

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

FY16-MP #03 Mandatory Parole Period Based Upon Risk Score

Recommendation FY16-MP #03

Mandatory parole periods should be based on risk-level, not crime level, which aligns with evidence-based practice and applies the risk principle (as defined as the probability of reoffending). This recommendation also aims to effectively target resources to meet the varying needs of offenders based on their level of risk. Mandatory parole periods would be determined by the Colorado Actuarial Risk Assessment Scale (CARAS), and would include earned time awards not to exceed five days per month, and would be set as follows:

Mandatory parole periods:

- Very Low / Low Risk 1 year
- Medium Risk 18 months
- High / Very High Risk 2 years

Ensure a mechanism for victim notification and for victim input by amending the definition of “critical stages” to include:

- Setting of terms and conditions of parole,
- Early terminations of parole, and
- Revocations of parole.

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

Discussion

Parole period modification. Research on evidence-based correctional practices has found that offenders at low risk of recidivism benefit from minimal criminal justice system intervention and, in fact, too much intervention can lead to poor outcomes for this population. Conversely, research has found that resources are best directed toward medium and high risk offenders. Given that offenders are currently serving only a proportion of their parole periods due to earned time, this proposal clarifies the parole period and relies on the Colorado Actuarial Risk Assessment Scale to determine parole periods based on risk to reoffend.¹ Because individuals who fail parole generally do so in the first months following release, this proposal captures more than 87% of technical violations despite reducing the periods of parole.

¹ Since 1989, the Colorado Division of Criminal Justice has been mandated to develop and validate an actuarial risk scale for use by the parole board in making release decisions. The CARAS, updated every five years, is a static nine-item risk instrument that places individuals in five risk categories (very low, low, medium, high, and very high), each with differing probabilities of recidivism. The CARAS predicts new felony/misdemeanor filing within three years of release.

[Handout- Pending further action]

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Currently parolees receive earned time while on parole, reducing the actual amount of time individuals serve on parole. In FY14, the average amount of time served on parole by those who completed their parole periods (including revocation time) was 26 months (see table below). Overall, parolees serve 68% of their statutory period of parole.

Felony class	Statutory parole period (months)	Average time served on parole (months)
2	60	37
3	60	36
4	36	27
5	24	15
6	12	9
TOTAL	n/a	26

Source: Analysis by Anne Carter, Colorado Department of Corrections, 2015.

Victim services funding. 50% of parole 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 parole savings will be deposited in a separate community grant program fund to be administered by the Division of Criminal Justice. The population to be

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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

DRAFT