



# Parole Board Decisions FY 2017 Release Guidelines Report

- An FY 2010 Commission Initiative -

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## CCJJ Recommendation

### **FY10-PIS03. Introduce a structured decision-making guide.**

- Creation of the Colorado Parole Board Release Guidelines Instrument;
- Include in the legislative declaration (C.R.S. 17-22.5-404) that the guidelines reflect evidence-based practices by prioritizing public safety and actuarially-determined risk, criminogenic needs, and offender readiness for parole;
- Organize and streamline existing information;
- Promote consistency in parole decision making; and
- Allow for systematically collecting data on parole decision making.



## House Bill 2010 – 1374: Concerning Parole.

- **Guidelines development** - In consultation with the Board, DCJ mandated to develop administrative release guideline (§17-22.5-107(1)), and DOC mandated to develop administrative revocation guideline (§17-22.5-107(2))
  - **Release/revocation factors** - release considerations to include thirteen non-exclusive decision factors (§17-22.5-404(4)), and revocation considerations to include nine non-exclusive decision factors (§17-22.5-404(5)).
- **Annual report** - Board and DCJ are mandated to issue an annual report to the General Assembly regarding the outcomes of decisions by the Board (§17-22.5-404(6)(e)(I), C.R.S.).



## **GUIDELINES DEVELOPMENT (§17-22.5-107(1))**

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

- specific statutory **release decision factors**,
- based on a **structured decision matrix**, and
- offer an **advisory release decision recommendation**.



**Statutory: RELEASE DECISION FACTORS** (§17-22.5-404(1))

**Guideline  
factors in blue**

1. victim statement;
2. **actuarial risk of reoffense;**
3. **criminogenic need level;**
4. **program or treatment participation and progress;**
5. **institutional conduct;**
6. **adequate parole plan;**
7. **threat/harass victim or victim's family (direct or indirect);**
8. aggravating or mitigating factors from the criminal case;
9. statement from parole sponsor, employer, or other support person;
10. **previous abscond/escape or attempt while on community supervision;**
11. effort to obtain or the completion of GED or equivalent or college degree during incarceration;
12. **PB use the CARAS (Colorado Actuarial Risk Assessment Scale); and**
13. **PB use the administrative release guideline instrument (PBRGI).**



## Guidelines: RELEASE DECISION FACTORS - RISK

Item #1: The Colorado Actuarial Risk Assessment Scale

Item #2: Code of Penal Discipline / Victim Threat

Item #3: Code of Penal Discipline/ Class I Offense

Item #4: Code of Penal Discipline/ Class II Offense

Item #5: Escape/Abscond or Attempt

Item #6: 60 Years of Age or Older \*

Item #7: Medical Condition Reduces Risk of Re-Offense \*

Item #8: Manageable in the Community \* [*Rating by Board member*]

**\* Risk moderator** 6



**Guidelines: RELEASE DECISION FACTORS - READINESS**

Item #9: Level of Service Inventory-Revised

Item #10: Level of Service Inventory-Rater Box Average\*

Item #11: Program Participation / Progress [*Rating by Board member*]

Item #12: Treatment Participation / Progress [*Rating by Board member*]

Item #13: Parole Plan [*Rating by Board member*]

(\* Rating of positive adjustment)



## Guidelines: RELEASE DECISION FACTORS

### Under study: PBRGI Version 2

- PB would like the PBRGI advisory recommendation to reflect more of the factors they use in decision-making.
- PB and DCJ working collaboratively since Fall 2017.
- Include additional factors considered by the Board, and include more specific information on existing factors.





## **PBRGI Version 2: New and revised factors under study:**

- **Misdemeanor history**
- **Victim impact/input**
- **Severity/Type of offense**
- **Criminogenic needs**  
(In addition to LSI, **use the CTAP-ORAS needs assessments: PIT, RT, SRT**)
- **Community supervision failures (recency and pattern)**  
(Community Corrections, Probation, and Parole)
- **Vocational/Education program participation (evaluate “dose” received)**
- **Institutional misconduct (COPDs) (recency and pattern)**
- **Treatment received while in DOC (evaluate “dose” received)**
- **Parole plan accommodations (rate all plan elements separately)**  
Employment plan/opportunities, Housing, Community support, etc.)



## **GUIDELINES DEVELOPMENT (§17-22.5-107(1))**

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

- specific statutory release decision factors,
- based on a **STRUCTURED DECISION MATRIX**, and
- offer an advisory release decision recommendation.



<b>DECISION MATRIX</b>			
<b><u>RISK</u> <u>CATEGORY</u></b>	<b><u>READINESS CATEGORY</u></b>		
	<b>3-High</b>	<b>2-Medium</b>	<b>1-Low</b>
<b>1-Very Low</b>			
<b>2-Low</b>			
<b>3-Medium</b>			
<b>4-High</b>			
<b>5-Very High</b>			



## GUIDELINES DEVELOPMENT (§17-22.5-107(1))

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Provide a consistent framework to evaluate and weigh:

- specific statutory release decision factors,
- based on a structured decision matrix, and
- offer an **advisory release decision recommendation.**



<b>ADVISORY RELEASE DECISION RECOMMENDATION MATRIX</b>			
<b><u>RISK</u> <u>CATEGORY</u></b>	<b><u>READINESS CATEGORY</u></b>		
	<b>3-High</b>	<b>2-Medium</b>	<b>1-Low</b>
<b>1-Very Low</b>	RELEASE	RELEASE	RELEASE
<b>2-Low</b>	RELEASE	RELEASE	DEFER
<b>3-Medium</b>	RELEASE	RELEASE	DEFER
<b>4-High</b>	RELEASE	DEFER	DEFER
<b>5-Very High</b>	DEFER	DEFER	DEFER



### **Parole Board Release Guidelines Instrument (PBRGI)**

- During FY 2011 and 2012, DCJ worked with CCJJ working group members, the Parole Board, and OIT @ CDOC to design an automated system to score inmates on the guidelines factors and provide an advisory recommendation.
- FY 2011 and FY 2012 – status reports issued on system development.
- During FY 2013, the PBRGI was implemented (September 2012).
- FY 2013 to present – annual decision reports submitted to the GA.



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- **Annual report** - Board and DCJ are mandated to issue an annual report to the General Assembly regarding the outcomes of decisions by the Board (§17-22.5-404(6)(e)(I), C.R.S.).



# FY 2017 Annual Report

## Report Sample

- Decisions made regarding hearings and reviews finalized between 7/1/2016 and 6/30/2017
- Parole candidates between parole eligibility date (PED) and mandatory release date (MRD)
- Discretionary decisions only

**Excludes circumstances not within the Board's control (e.g., Court orders, "statutory releases", inmate unavailability)**





## BOARD HEARING TYPES

**1. “Regular” hearing** - Single member of the Board conducts and renders a decision. Two members decide, if the inmate is serving a life sentence and is parole eligible.

**2. Full Board review** - A case *may* be referred to full Board review for any reason following the initial (“regular”) hearing or *shall* be referred to a full Board review for release\* in cases involving violence or a sex offense.

Conducted and decided by at least four of seven Board members. If necessary, remaining members are polled until a majority threshold is met.

(\* Deferral does not require full Board review in these cases.)



## BOARD HEARING TYPES (continued)

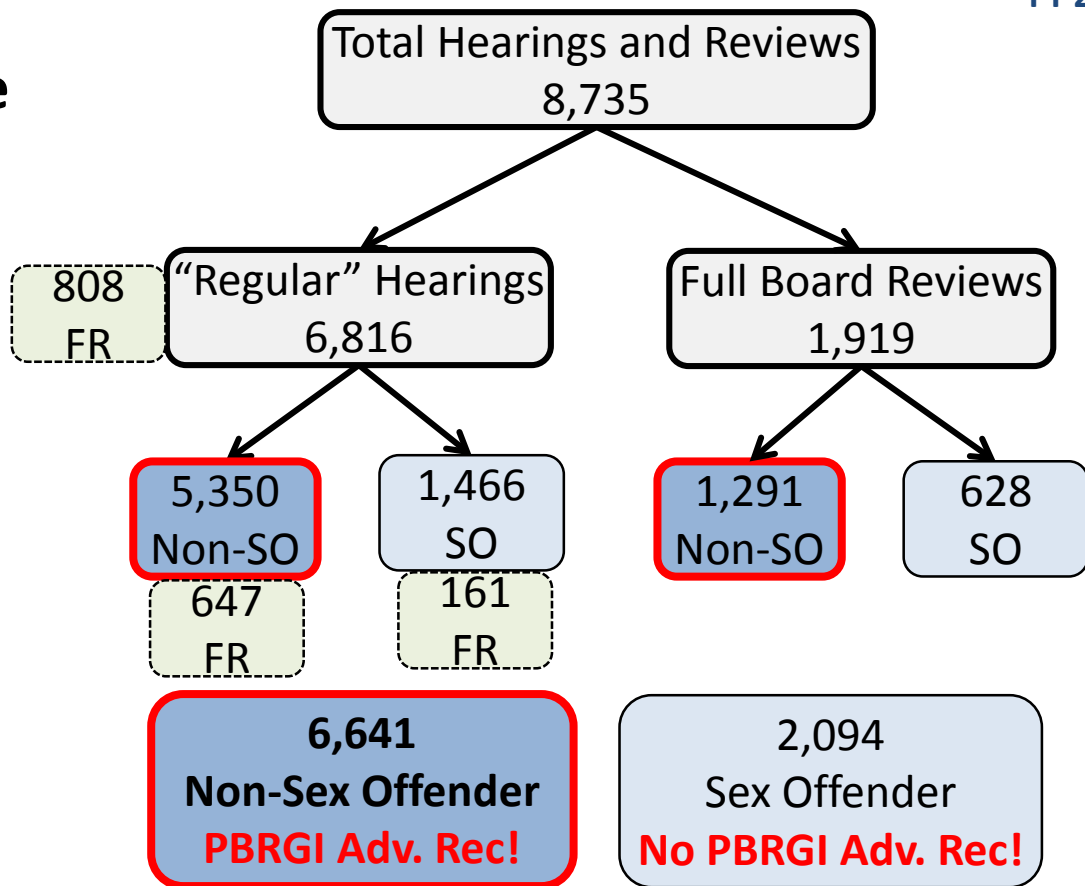
**3. File review** - an option allowing a review rather than a meeting with the offender when victim notification is not required AND one or more specific statutory conditions is met:

- a special needs release,
- detainer to the U.S. Immigration and Customs Enforcement agency,
- inmate within six months of the mandatory release date (MRD), or
- *inmate assessed “low” or “very low” in actuarial risk and meets Board’s re-entry readiness criteria (August 2017).*



### FY 2017 Sample

FR - File Reviews





## DISCRETIONARY DECISION OPTIONS

- *Refer to full Board review*
- Release
- Table (“Conditional Discretionary Release Pending”)
- Defer

### Table

- Set parole conditions, but release is pending specific requirement(s).
- Requirement(s) met...offender Released
- Requirement(s) not met...decision amended and offender Deferred



## DISCRETIONARY DECISION OPTIONS (continued)

### Defer

Defer (to a subsequent hearing date)

One, three or five years or a “custom” period

Defer to MRD

- Offender will not be seen again prior to MRD
- Parole conditions are set
- *Can* occur up to 14 months prior to MRD
- *Typically* occurs up to 6 months prior to MRD



### FY 2017 Findings

### Overall agreement: 73%

### Rate of deferral agreement: 90%

(2,592 / 2,879)

### Rate of Release agreement: 53%

(1,318 / 2,471)

Parole Board Hearing Decisions Count (Percent)	PBRGI Advisory Recommendations		Total PB Decisions
	Defer	Release	
Defer	1,744 (33%)	737 (14%)	2,481 (46%)
Defer to MRD	848 (16%) [All Defer=2,592 (48%)]	416 (8%) [All Defer=1,153 (22%)]	1,264 (24%) [All Defer=3,745 (70%)]
Release	287 (5%)	1,318 (25%)	1,605 (30%)
<b>Total PBRGI Recs</b>	<b>2,879 (54%)</b>	<b>2,471 (46%)</b>	<b>5,350 (100%)</b>



# Colorado Commission on Criminal & Juvenile Justice

FY 2017 Decisions Report

PB DECISIONS & PBRGI RECOMMENDATIONS	Fiscal Year					
	2013* (n=5,263)	2014 (n=5,980)	2015 (n=5,572)	2016 (n=4,950)	2017 (n=5,350)	
PB / PBRGI AGREEMENT (72%)	69%	73%	72%	72%	73%	
<b>RELEASE</b>	PB Decision (34%)	39%	32%	32%	36%	30%
	PBRGI Rec. (51%)	54%	50%	52%	54%	46%
	(Release Agreement, 56%)	(58%)	(55%)	(55%)	(57%)	(53%)
<b>DEFER</b>	PB Decision (66%)	61%	68%	68%	64%	70%
	PBRGI Rec. (49%)	46%	50%	48%	46%	54%
	(Defer Agreement, 89%)	(82%)	(90%)	(91%)	(89%)	(90%)

\* Partial year - 10 months, following the September 2012 implementation.



## PBRGI: ADVISORY RELEASE DECISION RECOMMENDATION MATRIX

**What is the degree of PB/PBRGI agreement within the guidelines matrix?**

Risk	Readiness		
	High	Medium	Low
Very Low	Release	Release	Release
Low	Release	Release	Defer
Medium	Release	Release	Defer
High	Release	Defer	Defer
Very High	Defer	Defer	Defer





## FY 2017: Agreement within Guidelines Matrix

**Blue – Agree to Release**

**Red – Agree to Defer**

Risk	Readiness		
	High	Medium	Low
Very Low	75%	46%	22%
Low	83%	44%	95%
Medium	80%	42%	97%
High	82%	77%	95%
Very High	55%	79%	97%



## File Reviews by Fiscal Year

There has been a 50-fold increase in the use of file reviews over the last five years...primarily due to a single file-review criterion.

### **REMINDER: BOARD HEARING TYPES**

**3. File review** - an option allowing a review rather than a meeting with the offender when a decision does not require victim notification and meets one or more specific statutory conditions:

- a special needs release,
- detainer to the U.S. Immigration and Customs Enforcement agency,

**Of note in the following table...**

- **inmate within six months of the mandatory release date (MRD),** or
- *inmate assessed “low” or “very low” in actuarial risk and meets Board’s re-entry readiness criteria (August 2017).*
- ~~Class 1 COPD in the last 12 months [PB Rules] (repealed in 2015)~~



### File Reviews by Fiscal Year

Count (Percent within FY)	Fiscal Year				
	2013 (n=8,403)	2014 (n=9,550)	2015 (n=9,093)	2016 (n=8,480)	2017 (n=8,735)
<b>Total File Reviews</b>	16 (>1%)	282 (3%)	381 (4%)	614 (7%)	808 (9%)
<b>Within Six Months of MRD</b>	7^ (44%)	149^ (53%)	222^ (58%)	592 (96%)	752 (93%)
<b>PB DECISION</b>					
<b>Defer</b>	4 (25%)	136 (48%)	170 (45%)	200 (33%)	200 (25%)
<b>Defer to MRD</b>	6 (37.5%)	135 (48%)	203 (53%)	392 (64%)	561 (69%)
<b>[Defer Total]</b>	<b>[62.5%]</b>	<b>[96%]</b>	<b>[98%]</b>	<b>[96%]</b>	<b>[94%]</b>
<b>Release</b>	6 (37.5%)	11 (4%)	8 (2%)	22 (4%)	47 (6%)

^ In FY 2013, 2014 and part 2015, the Board had the option to use file reviews for inmates with a Class I COPD. In 2015, these offenders became ineligible for parole application hearings.



## FY 2017 PB Decision and PBRGI Advisory Recommendation

### FILE REVIEWS (*n=647*)

#### **71% - Overall Agreement**

19% Release agreement (n=44 of 227 Release recommendations)

99% Defer agreement (n=417 of 420 Defer recommendations)

### FULL BOARDS (*n=1,291*)

#### **64% - Overall agreement**

64% Release agreement (725 of 1,131 Release recommendations)

99% Defer agreement (96 of 160 Defer recommendations)

### INMATES labeled SEX OFFENDER (*n=2,094*)

18% (372) Release

82% (1,722) Total Defer

66% (1,387) Defer (to a subsequent hearing date)

16% (335) Defer to MRD



*Analysis of Colorado State Board of Parole Decisions:  
FY 2017 Report*

Report available at,  
[colorado.gov/ccjj/ccjj-reports](http://colorado.gov/ccjj/ccjj-reports)

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