

PAROLE BOARD  
FY 2019-20 JOINT BUDGET COMMITTEE HEARING AGENDA

Monday, January 7, 2019  
4:30 pm – 5:00 pm

**4:30-4:35      INTRODUCTIONS AND OPENING COMMENTS**

Presenter:      Kristen Hilkey, Parole Board Chairperson

**4:35-5:00      PAROLE BOARD DISCUSSION**

Main Presenter:

- Kristen Hilkey, Parole Board Chairperson

Supporting Presenter:

- Alexandra Walker, Parole Board Interim Vice-Chair

Topics:

- R1 Parole Board resources (Page 1, Question 1 in the packet)
- R2 Discussions of list of JBC staff concerns presented in the FY 2019-20 budget briefing document (Page 2-5, Questions 2-10 in the packet)
  - Lack of treatment in DOC (Page 2)
  - Lack of completed data packets (Page 2-3)
  - Information Technology Support (Page 3)
  - Lack of programs to address Domestic Violence in DOC (Page 3)
  - Offenders not getting treatment due to cut off scores (Page 3-4)
  - Structural issues (Page 4)
  - Parole Board Release Guideline Instrument (PRBGI) updates (Page 4-5)
  - Victim assistance services (Page 5)
  - Presumption of parole (Page 5)

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R1 Parole Board Resources

- 1 Does the parole board have the proper resources to meet the utilization targets the Legislature has established?

**Response:**

Release decisions by the Parole Board fluctuate each month due to the risk level and readiness of offenders and the staffing levels of Board members available to conduct Full Board reviews. Release criteria, defined in statute and Parole Board policy, helps guide the Board in their release decisions. Offender’s static and dynamic risk rates also guide the Board’s decisions. The Parole Board has only met the monthly target of releasing at least 800 offenders once, in August of 2018, since the utilization targets were established. However, discretionary parole releases have continually increased. One factor exerting downward pressure on parole releases is the decline in mandatory re-paroles (those released after being revoked to Department of Corrections (DOC) for a technical parole violation or a new felony conviction while on parole). Due to efforts made by the Parole Board and DOC to reduce the number of parolees revoked, the number of parolees released through mandatory re-parole has declined significantly, despite the fact that the average number of discretionary and mandatory releases has increased (demonstrated in the table below).

Type of Parole Release (average per month)

Type of Parole Release	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19 (to date)
Discretionary	257	213	287	332
Mandatory	276	288	297	304
Mandatory Re-Parole	160	111	147	86
<b>Total</b>	<b>693</b>	<b>612</b>	<b>731</b>	<b>721</b>

The decisions the Board makes and workload of the Parole Board members is not relaxed or easy. Members often work extra hours in each day to prepare for future hearings along with other collateral duties. Little time is available for training, coaching, and development opportunities that would allow for the Parole Board to use existing data to expand and develop more efficient and effective practices. The current workload of Parole Board Members, which is a direct result of static hearing schedules, can be prohibitive to

**innovation and practice changes. The Parole Board would benefit from having more time to collaborate with stakeholders such as the Department of Corrections (DOC) on building relationships and overcoming barriers together, as a team.**

R2 Please discuss each of the bullet pointed list of concerns that JBC Staff presented in the FY 2019-20 budget briefing document.

- 2 Individuals are not getting the treatment they need prior to leaving the facilities. Offenders seen by the Board can have significant criminogenic needs that require intervention but remain untreated in prison. The Parole Board has experienced numerous hearings with offenders who are at facilities which lack the services offenders require (based on their criminogenic needs and intervention requirements). Completing treatment is a factor in the decision to release an offender to parole and lack of treatment can delay parole. Furthermore, lack of treatment contributes to recidivism.

**Response:**

**The Parole Board would support any effort to increase the DOC's ability to add more treatment within their prisons. While treatment is more readily available in the community, Parole Board members observe individuals who are unable to maintain success long enough to get evaluated, placed in, or become engaged in enough treatment to stabilize. As a result, doing some treatment prior to being released on to parole is critical to successful reintegration. The Parole Board recognizes that this is a challenging issue for the DOC and would like to continue to work with the DOC to find ways to provide treatment interventions prior to the offenders' transition to parole. The Parole Board supports any effort to increase the DOC's capacity in the area of treatment as it would positively impact our work and may result in more favorable decisions toward parole.**

- 3 Lack of complete data packets on offenders at the time of hearing is a problem. Information lacking from data provided to the Parole Board includes the amount and effectiveness of treatment, community correction referrals and refusals, parole plan details, and recent Code of Penal Discipline (COPDs) violation. This appears to be systematic errors rather than individual errors.

**Response:**

**The DOC is working hard to address these challenges and the Board is aware that the only path to success in this area is to maintain a good working relationship to overcome the gaps that exist with information sharing. The Parole Board looks forward to continued collaboration on obtaining more details on Code of Penal Discipline (COPD) violations, more input from case managers about individual offenders as they know them better than most in the system, updated assessments, more detail from the Division of Parole on reasons why someone was terminated from a halfway house or parole, and better collaboration from their Inspector General's Office on current investigations on individuals, if appropriate to share. Again, the only way to overcome these issues is by**

**continuing to build a positive, productive, and trusting relationships with the DOC to successfully problem solve together.**

**The Parole Board met with the leadership of DOC case managers and reviewed the Administrative Regulation (AR) that pertains to the information provided to the Parole Board for preparatory purposes at the time of the hearing. The Parole Board hopes to continue that conversation in the new year.**

- 4 Information technology support needs, particularly around telecommunications during hearings. Failures in this technology has an outsized impact with Board operations.

**Response:**

**In 2012 the Parole Board transitioned from doing hearings at the DOC facilities to using technology to conduct the more than 17,000 application hearings each year. As a result, any technological issues can present a significant burden on our schedule and that of the facility. In addition, the Parole Board has multiple Office of Informational Technology (OIT) needs related to updates and revisions to the Board's practices and products that take a long time to address through the OIT project request process. To meet the demands of the Parole Board's work, and successfully install the changes requested from the legislature (e.g. Parole Board Release Guideline Instrument (PBRGI) version 2), additional dedicated OIT support is critical to the Board's success.**

- 5 A lack of programs to address domestic violence while in prison despite a need for these programs.

**Response:**

**The DOC is better suited to respond to barriers involved in treatment resources in DOC facilities, however the Parole Board supports any effort to increase the DOC's capacity in the area of treatment as it would positively impact our work and may result in more favorable decisions toward parole. The Parole Board does recognize that there is no specific domestic violence treatment provided currently and would certainly support that increased capacity.**

- 6 The inability for offenders to received programing based on cutoff factors causing unintended consequences. This means there is no treatment history for the Board to consider with regard to release.

**Response:**

**The Parole Board would like to collaborate more with the DOC to better understand the code systems the DOC use and also describe, from the Parole Board's view, on how that**

system may be adding barriers to parole for some individuals. The following represents a few examples of areas the Parole Board would like to explore deeper with the DOC:

- Anger management treatment is only offered to offenders with a psychological (mental health) code of 3 or higher. This limits anger management to only those with a reported and/or documented mental health problem, however the parole board sees many people without mental health challenges who have anger management needs.
- Some offenders are coded as needing a lower level of substance use treatment than they report to the Parole Board during parole hearings. Individuals often ask us to help them get into treatment, especially when they report that they are daily drug users who are concerned they will fail parole without treatment interventions. The assessment process occurs at time of entry into the DOC, when many offenders are unsure of what they want, and may even still be in the throws of their addiction, and the assessment coding rarely changes during their stay in DOC.
- An offender may be reluctant to disclose the full extent of treatment needs at time of entry into the DOC; however, as they get closer to parole, individuals are often more open about their needs. As a result, coding may be prohibitive in getting them into a higher level of treatment.
- Again, because of lack of treatment resources sometimes offenders that aren't getting into the highest level of substance abuse treatment are also not getting referred to the next step down either (e.g. offenders who need Therapeutic Community level treatment won't get a referral to Intensive Residential Treatment as an alternative, which is the next step down). The Parole Board will continue to work with DOC to address this issue.

7 Structural issues are also causing some issues. The current makeup of the Board makes it difficult to provide more managerial oversight and quality control. Additional board members, creating a rotating full board, with increased quality control responsibilities for the Chair and Vice Chair, would improve functionality of the Board.

#### **Response:**

**In the first question it was described that the workload of Parole Board members can be prohibitive to address larger policy and practice issues. Parole Board members would benefit from opportunities to problem-solve and work with partners and stakeholders to overcome barriers and challenges. Our current limited participation in many important policy and practice discussions leaves an important perspective out of many discussions. As a structural issue, the Chair, and other Parole Board Members, should have more time to contribute, influence and take feedback concerning the Parole Board and its contributions.**

8 The Board currently uses a system called the PBRGI version 1. There is a second version of this software that would improve the system by focusing on current programming as opposed to static scores.

**Response:**

**The Parole Board is encouraged by the relationship with the Division of Criminal Justice (DCJ) in working on the next PBRGI and look forward to continued collaboration. The next phase will require significant, additional OIT support, which can be a challenge as answered above.**

- 9 Victim assistance service could be drastically improved, especially at the locations of parole hearings.

**Response:**

**The Parole Board does not currently have any Victims Assistance resources of their own. These services are typical in the Judicial Branch and within a law enforcement agency. The Parole Board works collaboratively with DOC to use their resources to support victims.**

- 10 Presumption of parole can be adjusted to increase the number of releases without effecting public safety.

**Response:**

**Subject to the final discretion of the Parole Board, there is a statutory presumption in favor of granting parole to particular offenders, including certain drug offenders, Immigration and Customs Enforcement (ICE) detainees, and offenders eligible for special needs parole. The Parole Board must ensure that all appropriate guidelines for granting parole are followed as required by Colorado Revised Statute (C.R.S.) 17-22.5-404. Offenders who fall into these categories (certain drug offenders, ICE detainees, and offenders eligible for special needs parole) are given a presumption of parole by the Parole Board in their release decisions. The number of offenders eligible for presumptive parole for certain drug offenses and ICE detainees has declined significantly since the enactment of the presumptive parole practices.**

- **In the future, there may be opportunities to expand on the groups of individuals who qualify for presumptive parole, and 1326 file reviews, to include:**
  - **Individuals who successfully complete community corrections**
  - **All offenders who fall into the ‘Very Low’ and ‘Low’ risk categories on both a static and dynamic risk assessment**
  - **Expand current presumptive parole offender groups to include individuals from those who are ‘Very Low’ and ‘Low’ risk, to those who are ‘Medium/Moderate’ risk**

**It is important to note that the decision to release individuals who qualify for presumptive parole is still at the discretion of individual board members. To ensure more consistency, additional criteria (such as recent regressions from community, class I COPDs, etc), could be used to exclude individuals of concern and require the release of individuals who meet all criteria.**