

Colorado State Board of Parole Annual Report: FY 2018



November 2018

Colorado State Board of Parole
1600 W. 24th Street
Building 54
Pueblo, Colorado 81003
719-583-5800
<https://www.colorado.gov/paroleboard>
doc_info_pb@state.co.us



Table of Contents

PAROLE BOARD OPERATIONS:..... 3

- Current Parole Board Members: 3**
- Mission 4**
- Staffing 4**
- Budget 4**
- Training..... 4**
- Collaborations..... 4**
- New Board Member Training..... 6**

PAROLE PROCESS IN COLORADO 6

- Parole Board Hearings Workload 7**
- Parole Board Application Hearings..... 7**
- Discretionary Release Pending 8**
- Parole Board Releases..... 8**
- Full Board Hearings 10**
- Parole Board Release Guideline Instrument..... 10**
- Parole Board Revocation Hearings 12**
- Early Parole Discharge..... 12**

SUMMARY..... 14

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 at the pleasure of the governor for terms of three years.

Current Parole Board Members:

Kristen Hilkey, Chairperson of the Board, serves as a former law enforcement professional on the Board. She was appointed to the Board in August of 2018 for a three year term. Kristen has a background in county jail administration and community supervision (probation). She has served in leadership positions within the criminal justice system since 1998. The Chairperson serves as the administrator of the Parole Board and is responsible for enforcing the rules and regulations of the Board, and to assure that parole hearings are scheduled and conducted properly.

Alexandra Walker, Interim Vice-Chairperson of the Board, was appointed in 2015 as a citizen member of the Board and reappointed for a three year term July 2016. She was then appointed as the Interim Vice-Chair position in August 2018. She has an extensive background in corrections, training and education, implementation science, and substance use and mental health treatment.

Denise Balazic was appointed to the Board in 2011, serving as a parole/probation officer. Ms. Balazic has an extensive experience in community supervision as well as experience as an addiction counselor and leadership and management trainer for the National Institute of Corrections. Ms. Balazic was reappointed for a three year term July 2017.

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

Joe Morales serves as a former law enforcement officer on the Board and holds over 30 years of law enforcement service. Mr. Morales was appointed to the Board in 2013 and to serve as Chair. He was then was reappointed for another three year term in July 2016.

Rebecca Oakes was appointed to the Board in 2007 to serve as a citizen member. Ms. Oakes has extensive experience working in the field of victim services. Ms. Oakes has served continuously since her original appointment.

Alfredo Pena serves as a citizen member of the Board having been 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 in July 2017.

Mission

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

Staffing

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

Office Manager (one FTE)	Administrative Support Staff (two FTE)
Revocation Unit (four FTE)	Statistical Analyst (one FTE)
Application Unit (two FTE)	Parole Board Administrator (one FTE)

During FY2018, the Board also utilized contract employees, including: (a) two Administrative Hearing Officers to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2018) and (b) a defense attorney to represent parolees who are not competent to represent themselves during revocation hearings.

Budget

For FY2017-2018, the following amounts were appropriated to support Parole Board operations:

Personal Services (7 Board members; 11 support staff)	\$1,668,428
Operating Expenses	\$106,390
Contract Services	\$272,437
Start-Up Costs	\$0
Total:	\$2,047,255

Training

Pursuant to section 17-2-201 (1) (e), C.R.S. (2018), 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.

FY2018 training activities and topics have included:

- Colorado Department of Corrections (CDOC) Sex Offender Treatment Update
- Assessment training – Level of Supervision Inventory
- CDOC Programming
- Colorado Summit on Behavioral Health
- Association of Parole Authorities International Conference
- American Probation and Parole Association Conference
- Colorado Collaborative Justice Conference

Collaborations

In addition to the trainings listed above, the Parole Board made a concerted effort to improve communications between the Parole Board, and its staff, and CDOC Case Managers, and

Community Parole Officers. The result of those efforts has allowed the Board and staff to better work together to identify issues and find solutions that impact both the Board and Case Managers, Community Parole Offices and DOC senior staff. Further, the Board is proud to have participated in a variety of work groups, study committees, and a LEAN initiative that led to efficiencies in the daily operations of the board and moving to a paperless system.

The Board works diligently in establishing relationships with community organizations and stakeholders that are impacted by the release of individuals from corrections facilities. The following is a list of site visits the Board made to various facilities and programs during FY2018:

- Denver Women's Correctional Facility
- La Vista Correctional Facility
- Meeting with the Swedish Delegation at CDOC Headquarters
- Future and a Hope
- Colorado Springs Parole
- Our Father's House

In addition to site visits, the Board also participated in a number of initiatives with other stakeholders. The following is a list of initiatives and collaborations that Board members participated in during FY2018:

- Commission on Criminal and Juvenile Justice (CCJJ)
- CCJJ's Re-Entry Task Force Subcommittee
- CCJJ's Community Corrections Task Force Subcommittee
- CCJJ's Mental Health/Jails Task Force
- CCJJ's Housing Capacity Working Group
- Community Corrections Utilization Subcommittee
- Parole Board Release Guideline Instrument (PBRGI) revision with the Division of Criminal Justice (DCJ)
- Community Corrections Governor's Advisory Council
- ICAOS State Council
- Colorado Association of Community Corrections Boards
- CDOC: Homelessness Mitigation and Parole Plan Investigation Process
- National Summit on Paroling Authorities as Key State Public Safety Partners
- Prison Population Projections and Capacity Needs Working Group

OTHER STAKE HOLDER MEETINGS DURING FY 2018:

- CDOC Warden's Meeting
- Division of Adult Parole Mental Health Team
- Voices for Victims
- Denver Community Corrections Board
- Division of Criminal Justice
- Citizen's Advocate Meeting
- Colorado Association of Community Correction's Boards Meeting
- Community Corrections Governor's Advisory Board

- Advocates for Change
- Colorado Cure
- Colorado Immigration and Customs Enforcement
- 7 Habits Graduation
- Woodmen Valley Church Ministries
- Colorado Criminal Justice Reform Coalition

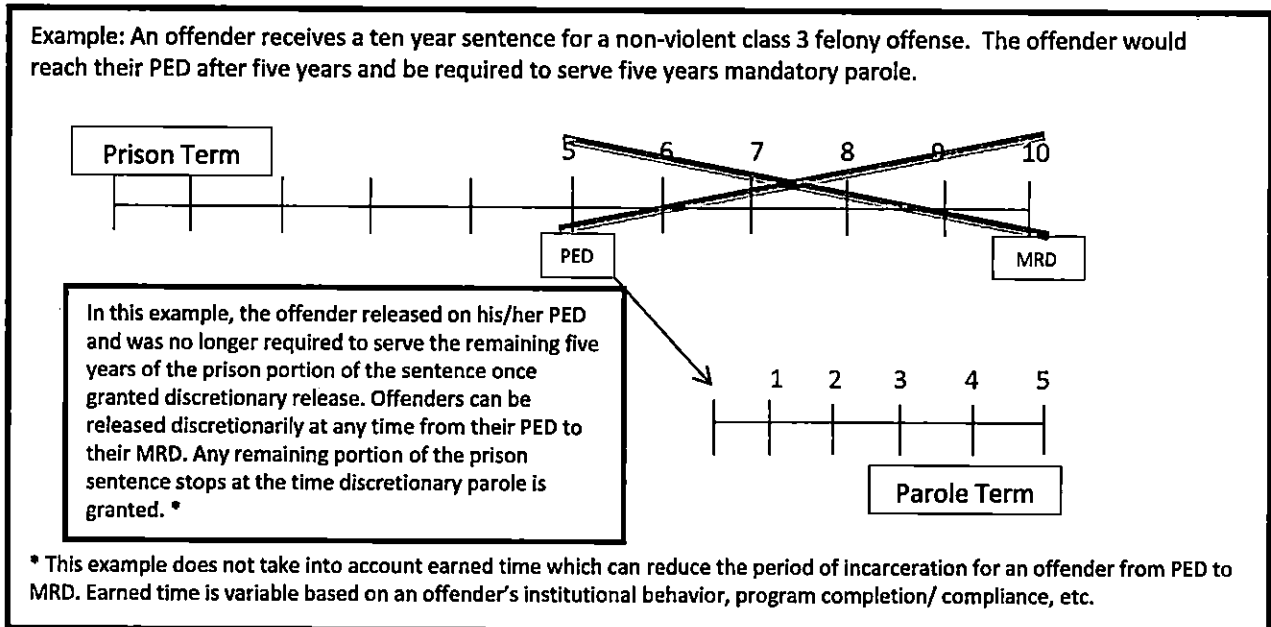
New Board Member Training

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 FY2018. A comprehensive training and reference manual has been created to accompany the newly developed training program. Historically, training of Board members has been an "on-the-job-training" process. By incorporating the structured training program and the reference manual, together with on-the-job training, a new Board member can learn requirements of a parole board member and has a variety of resources to tap into to assist in the learning process.

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 he/she 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 illustrates the process of discretionary parole release in Colorado. Once an offender reaches his/her Mandatory Release Date (MRD), the CDOC is mandated to release the individual to serve his/her statutory period on parole.

Figure 1:



Parole Board Hearings Workload

The Parole Board conducts a wide variety of hearings: (1) parole application hearings, (2) full board hearings, (3) parole rescission hearings, (4) parole revocation hearings (5) special needs parole hearings, and (6) interstate parole probable cause hearings (7) early parole release reviews.

During FY 2017-2018, the Parole Board conducted:

- 17,145 Application hearings
- 7,921 Revocation hearings
- 2,605 Full Board hearings
- 1,559 Early Parole Release reviews
- 477 Rescission hearings
- 38 Special Needs Parole hearings
- 30 Interstate Parole Probable Cause hearings

Total: 29,775 hearings

The Parole Board also:

- Issued 3,536 arrest warrants
- Granted 496 waivers
- Conducted 1,481 File Reviews in lieu of hearings.

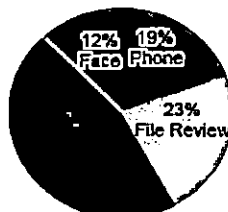
Parole Board Application Hearings

The Board conducts Parole Application Hearings as early as three months prior to an offender's PED. If an offender is deferred at the time of the Parole Application Hearing (i.e. not given a discretionary release), the offender is typically seen by the Board again, one year from the time of the deferral action. It should be noted, however, there are certain types of crime that can be deferred for a greater time period than one year. Additionally, under certain circumstances, a Board member may schedule another Parole Application Hearing sooner than one year. An example of this may be a Board member determines an offender may be program/treatment complete prior to the one year mark and schedule another hearing sooner.

The application hearing can take place in person, via video conference, via phone or by process of a file review, depending on the circumstance of each offender. In FY2018, the majority, 46%, of application hearings were conducted via video conference, file reviews made up 23%, phone conferences made up 19% and 12% of application hearings were conducted in person or face-to-face (Figure 2).

Figure 2:

FY 2018 Hearing Method



The information the Parole Board receives before, or 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 CDOC staff provides information in the Application Hearing portal, an electronic portal that allows case managers, facility community parole officers, treatment providers and other applicable staff to upload information for use during the hearing. The portal also contains information regarding 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 he/she be granted discretionary parole. HB17-1326, enacted in August 2017, required the Division of Adult Parole to investigate the parole plan information prior to the application hearing. Prior to the enactment of HB17-1326, the information provided to the Board member at the time of the application hearing may differ from that obtained by the person investigating the parole plan. Parole Board members are now seeing parole plans that have been investigated prior to holding an application hearing with offenders.

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 Colorado Actuarial Risk Assessment Scale (CARAS), Level of Supervision Inventory (LSI), 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.

Discretionary Release Pending

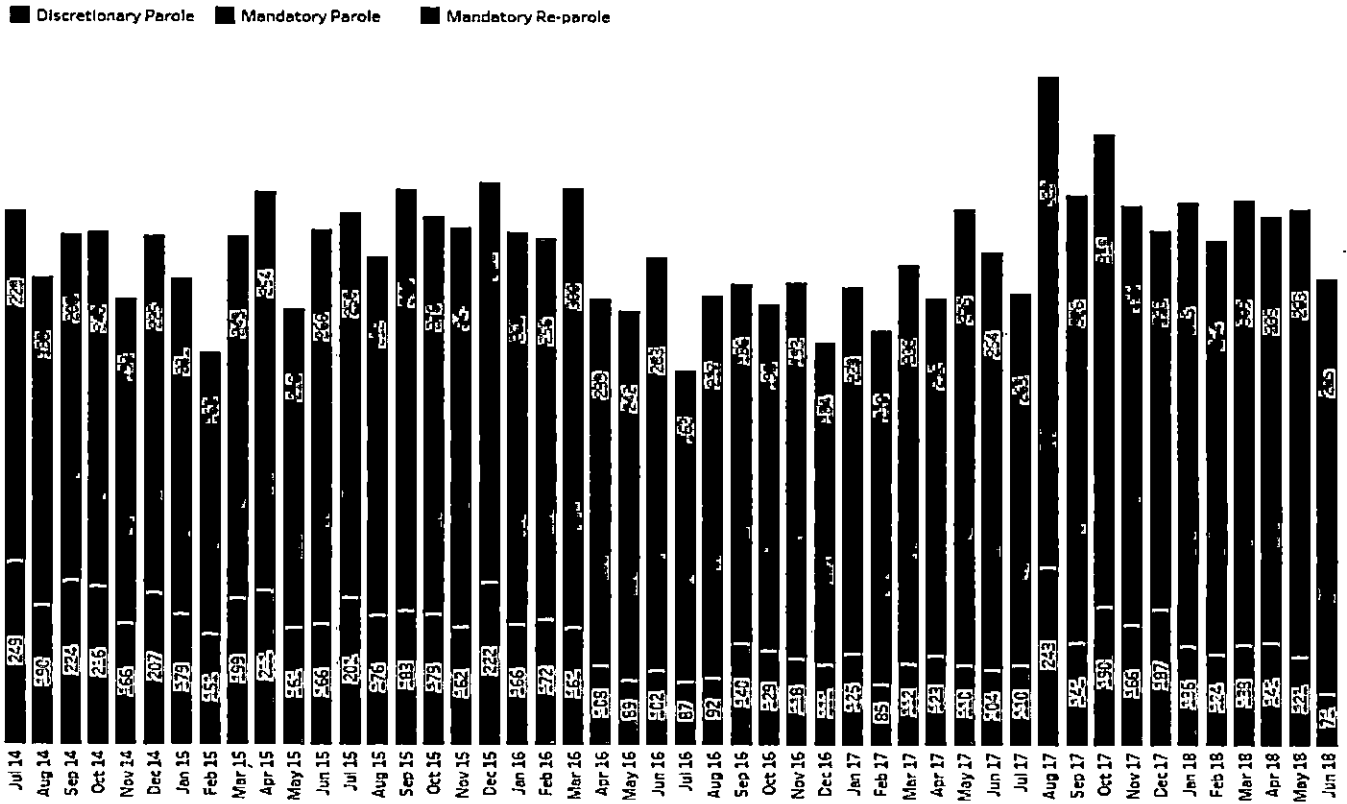
At the time of an offenders' parole application hearing, the Board member may decide to release an offender pending the completion of a requirement or action, such as completion of treatment or a program (i.e. completion of the community correction progression matrix), acceptance into a program in the community, approval of a parole plan, etc. This process is commonly known as Discretionary Release Pending or "Tabling". The large majority of offenders who are given a Discretionary Release Pending decision are ultimately released once they complete their requirement.

Parole Board Releases

Discretionary and Mandatory release rates have remained relatively stable over the last five fiscal years, fluctuating approximately 13%. There are many factors that can contribute to fluctuation of the discretionary release rates of offenders. Figure 3 displays the number of discretionary releases, mandatory parole releases, and mandatory re-parole releases (those released on mandatory re-parole release types after a revocation or other release types, such as sentence discharges, etc.) by month from FY2015 - FY2018.

Figure 3:

Releases from CDOC by Month (FY 2015- 2018)
 (includes offenders releasing from CDOC on Discretionary Parole, Mandatory Parole, or Mandatory Re-parole)

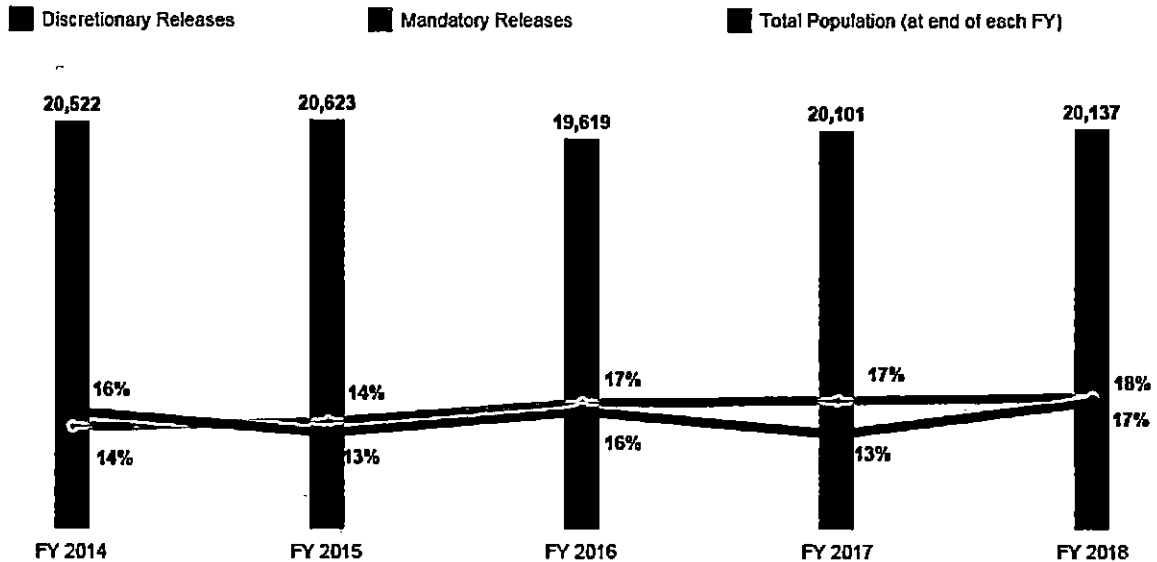


House Bill 15-1122 was signed into law in March 2015. The bill allows the Parole Board to conduct an administrative review, also known as a “file review,” in lieu of a parole application hearing for an offender who has a Mandatory Release Date (MRD) or Sentence Discharge Date (SDD) within six-months of his/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. HB17-1326 further expanded the Board’s capability for conducting file reviews on a population of low risk offenders. This allowed for a slight reduction in hearing load and for Board members to focus their attention on those with medium and high risk criminogenic needs.

The population of the CDOC has fluctuated over the same time period of releases reported above. Figure 4 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 4:

Percentage of the CDCR prison population (as of the end of each FY) with Discretionary and Mandatory Releases by Fiscal Year (FY2014- 2018)



Full Board Hearings

Individual Board members do not have the authority to parole a certain subset of 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 these offenders. An offender eligible to be seen by the Full Board needs at least four affirmative votes to be released on discretionary parole. In contrast, individual members retain the authority to make a recommendation for discretionary release decisions for other non-violent offenders.

In FY2018, the Board conducted 2,605 Full Board hearings. Sixty-five percent (65%) of those reviewed were released, and thirty-five percent (35%) were denied parole (Figure 5).

Figure 5:



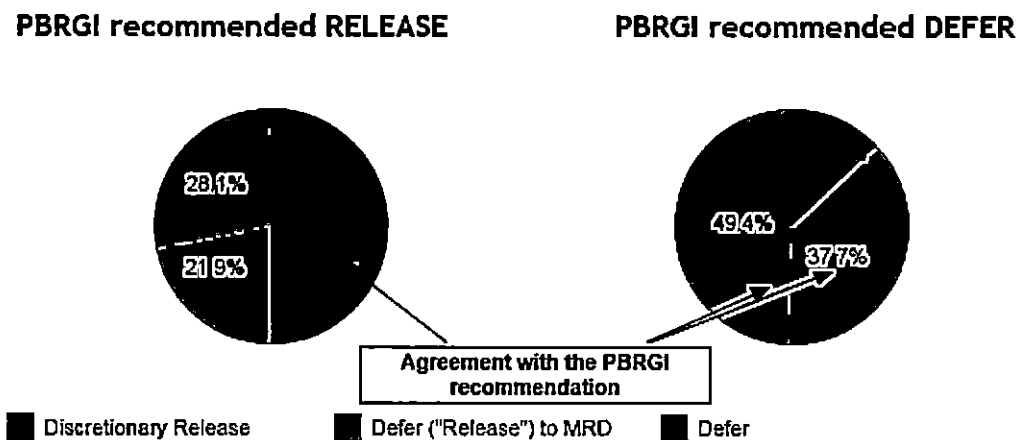
Parole Board Release Guideline Instrument

As per 17-22.5-404(6)(a) and 17-22.5-107(1) C.R.S. (2015), the Parole Board Release Guideline Instrument (PBRGI) was developed by the Division of Criminal Justice in collaboration with the Board. The PRBGI offers an advisory release decision recommendation for parole applicants

who are not sex offenders. The PBRGI and professional judgment should not be used in isolation of each other when making these decisions, "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: FY2017 Report published by DCJ, April 2018.) The Board considers all the factors specified in section 17-22.5-404, C.R.S. (2018) in making parole decisions, including the PBRGI, which incorporates the Colorado Actuarial Risk Assessment Scale (CARAS).

During FY2018, the Parole Board followed the PBRGI recommendation 61% of the time. When the PBRGI recommended RELEASE, the Board agreed 50% of the time; when the PBRGI recommended DEFER, the Board agreed 87% of the time.* (Figure 6)

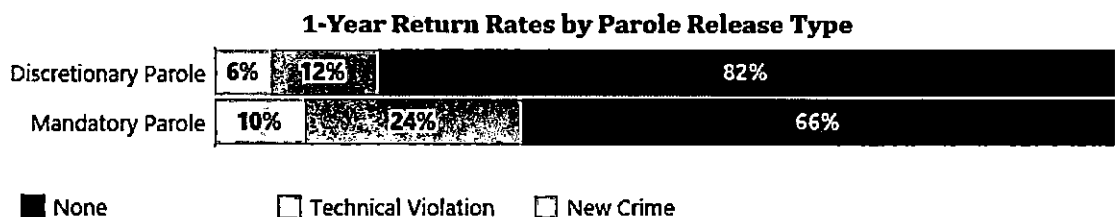
Figure 6:



*Sample from FY 18 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.

Return rates differ depending on an offender's type of release. Those released discretionarily historically have a lower return rate to prison than those who release on their mandatory parole date. For those released in calendar year 2016, the one-year return rate is 16% lower for discretionary releases than mandatory releases (Figure 7). The three-year return rate for the cohort released in 2013 for discretionary parole was 45% and 60% for mandatory parole releases.

Figure 7:

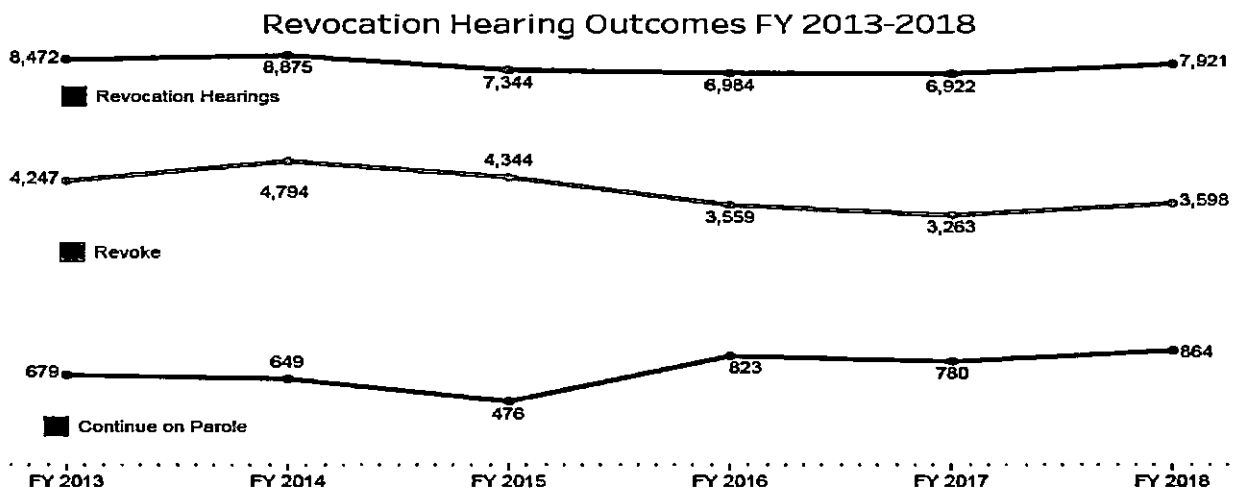


Parole Board Revocation Hearings

Once an offender has been released to parole, he/she must abide by the conditions of parole, as designated by the Parole Board and the CDOC's Division of Adult Parole. If a parolee violates his/her conditions of parole, he/she 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 (2018). Each hearing is an independent event. The Parole Board member or contract administrative hearing officer 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 critical decision making skills to render a decision. Figure 8 displays the revocation hearing totals from FY2013 - FY2018 and the decisions to revoke and continue parole in those cases. Offenders can have more than one revocation hearing per instance of revocation which can be continued for various reasons (i.e. pending criminal charges, etc.).

Figure 8:



Early Parole Discharge

Parolees must be considered substantially compliant with parole supervision to be considered by the Board for early discharge consideration from his/her parole period. The offender's Community Parole Officer (CPO) submits an early discharge application to the Board, and the Board then reviews the application for consideration of the early discharge for each individual application. To be considered eligible for submission by his/her CPO for review, the parolee shall:

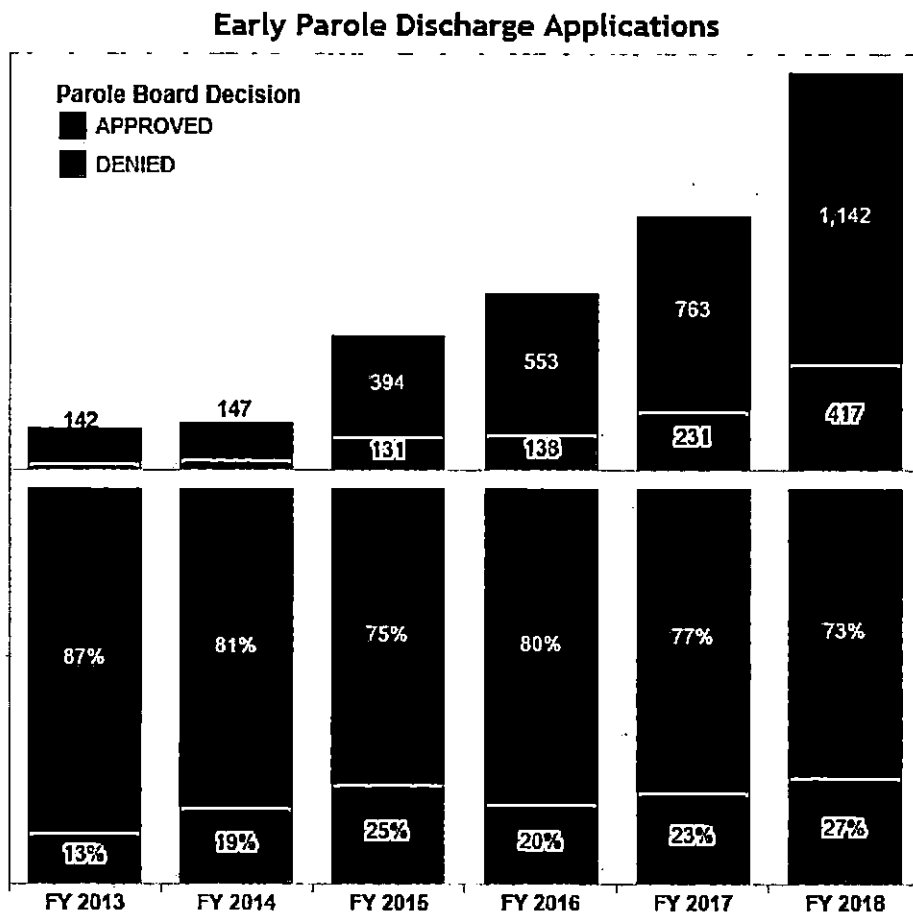
- (1) have been under supervision for a period not less than six months and have completed not less than 50 percent of his/her current parole term (absconders, offenders pending a revocation hearing, and offenders in custody paroled to a detainer or to charges, are not eligible for early discharge),

(2) be in substantial compliance with all standard and/or stipulated parole conditions to include, but not limited to, treatment requirements, and exhibit evidence of being substance abuse free, through drug testing, and

(3) have not had a level III or higher CVDMP violation for the previous six months of parole supervision.

The overwhelming majority of early parole discharges submitted to the Board are approved by the Full Board. Figure 9 below exhibits the total number and percentage of applications that were approved for early discharged during Fiscal Years 2013-2018.

Figure 9:



Summary

The Colorado Board of Parole 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 of each offender. Neither risk assessment nor professional judgement should be used in isolation of each other; therefore, any standard by which the Colorado Board of Parole release decisions are held should be embedded in evidence-informed, up to date, and validated information in order to maximize opportunities for an offender's success, while maintaining the Board's commitment to public safety.