

Colorado State Board of Parole Annual Report: FY 2017



December 2017

Colorado State Board of Parole

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I. Parole Board Operations:

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.

Current Parole Board Members:

Joe Morales, Chairperson of the Board, serves as a former law enforcement officer on the Board and holds over 30 years of law enforcement service. Mr. Morales was originally appointed to the Board in 2013 to a three-year term as a Board member. In September 2015, Mr. Morales was appointed to serve as Chairperson for the Board and then reappointed for a 3-year term in July 2016. The Chairperson is the administrative head of the Parole Board. It is Mr. Morales’ responsibility to enforce the rules and regulations of the Board, and to assure that parole hearings are scheduled and conducted properly.

Rebecca Oakes, Vice-Chairperson of the Board, was originally appointed to the Board in 2007 as a citizen member on the Board. She was appointed Vice-chairperson of the Board in July 2013. Ms. Oakes has extensive experience working in the field of victim services. Ms. Oakes was most recently reappointed for a three-year term in July 2016. The Vice-Chairperson assumes the responsibilities of the Chairperson in his or her absence.

Denise Balazic was originally appointed in 2011 to serve as a former parole officer on the Board. Ms. Balazic has an extensive experience as a Probation and Parole officer, Addiction Counselor and leadership and management trainer. Ms. Balazic was reappointed for a 3-year term July 2017.

Dr. Brandon Mathews was originally appointed as a citizen member of the Board in September 2016 and was reappointed to serve a 3-year term in July 2017. Dr. Mathews has over a decade of experience in various criminal justice roles, including in institutional and community corrections, the judicial system and correctional investigations.

John O’Dell was originally appointed to the Board as a former law enforcement officer in 2011. His most recent reappointment for a 3-year term was in July 2015. Mr. O’Dell retired as a command officer for the Denver Police Department after 30 years of service.

Alfredo Pena serves as a citizen member of the Board, originally appointed in 2012. Mr. Pena has extensive experience as an attorney, emphasizing civil, criminal, and administrative trial representation before Federal and State courts. He was reappointed for a 3-year term July 2017.

Alexandra Walker was appointed in 2015 as a citizen member of the Board and reappointed for a 3-year term July 2016. She has an extensive background in corrections, training/education, implementation science, and substance use and mental health treatment.

Mission

The mission of the Parole Board is to increase public safety by evaluating an individual’s potential for successful reintegration to the community through the use of innovative evidence informed practices.

Staffing

The Parole Board is supported by eleven (11) full-time employees (FTE). The Board support staff is structured as follows:

- Parole Board Administrator (1 FTE)
- Office Manager (1 FTE)
- Revocation Unit (4 FTE)
- Application Unit (2 FTE)
- Administrative Support Staff (2 FTE)
- Statistical Analyst (1 FTE)

During FY 2017, 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. (2017); (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. (2017); and (d) one temp-worker in Pueblo to help scan files for the Board’s automation project.

Budget

For FY 2016-2017, 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

Training

Pursuant to section 17-2-201 (1) (e), C.R.S. (2017), 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.

FY 2017 training activities and topics have included:

- Judicial-Sex Offender
- SOTMP Update
- LSI
- SO
- CDoC Programs
- Colorado Summit on Behavioral Health
- Association of Parole Authorities International Convention
- Colorado Collaborative Justice Conference
- Colorado Organization

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 during FY 2017:

- Buena Vista Correctional Facility
- Territorial Correctional Facility
- Boulder Bridge House
- Future and a Hope
- Inside/Out Program

In addition to site visits, the Board also participates in a number of initiatives with other stakeholders. The following is a list of initiatives and collaborations that Board members participated in during FY 2017:

- Commission on Criminal and Juvenile Justice ("CCJJ")
- CCJJ Re-Entry Task Force Subcommittee

- CCJJ Community Corrections Task Force Subcommittee
- CCJJ Mental Health/Jails Task Force
- Mental Health: Point of Contact Through Jail Release Task Force
- Community Corrections Advisory Council
- ICAOS State Council
- Colorado Association of Community Corrections Boards
- Criminal Justice Services: Opiate Crisis
- CCJJ- Housing Capacity Working Group
- CCJJ- ISP-I Working Group
- CDOC: Homelessness Mitigation and PPI Process

OTHER STAKE HOLDER MEETINGS DURING FY 2017:

- Voices for Victims
- Denver Community Centered Board
- Citizen's Advocate Meeting
- Community Correction's Association Annual Meeting
- Community Corrections Advisory Board
- Advocates for Change
- Colorado Cure
- Colorado Immigration and Customs Enforcement
- Criminal Justice/Parole Board Presentation

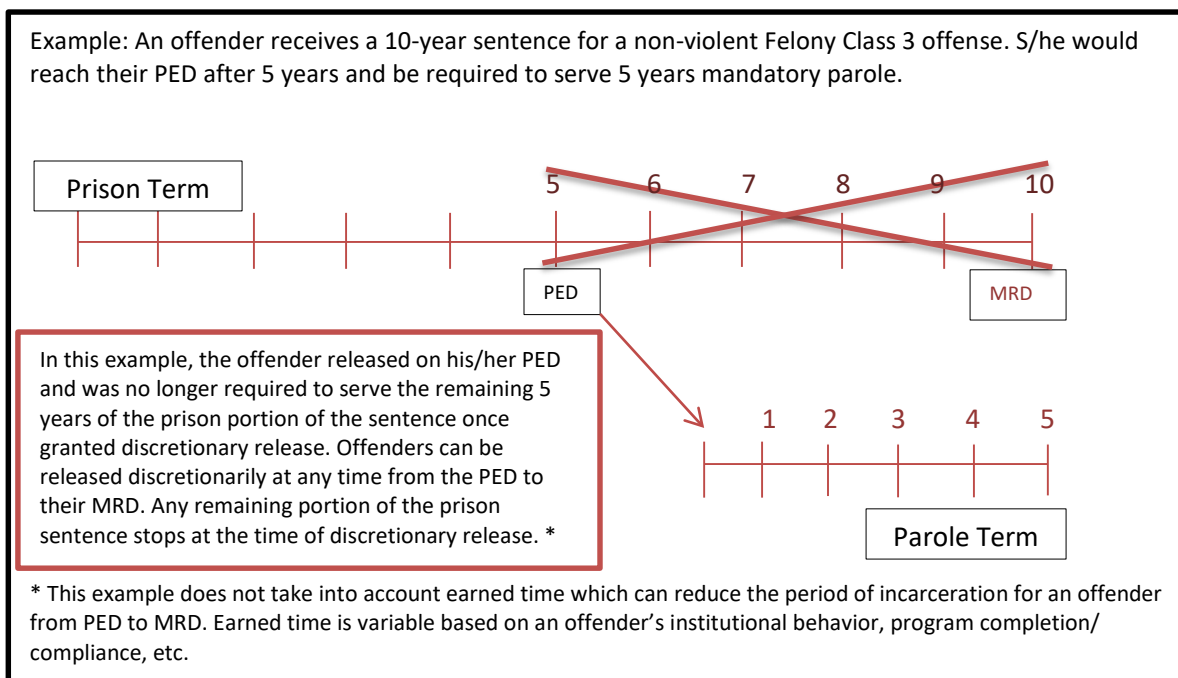
New Board Member Training

In 2014, the Board implemented an enhanced, formalized training program for new Parole Board Members and has continued to develop this structured training guide during FY 2017 with newly appointed Board members. 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.

Parole Process in Colorado

Colorado has primarily a determinate sentence structure, with exceptions for certain offenses, such as certain sexual offenses, that can carry indeterminate sentences. The Colorado State Board of Parole holds the statutory authority to grant a discretionary release to an offender once s/he reaches their Parole Eligibility Date (PED). If an offender is granted discretionary release by the Parole Board, they stop serving their prison sentence and start serving their parole sentence. Figure 1 below illustrates the process of discretionary parole release in Colorado. Once an offender reaches his/her Mandatory Release Date (MRD), the Department of Corrections is mandated to release that individual to serve his/her statutory period of parole.

Figure 1:



Parole Board Types of Hearings

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.

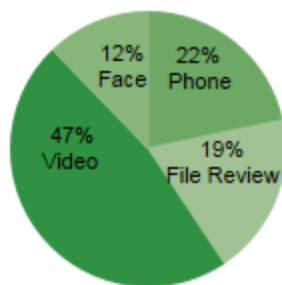
Parole Board Application Hearings

The Parole Board conducts Parole Application Hearings approximately three months prior to an offender’s PED. If an offender is deferred at the time of the application hearing (i.e. not given a discretionary release), they are typically seen by the Board again one year from the time of the deferral action. There are certain crime types that can be deferred for a greater time period than one year. Also, there are certain instances in which a Board member may feel the offender needs to be seen before a year passes (i.e., the offender will have completed a program/class/treatment/etc. integral to his/her current criminogenic needs before the year time frame, and the Board member feels that his/her case should be reviewed once it’s completed to determine when the offender should be released).

The application hearing can take place in person, via video conference, via phone, or by process of a file review depending on the circumstance and situation of each offender. In FY 2017, the majority (47%) of application hearings were conducted via video conference, phone conferences made up 22% of the application hearings, file reviews made up 19%, and 12% of application hearings were conducted in person or face-to-face (Figure 3).

Figure 3:

FY 2017 Hearing Method



The information that the Parole Board receives before, and at the time of, an offender’s application hearing is utilized to determine the most evidence-informed release or deferral decision the Board member(s) can make at the time of the hearing. The Colorado Department of Corrections staff provides information in the Application Hearing portal, an electronic portal that allows for Case Managers, Facility Community Parole Officers, Treatment Providers and

other applicable staff to upload information for use during the hearing. The portal also contains the offender's "Parole Plan." The parole plan typically contains a brief synopsis of the offender's criminal history, institutional conduct, program, treatment and class participation and completion information, as well as the offender's self-determined residential and employment plan should s/he be granted release. The residential and employment plan information is rarely vetted prior to the Parole Board member making a release decision. The policy of the CDOC and the Division of Adult Parole is to investigate the parole plan information after an offender is granted release, rather than prior to the application hearing. Therefore, the information provided to the Board member at the time of the application hearing could differ, and often does, from that obtained by the person investigating the parole plan.

The portal and other electronic systems from the CDOC contain the offender's most recent assessment(s) that are available and pertinent, which may include the CARAS (Colorado Actuarial Risk Assessment Scale), LSI-R (Level of Service Instrument- Revised), the Prisoner Intake Tools (PIT), Re-entry Tool (RT), and Supplemental Re-entry Tool (SRT). If an offender is a part of a needs-specific program or treatment program within the CDOC (i.e., sexual offense specific treatment), the treatment provider is also able to include information in the offender's parole plan and provide information directly to the Board member(s) at the time of hearing.

The Board relies on valid and up-to-date information in rendering a release decision that ensures both the success of the offenders and their commitment to uphold public safety.

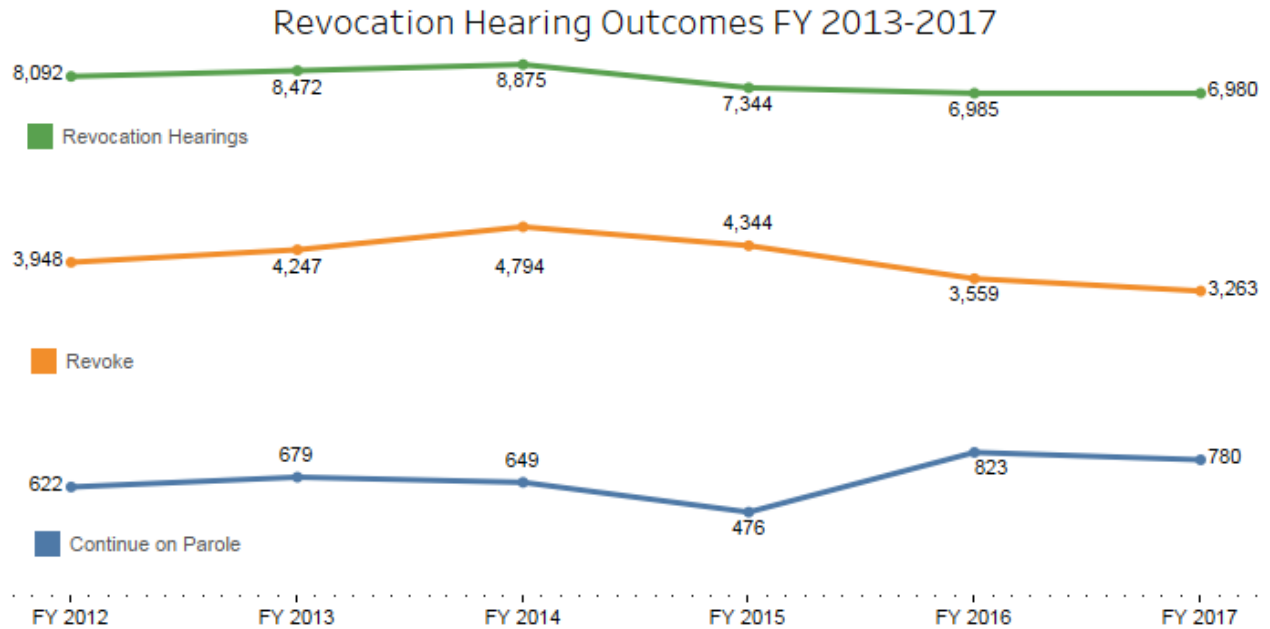
Parole Board Revocation Hearings

Once an offender has been released to parole, s/he must abide by the conditions of parole, as designated by the Parole Board and the CDOC's Division of Adult Parole. If the parolee violates his/her conditions of parole, s/he may be brought before the Parole Board by the Division of Adult Parole for possible revocation of parole.

The revocation process is governed by C.R.S. 17-2-103 (2017). 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 Division of Adult Parole and the parolee. After reviewing all pertinent information, the Board member uses statutory guidelines and his/her best judgment to render a decision.

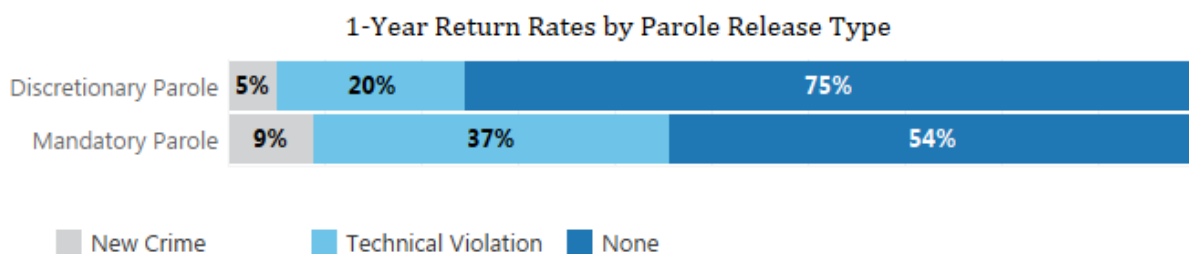
Figure 7 displays the revocation hearing totals from FY 2012-2017 and the decisions to revoke and continue parole in those cases. Offenders can have more than once revocation hearing per instance of revocation that can be continued for various reasons (i.e., pending criminal charges, etc.).

Figure 7:



Return rates differ depending on an offender’s type of release. Those released discretionarily historically have lower return to prison rates than those who release on mandatory parole release types. For those released in calendar year 2014, the 1-year return rate is nearly 20% lower for discretionary releases than mandatory releases (Figure 8). The 3- year return rate in 2014 for discretionary parole was 36% and 54% for mandatory parole releases.

Figure 8:

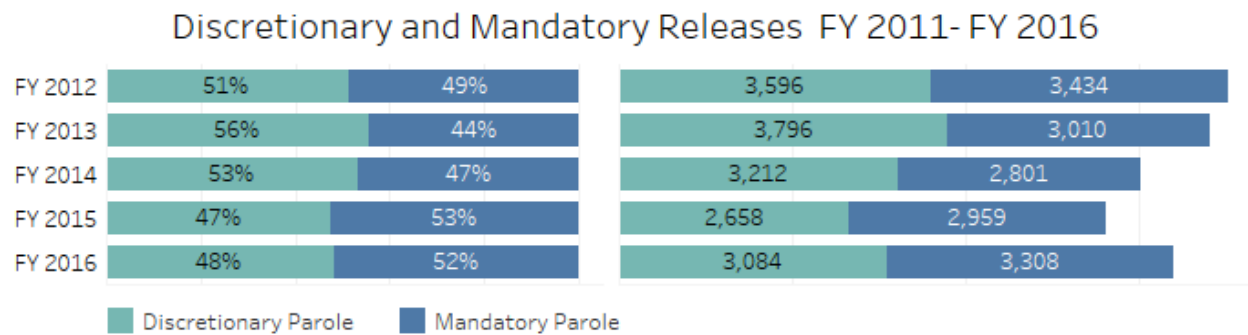


Parole Board Releases

Discretionary and Mandatory release rates have remained relatively stable over the last five fiscal years, fluctuating approximately 9%. There are many factors that can contribute to fluctuation of the discretionary release rates of offenders. Figure 4 displays the number of

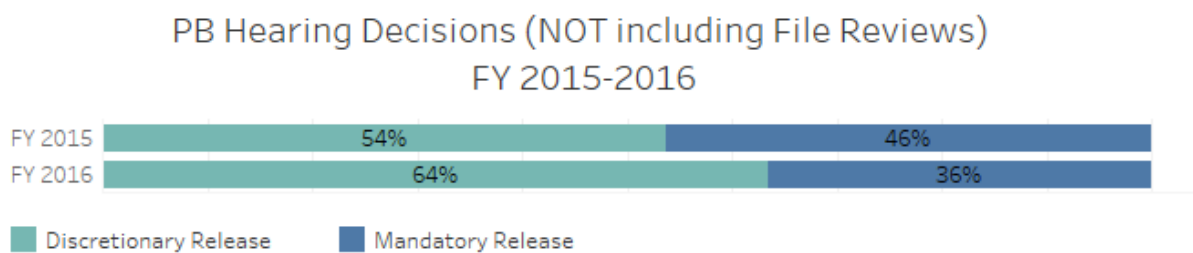
discretionary and mandatory parole releases from FY 2012- FY 2016. These numbers do not include those released on mandatory re-parole release types after a revocation or other release types, such as sentence discharges, etc. Figure 4 release types include outcomes from all release hearings, including those conducted via file review. Parole releases from FY 2017 to date (includes July 1, 2016- October 31, 2016 release numbers) include 40% releases from a discretionary decision and 60% from a mandatory release decision.

Figure 4:



House Bill 15-1122 was signed into law in March 2015. The bill 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. The Parole Board retains the discretion to conduct regular parole hearings for offenders eligible for file reviews on a case-by-case basis. Since HB 15-1122 was enacted, a larger portion of hearings were conducted via file review. During FY 2015-2016, the overwhelming majority (over 90%) of file reviews resulted in a decision to release to Mandatory parole. Figure 5 displays the decisions (i.e. Discretionary vs. Mandatory release decisions) of the Board in FY 2015-2016 that do not include those file review hearings.

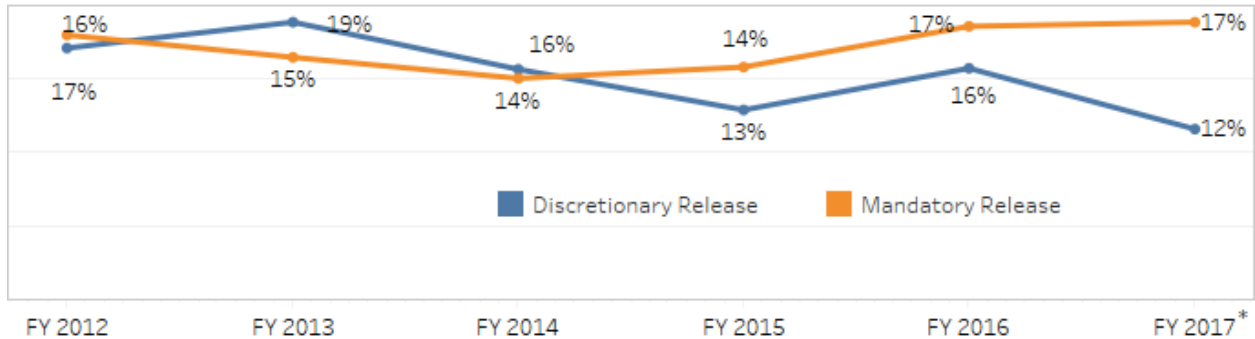
Figure 5:



The population of the Colorado Department of Corrections has fluctuated over the same time period of releases reported above. Figure 6 displays the percentage of the prison population (as of the end of the corresponding fiscal year) that was released on either discretionary or mandatory parole.

Figure 6:

Percentage of the CDOC prison population (as of the end of each FY) with Discretionary and Mandatory Releases



Prison Population by Fiscal Year (population as of June 30 of each corresponding year)

FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017**
21,037	20,134	20,522	20,623	19,619	19,752

* FY 2017 data is based on July 1, 2016- October 31, 2016 actual release data projected for the entire fiscal year.

** FY 2017 population is based on the 4 month average from end of month populations from July to October 2016.

Conclusion

Colorado’s Board of Parole, similar to most other states, has a unique process for reviewing and releasing offenders. The statutory authority of releasing authorities differs greatly in each state or jurisdiction. There is no current evidence-based standard by which release rates can, or should, be measured. Each release hearing should be viewed as an individual event for each individual offender, by which the releasing authority uses evidence-informed decision making to determine the most appropriate method of release to maximize the successful re-entry for each offender. Therefore, any standard by which the Colorado’s Board of Parole release decisions is held should be embedded in evidence-informed, up to date, and validated information in order to ensure the maximum opportunity for an offender’s success, while maintaining the Board’s commitment to public safety.