

**COLORADO DEPARTMENT OF CORRECTIONS**

**PAROLE BOARD HEARINGS AND DECISIONS**



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## PAROLE BOARD HEARINGS AND DECISIONS

The Colorado Department of Corrections has established this report for the purpose of tracking Colorado State Board of Parole hearings and decisions. The Department tracks Parole Board activity to the extent the offender's time and release functions are affected. The Parole Board tracks hearings and decisions to monitor workload activities and effects on Parole Board staff. These differing purposes create a discrepancy between the numbers and types of parole hearings and decisions that are reported by the Colorado Department of Corrections (DCIS) and the Colorado State Board of Parole. Many of the differences are noted in the following paragraphs.

### *Senate Bill 03-252*

The enactment of Senate Bill (S.B.) 03-252, and subsequent legal interpretations, affected offenders considered for revocation since fiscal year 2004, as this legislation limited the placement options and set revocation time limits. Final outcomes of revocation hearings may not coincide with offender movements and incarceration dates, as decisions were modified to ensure compliance with this law.

Revocations to CRCF (Community Return to Custody Facility) are evaluated by the Parole Board to determine if the offender meets the non-violent criteria of SB03-252. Many offenders are deemed to be ineligible or do not meet the criteria, or bed space is unavailable at the time or place of revocation. The hearings for these offenders can be modified to include: retraction of the revocation decision and continuing parole, revising the revocation placement to jail or a community corrections program, or revocation to DOC (prison) if specific violation criteria are met.

### *Release and Ordered Decisions*

- ❖ Discretionary decisions by the Board to parole an offender on the earliest eligible release date (PED) or on a specific **SET** date after the earliest eligible date are **Granted** decisions. An offender is **Deferred** for a set period of time and scheduled for the next hearing if the Board does not grant release. Offenders are **Ordered** to release on the mandatory release date (MRD) if the Board does not grant parole prior to MRD or if an offender is deferred to the MRD. Ordered decisions also reflect those offenders with a set date to release following revocation, including but not limited to offenders subject to the revocation time limits of S.B. 03-252.

### *Revocations*

- ❖ The Department of Corrections typically counts the final outcome of a hearing; whereas, the Parole Board counts the initial decision. The department's revocation decision reflects the offenders' status and movements as closely as possible.
- ❖ Offenders revoked to jail or revoked to community where the revocation was later amended to revoke to the Department of Corrections will be reported as revocation to jail or community if the offender actually moved to these programs. Offenders revoked to prison who were never placed in jail or community corrections will reflect the final decision of revocation to prison.

- ❖ If an offender, during a revocation hearing, decides to self-revoke, the Department of Corrections will enter the hearing as a self-revocation decision; whereas, the Parole Board may track the revocation for hearing workload purposes differently.
- ❖ The Department of Corrections uses the date of the original hearing unless the effective date is retroactive as determined by the Parole Board. DCIS would then use the effective date; whereas, the Parole Board would track the original hearing date. This variation results in some revocations being counted in different fiscal years.
- ❖ Overturned or modified revocation decisions in which the offender is continued on parole, are reported as the final outcome of continued. DCIS will contain the final continued on parole decision while the Parole Board reports the initial revocation.
- ❖ Fiscal year 2005 revocation decisions will not reflect the actual number of parole returns reported in other Department of Corrections documents, as final decisions occurred after the offender's status changed and decisions reflect workload not actual offenders.
- ❖ Neither system (Parole Board or DCIS) has the capability to track all revisions when the decisions are amended, modified, overturned or annulled.

## ***Miscellaneous***

### **Reinstatements**

- ❖ The Colorado State Board of Parole shows reinstatements as continued; whereas, the Department of Corrections shows reinstatements in a separate category. Reinstatements reflect cases where the granted release decision was suspended and then the original granted action is reactivated

### **Hearing Continued, Continued and Dismissed Actions**

- ❖ When a complaint is issued, a hearing date is set by the Parole Board. If the parolee has new charges, the Parole Board may continue the hearing multiple times until resolution is made on the new charges. Hearings continued by the Board are tracked for workload purposes but the Department may not report all actions as there is no effect on the offender's time calculations at this point. In cases where the hearing occurs and the complaint charges are dismissed, the Board reports a dismissed action while DCIS will reflect the outcome of continued [on parole]. The Board also counts the cases where complaints were withdrawn and no hearing was held. DCIS will not reflect these actions as withdrawn complaints cannot be in the offender files and the offender does not have a hearing before the Board.

### **Warrants Issued**

- ❖ The Colorado Department of Corrections counts all warrants issued for parolees throughout the year; whereas, the Parole Board reports only those warrants issued when a parolee does not appear at a revocation hearing.

**COLORADO DEPARTMENT OF CORRECTIONS  
PAROLE BOARD DECISIONS**

DECISION TYPE	FY01		FY02		FY03		FY04		FY05	
	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>	<u>NO.</u>	<u>%</u>
Granted-PED	154	1.6%	86	0.9%	84	0.8%	73	0.7%	61	0.6%
Granted-Set	2,066	21.9%	1,953	20.0%	2,084	19.7%	2,145	19.4%	1,415	14.3%
Deferred	7,222	76.5%	7,722	79.1%	8,385	79.5%	8,860	80.0%	8,414	85.1%
<b>SUBTOTAL</b>	<b>9,442</b>	<b>100.0%</b>	<b>9,761</b>	<b>100.0%</b>	<b>10,553</b>	<b>100.0%</b>	<b>11,078</b>	<b>100.0%</b>	<b>9,890</b>	<b>100.0%</b>
<b><u>REVOCAATION DECISIONS<sup>1</sup></u></b>										
Continued	943	29.4%	852	25.0%	1,020	29.8%	997	27.1%	1,007 <sup>2</sup>	23.5%
Self-Revoked	1,252	39.0%	1,249	36.7%	916	26.8%	625	17.0%	47	1.1%
<sup>3</sup> Revoked to Jail	76	2.4%	57	1.7%	65	1.9%	52	1.4%	8	0.2%
<sup>3</sup> Revoked to Community	12	0.4%	13	0.4%	7	0.2%	20	0.5%	9	0.2%
<sup>3</sup> Rev to Comm Ret to Custody Fac.	NA		NA		NA		147	4.0%	496	11.6%
<sup>3</sup> Revoked	929	28.9%	1,231	36.2%	1,410	41.3%	1,834	49.9%	2,710	63.4%
<b>SUBTOTAL</b>	<b>3,212</b>	<b>100.0%</b>	<b>3,402</b>	<b>100.0%</b>	<b>3,418</b>	<b>100.0%</b>	<b>3,675</b>	<b>100.0%</b>	<b>4,277</b>	<b>100.0%</b>
<b><u>MISCELLANEOUS HEARINGS</u></b>										
Full Board	524		509		572		511		253	
Tabled	1,590		1,421		1,855		1,420		1,259	
Warrant Issued	964		1,135		1,236		1,400		1,901	
Hearing Continued	1,187		1,127		1,514		1,914		3,124	
Discharged	46		19		21		8		3	
Rescinded	84		104		143		220		296	
Suspended	104		112		153		250		294	
Reinstated	8		4		1		0		1	
Reinstated to Parole	0		0		0		0		1	
<sup>4</sup> Reinstated to Comm.Supv.	0		1		80		0		0	
<sup>5</sup> Dismissed	0		2		0		0		0	
<sup>5</sup> Courtesy Review	5		4		0		1		1	
<sup>6</sup> Cooper/Martin Reviews	19		0		0		0		0	
<b>SUBTOTAL</b>	<b>4,531</b>		<b>4,438</b>		<b>5,575</b>		<b>5,724</b>		<b>7,133</b>	
<b><u>NO DECISION</u></b>										
Waived	4,206		3,788		1,241		1,397		1,261	
Ordered	2,180		2,745		3,135		3,977 <sup>7</sup>		4,967 <sup>7</sup>	
<b>SUBTOTAL</b>	<b>6,386</b>		<b>6,533</b>		<b>4,376</b>		<b>5,374</b>		<b>6,228</b>	
<b>TOTAL</b>	<b>23,571</b>		<b>24,134</b>		<b>23,922</b>		<b>25,851</b>		<b>27,528</b>	

<sup>1</sup>Revocation decisions do not include all continued and 1-day revocations. The numbers reflect only those decisions entered into DCIS.

<sup>2</sup>Eleven Continued Hearings were identified as being Amended Revocations

<sup>3</sup>Final revocation decisions may not coincide with actual offender placement information.

<sup>4</sup>Reinstated to Community Supervision reflects offenders placed on Community Supervision (HB98-1160).

<sup>5</sup>Dismissed and courtesy review decisions not reported prior to FY98.

<sup>6</sup>Discharges pursuant to Cooper/Martin decision returned to parole supervision.

<sup>7</sup>Includes offenders reparaoled following a set period of revocation beginning in FY04.

**COLORADO DEPARTMENT OF CORRECTIONS  
PAROLE BOARD DECISIONS  
Releases Fiscal Year 2005**

Facilities	Grant-PED	Grant- Set	Deferred		TOTAL	Ordered
			#	%		
COLO STATE PENITENTIARY	0	15	230	93.9%	245	73
CENTENNIAL CORR. FAC	1	6	97	93.3%	104	31
STERLING CORR. FAC.	8	144	959	86.3%	1,111	617
LIMON CORR. FAC.	0	12	252	95.5%	264	97
ARK. VALLEY CORR. FAC.	1	22	283	92.5%	306	162
BUENA VISTA CORR. COMPLEX	0	39	335	89.6%	374	216
BUENA VISTA MIN CTR.	2	32	118	77.6%	152	94
COLO. TERR. CORR. FAC.	2	41	331	88.5%	374	164
FT. LYONS CORR. FAC	1	30	226	87.9%	257	122
FREMONT CORR. FAC.	1	32	544	94.3%	577	265
ARROWHEAD CORR. CTR.	1	45	256	84.8%	302	123
FOUR MILLE CORR. CTR.	0	64	257	80.1%	321	188
PUEBLO MINIMUM CTR.	4	45	124	71.7%	173	87
TRINIDAD CORR. FAC.	6	47	232	81.4%	285	185
S.T.U. at Y.O.S.	0	0	2	100.0%	2	6
SKYLINE CORR. CTR.	1	48	138	73.8%	187	86
COLORADO CORR. CTR.	0	19	57	75.0%	76	67
DELTA CORR. CTR.	7	60	261	79.6%	328	189
RIFLE CORR. CENTER	0	37	118	76.1%	155	60
COLO.CORR.ALT. PROGRAM	0	3	39	92.9%	42	15
COLO.WOMEN'S CORR. FAC.	2	10	75	86.2%	87	38
DENVER WOMEN'S CORR. FAC.	5	88	370	79.9%	463	358
DENVER REC. DIAG. CTR.	0	14	131	90.3%	145	208
SAN CARLOS CORR FAC.	0	6	101	94.4%	107	52
<b>SUBTOTAL</b>	<b>42</b>	<b>859</b>	<b>5,536</b>	<b>86.0%</b>	<b>6,437</b>	<b>3,503</b>
BENT COUNTY CORR. CTR.	5	28	272	89.2%	305	124
HUERFANO CNTY. CORR. CTR.	0	39	312	88.9%	351	209
CROWLEY CNTY. CORR FAC.	2	33	226	86.6%	261	159
KIT CARSON CNTY CORR. FAC.	1	24	275	91.7%	300	178
TALLAHATCHIE MS CORR FAC.	0	0	55	100.0%	55	27
BRUSH CORR. FACILITY	0	12	24	66.7%	36	15
<b>SUBTOTAL</b>	<b>8</b>	<b>136</b>	<b>1,164</b>	<b>89.0%</b>	<b>1,308</b>	<b>712</b>
COMMUNITY (Includes Regress.)	8	153	927	85.2%	1,088	349
ISP	2	258	498	65.7%	758	191
<b>SUBTOTAL</b>	<b>10</b>	<b>411</b>	<b>1,425</b>	<b>77.2%</b>	<b>1,846</b>	<b>540</b>
JAIL BACKLOG & CONTRACTS	1	1	7	77.8%	9	10
OTHER*	0	8	242	96.8%	250	44
<b>SUBTOTAL</b>	<b>1</b>	<b>9</b>	<b>249</b>	<b>96.1%</b>	<b>259</b>	<b>54</b>
REVOKE TO JAIL	0	0	0	0.0%	0	8
REVOKE TO COMMUNITY	0	0	40	100.0%	40	5
REVOKED-RET TO CUSTODY FAC	0	0	0	0.0%	0	141
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>40</b>	<b>100.0%</b>	<b>40</b>	<b>154</b>
<b>TOTAL</b>	<b>61</b>	<b>1,415</b>	<b>8,414</b>	<b>85.1%</b>	<b>9,890</b>	<b>4,963</b>

\*OTHER INCLUDES: DOI, Fugitive, Federal Transfer, Interstate Compact, and Technical Parole.