Medicaid, SSI, SSDI), clinical services (trauma-specific therapy, support groups, behavioral health counseling), and system navigation (education, advocate support). Eligible grant applicants include nonprofit organizations or coalitions of non-profit agencies.

Proposed statutory language

TBD