

SENTENCING REFORM TASK FORCE
FINAL RECOMMENDATION PREPARED FOR THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
January 28, 2022

FY22-SR #08. Add Prison as an Intermediate Sanction Confinement Facility (Statutory)

Recommendation FY22-SR #08

Amend §17-2-103, C.R.S., to grant statutory authority to the Executive Director of the Colorado Department of Corrections to confine parolees in a prison facility, in addition to utilizing jails, for the purpose of confinement as an intermediate sanction for up to 14 days without filing a complaint seeking revocation of parole. This will provide the Department of Corrections and parole officers additional options for swift and sure intermediate sanctions.

Proposed Statutory Language

17-2-103. Arrest of parolee - revocation proceedings.

(1.5)

(d) If a parolee has a technical violation, the parolee's community parole officer, with the approval of the director of the division of adult parole or the director's designee, may impose a brief term of confinement ~~in the county jail~~ not to exceed fourteen consecutive days, as an intermediate sanction.

(e) A parolee's community parole officer must notify the parolee when a brief term of **CONFINEMENT** ~~incarceration in jail~~ may be imposed as an intermediate sanction against the parolee.

(f) **CONFINEMENT AS AN INTERMEDIATE SANCTION MAY BE PROVIDED IN ANY FACILITY OPERATED OR APPROVED BY THE DEPARTMENT OF CORRECTIONS OR IN A COUNTY JAIL.** The division of adult parole is responsible for reimbursing county jails for beds used as an intermediate sanction. The sheriff of each county has the authority and discretion to determine the number of jail beds, if any, that are available to the department of corrections in their respective facilities for the purpose of imposing an intermediate sanction. If jail beds are unavailable in the local community of the facility in which the parolee is being supervised, the division of adult parole is authorized to utilize **ANY FACILITY OPERATED OR APPROVED BY THE DEPARTMENT OF CORRECTIONS OR** other available county jail beds if transportation to and from the jail is provided to the parolee.

DISCUSSION

For current "swift & sure" sanctions (up to 14 days with no parole revocation filed) for technical parole violations, it is recommended that the Colorado Department of Corrections be given statutory authority to directly book into a prison facility, as well as utilizing jails, where that is an option, as currently allowed in statute. The Parole Board may also modify conditions for technical parole violations as authorized in statute. This will provide parole officers additional options for intermediate sanctions.