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Colorado Board of Parole

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MEMORANDUM

Date: December 17, 2014
To: Members of the Joint Judiciary Committee
From: Brandon Shaffer, Colorado Board of Parole, Chairperson
Subj.: Colorado Board of Parole Annual Report to the Joint Judiciary Committee, 2014

Statutory directives:

Section 17-2-201 (3.5), C.R.S. (2014): The chairperson [of the parole board] shall annually make a presentation to the judiciary committees of the house of representatives and the senate, or any successor committees, regarding the operations of the board and the information required by section 17-22.5-404.5 (4).

Section 17-22.4-404.5 (4), C.R.S. (2014): The chairperson of the parole board shall provide a report to the judiciary committees of the house of representatives and the senate, or any successor committees, by January 30, 2012, and by each January 30 thereafter regarding the impact of this section [i.e., presumptive parole for certain drug offenders] on the department of corrections' population and public safety.

I. Introduction:

This report is presented to the Joint Judiciary Committee of the Colorado General Assembly in order to comply with the above statutory directives. The report is divided into three parts: (1) operations, (2) projects/activities, and (3) performance measures. Additionally, appended to this report as **Exhibit A** is a separate analysis of presumptive parole.

II. Operations:

Parole Board. The Colorado Board of Parole ("Parole Board" or "Board") consists of seven members who are appointed by the Governor and confirmed by the Senate. Board members serve three-year terms at the will of the Governor. Board members may be re-appointed for more than one term.

Chairperson/Vice-Chairperson. The Chairperson is the administrative head of the Parole Board. It is his or her responsibility to enforce the rules and regulations of the Board, and to assure that parole hearings are scheduled and conducted properly. The Vice-Chairperson assumes these responsibilities in the absence of the Chairperson. Brandon Shaffer

was designated Chairperson on July 15, 2013. Rebecca Oakes was designated Vice-Chairperson on the same day.

Mission. The mission of the Parole Board 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, 2013-2015; created in accordance with the SMART Government Act, section 2-7-201, C.R.S. (2014))

Office. The Parole Board office is located at 1600 W. 24th Street, Building 54, Pueblo, Colorado. Remote offices are also provided for Board members at the Division of Adult Parole located at 940 Broadway Street, Denver, Colorado.

Staffing. The Parole Board is supported by 11 full-time FTE. The Board support staff is structured as follows:

- Parole Board Administrator (1 FTE)
- Office Manager, Pueblo (1 FTE)
- Parole Board Data Analyst (1 FTE)
- Scheduler/Admin, Pueblo (1 FTE)
- Revocation Unit, Pueblo (3 FTE), Denver (1 FTE)
- Application Unit, Pueblo (2 FTE), Denver (1 FTE)

During 2014, the Board also utilized several contract employees, including: (a) two Administrative Hearing Officers to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2014); (b) a defense attorney to represent parolees who are not competent to represent themselves during revocation hearings; (c) a Release Hearing Officer to conduct application interviews pursuant to section 17-2-202.5, C.R.S. (2014); and (d) two temp-workers in Pueblo to help scan files for the Board’s automation project.

Budget. For FY 2014-2015, the following amounts were appropriated to support Parole Board operations.

Personal Services (7 Board members; 10 support staff)	\$1,376,891
Operating Expenses	\$106,390
Contract Services	\$272,437
Start-Up Costs	\$14,109
Total:	\$1,769,827

III. Projects/Activities:

The Parole Board has several projects and activities that are currently ongoing. The following is a list of activities commenced or completed in 2014.

Scheduling. In 2013, the National Institute of Corrections reviewed the practices of the Parole Board and observed that, while the Board has access to a great deal of information on each offender, its process for scheduling hearings did not allow for Board members to review each file and adequately prepare for their hearings. As a result, early in 2014, the Board embarked on an ambitious project to reform its process for scheduling parole hearings. On average, the Board coordinates over 2,300 parole hearings each month with 19 public prisons, 4 private prisons, 15 parole offices, and multiple county jails. With the help of DOC and the Governor's Office of Information and Technology, the Board entirely revamped its scheduling procedures and now projects hearings 4 weeks in advance.

Training. Pursuant to section 17-2-201 (1) (e), C.R.S. (2014), each member of the Parole Board is required to undergo at least 20 hours of professional development training each year. This is an obligation the Board takes very seriously and the Board has logged well over the statutorily required limit in the past year. Training activities and topics have included:

- 7 Habits on the Inside and Outside
- Empowerment and Increased Resilience (women offenders)
- Enforcement of Victims' Rights in Post Sentencing Phases
- How to Work WITH the Media to Increase Public Trust and Confidence in Parole
- International Perspectives on Excellence in Parole
- Leveraging Emerging Technologies
- NPRC Developing Effective External Communication Strategies
- Personal Safety On the Job and Off
- Stakeholder Engagement, South Africa
- The Missing Peace: The Importance of Self-Care for Practitioners
- Motivational Interviewing
- Presumptive Parole
- Colorado Correctional Industries
- Sex Offender Management / Treatment
- Risk Assessment and Management of Low Risk Offenders
- Domestic Violence

Additionally, the Parole Board hosted the annual Association of Parole Authorities International (APAI) conference in May of 2014. We welcomed parole board representatives from 31 states and 13 countries to Broomfield, where we conducted four days of training and collaboration in best-practices for paroling authorities.

Collaborations. In addition to the training listed above, the Parole Board made a concerted effort to improve communications between Department of Corrections ("DOC") Case Managers, Community Parole Officers, and Board members and staff. It also participated in a variety of LEAN initiatives, work groups, and study committees. The following is a list of site visits the Board made to various facilities and programs, as well as, initiatives it participated in over the course of the last year:

Site Visits	Collaborations
Arkansas Valley Correctional Facility	Commission on Criminal and Juvenile Justice ("CCJJ")
Cañon Minimum Centers:	CCJJ - Sentencing Guideline Subcommittee
Arrowhead Correctional Complex	
Four Mile Correctional Facility	
Skyline Correctional Complex	
Centennial Correctional Facility	CCJJ - Community Corrections Task Force Subcommittee
Cheyenne Mountain Reentry Center	CCJJ - Re-Entry Task Force Subcommittee
Colorado State Penitentiary	Restorative Justice Council
Delta Correctional Complex	Pre-Release LEAN Project
Fremont Correctional Facility	Facility-Based Parole Officer LEAN Project
Limon Correctional Facility	Denver County Jail LEAN Project
Rifle Correctional Facility	
Sterling Correctional Facility	
Bent County Correctional Facility	
Crowley County Correctional Facility	
Grand Junction Parole Office	
Alamosa Parole Office	
Durango Parole Office	
PEER One Community Corrections	
The Haven Community Corrections	

Data. During the 2014 legislative session, the General Assembly authorized funding for a new Data Analyst to support Parole Board operations. We hired our first ever Data Analyst early in October and are currently developing studies and analytical tools that will continue to enhance our decision making process.

Consistent with data collection requirements of section 17-2-201 (1) (f), C.R.S. (2014), the Board continues to place considerable emphasis on efforts to increase its access to and use of data regarding parole decisions. The Board works closely with the Department of Corrections Office of Planning and Analysis (“OPA”) to identify data that will inform and enhance the Board’s decision-making. The Board collaborates on such topics as the relationship between decisions and recidivism types (discretionary vs. mandatory release and the rates of return due to a new crime conviction or parole violations) and the effect of fatigue on decisions (based on patterns of decisions made over the course of the workday). The Board is also working with OPA to increase the frequency of data reports on various decision processes and exploring real-time tracking and reporting of such data.

Rules and Regulations. As I reported last year, at the end of 2013, the Parole Board updated its rules and regulations for the first time in over a decade. The new rules allow for greater transparency and accountability in its process. Accordingly, the Board has developed new procedures for allowing the public to attend parole hearings, and it has scrutinized the Victim's Rights Act (section 24-4.1-302.5 (1) (j), C.R.S. (2014)) ensuring strict compliance with its requirements.

Additionally, the Parole Board experimented with "file reviews" in lieu of certain hearings. Under the new rules, the Board was authorized to conduct administrative reviews of offenders who, (1) received an initial parole application interview with a Parole Board member, and either (2) committed a Class I Code of Penal Discipline violation within the past 12 months, or (3) a Mandatory Release Date within 6 months. Offenders who meet these criteria are almost always either denied parole, or released to their mandatory release date. This policy was adopted to help reduce the Board's workload and allow Board members to focus on the cases with the greatest chance of being granted discretionary parole. During 2014, approximately ten percent (10%) of the Parole Board's application reviews were conducted by administrative review.

However, on October 21, 2014, the Legal Services Committee ruled that the Board's rule allowing for file reviews exceeded the Board's statutory authority. As a result, the Board is actively pursuing a legislative fix to allow for this type of review in the future.

Revocation Hearing Guidelines and Automation. This continues to be an ongoing project. We were hopeful the revocation hearing automation would come online in 2014; however, it is looking more and more like this will happen in 2015. Over the past several years, the Parole Board has pushed to become more efficient and effective in conducting its hearings. Central to that effort has been automating our process. In 2012, the Board automated it's

parole application hearings, allowing the incorporation of the Parole Release Guideline Instrument into its decision-making process. Automation also facilitated more accurate data collection to help track and improve Board decisions. Looking forward to 2015, the Board plans to automate its revocation hearings. The same benefits experienced with application hearings should be realized with revocation hearings. Specifically, automation will allow the Board to incorporate an evidence-based release guideline instrument, and help in the collection of data.

Website. The Parole Board developed and published its first ever website during 2014 (www.colorado.gov/paroleboard). Among other things, the website provides general information about parole, information about the different Board members, and contact numbers and email addresses for different DOC offices. The website was designed to help facilitate better communication between the Board and the general public. As we head into 2015, the Board will continue to look for new and innovative ways to use technology to help educate the public about parole.

New Board Member Training. The Board developed its first ever structured training program for new Parole Board Members. As members serve 3-year terms and the terms of different members are staggered, the Board experiences a relatively high rate of turnover. Historically, training of Board members has been an "on-the-job-training" process. However, the laws, rules and regulations governing our process are very complex. And, the magnitude of the decisions we make is very great. Therefore, we have developed a structured training program to bring new Board members up to speed more quickly.

IV. Performance Measures

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

Answer: The Parole Board conducts a wide variety of hearings: (1) parole application interviews, (2) full board reviews, (3) parole rescission hearings, (4) parole revocation hearings, (5) early release reviews, (6) special needs parole hearings, (7) interstate parole probable cause hearings, (8) sexually violent predator designation reviews, and (9) reduction of sex offender supervision level requests.

Statistics: From December, 2013 – November, 2014, the Parole Board conducted:

- 16,747 Application interviews
- 1,904 Full Board reviews
- 668 Rescission hearings
- 8,551 Revocation hearings
- 365 Early Release reviews
- 43 Special Needs Parole hearings
- 48 Interstate Parole Probable Cause hearings
- 340 Sexually Violent Predator Designation hearings

- 38 Sex Offender Supervision Level Reduction requests

Total: 28,704 hearings

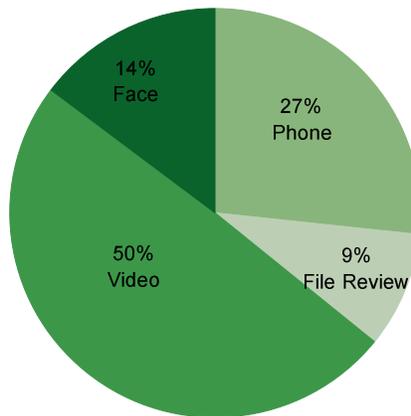
The Parole Board also:

- Issued 2,243 arrest warrants
- Granted 773 waivers
- Conducted 1,104 File Reviews in lieu of hearings.

2. How are hearings conducted?

Answer: The Board conducts the majority of its hearings by video conferencing. It also conducts 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. 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 December, 2013 – November, 2014: video 50%, phone 27%, face 14%, and 9% by file review.

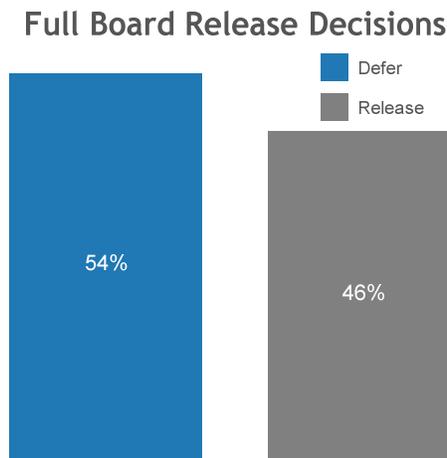


3. Is there a different procedure for violent offenders versus non-violent offenders?

Answer: Yes. Individual Board members do not have the authority to parole offenders convicted of a violent crime. Instead, if a Board member believes an offender 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 discretionary parole. In contrast, individual members retain the authority to make final discretionary release decisions for non-violent offenders.

Statistics: In the past 12 months, 1,906 offenders were considered by the Full Board. Forty-six percent (46%) of those seen were released, and fifty-four percent (54%) were denied parole. The recidivism rate after the first year on parole for offenders considered and released by the Full Board is just over twelve percent (12.2%).



4. How long does it take for the Full Board to consider offenders?

Answer: The Board has made a concerted effort to shorten the time from the initial application interview to the final Full Board review. Increased response times from the Board add certainty and predictability to the process. Currently, the response window for most reviews is approximately 2 weeks from the time an offender receives an application interview to the time he/she receives a response from the Full Board.

Statistics: The following graph compares the average review times from initial application interview to Full Board review in 2012 and 2014.



5. What is the Parole Board Release Guideline Instrument (“PBRGI”)?

Answer: As per 17-22.5-404(6)(a) and 17-22.5-107(1) C.R.S. (2014), the PBRGI was developed by the Division of Criminal Justice and the Board of Parole and offers an advisory release decision recommendation for parole applicants who are not sex offenders. “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.” (Overview: Colorado State Board of Parole Administrative Release Guideline Instrument, published by DCJ, November 1, 2014.) The Board considers all the factors specified in section 17-22.5-404, C.R.S. (2014) in making parole decisions; however, it pays particular attention to the PBRGI, which incorporates the Colorado Actuarial Risk Assessment Scale.

Statistics: The Parole Board followed the PBRGI recommendation 67% of the time. When the PBRGI recommended release, the Board agreed 43% of the time; when the PBRGI recommended defer, the Board agreed 93% of the time.

Overall counts and percentages of Parole Board release and defer decisions by PBRGI release and defer recommendations.*

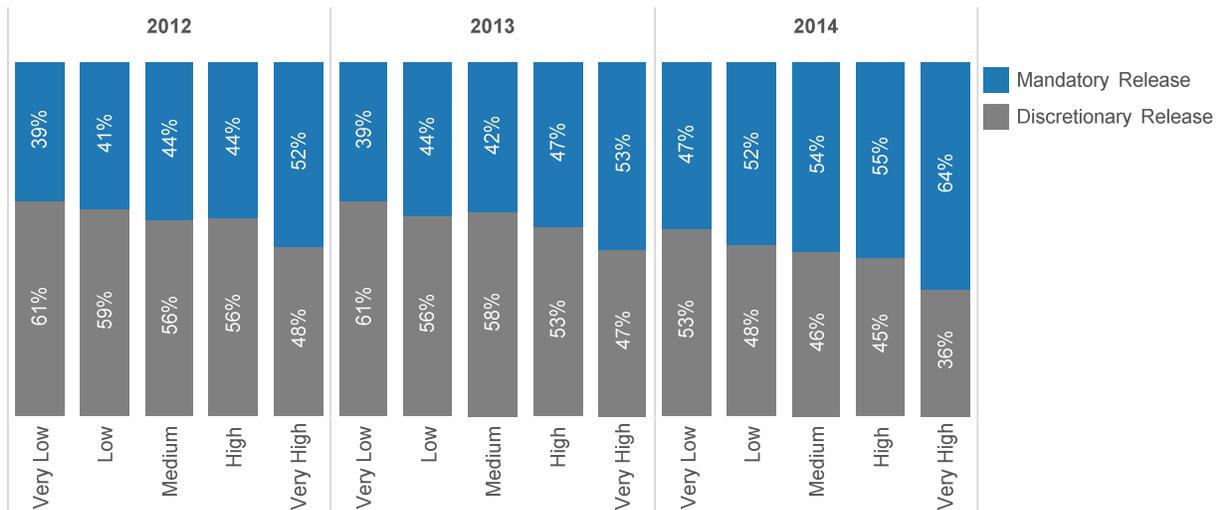
Parole Board Decision		PBRGI		Total
		Decision Recommendation		
		Defer	Release	
Defer	Count	2,758	1,600	4,358
	Percent	29.0%	16.8%	45.8%
Defer (“Release”) to Mandatory Release Date	Count	1,506	1,208	2,714
	Percent	15.8%	12.7%	28.5%
Release Discretionary	Count	300	2,152	2,452
	Percent	3.1%	22.6%	25.7%
Total	Count	4,564	4,960	9,524
	Percent	47.9%	52.1%	100.0%

* Dec. 2013 to Nov. 2014 sample of hearings with non-sex-offenders whose hearing was finalized. Deferrals due to non-appearance/absence and MRPs are excluded.

6. What is the difference in release-rates between discretionary and mandatory paroles?

Answer: The Parole Board releases significantly fewer offenders on discretionary parole than on mandatory parole.

Statistics: From December, 2013 - November, 2014, the Parole Board released 2,758 (45%) of offenders on discretionary parole and 3,335 (55%) on mandatory parole. The average risk assessment for offenders who were granted discretionary parole in 2014 was 33 (Medium Risk). The following graph breaks down mandatory/discretionary release percentages by risk assessment scores.



7. How often do you revoke an offender’s parole?

Answer: The Parole Revocation process is governed by section 17-2-103, C.R.S. (2014). 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 determines if parole should be revoked. 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 continue an individual on parole with prescribed treatment, or revoke back to DOC or a Community Return to Custody Facility (CRCF) for up to 180 days.

Statistics: From December, 2013 – November, 2014, the total number of revocation hearings continued on parole were 591 (12%), and the total number revoked back to a DOC facility was 3,757 (87%). During the same period of time, the total number of returns with a new felony conviction was 620 (19%), and the total number of returns with a technical violation was 2,657 (81%).

8. 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 18%; the 12-month recidivism rate is 30%. The 6-month average recidivism rate for discretionary releases is approximately 12%; the average recidivism rate after 12 months is approximately 24%. Comparatively, the 6-month revocation rate of mandatory releases is approximately 25% and the 12-month rate is approximately 38%.



In 2013, 30% of the offenders who returned to DOC after committing a new crime were given a discretionary release. In 2014, only 22% of offenders who returned after committing a new crime were released on discretionary parole.



9. What types of crimes are being committed by parolees?

Answer: The following graph provides a breakdown of the types of crimes committed by parolees.

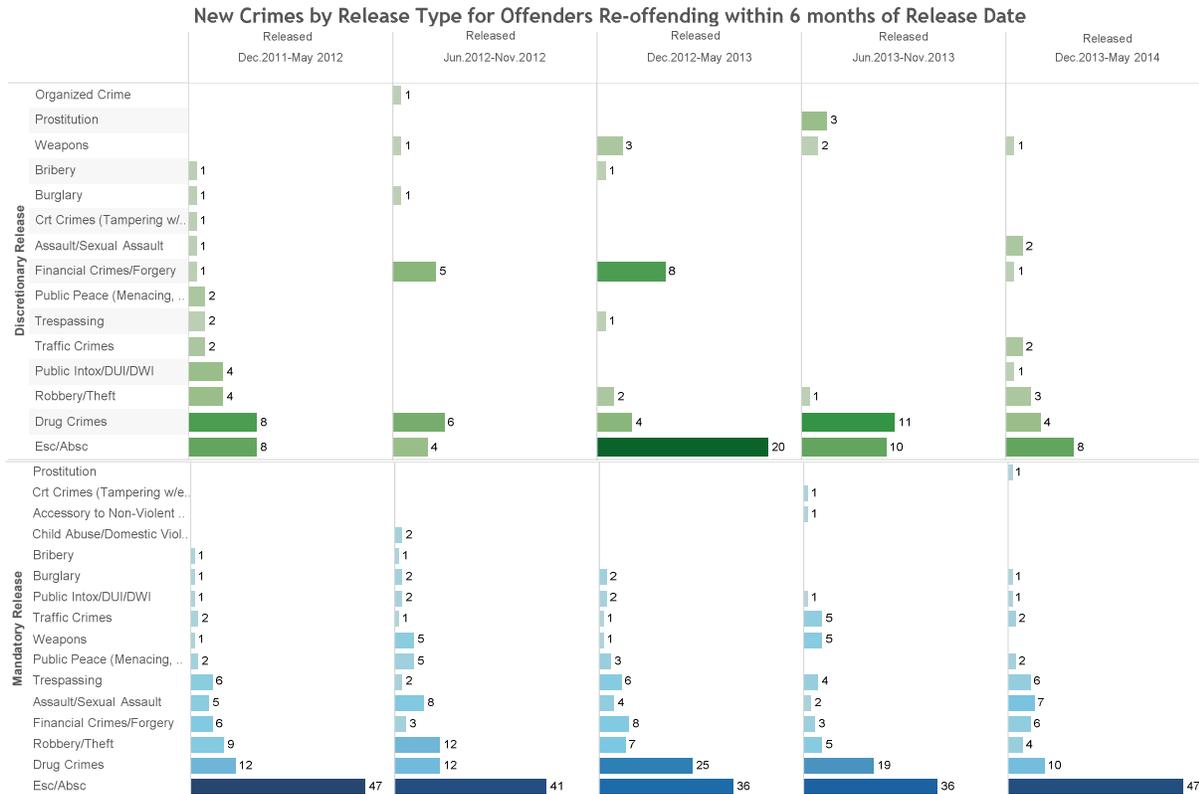


EXHIBIT A

(Presumptive Parole Report)