



COLORADO

Department of Corrections

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**SB 15-124 ANNUAL REPORT:
RESPONSES TO TECHNICAL
VIOLATIONS OF PAROLE
FOR FY 2016**

A REPORT SUBMITTED TO THE
JOINT JUDICIARY COMMITTEES OF THE
SENATE AND HOUSE OF REPRESENTATIVES
DUE JANUARY 1, 2017, PURSUANT TO C.R.S. 17-2-102

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INTRODUCTION

In order “to align parole supervision with evidence-based practices and promising practices in responding to technical violations,” SB 15-124 amended the Division of Adult Parole’s arrest and revocation procedures as directed by C.R.S. 17-2-103. In doing so, it directed Community Parole Officers (CPOs), except in cases where arrest or revocation is statutorily mandated, to

consider all appropriate or available intermediate sanctions, as determined by the policies of the Division of Adult Parole, before he or she files a complaint for revocation of a parolee for a technical violation of a condition of parole for which the underlying behavior is not a criminal offense (C.R.S. 17-2-103(1.5)(a)).

This report is required pursuant to C.R.S. 17-2-102:

ON OR BEFORE JANUARY 1, 2016, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE DIVISION OF ADULT PAROLE SHALL PROVIDE TO THE JUDICIARY COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A STATUS REPORT ON THE EFFECT ON PAROLE OUTCOMES AND THE USE OF ANY MONEYS ALLOCATED PURSUANT TO SENATE BILL 15-124, ENACTED IN 2015 (13).

This legislative report details the Division’s efforts in evidence-based response to technical violations of parole, including the use of intermediate sanctions, use of short-term jail stays, and referrals to community organizations for treatment and other needed support services.

INTERMEDIATE SANCTIONS

SB 15-124 amended C.R.S. 17-2-103 to include a directive for

COMMUNITY PAROLE OFFICER[S TO] UTILIZE INTERMEDIATE SANCTIONS TO ADDRESS A PAROLEE’S NONCOMPLIANCE OR SEEK MODIFICATION OF PAROLE CONDITIONS, OR DO BOTH, AS DEEMED APPROPRIATE BY THE COMMUNITY PAROLE OFFICER, IN A MANNER THAT IS CONSISTENT WITH THE SEVERITY OF THE NONCOMPLIANCE AND THE RISK LEVEL OF THE PAROLEE ((1.5)(b)).

The legislature enacted SB 15-124 on July 1, 2015. This report addresses outcomes for FY 2016, July 1, 2015 to June 30, 2016. During this time frame, the Division utilized multiple types of intermediate sanctions with parolees. These and their usage are detailed below.

Types of Intermediate Sanctions

The Division of Adult Parole implemented a sanction tracking system, the Colorado Violation Decision Making Process (CVDMP), in FY 2011. The CVDMP allows for tracking of violations and the responses for each parolee. When a violation is (or set of violations are) entered into the system, an algorithm provides the presumptive response category based on the parolee’s risk level and the severity of the violation. The possible intermediate sanctions categories include low, medium, and high. While also detailed in **Tables 1-3**, potential sanctions from each category are described below.

Low-Level Sanctions

As shown in **Table 1**, low-level sanctions include referrals, increased restrictions, and interventions with the parolee’s CPO. Some of the referral options consist of referrals to collections, alcoholics anonymous, a cognitive behavioral therapy program, a community support program, an education program, or a reentry specialist. Additionally, the CPO could increase the parolee’s restrictions, including adding a curfew or geographical restriction, requiring daily reporting to his/her CPO, and

Table 1:
Low-Level Intermediate Sanctions

RESPONSE OPTIONS
Curfew Restrictions
Daily Reporting to CPO
Geographical Restrictions
Increased Check-In by Phone
Increased Drug/Alcohol Testing
Increased Therapy
Intervention with Employer
Intervention with Family
Intervention with Supervisor
Outpatient Therapy
Referral to AA/NA
Referral to Cognitive Program
Referral to Collections
Referral to Community Support Program
Referral to Educational Program
Referral to Re-entry Specialist
Residential In-House Sanctions
Safety Plan Development
Verbal Reprimand
Withhold Earned Time
Written Homework

increased phone check-ins or drug/alcohol testing. Further, low-level sanctions could also consist of increased therapy or individual interventions with a CPO, an employer, or a family member.

Medium-Level Sanctions

As detailed in Table 2, medium-level sanctions include enhanced treatment, interventions, and restrictions. Enhanced treatment options include participation in cognitive behavioral therapy, an intensive outpatient program, or a short-term inpatient program, along with antabuse treatment. The remaining options are forms of restrictions, including curfew restrictions and daily office or reporting center check-ins, increased drug/alcohol testing, loss of driving privileges, use of electronic monitoring, and withholding of earned time.

**Table 2:
Medium-Level Intermediate Sanctions**

RESPONSE OPTIONS
Antabuse
Cognitive Behavioral Therapy (CBT)
Curfew Restrictions
Daily Office Check-In
Day Reporting Center
Increase/Extend Level of Supervision
Increased Drug/Alcohol Testing
Increased Therapy
Intensive Outpatient Therapy
ISP-EM/TMS/GPS
Letter of Reprimand
Loss of Driving Privileges
Outpatient Therapy
Remote Alcohol Testing
Residential In-House Sanctions
Return to Sending State
Short-term Inpatient Treatment Program
Specific Issue Polygraph
Sure and Swift Short-term Jail Stay
Victim Mediation Process
Withhold Earned Time

High-Level Sanctions

The high-level sanctions involve mostly further restrictions upon the parolee. Those include remediation to community corrections or a summons to the parole board. A parolee could also receive a high-level sanction to residential therapy or a short-term inpatient treatment program (Table 3).

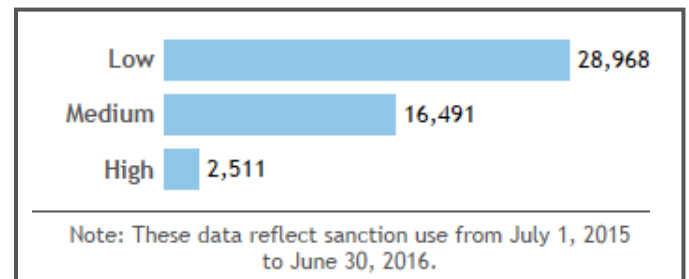
**Table 3:
High-Level Intermediate Sanctions**

RESPONSE OPTIONS
Long-term Residential Therapy
Remediation to Community Corrections
Short-term Inpatient Treatment Program
Summons to Parole Board
Sure and Swift Short-term Jail Stay
Work/Release Program
Jail-based Treatment Program

Intermediate Sanction Usage

From July 1, 2015 to June 30, 2016, the Division utilized a total of 47,970 intermediate (i.e., non-revocation seeking) sanctions. That included a total of 28,968 (60%) low-level sanctions, 16,491 (34%) medium-level sanctions, and 2,511 (5%) high-level sanctions (Figure 1).

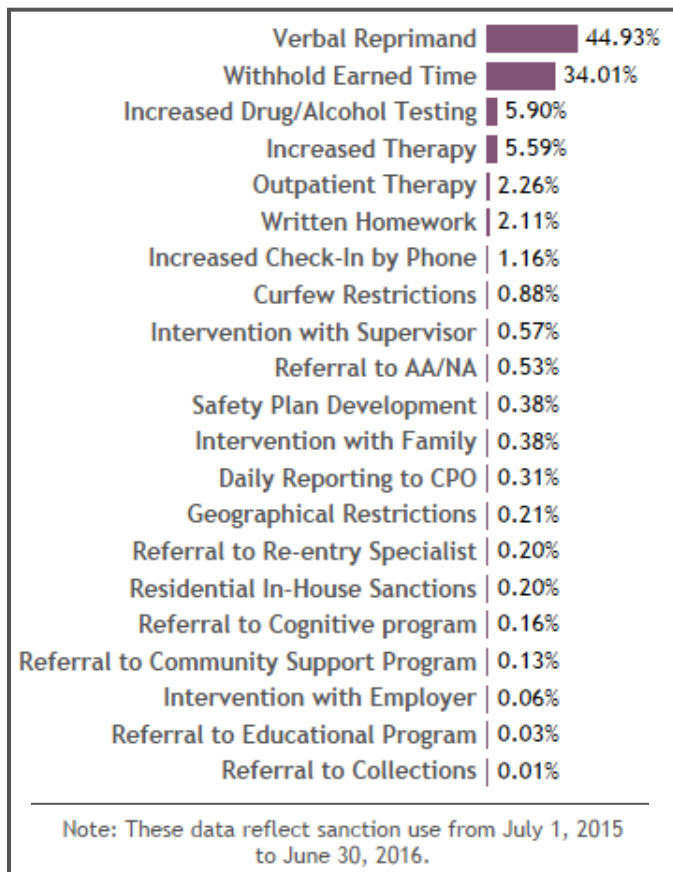
**Figure 1:
Intermediate Sanctions by Level**



For low-level sanctions, verbal reprimands were utilized the most (45%), followed by withholding earned time (34%) and increases in drug or alcohol testing (6%) or therapy (6%).

The remaining low-level sanction options were utilized two percent of the time or less, which included, for example, written homework, curfew restrictions, referral to AA/NA, and referral to a Community Reentry Specialist (Figure 2).

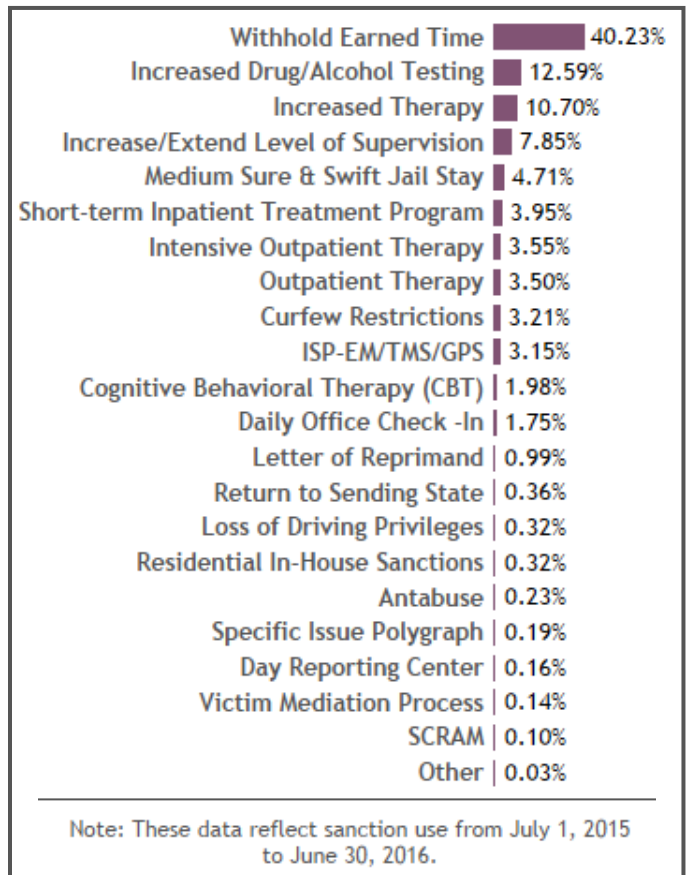
**Figure 2:
Low-Level Sanction Use**



Medium-level sanction utilization included withholding earned time 40 percent of the time, while increasing drug and alcohol testing followed at 13 percent of the time. Additionally, increasing therapy was used 11 percent of the time, followed by increasing the level of supervision (8%), utilizing a medium sure and swift stay (5%), and adding short-term inpatient treatment (4%) (Figure 3).

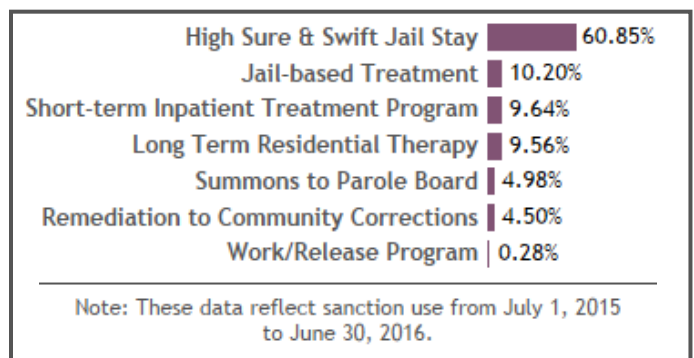
Although high-level sanctions were only used two percent of the time during FY 2016, those

**Figure 3:
Medium-Level Sanction Use**



sanctions included the use of a high-level Sure & Swift stay¹ (61%), jail-based treatment (10%), long-term residential therapy (10%), short-term inpatient treatment (10%), summons to the Parole Board (5%), and remediation to community corrections (5%) (Figure 4).

**Figure 4:
High-Level Sanction Use**



¹ See the next section for a detailed account of the Sure & Swift intermediate sanction.

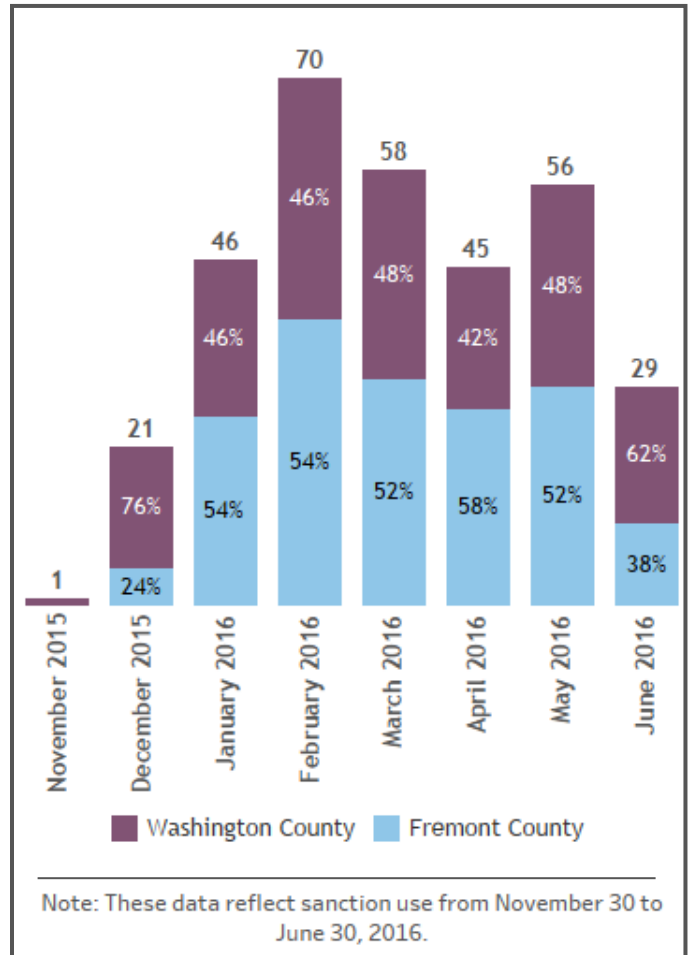
Jail-based Treatment

During FY 2016, the Division of Adult Parole instituted a jail-based treatment (JBT) program as an additional intermediate sanction for offenders with substance abuse problems and/or criminogenic needs for use prior to seeking revocation. The program seeks to provide intensive treatment interventions with the goal of providing offenders with the life stabilization tools to continue treatment after completion of the program. It was designed to address offenders' deficiencies in motivation, pro-social support systems, appropriate living arrangements, social or psychological adaptive skills, ability to live substance-free, and inability to adequately function outside a treatment-controlled environment.

Both the Fremont and Washington County jails are providing bed space for this program, along with treatment options within which offender participants are placed. These treatment options include cognitive-behavioral therapy related to substance abuse and/or criminogenic needs and may include group treatment, individual therapy, cognitive skill building, relapse prevention, introduction to individual therapy modalities, Vivitrol, and/or Moral Reconciliation Therapy (MRT).

From November 30, 2015 to June 30, 2016, a total of 326 parolees were ordered to JBT, with an average of 46 parolees per month (Figure 5). As of the end of FY 2016, of those ordered, 310 had been placed into a JBT program and 243 had completed the program. Due to high demand and program space limitations, some parolees may be placed on a short-term waitlist until a needed program is available.

Figure 5:
Parolees Ordered to Jail-based Treatment



THE SURE AND SWIFT INITIATIVE

SB 15-124 amended C.R.S. 17-2-103 to include a directive for a new intermediate sanction:

IF A PAROLEE HAS A TECHNICAL VIOLATION, THE PAROLEE'S COMMUNITY PAROLE OFFICER, WITH THE APPROVAL OF THE DIRECTOR OF THE DIVISION OF ADULT PAROLE OR THE DIRECTOR'S DESIGNEE, MAY IMPOSE A BRIEF TERM OF CONFINEMENT IN THE COUNTY JAIL, NOT TO EXCEED FIVE CONSECUTIVE DAYS, AS AN INTERMEDIATE SANCTION ((1.5)(d)).

This new option, termed *Sure & Swift*, provides officers with the ability to utilize jail time as a sanction without having to seek revocation. The following details the background of this initiative and its utilization in Colorado.

The Initiative

The Sure and Swift (S&S) Initiative, modeled after Hawaii's HOPE program,² follows the *Swift, Certain, and Fair* (SCF) model of supervision.³ According to the Bureau of Justice Assistance (BJA), the SCF approaches seek to:

- (a) improve supervision strategies that reduce recidivism;
- (b) promote and increase collaboration among agencies and officials who work in community corrections and related fields to enhance swift and certain sanctions;

² See Bulman, P. (2010). In brief: Hawaii HOPE. *NIJ Journal*, 266, 26-27.

³ See, for example, National Network for Safe Communities. (2015). *Swift, certain, & fair*. Retrieved from: <http://nnscommunities.org/our-work/strategy/swift-certain-fair>.

- (c) enhance the offenders' perception that the supervision decisions are fair, consistently applied, and consequences are transparent; and
- (d) improve the outcomes of individuals participating in these initiatives.⁴

Utilizing this concept of deterrence, where a sanction should be swift, certain, and fair, the S&S Initiative provides officers with the option to impose swift and certain sanctions on parolees for certain medium- and high-level violations of their conditions of parole, namely, short-term (one to five day) jail stays. Officers have the option of imposing a medium-level S&S stay (1 to 2 days) or a high-level S&S stay (3 to 5 days).

In deciding how to best use limited jail beds, the Division decided to focus on using the S&S short-term jail stay for medium- and high-level violations. Thus, a S&S stay could be utilized, for example, for a GPS violation, tampering with a drug test, or contact with a victim.

Implementation

The statewide implementation of the S&S Initiative began in September 2015, with training and on-boarding of locations occurring prior to that date. Staff training consisted of education on the violation response principles noted in evidence-based practice research and the changes being made

⁴ Directly quoted from: Bureau of Justice Assistance. (2015). *Swift, Certain, and Fair Sanctions Program (SCF): Replicating the concepts behind Project HOPE FY 2015 competitive grant announcement*, BJA-2015-4056. Retrieved from: <https://www.bja.gov/Funding/15Swift&CertainSol.pdf>.

to the CVDMP to incorporate short-term jail stays as an intermediate sanction to certain medium- and high-level violations. The Division, in collaboration with CWISE, the Office of Information Technology, and the CDOC’s Office of Planning and Analysis, updated the CVDMP as of the end of August 2015 to accommodate S&S stay tracking.

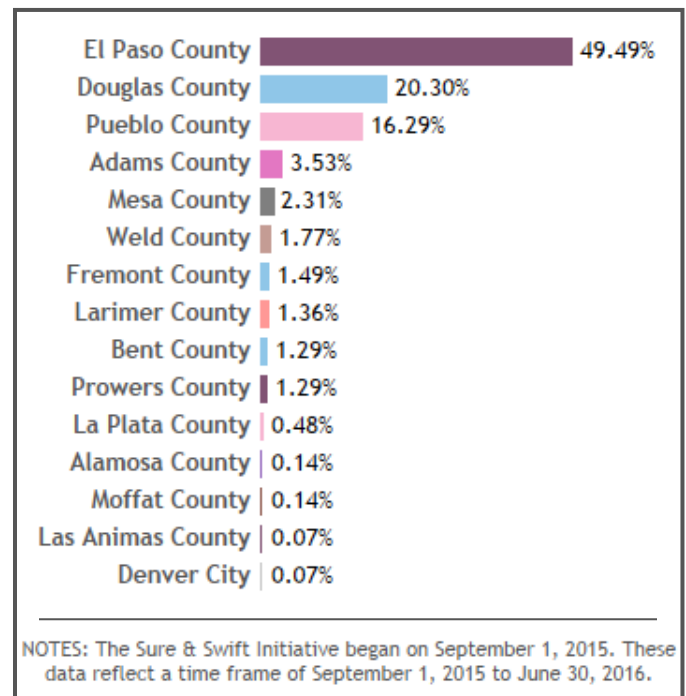
In order to develop support for short-term jail stays and to negotiate the number of beds available for use, Division staff met with county jail administrators around the state. Use of S&S short-term jail stays first began in the Southern Colorado Parole Offices, as pre-existing purchase orders were already in place between local jails and the Division. Those agreements were utilized to begin the use of the S&S stays, while the Division determined the best method for expanding the program to other counties. The Division chose to establish Letters of Agreement (LOAs) with local agencies to provide bed space for the S&S program.

As **Figure 6** shows, local jails in 15 counties collaborated with the Division in using the S&S sanctions during the reporting time period of September 2015 to June 2016. Those counties include: Adams, Alamosa, Bent, Denver City, Douglas, El Paso, Fremont, Larimer, Las Animas, La Plata, Mesa, Moffat, Prowers, Pueblo, and Weld. As LOAs continue being negotiated between the CDOC and local agencies across the state, implementation is expanding to other areas, as well. As of the end of FY 2016, there were a total of 20 counties that had formal agreements with the CDOC to provide *Sure & Swift* bed space.

Quality Assurance

Maintaining program fidelity is important for all initiatives; thus, the Division instituted two

Figure 6:
Counties With Sure & Swift Jail Participation

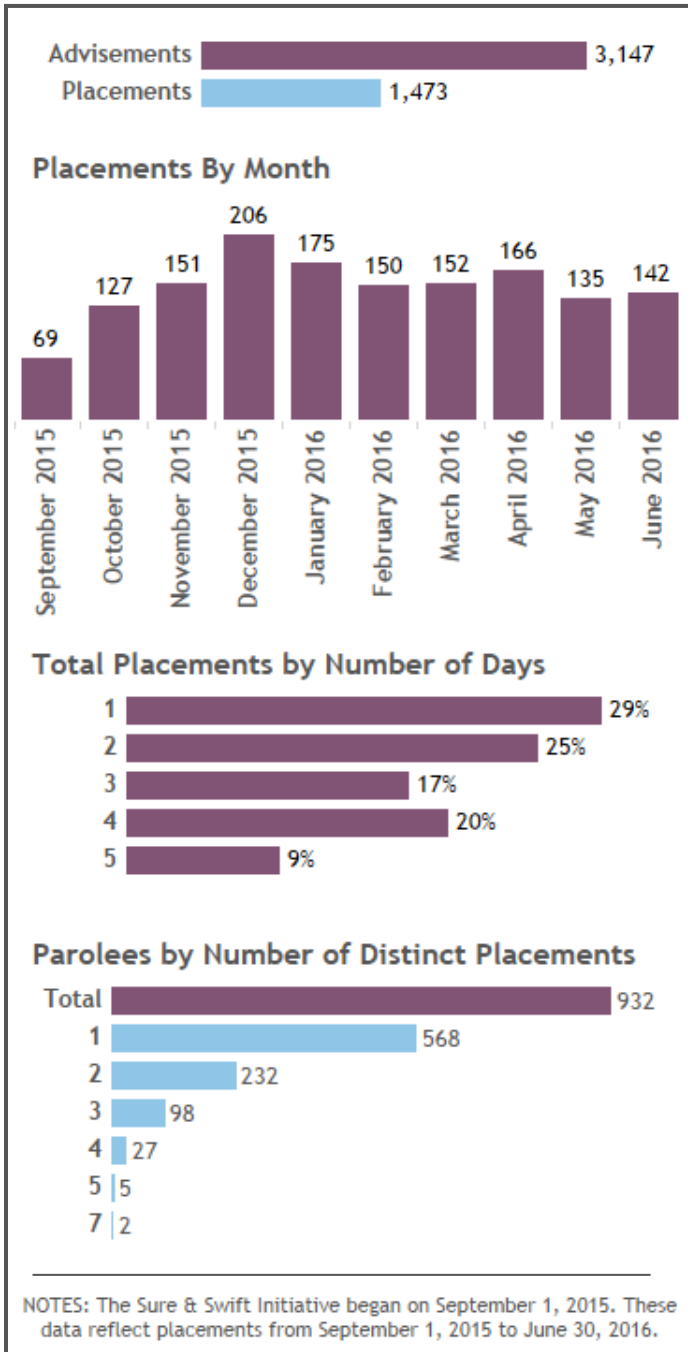


processes to track program integrity. From a data management perspective, both the project manager and the Division’s Research and Evaluation Specialist review the S&S stays on a regular basis for data entry and usage issues. All issues are investigated and updated for accurate data tracking. Additionally, the Division’s management team reviews all arrests related to technical violations. Parole Managers, or their designated representatives, meet with Division Directors weekly to discuss each case and the availability of other possible intermediate sanctions that might be used prior to seeking a revocation.

Outputs

As shown in **Figure 7**, from September 1, 2015 to June 30, 2016, the Division provided 3,147 S&S advisements and a total of 1,473 S&S placements, with an average of 147 placements per month.

Figure 7:
Sure & Swift Advisements & Placements

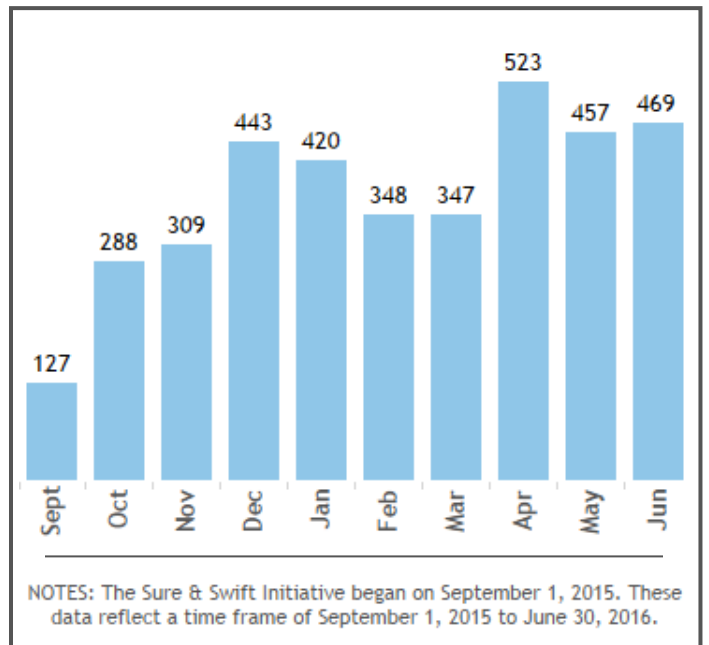


Those placements were for a total of 932 parolees, where the average number of placements during the reporting period was 1.58 per placed parolee. The majority (61%) had 1 S&S placement during the reporting period, while 25 percent had 2 placements, 11 percent had 3 placements, and 4 percent had

4 or more placements.

As Figure 8 shows, those placements equated to a total of 3,731 jail bed days,⁵ with an average of 373 per month. The majority (54%) of placements were for one- or two-day stays, followed by four-day stays (20%), three-day stays (17%), and five-day stays (9%).

Figure 8:
Sure & Swift Jail Bed Days

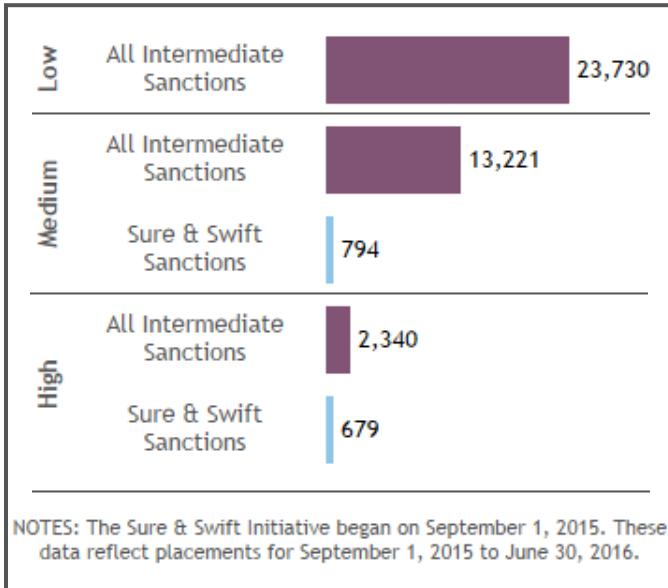


Since the initiative began in September 2015, a comparison of Sure & Swift sanctions to the overall use of intermediate sanctions requires assessing the intermediate sanction totals from the same timeframe. Thus, the Division utilized a total of 39,291 intermediate sanctions from September 2015 to June 2016. Of those, 2,340 (6%) were high-level, 13,221 (34%) were medium-level, and 23,730 (60%) were low-level sanctions. Of the total intermediate sanctions from September 2015 to June 2016, 1,473 (4%) were S&S sanctions, with 794 medium-level S&S sanctions (6% of

⁵ S&S jail bed days are billed per night, rather than per any portion of a day.

all medium-level sanctions) and 679 high-level S&S sanctions (29% of all high-level sanctions) (Figure 9).

**Figure 9:
Sure & Swift Sanctions**



Based on these figures, the total expenditure for jail bed stays for September 2015 to June 2016 was approximately \$200,131⁶ with an average of \$20,013 per month. In comparison, this is four percent less than the average cost per day for the same amount of time (3,731 days) in a CDOC facility of \$209,011.⁷

⁶ The nightly cost of a S&S jail bed stay is \$53.64.

⁷ This was calculated using the average cost per day for bed space in a private prison, which is \$56.02.

SERVICE/TREATMENT REFERRALS

SB 15-124 amended C.R.S. 17-2-103 to include a directive for

A COMMUNITY PAROLE OFFICER [TO] MAKE REFERRALS TO ANY NEEDED TREATMENT OR OTHER SUPPORT SERVICES THAT MAY HELP A PAROLEE BECOME COMPLIANT WITH THE CONDITIONS OF PAROLE AND SUCCEED IN REINTEGRATING INTO SOCIETY ((1.5)(c)).

The Division has historically made referrals for parolees who need services and treatment. During the reporting time period, the Division continued referring parolees to agency-approved treatment providers as part of its regular supervision practices.

Approved Treatment Providers

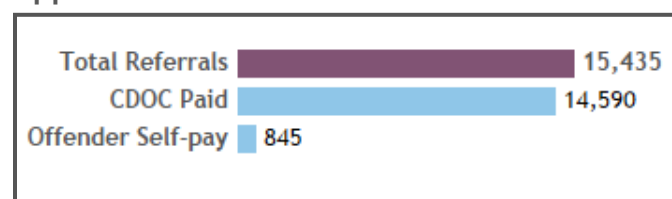
As of June 30, 2016, the Division had formal service partnerships with 201 non-governmental community organizations, or Approved Treatment Providers (ATPs), to provide services for parolees. From July 1 to June 30, 2016, referrals were made to 150 (75%) of those organizations.

Referrals

Division staff and First Alliance staff⁸ provide referrals to providers, from which parolees may receive multiple services. From July 1 to June 30, 2016, the staff made 15,435 distinct referrals to ATPs, with an average of 103 per referred to organization and a range of 1 to 1,213 referrals across all agencies. As **Figure 10** shows, the majority (95%) of those referrals

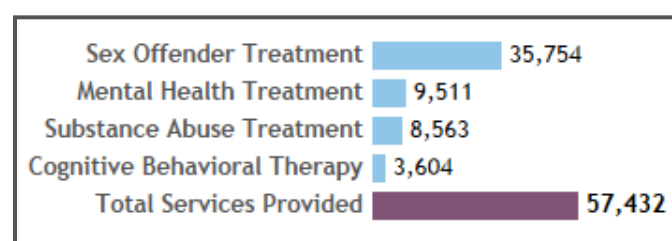
were for services paid for by the CDOC, while an additional five percent were paid by the offender. ATP referrals are transitioning to all CDOC paid services during FY 2017.

Figure 10:
Approved Treatment Provider Referrals



Referrals for treatment and services for parolees fall into four main categories: cognitive behavioral therapy, mental health treatment, substance abuse treatment, and sex offender treatment. During FY 2016, parolees utilized those distinct referrals for a total of 57,432 services. The majority (62%) of service/treatment referrals consisted of sex offender treatment, which was followed by referrals for mental health treatment (17%), substance abuse treatment (15%) and cognitive behavioral therapy (6%) (**Figure 11**). Additionally, on average, parolees participate in 5 services per ATP referral, with a range of 1 to 55 services provided by the ATP per referral during this report time period.

Figure 11:
ATP Services Provided By Type



⁸ The Division of Adult Parole contracted with the community treatment service organization, First Alliance, to manage all referrals to ATPs for parolees.

CONCLUSION

During FY 2016, the Division utilized various methodologies in responding to technical violations of parole that aided in the decline of returns to prison for technical violations. As detailed above, these efforts included the use of intermediate sanctions, short-term jail stays, and referrals to community organizations for treatment and other needed support services.

A range of intermediate sanctions across presumptive severity ranges are utilized. Low-level sanctions include responses such as curfew restrictions, geographical restrictions, verbal reprimands, and increased reporting requirements. Medium-level sanctions consist of responses such as cognitive behavioral therapy, withholding earned time, increased drug/alcohol testing, and in/outpatient treatment programs. High-level sanctions include more intensive responses such as inpatient treatment programs, residential therapy, remediation to community corrections, and summons to the Parole Board.

As additions to the previously available intermediate sanctions, the Sure & Swift and the jail-based treatment options were added as intermediate sanction options during FY 2016. In doing so, officers gained the ability to utilize both short-term jail stays and longer-term treatment-based jail stays in response to technical violations.

Beyond the use of regulatory intermediate sanctions, the Division also incorporates the use of referrals to community organizations for treatment and services as part of its response to technical violations. Those organizations must be on the Division's ATP list, which consisted of 201 organizations as of June 30, 2016.

These additional initiatives provided through and/or enhanced by SB 15-124 funding have assisted in the reduction of parolees being returned to prison. More specifically, the number of technical parole returns for FY 2016 (2,837) was 21 percent less than the number of those returned in FY 2015 (3,611) and 30 percent less than FY 2014 (4,054).

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