

June 10, 2016

FY16-RE #01

Update the Statutory Conditions of Parole to Reflect Contemporary and Evidence Based Common Practices

Recommendation FY16-RE #01

Update the statute governing parole conditions, C.R.S. 17-2-201, to give the parole board and community parole officers discretion to select individualized conditions of parole.

Discussion

In November 2015 the Colorado Commission on Criminal and Juvenile Justice adopted FY16-MP #01, a recommendation to amend the statute governing the purposes of parole in Colorado, C.R.S. 17-22.5-102.5. If that recommendation becomes law, the purposes of parole will include “reducing the incidence of technical violations[,]” setting “individualized conditions of parole[,]” and addressing parolees’ “identified risks and needs[.]” This recommendation will build upon, and give substance to, FY16-MP #01.

Colorado’s current parole board statute mandates a list of eleven conditions, many of which have multiple sub-conditions that must be imposed on every Colorado parolee. Those conditions include a mandate that every parolee be tested for drugs and alcohol at specified intervals, not associate with other people who have a criminal record, and remain within a narrowly defined geographic area.

The Re-entry Task Force, the Department of Corrections, and the Parole Board all believe that many of the statutorily mandated conditions of parole are not evidence based when applied to all parolees. Conditions such as a substance testing regimen, association restrictions, and strict geographic boundaries, may be appropriate for some or most parolees. They are not, however, appropriate for all parolees. Imposing unnecessary conditions of parole is a burden on the State’s resources, presents enforcement difficulties,¹ and can be detrimental to the recidivism prospects of individual parolees.²

This recommendation will not prohibit the Parole Board or community parole officers from placing any condition on any parolee; it will simply eliminate the requirement that some parole conditions must apply to all parolees. It will thus give the Parole Board and parole officers discretion to determine which conditions are appropriate for which parolees, in order to better leverage limited resources and address individual offenders’ criminogenic needs. The recommendation is consistent with, and necessary to give effect to, FY16-MP #01.

Proposed Statutory Language

See attached.

¹ It is wholly impractical, for instance, to expect that parolees in community corrections placements will not associate with other people who have criminal records.

² RKC Group & Roger Przybylski, *What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs* 30, 37 (Feb. 2008) (report prepared for the Colorado Division of Criminal Justice).