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| <u>ADMINISTRATIVE REGULATION</u>  |                       | REGULATION NUMBER<br>550-09   | PAGE NUMBER<br>1 OF 4 |
| <br>COLORADO DEPARTMENT OF CORRECTIONS |                       | CHAPTER: Offender Case Management   |                       |
|   |                       | SUBJECT: Open Parole Board Hearings   |                       |
| RELATED STANDARDS: ACA Standards - NONE   |                       | EFFECTIVE DATE: January 1, 2017   |                       |
|   |                       | SUPERSESION: 01/01/16   |                       |
| OPR: DOP  | REVIEW MONTH: October | <br>Rick Raemisch<br>Executive Director |                       |

I. POLICY

It is the policy of the Colorado Department of Corrections (DOC) and the Colorado State Board of Parole to support public access to parole hearings. In providing public access, the DOC shall take appropriate steps to ensure the safety and security of correctional facilities offices, DOC employees, contract workers, volunteers, offenders, and the public.

II. PURPOSE

The purpose of this administrative regulation (AR) is to provide guidance and process information for public attendance at parole hearings held by the Colorado State Board of Parole in correctional facilities offices. This AR establishes responsibilities concerning the maintenance of security and good order during the conduct of such proceedings.

III. DEFINITIONS

- A. Administrative Head: The chief executive officer for a facility, center, division, office, or unit within the DOC organization.
- B. DOC Employee: Someone who occupies a classified, full or part-time position in the State Personnel System (including management and non-classified positions) in which the Department has affect over pay, tenure, and status.
- C. Victim: As defined in 24-4.1-302(5), “any natural person against whom any (as defined in 24-4.1-302, CRS) crime has been perpetrated or attempted, UNLESS THE PERSON IS ACCOUNTABLE FOR THE CRIME OR A CRIME ARISING FROM THE SAME CONDUCT, CRIMINAL EPISODE, OR PLAN as crime is defined under the laws of this state or of the United States, OR, IF SUCH PERSON IS DECEASED OR INCAPACITATED, THE PERSON’S SPOUSE, PARENT, CHILD, SIBLING, GRANDPARENT, GRANDCHILD, SIGNIFICANT OTHER, OR OTHER LAWFUL REPRESENTATIVE.”

IV. PROCEDURES

A. General Information

1. Cameras, picture taking, and recording devices at parole board hearings shall be prohibited.
2. Persons attending parole board hearings shall not disrupt the orderly conduct of the hearing.

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3. Banners, placards, or similar demonstrations or disruptive sounds will be cause for removal from the hearing.
4. Opposing parties shall be separated.
5. Attorneys may be present, but have no specific legal authority.
6. Pursuant to AR 300-27, *Access and Control*, all visitors will be searched when entering a facility. Failure of a person to comply with requested search and security procedures shall be grounds to deny access.
7. Visiting time will not be afforded during the parole hearing. Visiting will be in accordance with AR 300-01, *Offender Visiting Program* and will not be in conjunction with parole hearings unless special visiting has been approved.

#### B. Victim Attendance

1. Victims, as defined by the Victim Rights Act, are allowed to attend parole hearings. When an offender is reviewed for possible parole placement, in accordance with Colorado Revised Statutes (C.R.S.) 17-2-214 and 17-2-215: the Colorado State Board of Parole, working in conjunction with the DOC, shall provide notice of scheduled parole hearings to the victims of the crime(s) of the parole candidate and to those requesting notification of such proceedings. The notice will provide information regarding the opportunity to attend the hearing.
2. The administrative head may deny access to the parole hearing if the victim is currently under criminal supervision (e.g. probation, parole, community corrections), or under the terms of an active deferred sentence, whether supervised or unsupervised.
3. Victims who have restraining orders on file may still attend the parole board hearing and may remain throughout the proceeding, if the victim chooses.
4. If a victim is going to be denied access, the facility must first consult with victim services coordinator.
5. Victims shall request to attend a parole hearing through the Victim Services Unit.
  - a. The Victim Services Unit will run NCIC/CCIC clearance for all victims attending and provide the facility and parole board with a list of victims scheduled the week prior to the hearing.
  - b. The Victim Services Unit will coordinate video feed locations with the facility/case managers to ensure all parties report to the correct location. The Victim Services Unit will be notified immediately by the case manager or community parole officer of any changes in the scheduled date, time, or location of a hearing.
6. Victims shall be allowed to attend a parole hearing ONLY at the location of the video conference with the parole board member. Exceptions require the approval of the appropriate administrative head and are usually granted in conjunction with approved visitation.
7. If a victim shows up unannounced to a parole hearing, the victim cannot be excluded from the hearing, nor can the hearing proceed without the victim, unless the victim is currently under criminal supervision. If the administrative head feels there is a security risk, then the victim may be escorted and monitored by facility DOC employees, given the opportunity to be heard by the parole board, and then escorted out of the facility.
  - a. DOC employees, contract workers, and volunteers shall treat victim(s) and their visitor(s) with respect and dignity. (C.R.S. 24-4.1-303(5))

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- c. While on DOC property, victim(s) and their visitor(s) will be separated from individuals appearing in support of the offender in accordance with C.R.S. 24-4.1-303(5)). Whenever practicable, a separate waiting area will be provided for the victims.
- d. The parole board establishes procedures for victim(s) in attendance to speak before the parole board.
- e. Victims may send impact statements directly to the parole board or the Victim Services Unit. Statements received by the Victims Services Unit will be electronically attached to parole board hearing application program.
- f. Victim attendance and Victim Impact Statements are considered confidential by DOC policy.
- g. Victims may be accompanied by a Victim Services Unit DOC employee or an approved volunteer victim advocate.

C. Attendance by Members of the Public

- 1. In the event a hearing is held where there are two or more parole board members physically present for the hearing, the hearing shall be open to the public pursuant to C.R.S. 24-6-(402)(1)(d) and (2)(a).
- 2. Members of the public shall be permitted access to attend all parole board hearings, unless they are currently under criminal supervision or when such access is specifically determined to be incompatible with the safety and security of correctional facilities/centers, DOC employees, contract workers, volunteers, offenders and the public.
- 3. Members of the public may ONLY attend a parole hearing at the facility where the offender is assigned.
  - a. The request shall be submitted to the assigned facility at a minimum of ten working days prior to the hearing.
  - b. Once the clearance has been obtained, the assigned facility will coordinate with the visitor to schedule access.
- 4. Members of the public who will be attending parole hearings must be cleared through the administrative head or community corrections facility director/designee prior to the date of the parole hearing, and in accordance with AR 300-27, *Access and Control*.
- 5. In any circumstance where a member of the public is denied access to a parole hearing, such decision shall be subject to immediate review by the administrative head or designee, or community corrections facility director or designee.
- 6. In the event that a decision to deny access to a member of the public is upheld by an administrative head, or community corrections facility director/designee, the person denied access shall be advised of his/her right to have such decision immediately reviewed by the division director, or designee. Such review will be telephonically conducted, if requested by the person denied access.

D. Attendance by Offender Supporters

- 1. For the safety and security of all attendees, offender supporters in attendance will be limited to five.
- 2. Offender supporters may be permitted access to attend all parole board hearings, unless they are currently under criminal supervision or when such access is specifically determined to be incompatible with the safety and security of correctional facilities/centers, DOC employees, contract workers, volunteers, offenders and the public.
- 2.3. Offender supporters may ONLY attend a parole hearing at the facility where the offender is assigned.

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- a. The request shall be submitted to the assigned facility at a minimum of ten working days prior to the hearing.
  - b. Once the clearance has been obtained, the assigned facility will coordinate with the visitor to schedule access.
4. Offender supporters who will be attending parole hearings must be cleared through the administrative head or designee, or community corrections facility director/designee, prior to the date of the parole hearing, and in accordance with AR 300-27, *Access and Control*.
  5. Offenders will be allowed to have a designated support person provide a statement to the parole board. It is at the discretion of the parole board member to allow an offender supporter to speak. If the board member allows input from the offender supporter, the parole board may limit the number of supporters allowed to speak.
- E. Support letters submitted by those in support of offender's release shall be sent to the appropriate case manager or community parole officer. The case manager or community parole officer will scan and upload the letters into the computer system for review by the parole board.

V. RESPONSIBILITY

- A. Records concerning denial of access and any administrative reviews of such denial shall be maintained by the director of Adult Parole and designees.
- B. The director of Prisons is responsible to review this AR annually and update as necessary.

VI. AUTHORITY

- A. C.R.S. 17-2-214. Right to attend parole hearings.
- B. C.R.S. 17-2-215. Notification of parole proceeding.
- C. C.R.S. 24-6-402 (2). Colorado "Sunshine Law"

VII. HISTORY

January 1, 2016  
January 1, 2015  
February 15, 2013  
November 1, 2011  
November 15, 2010  
October 15, 2009  
October 15, 2008  
October 15, 2007  
October 15, 2006  
October 15, 2005  
September 15, 2005  
August 15, 2004  
November 1, 2003

ATTACHMENTS:

- A. AR Form 100-01A, Administrative Regulation Implementation/Adjustments

