

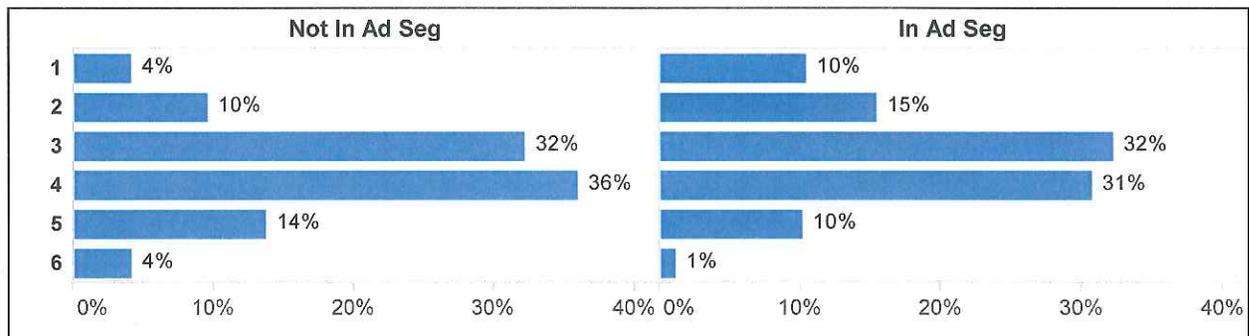
- 1.) (Senator Lambert) Please provide additional data regarding the original crimes that put an offender later classified in Administrative Segregation into prison in the first place, data on reasons why the offender was then put in Administrative Segregation, and information about how much earned time has been granted to offenders in Administrative Segregation since the passage of SB 11-176. What facilities house Administrative Segregation offenders? Is there data concerning recidivism rates of offenders that spend time in Administrative Segregation?

**Original Crimes of Offenders Later Placed in Administrative Segregation**

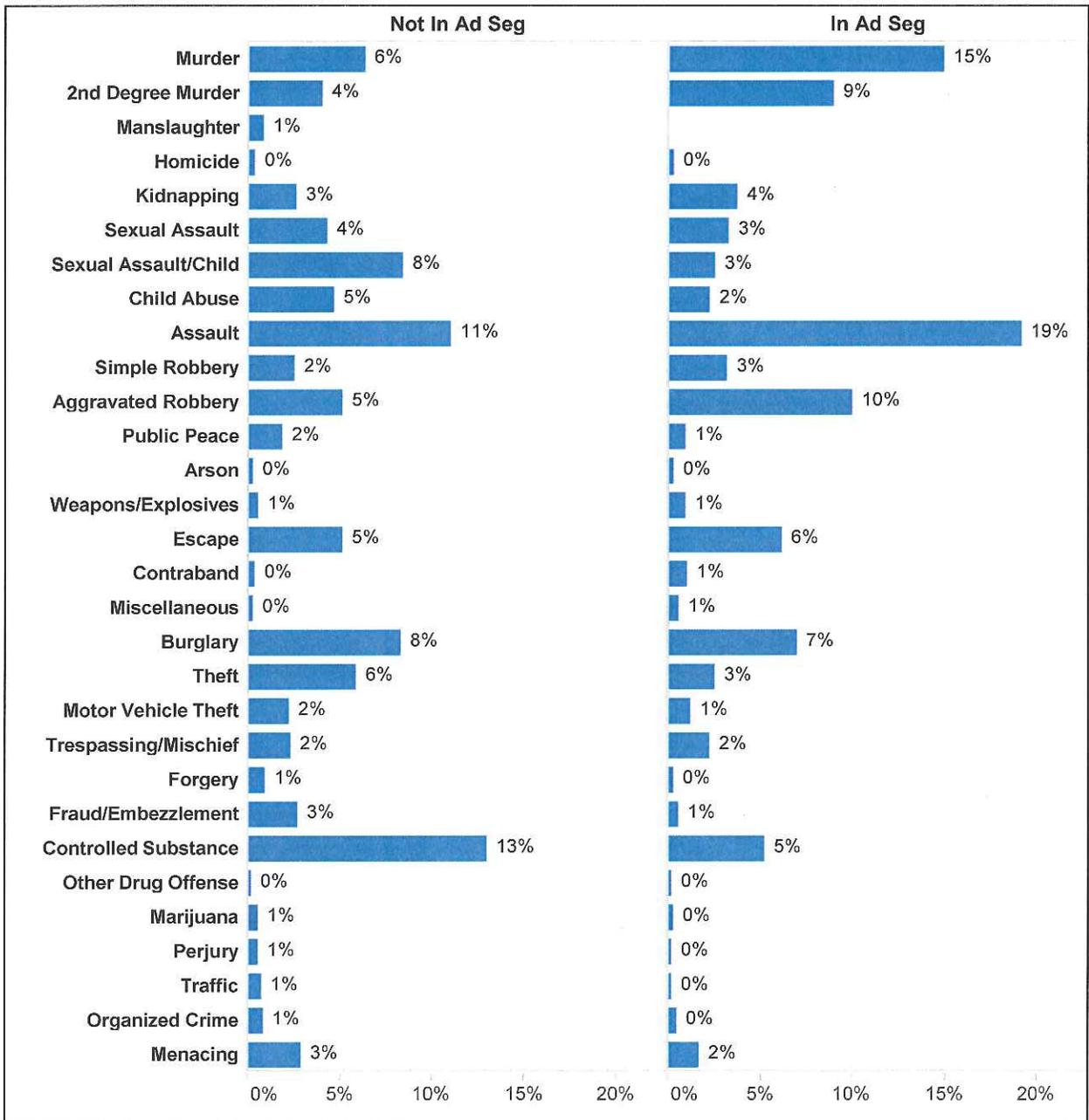
*Administrative segregation is a status. It is primarily used for offenders who have demonstrated through their behavior that they pose a risk to the safe and orderly operation of a general population correctional facility and an offender's original crime does not impact his or her placement in administrative segregation.*

*The following data compares the most serious crime conviction for offenders in administrative segregation to adult inmates not in administrative segregation, using the June 30, 2013, adult inmate jurisdictional population as a snapshot. The first graph shows that inmates in administrative segregation had more serious felonies (class 1-3) versus those not in administrative segregation. The second graph profiles the crimes which led to their incarceration. There are a number of differences shown, most notably administrative segregation inmates were more likely to have been convicted of murder, assault, and aggravated robbery but less likely to have a controlled substance offense or have been convicted of a sex assault.*

**Felony Class**



**Crimes**



***Administrative Segregation: Reasons for Placement***

*Administrative segregation is a status that under current policy is utilized for offenders who constitute a serious threat to the security and orderly operation of the correctional setting or when other factors are present that indicate the offender should be considered for administrative segregation status. For example, offenders with a death penalty sentence will be assigned administrative segregation status. Behaviors that under current policy warrant an administrative segregation placement also include assault related acts, acts in which the offender has lead, organized, or incited a serious disturbance or riot, acts in which the offender has conspired or attempted to introduce or possess dangerous contraband which poses a serious threat to the*

security of the institution, actively engaging in Security Threat Group conduct, escape from a secure correctional facility or related acts, or other circumstances with the approval of the Director of Prisons.

The DOC is currently in the process of significantly reforming its administrative segregation policies. These wholesale reforms are intended to address issues concerning offenders with major mental illness (MMI) as well as reducing the total number of offenders on administrative segregation status. At the current time, the DOC is in the process of removing offenders with major mental illness from administrative segregation. Additional changes restricting the use of administrative segregation in the State of Colorado may be forthcoming.

### Earned Time within Administrative Segregation

Offenders in administrative segregation may receive earned time if they are in privilege level 3 or above, which takes at least 90 days to reach. Privilege level 3 indicates offenders who are compliant with the conditions of administrative segregation and are actively working to progress from that level of confinement. Offenders do not automatically receive earned time; they must earn the time for pro-social behaviors: 2 days for program compliance, 2 days for group living, and 1 day for work and training. In fact, roughly 50% of offenders in administrative segregation do not receive any monthly earned time award, and some of those offenders who do receive earned time do not receive the full amount for which they are eligible. Violent offenders who are restricted by statute from receiving earned time are **ineligible** to receive earned time in administrative segregation.

Chart 1 shows that the number of offender receiving earned time and the total number of days awarded, which have been decreasing consistent with the decline in Colorado's administrative segregation population. Although offenders receive earned time in administrative segregation, the effects are not realized until an offender releases from prison..

Chart 1. SB 11-176 total earned time awarded to inmates while in administrative segregation

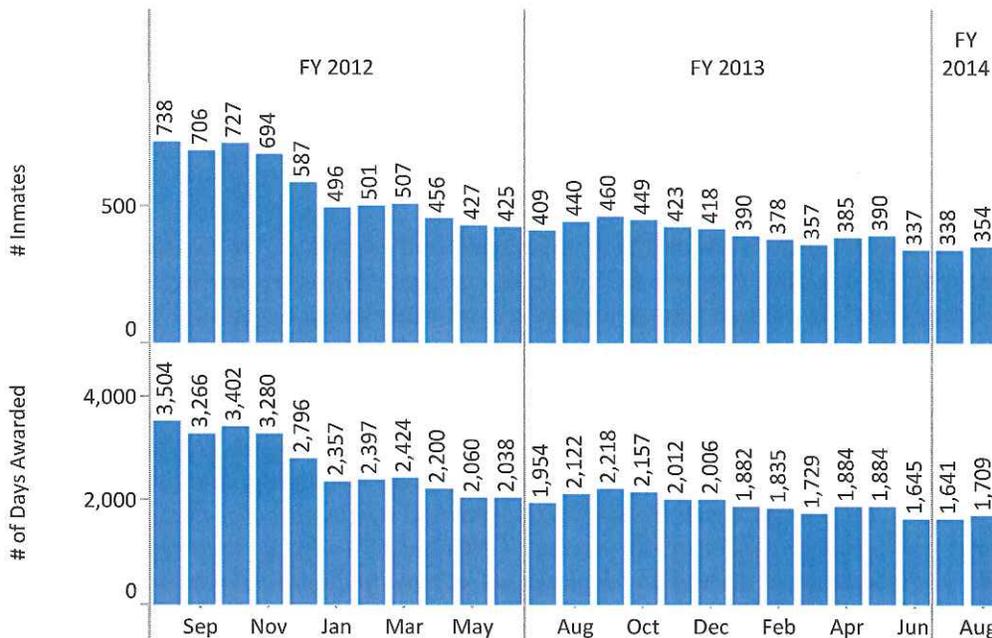
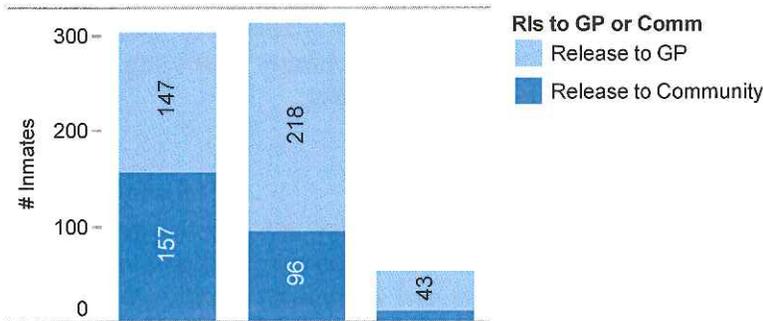


Chart 2 shows the total number of offenders who served less time due to earned time awarded while in administrative segregation. This chart also shows that, over time, 61% of offenders who released early in part due to SB 11-176 had transitioned to the general population before releasing.

**Chart 2. Offenders who have released after receiving earned time in administrative segregation**



### **Administrative Segregation Facilities**

The following facilities currently house offenders in Administrative Segregation.

- Colorado State Penitentiary
- Sterling Correctional Facility
- Denver Women's Correctional Facility

### **Administrative Segregation Recidivism Rates**

Recidivism rates were examined for offenders who released from administrative segregation to the community either directly or after progressing back to general population. Recidivism is defined as return to inmate status for either a technical parole violation or a new felony conviction within three years of release. Recidivism rates were averaged across a 3 year release sample (FY 2008, 2009, and 2010) due to the small yearly sample sizes. Offenders who transition to general population before releasing had a lower recidivism rate (52%) than those who released directly (59%).

2.) (Representative Waller) **How is earned time calculated and awarded? Is earned time ever taken away? What kind of discretion do case manager's have regarding how much earned time to grant? Is earned time granted on a monthly or on an annual basis?**

#### **How is earned time calculated and awarded?**

Pursuant to 17-22.5-405, C.R.S., earned time is granted for offenders who have made consistent progress in a number of categories including progress towards work and training, group living, participation in counseling sessions, and progress towards the goals and programs established by the Colorado diagnostic program, among other demonstrated advancements. Depending on an inmate's status and crime of conviction, the inmate is eligible to receive up to twelve, ten, seven, or five days of earned time, per month. Inmates are generally eligible to receive up to ten days per month of earned time. However, those serving a sentence for a class 4, 5 or 6 felony or level 3 or 4 drug felony, who meet certain additional requirements including being program

compliant, are eligible to receive up to twelve days of earned time each month. Pursuant to SB 11-176 as well as the Department's internal administrative regulations, offenders currently on administrative segregation status are eligible to receive either five days or seven days of earned time per month, depending on their crime of conviction and other requirements, including program compliance.

Earned time is entered into the system by either a case manager or a parole officer by the 10<sup>th</sup> of the month, each month, following the month in which that time is being awarded and entered.

***Is earned time ever taken away?***

Yes. Earned time is not a "right", but it is governed by statute and administrative regulation. Earned time may be withdrawn in circumstances including those in which an offender is on escape/abscond status, is in Administrative Segregation and is not yet eligible for earned time, or as a result of a Code of Penal Discipline (COPD) violation.

***What kind of discretion do case managers have regarding how much earned time to grant?***

Case Managers currently have some discretion in the awarding of earned time. At the current time, for those offenders earning up to ten days per month off of their sentence, up to four days can be awarded for progress towards goals and programs, two days can be awarded for group living, and four days can be awarded for work and training. Case Managers currently have direct discretion over earned time associated with offender progress in group living and work and training. Case Managers have indirect discretion over the awarding of earned time for progress towards goals and programs, but must discuss any proposed earned time adjustments with supervisors as well as with the Department's Time Computation Unit.

DOC's Administrative Regulation 550-12 discusses DOC policies and procedures regarding the granting and withdrawing of earned time for offenders and helps to ensure that case managers are awarding earned time in a consistent, fair, and appropriate manner.

***Is earned time granted on a monthly or on an annual basis?***

Earned time is granted on a monthly basis.

**3.) (Representative Salazar) Is there data concerning complaints that CPOs chose not to file after parole violations and later violations or new crimes committed by those parolees? What sort of training is given to CPOs concerning their discretion on handling parole violations?**

No. At the present time, the CVDMP data is not linked to the parole complaint data, nor are complaints linked to actual returns. As such, The DOC is unable to provide this exact data at this time. What we can provide is data related to the percentage of time violations are managed in the community without arresting the offender. The CVDMP instrument is automated in CWISE and DOC's Office of Planning and Analysis prepares reports monthly on the number of CVDMP instruments completed and the percentage of those CVDMPs that result in the offender being arrested. During fiscal year 2013, CPOs completed 30,892 CVDMPs. Of those, 10% were type 1 violations, meaning that statute required the CPO arrest the offender and seek revocation. Additionally, 7% resulted in the CPO requesting supervisory approval to arrest offenders and seek revocation for violations in which an arrest is discretionary. In the vast majority of cases, 83%, CPOs used intermediate sanctions to manage violation behavior.

Community Parole Officers currently receive training for the utilization of the Colorado Violation Decision Making Process (CVDMP), which guides CPO responses to violation behavior. Technical parole violations are generally managed within the community using intermediate sanctions which are prescribed by the CVDMP.

In addition, on a semi-annual basis, the manager, supervisor, team leader or another designee will randomly select at least four of the CPO's cases to audit. The purpose of this ongoing process is to help ensure that the DOC establishes and maintains consistency, uniformity, and accountability in the management of its community-based offenders. It also provides an opportunity for CPO's to receive feedback and mentoring from their supervising authority.

The Department continues to review CPO discretion and has created a committee to assess CPO discretion on handling parole violations.

4.) (Representative McLachlan) **Can the Department provide three year recidivism rates for discretionary and mandatory releases? How does Colorado compare with such rates nationally?**

**Colorado Recidivism Rates**

The following graph details the recidivism rates by release type. Offenders with no post-release supervision (i.e., sentence discharge) have the lowest return rates, followed by offenders who released under discretionary parole. Those who release under mandatory parole have a substantially higher return rate, and those who reparole (i.e., have already failed on parole) have the highest return rates of all.

Three-Year Return-to-Prison Rates, CY 2009 Release Cohort:



**National Recidivism Rates**

The most current and comprehensive recidivism statistics are from the survey conducted by the Pew Center on the States and the Association of State Correctional Administrators (ASCA; Pew Center on the States, 2011). The Pew/ASCA survey obtained data from 33 states for a 1999 release cohort and 41 states for a 2004 release cohort. According to that study, 45.4% of offenders released in 1999 and 43.3% released in 2004 were reincarcerated within 3 years. (Colorado was not included in that report.)

Colorado's 3-year recidivism rate for 2012 (2009 release cohort) was 49.8%, representing a decline from the previous 2 years' rate of 51.8%; the 1-year rate for 2012 (2011 cohort) was 29.4%, again a decline from the previous rate of 33.4% (2009 cohort).

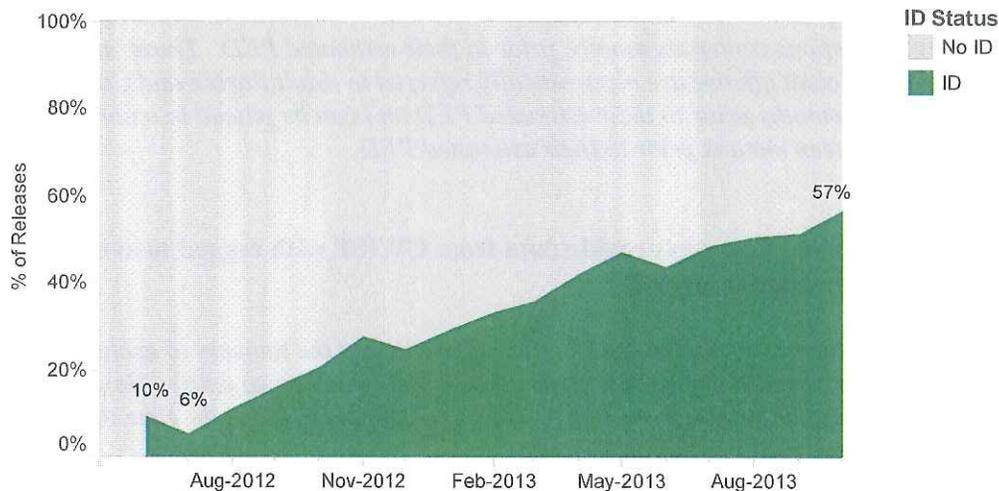
Due to the many ways in which recidivism rates are reported and the variations in states' correctional practices (such as types of offenders sentenced to prison, how inmates are selected for release, length of stay under supervision, and responses to violations of supervision), Pew notes that "assembling purely analogous data" is difficult (Pew Center on the States, 2011, p. 33).

## References

Pew Center on the States. (2011). *State of recidivism: The revolving door of America's prisons*. Washington, DC: The Pew Charitable Trusts.

### 5.) (Representative Lee) **How many offenders are leaving the facility without a state issued ID? How many offenders are leaving supervision without a state issued ID?**

The following graph depicts the percentage of offenders and their ID status upon release.



### 6.) (Representative Lee) **Do private prison contracts contain requirements for pre-release programs? If so, what does the Department require within the contract for pre-release programs?**

While there are no specific procedures delineated within the private prison contracts pertaining to pre-release programs or requirements, Exhibit C of the Intergovernmental Contract between the DOC and various counties in which Corrections Corporation of America (CCA) facilities are located as well as Exhibit C of the contract between the DOC and Cheyenne Mountain Reentry Center (CMRC) reference Administrative Regulations (AR's) that are specific to pre-release programming. These AR's include:

- 250-03: Community Corrections Referral and Placement Process
- 550-01: Case Management System
- 550-07: Assisting Offenders Applying for Disability Benefits
- 550-08: Pre-Parole Planning, Parole Board Presentation/Parole Release
- 550-10: Assisting Offenders Applying for Replacement Social Security Cards and Birth Certificates
- 550-11: Offender Release

As part of the Department unified case management plan, there is a desire to enhance pre-release programming to ensure that inmates are prepared to enter back into the community. The Department is therefore exploring the possible need to specifically address pre-release programming within the private prison contracts.

7.) *(Representative Kagan)* **Is it possible that an inmate can be denied to a community corrections board over and over again? How often can an inmate be referred to a community corrections program in a specific period?**

*Offenders are referred to a primary community corrections board or center and if denied, can be sent to three alternate community corrections boards or centers. Offenders can be considered for re-referral once every six months.*

*Offenders who have been convicted of a violent offense are electronically referred to Adult Parole and Community Corrections nine months prior to their estimated PED and can be placed in a community corrections center six months prior to their estimated PED. Those who have not been convicted of a violent offense are electronically referred to Adult Parole and Community Corrections nineteen months prior to their estimated PED and can be placed in a community corrections center sixteen months prior to their estimated PED.*

8.) *(Representative Kagan)* **Can you provide data from CWISE with regard to average response times for tamper alerts?**

*Prior to July 3, 2013 there was no automation that differentiated the tampers to exclude arrests, installs, de-installs, and repairs from those tampers that had an unknown cause. Based on the data extrapolated out of the system from July 3, 2013 to October 16, 2013, the time that elapsed between notification and response are as follows:*

*Mean average response time: 146.94 minutes  
Median average response time: 83 minutes*

*The types of responses are summarized as:*

*Repairs: 50.5%*

*Warrants: 7.5%*

*Arrests: 2% (This category represents actual tamper responses in which an offender was arrested based on the tamper alert.)*

*Known Cause: 40% (This category represents tampers that result from the transmitter being cut off by the CPO or other law enforcement agency due to arrest, planned medical procedures, equipment maintenance, etc.)*

9.) *(Representative Wright)* **Of the 85 absconders on ISP, how many committed an additional felony (other than escape) while they were on the run?**

*It is impossible to determine how many of the 85 current absconders on ISP-parole status committed a new felony while on the run. However, the following graph depicts the total number of absconders on ISP-parole status who were convicted of a new felony from FY 2007 - FY 2013 after being caught.*



