

Overview: Colorado State Board of Parole Administrative Release Guideline Instrument

Developed by:

**The Division of Criminal Justice,
The Colorado State Board of Parole &
The Colorado Commission on Criminal and Juvenile Justice**

Pursuant to

17-22.5-107 (1), C.R.S.

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PBRGI Overview

This document provides a general description of the Colorado State Board of Parole Administrative Release Guideline Instrument (PBRGI).¹

Background. Pursuant to 17-22.5-404(6)(a), C.R.S., the Colorado State Board of Parole (“the Board”) is mandated to work with the Division of Criminal Justice (DCJ) in the Colorado Department of Public Safety (CDPS) and the Colorado Department of Corrections (DOC) “to develop and implement a process to collect and analyze data related to the basis for and the outcomes of the Board’s parole decisions.”² Additionally, pursuant to 17-22.5-107(1), C.R.S., in consultation with the Board, DCJ is mandated to develop an administrative release guideline instrument for use by the Board in evaluating applications for parole.³

Parole Board Hearing Application Portal. The Governor’s Office of Information Technology (OIT) at DOC in collaboration with the Board, various representatives of DOC including the Time and Release Operations Office, and DCJ created the Parole Board Hearing Application Portal. This portal is a user interface that gathers information from diverse DOC sources, displays it, and records Board member decisions. This automated system provides the platform within which the Parole Board Release Guideline Instrument (PBRGI) is integrated.

Parole Board Administrative Release Guideline Instrument.

The goal of the parole release guideline is to provide a consistent framework for the Board to evaluate and weigh specific release decision factors and, based on a structured decision matrix, to offer an advisory release decision recommendation for parole applicants who are not identified as sex offenders.⁴ The release guideline policy instrument offers the significant advantage of uniformity in the application of decision criteria, but the guideline cannot adapt to the unique

The PBRGI offers an advisory release decision recommendation for parole applicants who are not sex offenders.

¹ Additional information on the PBRGI is available in the related annual reports at, colorado.gov/dcj-ors/ors-reports

² Derived from Senate Bill 2009-135.

³ Derived from House Bill 2010-1374.

⁴ Upon entry into DOC, each offender’s history is reviewed for sexually abusive behavior, and offenders are assigned to one of five categories on “Sexual Violence Needs” with classification updates occurring as warranted. Offenders in the lower two classification levels (no sexual violence treatment needs or a due process hearing determination that there has been no sexually abusive behavior) are assigned a PBRGI recommendation. For those in the upper three classification levels, pursuant to 17-22.5-404 (4)(c)(II), C.R.S., parole release decisions are subject to release criteria created by the Sex Offender Management Board (SOMB). These criteria may be found in the document entitled *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders (2019)*, in *Appendix J: Parole Guidelines for Discretionary Release on Determinate-Sentenced Sex Offenders* (“determinate criteria”) and in *Appendix S: Lifetime Supervision Criteria - Section LS 1.000-Criteria for Release from Prison to Parole and Section LS 4.000-Criteria for Successful Progress in Treatment in Prison: Sex Offender Treatment and Monitoring Program* (“indeterminate criteria”) which is available at the SOMB website: colorado.gov/dcj/somb-standards-bulletins.

and emergent characteristics of each offender’s parole application hearing. As provided in the legislative declaration of House Bill 2010-1374, “...using structured decision-making unites the parole board members with a common philosophy and a set of goals and purposes while retaining the authority of individual parole board members to make decisions that are appropriate for particular situations.”

The PBRGI provides a decision matrix with two dimensions: the risk of recidivism and the readiness for parole.

The PBRGI provides a matrix with two dimensions (see Figure 2 below). The first dimension is *risk* of recidivism and the second dimension is *readiness* for parole. The Colorado Actuarial Risk Assessment Scale (CARAS)⁵ and the Level of Supervision Inventory-Revised (LSI-R)⁶ are among the data elements that serve as the basis for the risk and readiness

information used in the matrix. Drawing on the policy factors in the guideline that correspond to statutory parole considerations (17-22.5-404(4), C.R.S.), DCJ staff constructed algorithms that yield two scores, one for recidivism risk and one for parole readiness. The combination of these two scores places an offender in a five-level risk by three-level readiness matrix where each matrix position is associated with an advisory release or defer recommendation (as required by 17-22.5-107(1)(b), C.R.S.). The Board uses the term “defer” for the decision when the offender must continue to serve his or her sentence and the possibility for parole is “deferred” to the next possible parole consideration date, as determined by statute.) This advisory recommendation is displayed to the Board member in the Hearing Portal along with an offender’s specific placement in the decision matrix and the data used to derive the risk and readiness scores. After considering the advisory recommendation and any other information connected to the release application hearing, Board members may choose to concur with or depart from the recommendation. Pursuant to 17-22.5 404(6)(b), C.R.S., a decision that departs from the recommendation requires that the Board member provide the reason(s) for departure.

Each element of the PBRGI system was the subject of extensive testing during FY 2012-2013 from November 2011 through November 2012. Follow-up testing occurred through FY 2013. The development milestones include the following:

- August 2011 to November 2011: a data sharing agreement was created between DCJ and DOC and DCJ submitted a request to conduct preliminary testing of the PBRGI to DOC that was subsequently approved.
- November 2011 to February 2012: DCJ staff conducted a preliminary recidivism validity study of the risk and readiness algorithms and the decision recommendation matrix.
- April 2012 to July 2012: staff of DOC’s Office of Planning and Analysis and OIT at DOC conducted quality assurance testing of the PBRGI programming logic.
- August 2012 to November 2012: implementation and testing of the PBRGI was performed.

The risk and readiness algorithms and the decision matrix of the PBRGI system will continue to be monitored in the context of recidivism outcomes and the system will be updated as these data and evidence from the field of criminal justice on parole decision-making warrant.

⁵ See Footnote 8.

⁶ See Footnote 10.

PBRGI Item Descriptions

PBRGI Risk and Readiness Algorithms and Decision Matrix

The original draft of the parole release guideline was developed by the former Post Incarceration Supervision Task Force of the Colorado Commission on Criminal and Juvenile Justice.⁷ Elements of this draft document, approved by the full Commission, served as the foundation for the recidivism risk and parole readiness algorithms. DCJ staff, in consultation with DOC's OPA staff and Board members, selected reliable variables to represent each of the policy elements included in the draft administrative release guideline. Eight variables comprise the risk algorithm and five variables comprise the readiness algorithm of the PBRGI (see Figure 1). Each algorithm assigns an offender to a baseline risk and readiness category and the remaining variables in the category determine whether the offender is shifted to a higher or lower level within the category.

The original draft of the parole release guideline was developed by the Post Incarceration Supervision Task Force of the Colorado Commission on Criminal and Juvenile Justice.

The risk algorithm is calculated by the simple addition of points received for each of the eight risk items and the total number of points is associated with a particular risk category. The readiness algorithm is based on the calculated average of the points received for each of the five readiness items and the average is associated with a particular readiness category. Each of the PBRGI items is described below along with the degree to which the category assignment is reduced or augmented by the item score.

Risk Algorithm Items

Item #1: The Colorado Actuarial Risk Assessment Scale. The CARAS is an actuarial risk assessment instrument which, pursuant to 17-22.5-404(2), C.R.S., is developed by DCJ for use by the Parole Board when making parole application decisions. The CARAS risk scale that predicts three-year recidivism rates defined as re-arrest for any crime or new court filing.⁸ The CARAS score is based primarily on static (unchangeable) offender risk factors, for example, number of current conviction charges, prior parole returns on new crime, and number of previous incarcerations. Offenders fall into one of five risk categories that range from “very low” to “very high” risk. The assigned CARAS risk category serves as the baseline risk assignment in the risk algorithm. *[Note: This item will reflect the most recent version of the CARAS as newer, re-validated versions are implemented. Statute requires revalidation of the CARAS every five years (17-22.5-404(2)(a), C.R.S.)]*

⁷ For information about the Commission (“CCJJ”), see coloradoccjj.org.

⁸ For additional information on the CARAS see, colorado.gov/dcj-ors/ors-riskscales.

Item #2: Code of Penal Discipline/ Victim Threat. Any offender with a conviction of a Class II: 25c offense, Harassment of Victim, is assigned to the highest level of risk.⁹ The baseline risk assignment is not altered for offenders without such a conviction.

Item #3: Code of Penal Discipline/ Class I Offense. Any offender with a conviction for a Class I offense during the previous 12 months is re-assigned to the highest level of risk. Offenders with no Class I offense in the last 12 months receive a fractional point reduction in risk (in other words, a partial category reduction).

Item #4: Code of Penal Discipline/ Class II Offense. Any offender with a conviction for a Class II offense, other than Harassment of Victim, during the previous three months is re-assigned two levels higher than the baseline category of risk. For example, an offender whose baseline risk assignment was “very low” would be shifted to “medium” risk. Offenders with no Class II offense in the last three months receive a fractional category reduction in risk.

Item #5: Escape/Abscond or Attempt. The existence of one or more escapes/absconds or attempts results in the offender being advanced two categories of risk. The baseline risk assignment is not altered for offenders with no escape/abscond or attempts.

Item #6: 60 Years of Age or Older (Risk moderator). The baseline risk assignment is reduced by two categories for offenders who are 60 years of age or older. The baseline risk assignment is not altered for offenders who have not reached the age of 60.

Item #7: Medical Condition Reduces Risk of Re-Offense (Risk moderator). The baseline risk assignment is reduced by two categories for offenders whose record indicates a debilitating medical condition that reduces the risk of re-offense. The baseline risk assignment is not altered for offenders who do not have such medical conditions.

Item #8: Manageable in the Community (Risk moderator). *This variable is derived from a rating by the Board member conducting the parole application hearing.* Based on the review of an offender’s record and information gathered during the interview conducted during parole application hearing, Board members rate whether or not they expect a greater likelihood of success for the offender if transitioned to the community. The baseline risk assignment is reduced by one category for offenders who are expected by the member to be successful if placed under community supervision. The baseline risk assignment is not altered for offenders who are not assessed by the member to be successful under community supervision.

⁹ See DOC Administrative Regulation 150-01, Class II: 25c at colorado.gov/cdoc/policies-1.

Readiness Algorithm Items

Item #9: Level of Service Inventory-Revised.¹⁰ The LSI-R total score serves as a modified baseline in the readiness algorithm. The 54-item LSI-R is a measure of offenders' criminogenic needs and, based on the total score, individuals are assigned to one of four actuarially-determined readiness categories. The LSI-R is a modified baseline because this item, together with the LSI Rater Box item, is weighed equally with the remaining items in the readiness algorithm.

Item #10: Level of Service Inventory-Rater Box Average. The average of the 13 Rater Box items on the LSI-R contributes points to the overall readiness total. The LSI-R Rater Box items score individuals on a simple protective factor scale that indicates positive adjustment characteristics.¹¹ The LSI Rater Box average, in combination with the LSI-R total score category, is weighed equally with the remaining items in the readiness algorithm.

Item #11: Program Participation / Progress. *This variable is derived from a rating by the Board member conducting the parole application hearing.* The Board member provides a rating of the offender's enrollment, participation, and progress in DOC programs. The assignment of points does not penalize offenders who are wait-listed for programs or, for whatever reason as determined by the Board member, offenders for whom current program participation is considered not applicable. Points assigned to the ratings are added to the overall readiness total.

Item #12: Treatment Participation / Progress. *This variable is derived from a rating by the Board member conducting the parole application hearing.* The Board member provides a rating of the offender's participation and progress in DOC treatment. The assignment of points does not penalize offenders who are wait-listed for treatment or, for whatever reason as determined by the Board member, offenders for whom current treatment is considered not applicable. Points assigned to the ratings are added to the overall readiness total.

Item #13: Parole Plan. *This variable is derived from a rating by the Board member conducting the parole application hearing.* The Board member provides a rating of the quality and thoroughness of the offender's parole plan. Considerations of the parole plan may include the provision for housing, parole location, work, education, treatment, parole sponsor, social support, vocational/leisure activities and other transition factors. Points assigned to the ratings are added to the overall readiness total.

¹⁰ The LSI is a programming assessment tool comprised of 54 items across ten different subcomponents: criminal history, education/employment, financial, marital/family, accommodations, leisure/recreation, companions, alcohol/drug problems, emotional/personal, and attitudes/orientation. Each item is scored either 0 or 1, where a point indicates that an item is true. After each item is scored, the points are totaled to obtain a composite risk score. Higher scores are indicative of greater service needs.

¹¹ The thirteen rater box items are a set of dynamic factors that form a simple protective factor scale that can change to reflect current experiences and characteristics. These items are rated on a scale from 0 to 3 (in addition to the item score). The 13 ratings are then totaled to obtain a rater score with higher scores indicating more pro-social influences in an individual's life.

Figure 1. PBRGI risk and readiness variables and algorithm calculations and categories.

DECISION ALGORITHM VARIABLES	
<p>RISK VARIABLES (related point values at left of each element)</p> <p>#1 Colorado Actuarial Risk Assessment Scale (Risk baseline) (1) Very Low (1 - 23) (2) Low (24 - 31) (3) Medium (32 - 36) (4) High (37 - 43) (5) Very High (44 - 79)</p> <p>#2 Code of Penal Discipline: Victim Threat (During period of incarceration) (0) None (4) Yes</p> <p>#3 Code of Penal Discipline: Class I Offense (-0.5) None in past 12 months (4) At least 1 in past 12 months</p> <p>#4 Code of Penal Discipline: Class II Offense (Other than Victim Threat) (-0.25) None in past 3 months (2) At least 1 in past 3 months</p> <p>#5 Escape/Abscond or Attempt (0) None (2) Yes, Escape/Abscond or Attempt</p> <p>Risk moderators #6 (-2) Yes, 60 yrs. or older #7 (-2) Yes, med. condition reduces reoffense risk #8 (-1) Yes, manageable in community*</p>	<p>READINESS VARIABLES (related point values at left of each element)</p> <p>#9 Level of Service Inventory: Total Score (Readiness baseline) (0) Low (39 - 54) (1) Medium (30 - 38) (2) High (21 - 29) (3) Very High (0 - 20)</p> <p>#10 Level of Service Inventory: Rater Boxes (3) Yes (Avg. 2.50-3.00) (2) Yes (Avg. 2.00-2.49) (1) No (Avg. .50 - 1.99) (0) No (Avg. 0-.49)</p> <p>#11 Program Participation/Progress * (5) Good outcome/ intent -or- NA /Wait listed (4.5) Acceptable outcome/intent (2) Weak/unclear outcome/intent (1) Poor outcome/intent</p> <p>#12 Treatment Participation/Progress * (5) Good outcome/ intent -or- NA /Wait listed (4.5) Acceptable outcome/intent (2) Weak/unclear outcome/intent (1) Poor outcome/intent</p> <p>#13 Parole Plan * (5) Good (4.5) Acceptable (2) Weak (1) Poor</p> <p style="text-align: right;">(*PB Input)</p>
DECISION ALGORITHM COMPUTATIONS AND CATEGORIES	
<p>Risk Calculation: CARAS + COPD: Victim + COPD: Class I + COPD: Class II + Esc/Abs + Risk moderators = Risk Point Total</p> <p>Risk Categories: 1) Very Low = 1.99 or less risk points 4) High = 4.00 - 4.99 2) Low = 2.00 - 2.99 5) Very High = 5 or above 3) Medium = 3.00 - 3.99</p>	
<p>Readiness Calculation: (LSI: Total Score + LSI: RB + Program + Treatment + Plan) / 5 = Readiness Point Average</p> <p>Readiness Categories: 1) Low = 0-1.99 3) High = 3.00 or above 2) Medium = 2.00-2.99</p>	

Figure 2. Advisory release decision recommendation matrix with risk and readiness categories and associated recommendations.

ADVISORY RELEASE DECISION RECOMMENDATION MATRIX			
<u>RISK CATEGORY</u>	<u>READINESS CATEGORY</u>		
	3 High	2 Medium	1 Low
1 Very Low	RELEASE (Most appropriate for release)	RELEASE	RELEASE
2 Low	RELEASE	RELEASE	DEFER
3 Medium	RELEASE	RELEASE	DEFER
4 High	RELEASE	DEFER	DEFER
5 Very High	DEFER	DEFER	DEFER (Least appropriate for release)

Placement in the matrix. Computations of the risk algorithm *total score* and the readiness algorithm *average score* results in the assignment of each offender to a risk and a readiness category (see Figure 1). These scores combine to place an offender into one of the 15 categories in the PBRGI decision matrix. The risk by readiness decision matrix comprising the five risk and three readiness categories may be found in Figure 2. Each decision matrix category is associated with an advisory release decision recommendation.¹² Note that all parole release candidates falling in the “very low risk” category are recommended for release whereas all those falling in the “very high risk” category are recommended for deferral.

Applicants for parole release falling in the lower risk/higher readiness combinations are considered the more appropriate candidates for release, and those who fall in the higher risk/lower readiness combinations are considered less appropriate for release. Release decisions regarding applicants who fall in the “medium or on-the-boundary region” of the decision matrix will likely require the greatest degree of Board member consideration and judgment. This region is represented by the middle diagonal of the matrix separating those recommended for release

¹² The release recommendation for each level of risk and readiness was assigned by the original draft administrative guideline instrument and later supported by a validity study of recidivism outcomes.

from those recommended for defer (specifically, the low/low risk/readiness combination, the medium/medium combination and the high/high combination). It is possible that the release decisions for offenders assigned to this area of the matrix may result in a higher proportion of departures by Board members from the PBRGI recommendation.

Testing

PBRGI Programming Logic. Staff of DCJ worked with staff of DOC's OIT and the Office of Planning and Analysis (OPA) who performed quality assurance tests of the programming logic of the PBRGI decision system. The programming module, written by staff of OIT at DOC, is designed to accomplish the following:

- Identify the parole release applicants appropriate for the PBRGI recommendation (that is, non-sex offenders¹³),
- Display the four "input questions" and store the ratings entered by Board members,
- Assign points to each applicant for each of the 13 PBRGI variables, including the "live" ratings by Board members,
- Calculate the risk and readiness scores,
- Assign the parole applicant to the appropriate risk and readiness categories,
- Assign the parole applicant to the correct position in the PBRGI decision matrix,
- Display the decision recommendation in the Parole Board Hearing Application Portal to Board members during release application hearings,
- Provide an option to display the matrix placement and derivation of risk and readiness scores for review by the Board member, and
- Require the input of reasons if the actual decision departs from the PBRGI recommendation.

All scores and matrix assignments produced by the programming logic of the PBRGI decision system were confirmed by separate staff who manually calculated and compared all scores and matrix assignments.

The quality assurance testing of the above programming elements by OPA and OIT staff occurred in two phases. In these phases, begun in April 2012, ten non-sex offenders and then 100 non-sex offenders were randomly chosen from those housed in DOC. The programming functions were initiated by OIT and the results were passed to OPA for verification. All of the outputs from the programming elements were confirmed by staff who manually calculated the risk and readiness scores and verified the assignments to the advisory decision matrix. After discrepancies were resolved for the first ten offenders, the

testing was repeated for the second group of 100 offenders. By the end of July 2012, programming calculations and discrepancies had been resolved.

Implementation. The PBRGI decision system was implemented August 2012 and implementation testing and modifications continued through November 2012. The annual reports by DCJ, pursuant to 17-22.5-404(6)(e)(I), C.R.S., provide information on the status of the PBRGI decision system and analyses of parole decisions.¹⁴

¹³ See Footnote 4.

¹⁴ See Footnote 1.

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