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## MEMORANDUM

Date: September 26, 2013  
From: Brandon Shaffer, Colorado Board of Parole, Chairperson  
Subj.: Parole Board Overview

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### Outline

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- b. Parole Eligibility Date
- c. Mandatory Release Date
- d. Discretionary Parole
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## Definitions

### New Oxford American Dictionary

parole |pəˈrɔːl|

noun

**1** the release of a prisoner temporarily (for a special purpose) or permanently before the completion of a sentence, on the promise of good behavior : *he committed a burglary while **on parole**.*

• **historical** a promise or undertaking given by a prisoner of war not to escape or, if released, not to engage in hostilities, or to return to custody under stated conditions.

**2 Linguistics** the actual linguistic behavior or performance of individuals, in contrast to the linguistic system of a community. Contrasted with **langue** .

verb [ trans. ] (usu. **be paroled**)

release (a prisoner) on parole : *he was paroled after serving nine months of a two-year sentence.*

ORIGIN late 15th cent.: from Old French, literally 'word,' also 'formal promise,' from ecclesiastical Latin **parabola** 'speech'; compare with **parol** .

### Colorado Law

**Parole:** The conditional release of an inmate from prison pursuant to certain terms and for a determinate period of time, before the full sentence has been served, where the inmate is determined to be eligible pursuant to 17-22.5-403, C.R.S. (2013).

**Parole Eligibility Date (PED):** The first date for which an inmate is eligible to make initial Parole application. Generally, for class 2-6 felonies, an offender is eligible after serving fifty percent of his or her sentence. For class 1 felonies and other specified crimes of violence, an offender is eligible after serving seventy-five percent of his or her sentence. Earned time is also factored into this calculation. (17-22.5-403, C.R.S. (2013))

**Mandatory Release Date (MRD):** Parole release date over which the Board has no discretion that mandates an inmate's release to parole. (18-1.3-401, C.R.S. (2013))

**Discretionary Parole:** At the discretion of the Board, the release of an inmate who has met his or her PED but not yet met his or her MRD, and is returned to the community subject to conditions imposed by the Board, and subject to the custody of the Division of Parole and jurisdiction of the Parole Board. (17-2-201, C.R.S. (2013))

**Parole Board:** "There is hereby created a state board of parole ... which shall consist of seven members. The members of the board shall be appointed by the governor and confirmed by the senate, and they shall devote their full time to their duties as members of the board. The

members shall be appointed for three-year terms and may serve consecutive terms.” (17-2-201(1)(a), C.R.S. (2013))

## Questions:

### 1. What is the mission of the Colorado Board of Parole?

**Answer:** The mission of the Colorado Board of Parole is to increase public safety by critical evaluation, through the utilization of evidence based practices, of inmate potential for successful reintegration to society. The Board determines parole suitability through the process of setting conditions of parole and assists the parolee by helping to create an atmosphere for a successful reintegration and return to the community. (Colorado Board of Parole Strategic Plan, 2012-2015; created in accordance with the SMART Government Act, 2-7-201, C.R.S. (2013))

### 2. What types of hearings are conducted by the Parole Board?

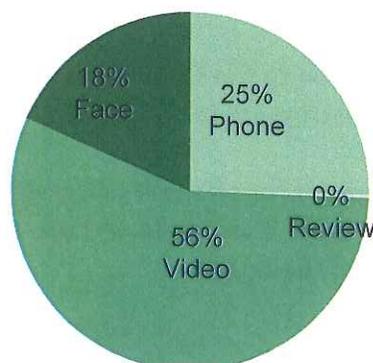
**Answer:** There are primarily three types of hearings: (1) Application interviews, (2) Rescission hearings, and (3) Revocation hearings.

**Statistics:** From January – August, 2013, the Parole Board conducted 8,303 Application interviews, 342 Rescission hearings, and 2,945 Revocation hearings.

### 3. How are hearings conducted?

**Answer:** We conduct the majority of our hearings by video conferencing. We also conduct hearings by telephone and face-to-face. Most of the video conferencing occurs with the larger correctional institutions (i.e., Colorado State Penitentiary, Sterling Correctional Facility, Limon Correctional Facility, etc.). Telephone hearings are generally used to reach smaller facilities in rural parts of the state. And, face-to-face hearings generally occur in and around the metro area at parole offices and local jails.

**Statistics:** Percentage of hearings conducted by hearing method from January – August, 2013: video 56%, phone 26%, face 18%.



#### 4. What factors do you consider in making parole decisions?

**Answer:** The factors we consider are set forth in 17-22.5-404, C.R.S. (2013):

In considering offenders for parole, the state board of parole shall consider the totality of the circumstances, which include, but need not be limited to, the following factors:

(I) The testimony or written statement from the victim of the crime, or a relative of the victim, or a designee, pursuant to section 17-2-214;

(II) The actuarial risk of reoffense;

(III) The offender's assessed criminogenic need level;

(IV) The offender's program or treatment participation and progress;

(V) The offender's institutional conduct;

(VI) The adequacy of the offender's parole plan;

(VII) Whether the offender while under sentence has threatened or harassed the victim or the victim's family or has caused the victim or the victim's family to be threatened or harassed, either verbally or in writing;

(VIII) Aggravating or mitigating factors from the criminal case;

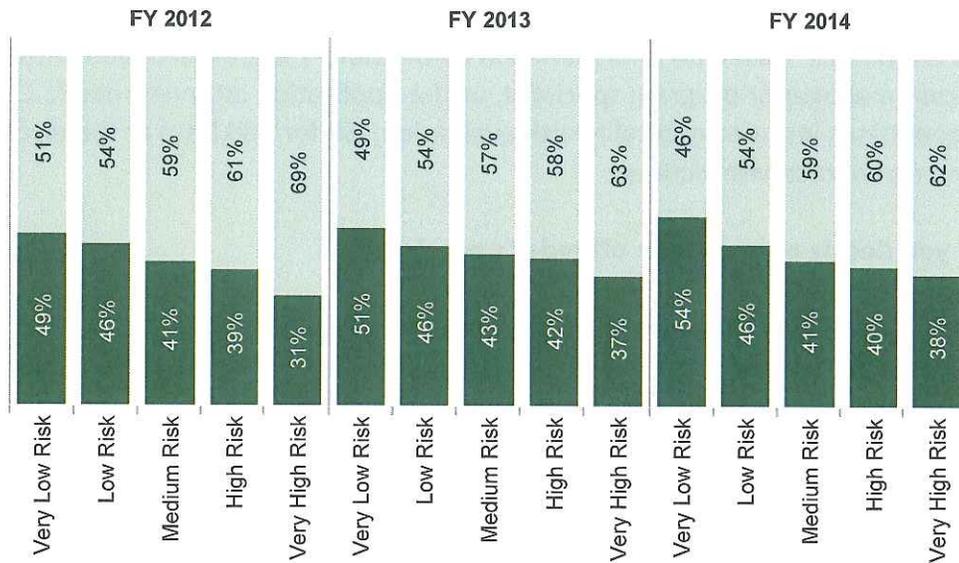
(IX) The testimony or written statement from a prospective parole sponsor, employer, or other person who would be available to assist the offender if released on parole;

(X) Whether the offender had previously absconded or escaped or attempted to abscond or escape while on community supervision; and

(XI) Whether the offender completed or worked toward completing a high school diploma, a general equivalency degree, or a college degree during his or her period of incarceration.

In addition, we pay particular attention to the Colorado Risk Assessment Scale (CARAS) and Administrative Release Guideline Instrument in making decisions. (17-22.5-404, C.R.S. (2013))

**Statistics:** The average risk assessment for offenders who were granted discretionary parole in 2013 was 34 (Medium Risk). The Parole Board followed the Administrative Release Guideline Instrument recommendation 64% of the time.



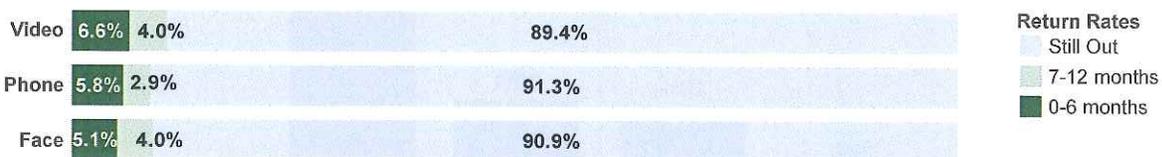
**5. Is there a different procedure for violent offenders versus nonviolent offenders?**

**Answer:** Yes. Individual Board members do not have the authority to parole offenders convicted of a violent crime. Instead, if a Board member believes he or she is a good candidate for parole, the member refers the offender to the entire Parole Board for consideration. The Board sits as a “Full Board” at least once a week and votes on parole applications for violent offenders. An offender needs at least 4 affirmative votes to be released on parole. In contrast, individual members retain the authority to make final release decisions for non-violent offenders.

**6. Is there a difference in outcomes based on the method employed to conduct the hearing (i.e., video vs. phone vs. face-to-face)?**

**Answer:** There is no statistically significant difference in outcomes of hearings based on hearing method.

**Statistics:** Recidivism rates by hearing method after 6 months: video (6.6%), phone (5.8%), face (5.1%); after 12 months: video (10.6%), phone (8.7%), face (9.1%).



**7. How do you set conditions for parole?**

**Answer:** Colorado law proscribes several conditions (see 17-2-201(5)(f)(A-J), C.R.S. (2013)). These conditions form the basis of the Parole Agreement and govern things like conduct,

residency requirements, and substance abuse prohibitions. The Parole Board may also set “Additional Conditions” based on information in an offender’s file, a discussion with an offender’s case manager or program specialist, or the Application interview itself. Common additional conditions include: mental health evaluation, ISP for 180 Days at the discretion of the CPO, and no contact with victims.

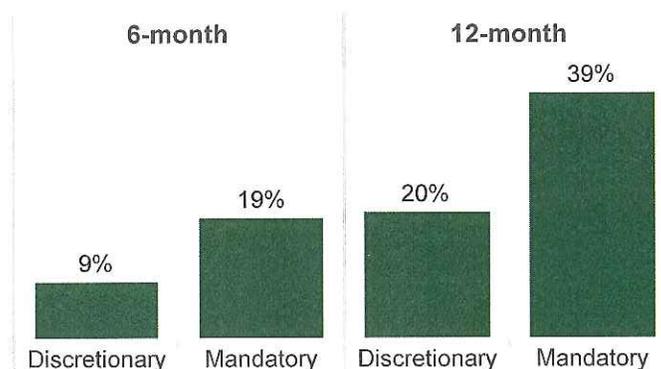
#### 8. How do you decide to revoke an offender’s parole?

**Answer:** The Parole Revocation process is governed by 17-2-103, C.R.S. (2013). Each hearing is an independent event. The Parole Board member conducting the hearing is an objective hearing officer and accepts testimony and evidence from the Parole Officer and Offender. After the reviewing all pertinent information, the Board member uses his or her best judgment to render a decision. For “new law violations,” the Board member has the discretion to revoke an offender back to DOC for the Remainder of his or her sentence. For most “technical violations,” the Board member has the discretion to revoke back to DOC for up to 180 days.

**Statistics:** From January – August, 2013, the total number of revocation hearings continued on parole were 470 (16%), and the total number revoked back to a DOC facility was 2,475 (84%). During the same period of time, the total number of returns with a new felony conviction was 582 (19%), and the total number of returns with a technical violation was 2,457 (81%). Note: There were more returns than hearings due to offenders who self-revoke their parole.

#### 9. What are the 6-month and 12-month recidivism rates for the Parole Board?

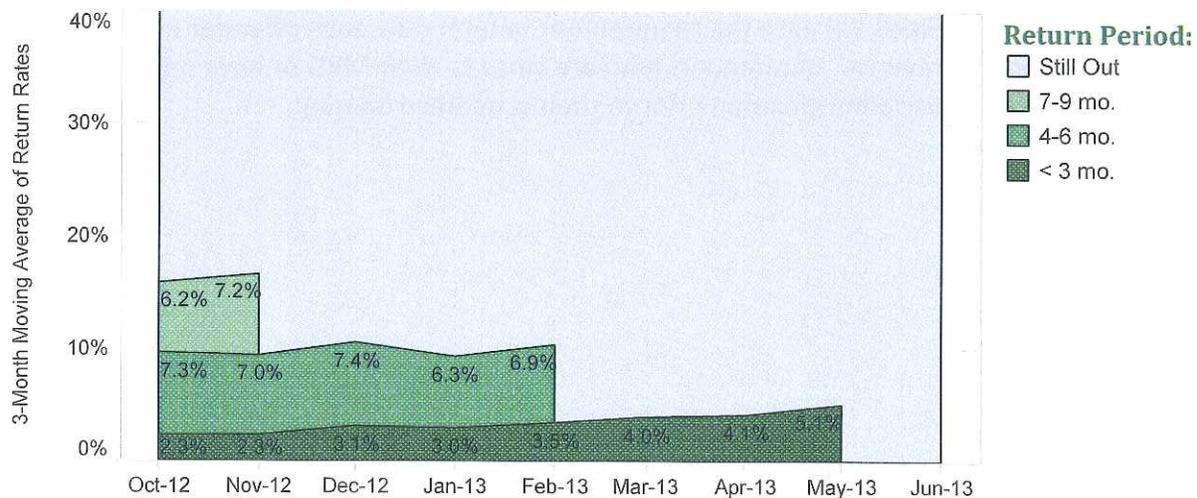
**Answer:** The 6-month recidivism rate for all offenders released on parole, both mandatory and discretionary, is 13%; the 12-month recidivism rate is 26%. The 6-month average recidivism rate for discretionary releases after is approximately 9%; the average recidivism rate after 12 months is approximately 20%. Comparatively, the 6-month revocation rate of mandatory releases is approximately 19% and the 12-month rate is approximately 39%. (Note: recidivism here refers only to only parole revocations (for technical violations or new crimes), which differs somewhat from how DOC calculates recidivism rates.)



## 10. How can we improve the process?

### Answer:

(a) Continue to refine the Colorado Risk Assessment Scale and Administrative Release Guideline Instrument. These tools are invaluable in helping guide Parole Board decisions.



(b) Add additional, “dynamic” factors into the data the Board uses to assess offenders. It would be helpful to receive feedback about the efficacy of specific programs and treatment on release outcomes.

(c) Automate the Revocation Hearing process. Currently, application interviews are held through a fully automated computer interface that contains an extraordinary amount of information on offenders. The CARAS and Release Guidelines are fully integrated into this computer program and recommendations for release or defer automatically populate the program. The Revocation process, however, is not yet automated. Instead, we continue to conduct hearings the “old fashioned way” with paper files. These files contain less information. Additionally, we have developed revocation guidelines, very similar to the Release Guidelines, but they are very difficult to integrate into our current process. Automating the Release Guidelines will better inform Board members, and help the make more consistent decisions. Note: This project is currently in process.

(d) Provide dedicated research support. We have received amazing support from the DOC Research Office. Maureen O’Keefe, Research Director, has worked very hard to get us the information we need to inform our decisions and improve our process. In order to build on her work, it would be helpful to have a dedicated data person who focuses on generating and analyzing data for the Board.

(e) Administrative support in the Denver office. As you are aware, the Parole Board office is located in Pueblo. At the Pueblo office we have an amazing staff of 7 people. They are knowledgeable and dedicated, and an integral part of the Parole Board team. However, most

Board members work out of the Division of Adult Parole office in Denver. In order to facilitate better communications and to provide better logistical support for the Board, we need a dedicated staff person at the Denver office.

(f) Finally, scheduling hearings is a perennial problem. With the volume of hearings we conduct, trying to set the Board schedule is very difficult. There are a variety of steps that could be employed to help in this area. Specifically, (i) reduce the number of prisoner movements within facilities, (ii) ease the requirement to interview each offender every year, and (iii) allow for "file reviews" of offenders who are close to their MRD or have received a recent Code of Penal Discipline violation prior to their scheduled hearing.