

**Joe M. Morales, Chairperson**

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**Colorado Board of Parole**

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**MEMORANDUM**

Date: December 16, 2015

To: Members of the Joint Judiciary Committee

From: Joe Morales, Colorado Board of Parole, Chairperson

Subj.: Colorado Board of Parole Annual Report to the Joint Judiciary Committee, 2015

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**Statutory directives:**

**Section 17-2-201 (3.5), C.R.S. (2015):** 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. (2015):** 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. Joe Morales was designated Chairperson on September 10, 2015. Rebecca Oakes was designated Vice-Chairperson on the July 15, 2013.

**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. (2015))

**Office.** The Parole Board office is located at 1600 W. 24<sup>th</sup> 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 ten (10) full-time employees (FTE). The Board support staff is structured as follows:

- Parole Board Administrator (1 FTE)
- Office Manager, Pueblo (1 FTE)
- Revocation Unit, Pueblo (3 FTE)
- Application Unit, Pueblo (2 FTE)
- Administrative Support Staff, Denver (2 FTE)

During FY 2015, the Board also utilized several contract employees, including: (a) two (2) Administrative Hearing Officers to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2015); (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. (2015); 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
<b>Total:</b>	<b>\$1,769,827</b>

**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 FY 2015.

**Automation.** In an effort to provide a more efficient process, the Parole Board, in conjunction with the Office of Information and Technology and the Division of Parole, has continued to develop and test the automated revocation hearing process.

**Training.** Pursuant to section 17-2-201 (1) (e), C.R.S. (2015), 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:

- Code of Penal Discipline
- Criteria for PPD Tract
- Rescission Training
- SOTMP Refresher
- Gang Violence Interruption
- Community Corrections' Matrix Progression
- Gang Diversion
- Mental Health Report
- Motivational Interviewing
- Vicarious Trauma
- Association of Parole Authorities International Convention (Available Trainings):
  - The Creation and Validation of the ORAS
  - Understanding the Risk and Needs principles and Why Good Assessment is Necessary
  - The Role of Offender Risk Assessment: A Policy Makers Guide
  - Parole Determination for Individuals Who Entered the Adult Criminal Justice System as Youth: Latest Research, Developments, and Special Considerations
  - The Struggles When Addressing Domestic Violence
  - Smarter Choices...Safer Communities
  - Recovery from Schizophrenia: With Views of Psychiatrists, Psychologists, and Others Diagnosed With This Disorder
  - Research on Risk Dosage and Recidivism
  - Revocation of Parole & Other Forms of Supervised Release: Legal Parameters and Administrative Challenges
  - Mentorship – A Component to Successful Transition Back to the Community
  - Risk Assessment and Managing Low Risk Offenders
  - Quality Assurance Framework in Decision Making
  - The Only Way to Go: Interstate Compact for Adult Offender Supervision

**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:

<b>Site Visits</b>	<b>Collaborations</b>
Rifle Correctional Complex	Commission on Criminal and Juvenile Justice ("CCJJ")
Delta Correctional Complex	
Grand Junction Parole Office	CCJJ – Mandatory Parole Subcommittee
Alamosa Parole Office	CCJJ - Community Corrections Task Force Subcommittee
Durango Parole Office	
Bent County Correctional Facility	CCJJ - Re-Entry Task Force Subcommittee
Fremont Correctional Facility	Restorative Justice Council
Peer One Tour	Pre-Release LEAN Project
Phoenix Center Tour	SOTMP Criteria Checklist
Denver Regional Diagnostic Center	Robina Institute Collaboration
Denver Women’s Correctional Facility	Presumptive Parole Policy
Boulder Justice Center	
La Vista Correctional Facility	

**Data.** Consistent with data collection requirements of section 17-2-201 (3) (f), C.R.S. (2015), 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 parole 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 we reported last year, the Parole Board had experimented with “file reviews” in lieu of certain hearings; 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 pursued a legislative resolution to allow for this type of review in the future. Consequently, House Bill 15-1122 was signed into law, effective March 20, 2015.

House Bill 15-1122 focuses on six areas: (1) parole eligibility; (2) parole file reviews; (3) parole application hearing dates; (4) self-revocations; (5) “hybrid” revocation complaints; and (6) parole deferral periods for serious crimes.

1. **Parole Eligibility.** HB 15-1122 specifies that if an offender (a) is convicted of a Class I Code of Penal Discipline (COPD) violation, or (b) refuses, in writing, to participate in programs recommended and made available to the offender by the Colorado Department of Corrections (CDoC), then the offender’s net regularly scheduled parole hearing will be cancelled. The offender will be scheduled for a new parole hearing when the condition that resulted in the cancellation of the parole hearing ceases to exist for twelve (12) continuous months.

2. **File Reviews.** HB 15-1122 allows the Parole Board to conduct an administrative review (i.e., “file review”) in lieu of a parole application hearing for an offender who has a Mandatory Release Date (MRD) or Sentence Discharge Date (SDD) within six (6)-months of his or her next regularly scheduled parole hearing. File reviews are exempted from the requirement that a Board member conduct the initial parole hearing. The Parole Board retains the discretion to conduct regular parole hearings for offenders eligible for file reviews on a case-by-case basis.

3. **Application Hearing Dates.** Currently, when an offender is sentenced for two different crimes in two different jurisdictions, he or she may receive two different parole hearing dates based on the different offenses. HB 15-1122 clarifies that the later of the two parole hearing dates controls the date upon which the Parole Board is required to grant the offender his or her first hearing.

4. **Self-Revocations.** Under HB 15-1122, if the Parole Board grants an offender’s request to revoke his or her own parole (i.e., “self-revocation”), then the Board is required to treat such request as a technical parole violation for deciding how long and to what facility to revoke. However, if the parolee’s request to self-revoke is the result of a new conviction, the Board may still treat it as a “new law violation” and revoke the parolee’s parole for the remainder of his or her sentence.

5. **“Hybrid” Revocation Complaints.** HB 15-1122 contains a provision that simplifies the statute by removing the distinction between a Complaint alleging a new law violation, and a Complaint with a new law violation and technical violation (i.e., “Hybrid Complaint”). With the adoption of HB 15-1122, in all cases where there is an alleged new crime, the Board will wait to see what happens with the case in court prior to proceeding with the revocation hearing.

6. **Parole Deferral Periods for Serious Crimes.** HB 15-1122 standardizes the rules concerning deferral periods that can be set by the Parole Board following a parole application hearing. There is no longer a distinction in deferral periods based on the date upon which an offender’s crime was committed. Thus, offenders will continue to receive annual parole hearings unless: (a) an offender is convicted of a class 3 sexual offense, a habitual criminal offense (as is defined in C.R.S. 18-1.3-801 (2.5)), or any offense sentenced under C.R.S. 18-1.3-904, in which case the Board may decide to defer the next hearing for a period up to 3 years; or

(b) an offender is convicted of a class I or 2 crime of violence (as is defined in C.R.S. 18-1.3-406), in which case the Board may decide to defer the next hearing for a period up to 5 years.

**New Board Member Training.** In 2014, the Board implemented an enhanced, formalized training program for new Parole Board Members and continues to develop this structured training guide. A comprehensive training and reference manual has been created to accompany the newly developed training program. As members serve three (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, by utilizing both the structured training program and the reference manual, the new Board member will be brought 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:** During FY 2015, the Parole Board conducted:

- 16,697 Application interviews
- 1,875 Full Board reviews
- 670 Rescission hearings
- 7,428 Revocation hearings
- 556 Early Release reviews
- 40 Special Needs Parole hearings
- 30 Interstate Parole Probable Cause hearings
- 61 Sexually Violent Predator Designation hearings
- 38 Sex Offender Supervision Level Reduction requests

**Total: 27,395 hearings**

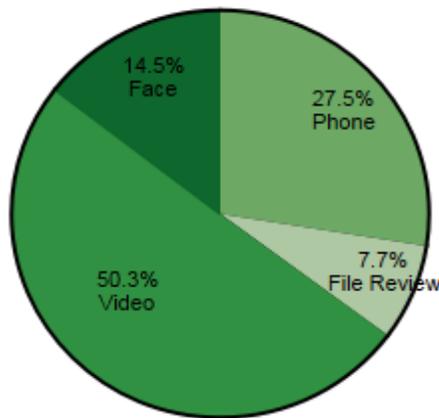
The Parole Board also:

- Issued 2,025 arrest warrants
- Granted 716 waivers
- Conducted 1,811 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 in FY 2015: video 50.3%, phone 27.5%, face 14.6%, and 7.6% by file review.



\*FY 2015 finalized hearings by hearing method.

## 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 four (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 FY 2015, the Board conducted 1,875 Full Board hearings. Forty-eight percent (48%) of those seen were released, and fifty-two percent (52%) 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 (12.4%).

### Full Board Release Decisions



**4. 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. (2015), 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.” (*Analysis of Colorado State Board of Parole Decisions: FY 2014 Report* published by DCJ, April 2015.) The Board considers all the factors specified in section 17-22.5-404, C.R.S. (2015) 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 66% of the time. When the PBRGI recommended RELEASE, the Board agreed 43% of the time; when the PBRGI recommended DEFER, the Board agreed 92% of the time.\*

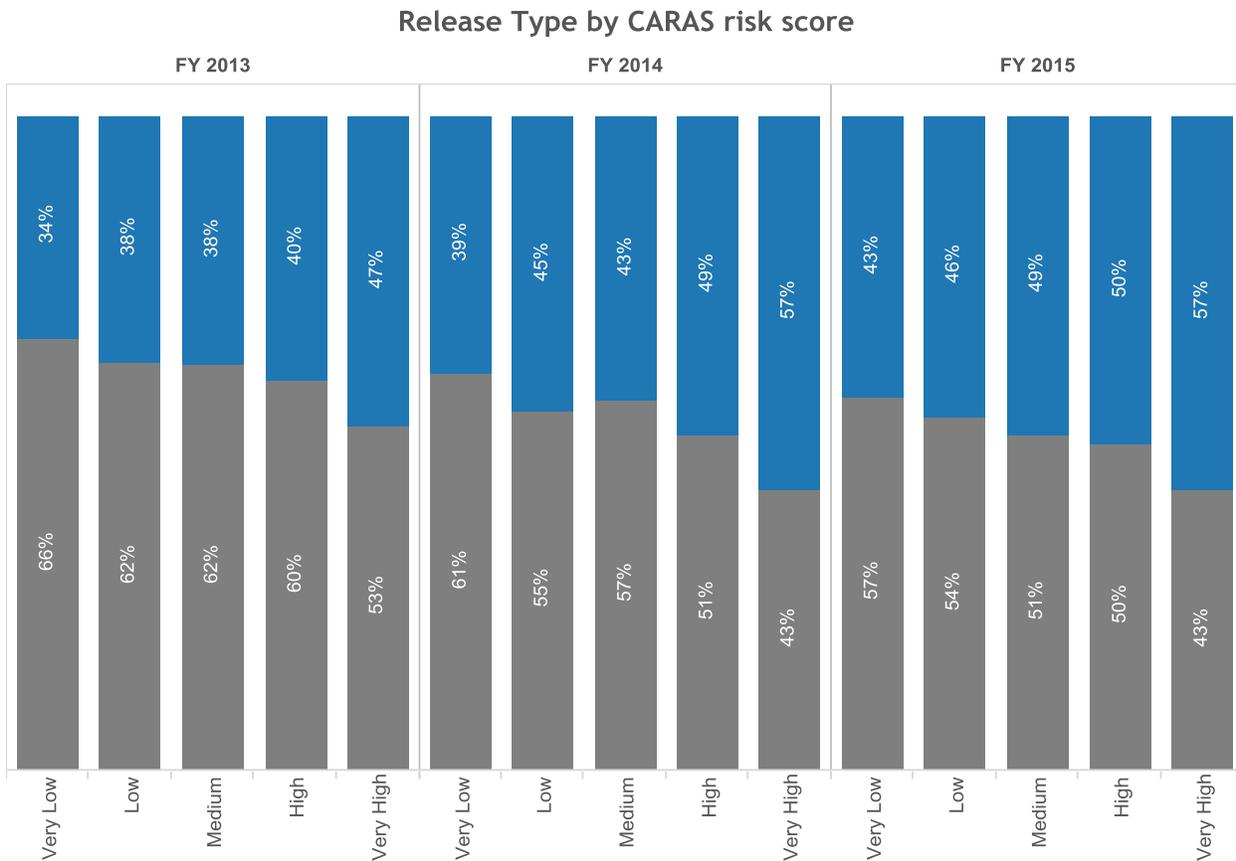
Parole Board Decision		PBRGI		Total
		Decision Recommendation		
		Defer	Release	
Defer	Count	2,673	1,714	4,387
	Percent	28.4%	18.2%	46.5%
Defer (“Release”) to Mandatory Release Date	Count	1,335	1,173	2,508
	Percent	14.2%	12.4%	26.6%
Release Discretionary	Count	328	2,202	2,530
	Percent	3.5%	23.4%	26.8%
Total	Count	4,336	5,089	9,425
	Percent	46.0%	54.0%	100.0%

\*Sample from FY 15 hearing data with non-sex-offenders whose hearing was finalized. Deferrals due to non-appearance/absence and MRPs are excluded. Overall counts and percentages of Parole Board release and defer decisions by PBRGI release and defer recommendations.

**5. 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:** In FY 2015, the Parole Board voted to release 2,831 (47%) of offenders on discretionary parole and 3,146 (53%) on mandatory parole. The average risk assessment for offenders who were granted discretionary parole in FY 2015 was 34 (Medium Risk). The following graph breaks down mandatory/discretionary release percentages by risk assessment scores (see following page).



\*CARAS risk used is score taken most recently at the time of release to parole. MRPs are excluded.

■ Mandatory Release  
■ Discretionary Release

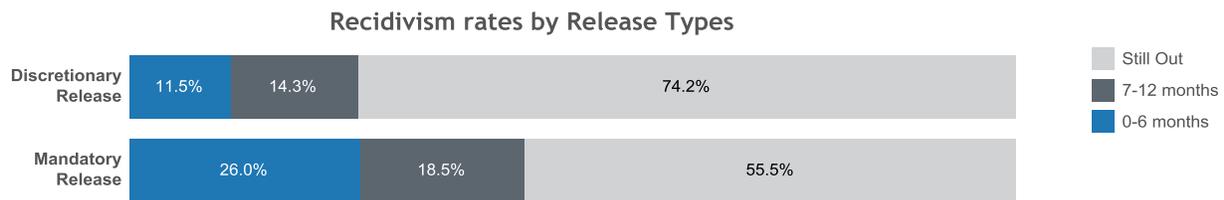
**6. How often do you revoke an offender’s parole?**

**Answer:** The Parole Revocation process is governed by section 17-2-103, C.R.S. (2015). 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 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:** During FY 2015 the total number of revocation hearings continued on parole was 477 (11.3%), and the total number revoked back to a DOC facility was 3,727 (88.7%). During the same period of time, 20% of parole returns were for a new felony conviction and 80% were for a technical violation.

**7. 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 19%; the 12-month recidivism rate is 34%. The 6-month average recidivism rate for discretionary releases is approximately 11.5%; the average recidivism rate after 12 months is approximately 25.8%. Comparatively, the 6-month recidivism rate of mandatory releases is approximately 26% and the 12-month rate is approximately 44.5%.



\*2013 release cohort data not including MRPs.

**EXHIBIT A**

**(Presumptive Parole Report)**