

ERRATA

Regarding Recommendation CS-66 on pp. 57-58 of Colorado Commission on Criminal and Juvenile Justice Annual Report December 2008

The 2008 Report of the Colorado Commission on Criminal and Juvenile Justice included a descriptive error in the text associated with the cost savings information on the recommendation labeled, **CS-66 GRANT 30/60 DAYS BEHAVIOR-BASED EARNED TIME CREDIT FOR NEW INTAKES AND CURRENT POPULATION (EXCLUDING TECHNICAL VIOLATIONS) SERVING TIME FOR NON-PERSON CRIMES**. The corrections to the existing report text are as follows:

*60 Days good time for **all** non-violent new intakes and current population ~~class 4 and 5 felons~~, excluding technical violations:*

- o Year 2 savings 498 Beds \$ 10.1 M*
- o Year 3 savings 602 Beds \$ 12.2 M*
- o Year 4 savings 622 Beds \$ 12.6 M*

*30 Days good time for **all** non-violent new intakes and current population ~~class 6 felons~~, excluding technical violations:*

- o Year 2 savings 250 Beds \$ 5.1 M*
- o Year 3 savings 299 Beds \$ 6.0 M*
- o Year 4 savings 305 Beds \$ 6.2 M*

A Working Group convened by the CCJJ Commission to study this recommendation wholly replaced the CS-66 recommendation by narrowing the criteria regarding the offenders included in the recommendation resulting in a modification to the estimated savings calculations. Although these modifications were subsequently discussed and approved by the full Commission on October 10, 2008, the updated CS-66 recommendation failed to appear in the text of the final report.

Please see the updated CCJJ Recommendation CS-66 on the reverse.

UPDATED CCJJ Recommendation CS-66

CS-66 EARNED RELEASE TIME

To allow for enhanced release planning and services, DOC case managers, time computation staff, and members of the parole board should schedule for release a certain category of offenders up to 60 (for felony classes 4 and 5) or 30 days (for felony class 6) prior to the mandatory release date. This *earned release* time is available for non-technical violators serving a sentence for a non-person conviction crime¹⁴⁷ who meet the following criteria:

- No Code of Penal Discipline (COPD) violations;
- In compliance with recommended programming;
- No prior convictions for a person offense.

Those individuals released in this manner will be classified by DOC as *earned releases* (not discretionary or mandatory releases). The parole board retains discretion over the final release decision.

Note that *earned release* time will move up the date that individual become eligible for community corrections, and this may reduce the size of the prison population.

Any savings that result from the application of *earned release* from these changes in practice should be placed in a designated fund for recidivism reduction programming.

DISCUSSION

Positively reinforcing appropriate behavior is at the center of evidence-based programming. The primary reason to choose to implement evidence-based programming is to increase the likelihood of the reduction of crime and victimization. This recommendation is intended to provide additional incentives for in-prison program participation with the intention to reduce recidivism and prevent victimization.

Rigorous research has found that longer periods of incarceration (compared with shorter periods) were associated with higher recidivism rates.¹⁴⁸ This information, combined with the emphasis on using earned time as an incentive for positive behavioral change, emphasizes the Commission’s commitment to enhance public safety. But there is a need to expand both in-prison and community-based programs and services and to provide those services to individuals who have been objectively assessed to need them. Incarceration costs averted by the implementation of this recommendation should be placed in a specific fund to expand offender services and implement additional recidivism reduction initiatives.

Estimated savings:¹⁴⁹

- **Year 2 savings** **153 Beds¹⁵⁰** **\$ 3.91M**
- **Year 3 savings** **336 Beds** **\$ 9.89M**
- **Year 4 savings** **424 Beds** **\$ 12.83M**

¹⁴⁷ Nonperson offenses are defined as those identified in the Victim Rights Act plus false imprisonment, violation of a custody order, enticement of a child, internet luring of a child, internet sexual exploitation of a child, wrongs to children (C.R.S 18-7-402 through 18-7-407), arson, first degree burglary, weapons/explosives/incendiary devices (C.R.S. 18-12-102 through 109).

¹⁴⁸ Lipsey, M.W., & Cullen, F.T. (2007). The effectiveness of correctional rehabilitation: A review of systematic reviews. *Annual Review of Law and Social Science*, 3, 297-320; Przybylski, R. (2008), *What works: Effective recidivism reduction and risk-focused prevention programs*. Denver, CO: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics.

¹⁴⁹ Estimates based on the daily cost to fund a private prison bed at \$57.85 and on estimated reductions derived from the DCJ 2008 Interim Projections. Cost analysis assumes a reduction in the average daily population by 20 percent due to exclusions for failure to meet the criteria described above. Assumes earned time is increased from 10 to 12 days per month; if earned time remains at 10 days per month, estimated savings are \$3.64M in Year 2, \$6.48M in Year 3, and \$6.99M in Year 4. Prepared jointly by DCJ and DOC.

¹⁵⁰ Average daily population savings from stock population plus bed years from future intake cohorts.