

PAROLE BOARD
FY 2023-24 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, December 14, 2022
4:30 pm – 5:00 pm

4:30-4:35 INTRODUCTIONS AND OPENING COMMENTS

Presenter: J.R. Hall, Chairperson, Colorado State Board of Parole

4:35-4:50 GENERAL PAROLE BOARD DISCUSSION

Main Presenters:

- J.R. Hall, Chairperson, Colorado State Board of Parole
- Michael Tessean, Director, Colorado State Board of Parole

Topics:

- Parole Board Presentation: Page 1, Slides 1-13

4:50-5:00 TECHNICAL VIOLATIONS AND REVOCATIONS

Main Presenters:

- J.R. Hall, Chairperson, Colorado State Board of Parole
- Michael Tessean, Director, Colorado State Board of Parole

Topics:

- Criteria changes: Page 1, Question 1 in the packet, Slide 14
- Returns for new crimes: Page 2, Question 2 in the packet, Slide 15

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TECHNICAL VIOLATIONS AND REVOCATIONS

R1 Recent Changes to Criteria

1. Describe recent changes to parole technical violation criteria, including both statutory and internal policy changes.

Response:



Overview of impact(s) to the Parole Board due to legislation:

SB15-124 Reduce Parole Revocations for Technical Violations

- Directed changes in parole supervision by the Division of Adult Parole to provide swift, certain, consistent, and proportional sanctions in combination with treatment-based interventions.
- Eliminated the requirement for revocation by the Parole Board due to a parolee refusing to submit to a urinalysis test.

HB17-1326 Justice Reinvestment Crime Prevention Initiative

- Updated revocation options available to the Parole Board based on the parolee's controlling offense.

SB19-143 Parole Changes

- Allowed the Parole Board to place parolees who were in need of, and amenable to, treatment in an intensive treatment program operated by the Department of Corrections.

R2 New Crime Returns

2. *How many parolees have returned to prison due to a new crime who would have had their parole revoked prior to that crime, but did not have their parole revoked due to changes to technical violation and parole revocation criteria?*

Response:

Unfortunately, the Parole Board does not have access to the information to complete this request.



COLORADO

State Board of Parole

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.

Role of the Parole Board

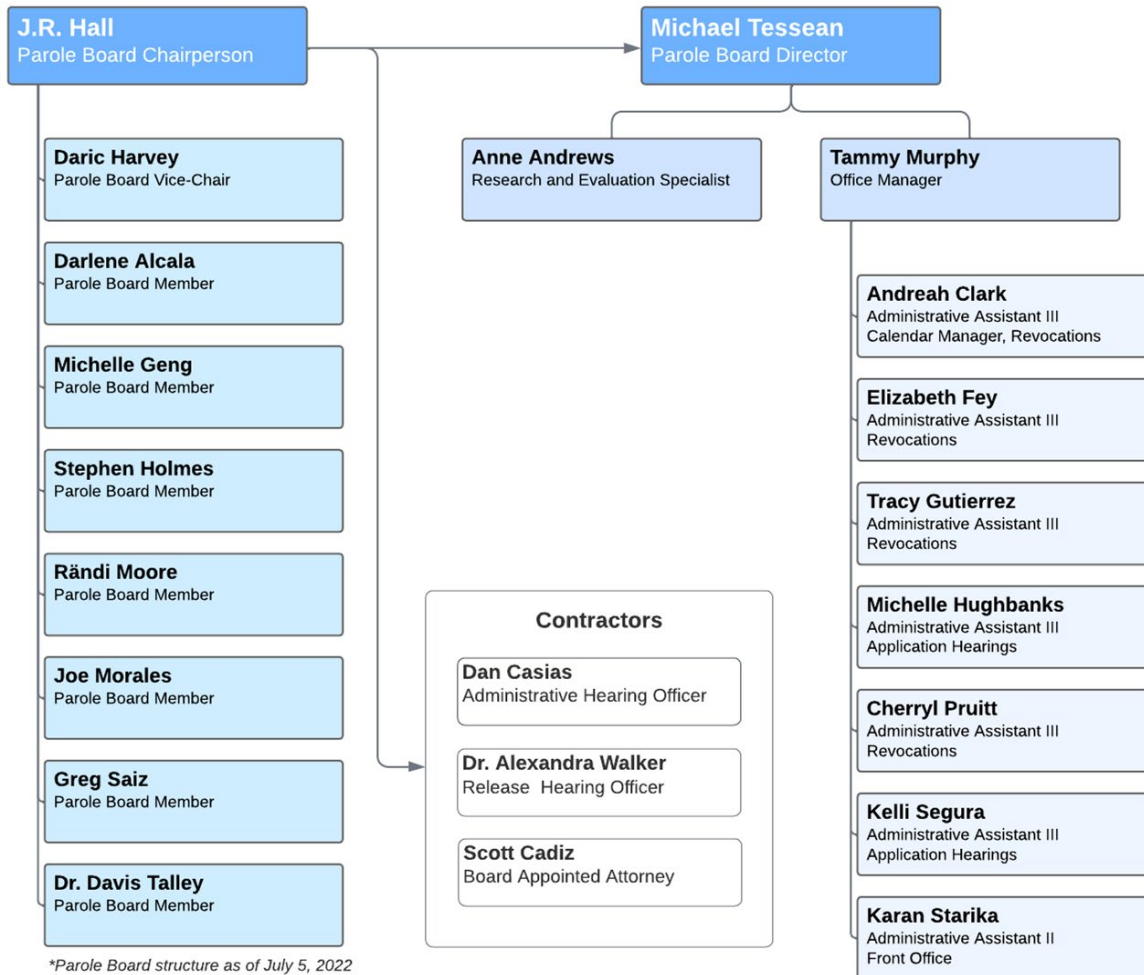
The Parole Board is a type 1 board (*§17-2-201(1)(a), C.R.S.*).

- Type 1 boards exercise its prescribed statutory powers, duties, and functions independently of the principal department (*§24-1-105, C.R.S.*).
- The Department of Corrections serves as the principal department for the Parole Board (*§24-1-128.5(3), C.R.S.*).

Parole Board Guiding Philosophy

When considering release, the Parole Board's central focus is:

- the risk to reoffend (*§17-22.5-404(1)(a), C.R.S.*),
- based on actuarial risk assessments (*§17-22.5-404(1)(b), C.R.S.*), and
- through a structured decision making process (*§17-22.5-404(1)(c), & (d), C.R.S.*).



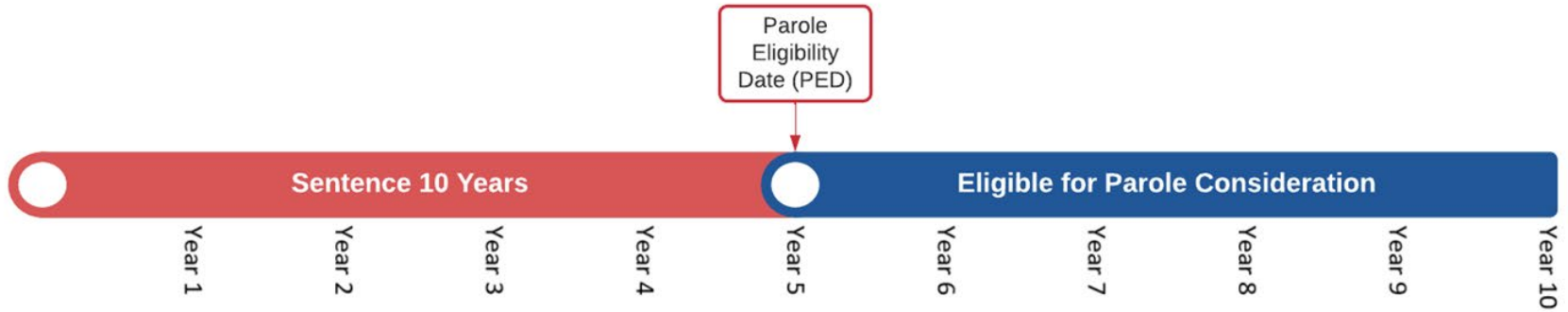
*Parole Board structure as of July 5, 2022

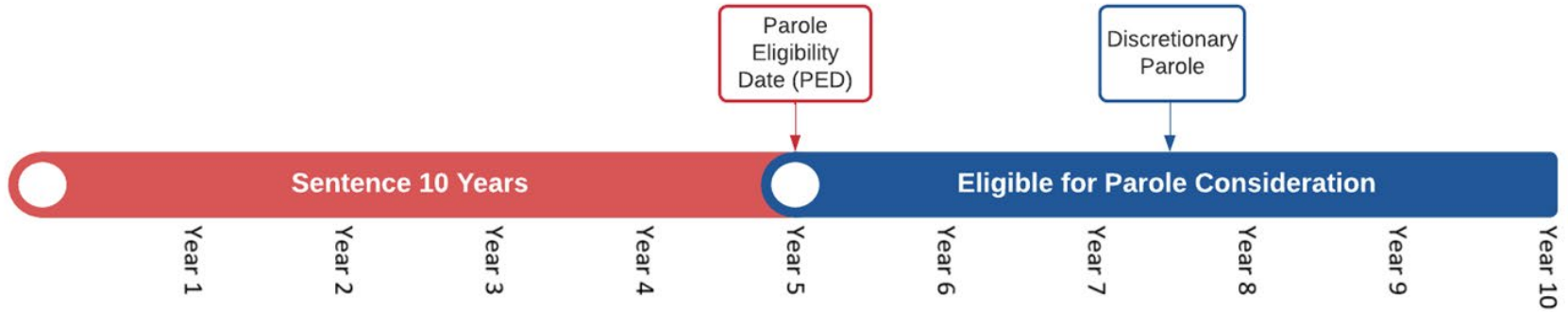
Primary Functions of the Parole Board

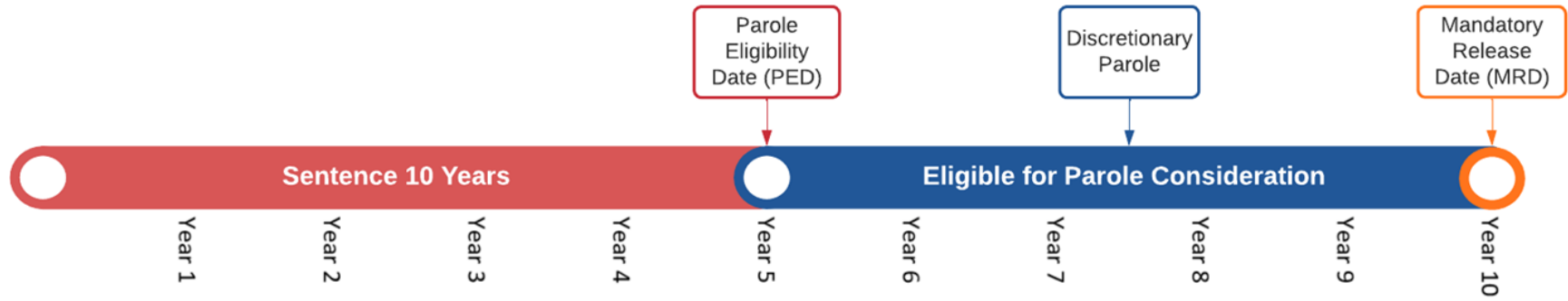
- Evaluating eligible offenders for consideration of release to parole supervision by the Division of Adult Parole.
 - The Parole Board does not have any influence over supervision practices by the Division of Adult Parole nor any placements to Community Corrections.
- Setting parole conditions to bolster the success upon reentry into the community.
- Preside over revocation hearings for parolees who have violated the terms and conditions of their parole agreement.











Revocations

- If a parolee violates the conditions of their parole agreement, the community parole officer can file a revocation with the parole board.
 - Can only be revoked for technical violations once the community parole officer has exhausted all appropriate or available intermediate sanctions, treatment, and support services.
- The parole board member will preside over the revocation hearing.
 - Revocation hearings are quasi-judicial and basic due processes apply.

FY2022 Revocation Hearing Outcomes

Revoked vs Continued

Continued on parole (not revoked)	34%
Parole Revoked	66%

Reason for revocation

Revocation for new felony charge(s)	15.7%
Revocation for felony and misdemeanor charge(s)	4.0%
Revocation for new misdemeanor charge(s)	44.6%
Revocation for traffic/Petty offense(s)	1.2%
Technical Violation Revocation for Absconding	17.3%
Other Technical Violations only***	17.1%

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****Other Technical Violations Only category includes inmates returned for termination from sex offender treatment, weapons violation(s), and/or contacting a victim under a protection order.**

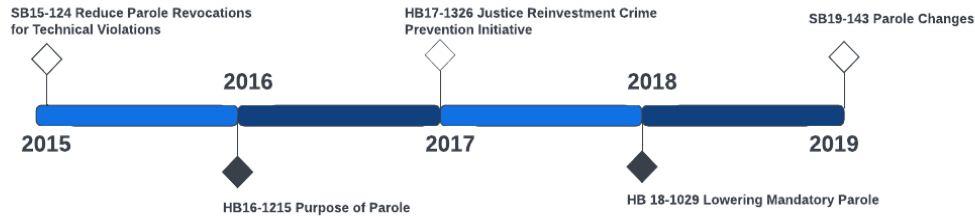


Release Outcomes

1-Year Return Rates by Parole Release Type



R1 Describe recent changes to parole technical violation criteria, including both statutory and internal policy changes.



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R2 How many parolees have returned to prison due to a new crime who would have had their parole revoked prior to that crime, but did not have their parole revoked due to changes to technical violation and parole revocation criteria?

Unfortunately, the Parole Board does not have access to the information to complete this request.



Colorado State Board of Parole

Annual Report: FY 2022



December 2022

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Colorado State Board of Parole Annual Report 2022

The Colorado State Board of Parole primary functions include: evaluating eligible offenders for consideration of release to parole supervision by the Division of Adult Parole¹, setting parole conditions to mitigate criminogenic risk and to bolster success upon reentry into the community², and preside over revocation hearings for parolees who have violated the terms and conditions of their parole agreement³.

The Colorado State Board of Parole's central focus, when considering release, is the risk of reoffending⁴, based on actuarial risk assessments⁵, and through a structured decision making process⁶. The Parole Board believes people deserve to be treated with dignity and respect and have the ability to change with hard work and introspection. The Parole Board is committed to working collaboratively with other criminal justice stakeholders and is dedicated to delivering a high standard of service to our Colorado communities by being objective, fair-minded, and just.

¹ §17-2-201(4)(a), C.R.S.

² §17-2-201(5)(f), C.R.S.

³ §17-2-103, C.R.S., & 17-2-201(4)(b), C.R.S.

⁴ §17-22.5-404(1)(a), C.R.S.

⁵ §17-22.5-404(1)(b), C.R.S.

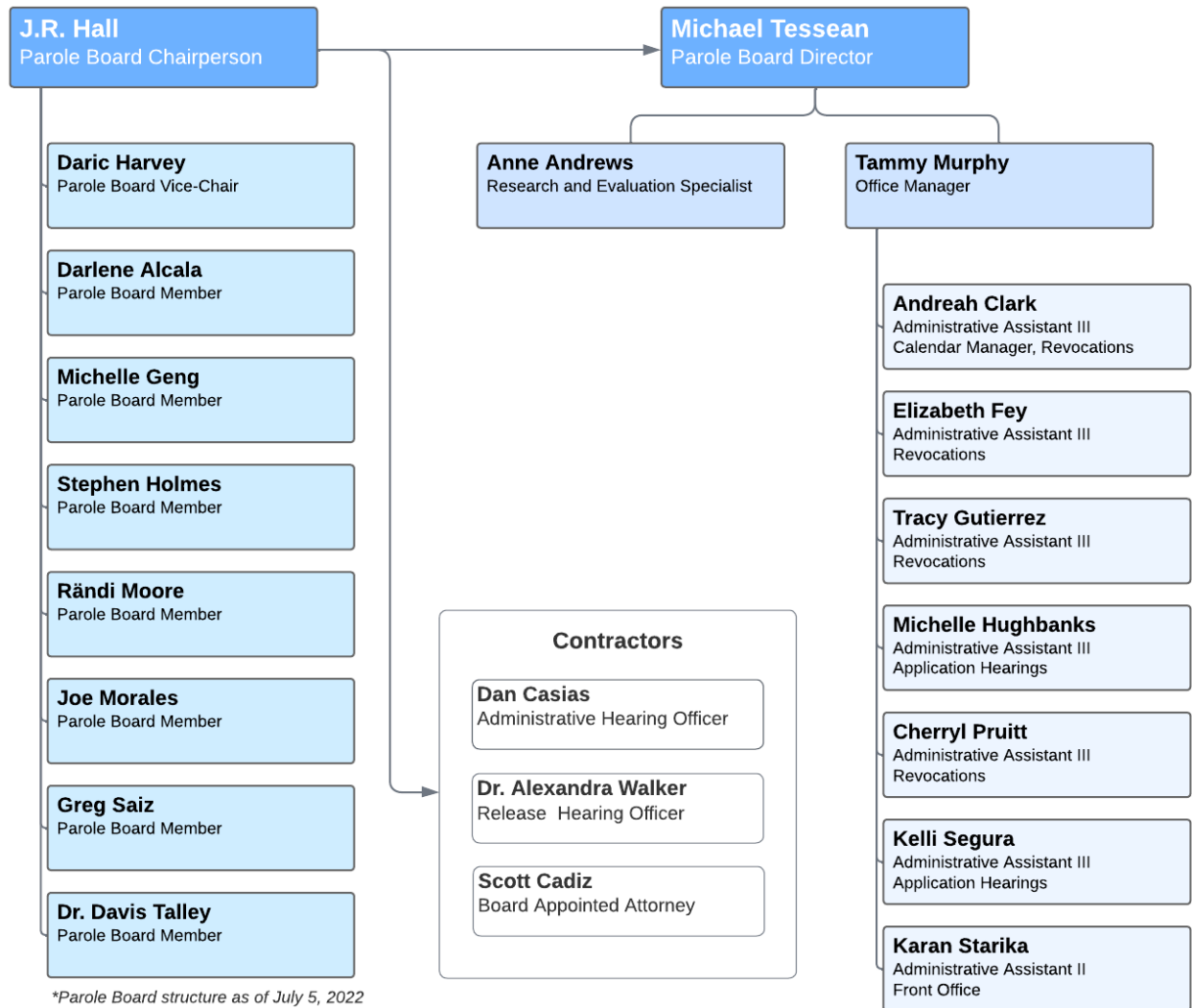
⁶ §17-22.5-404(1)(c), & (d), C.R.S.

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Parole Board Operations:

The Colorado State Board of Parole (“Parole Board”) consists of nine members who are appointed by the Governor and confirmed by the Senate⁷. Parole Board members serve three-year terms at the will of the Governor and may be re-appointed for more than one term.



⁷ §17-2-201(1)(a), C.R.S.

During FY 2022, the Parole Board also utilized contract employees, including one (1) Administrative Hearing Officer⁸ to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2016), one (1) Release Hearing Officer⁹ and one (1) defense attorney to represent parolees who are not competent to represent themselves during revocation hearings¹⁰.

In FY 2022, the Governor’s Office created a new position for the Parole Board and selected Michael Tessean to serve as the Parole Board Director. As the Office Manager, Tammy Murphy, oversees the administrative side of our work and is always available to answer questions as they come up.

To contact the Parole Board please call (719) 583-5800 or write to us at:

Colorado State Board of Parole
1600 W. 24th St. Bldg 54, Pueblo, CO 81003
www.colorado.gov/paroleboard

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.

Budget

The following illustrates appropriations made to the Parole Board from FY2017-18 through FY 2021-22:

	2017-18	2018-19	2019-20	2020-21	2021-22
Personal Services	\$1,668,428	\$1,715,607	\$2,025,553	\$2,022,485	\$2,144,536
Operating Expenses	\$106,390	\$106,390	\$120,620	\$120,620	\$114,090
Contract Services	\$272,437	\$272,437	\$272,437	\$272,437	\$272,437
Start- up Costs			\$60,240		
Training Contract				\$24,999	
Total	\$2,047,255	\$2,094,434	\$2,478,850	\$2,440,541	\$2,398,373

⁸ §17-2-201(3)(h), C.R.S. & §17-2-202.5(1), C.R.S.

⁹ §17-2-201(3)(h.1), C.R.S., & §17-2-202.5(2), C.R.S.

¹⁰ §17-2-201(13), C.R.S.

Hearings

The Parole Board is responsible for conducting three types of hearings with inmates and parolees who are housed and supervised by the Colorado Department of Corrections (CDOC):

- Application Hearings – when an inmate would like to be considered for the opportunity of release onto discretionary parole.
- Rescission Hearings – when an inmate has been given a parole release date but an issue has arisen that requires the Parole Board to revise the original decision.
- Revocation Hearings – when a parolee has violated the conditions of their parole and is at risk of re-incarceration.

In addition to conducting hearings daily, Parole Board members engage in Full Board Reviews, conduct reviews of other Parole Board member decisions (“second signs”), review and sign warrants, and review individuals for early discharge from parole supervision, and review Special Needs Parole applications.

Parole Board Review and Hearing Numbers

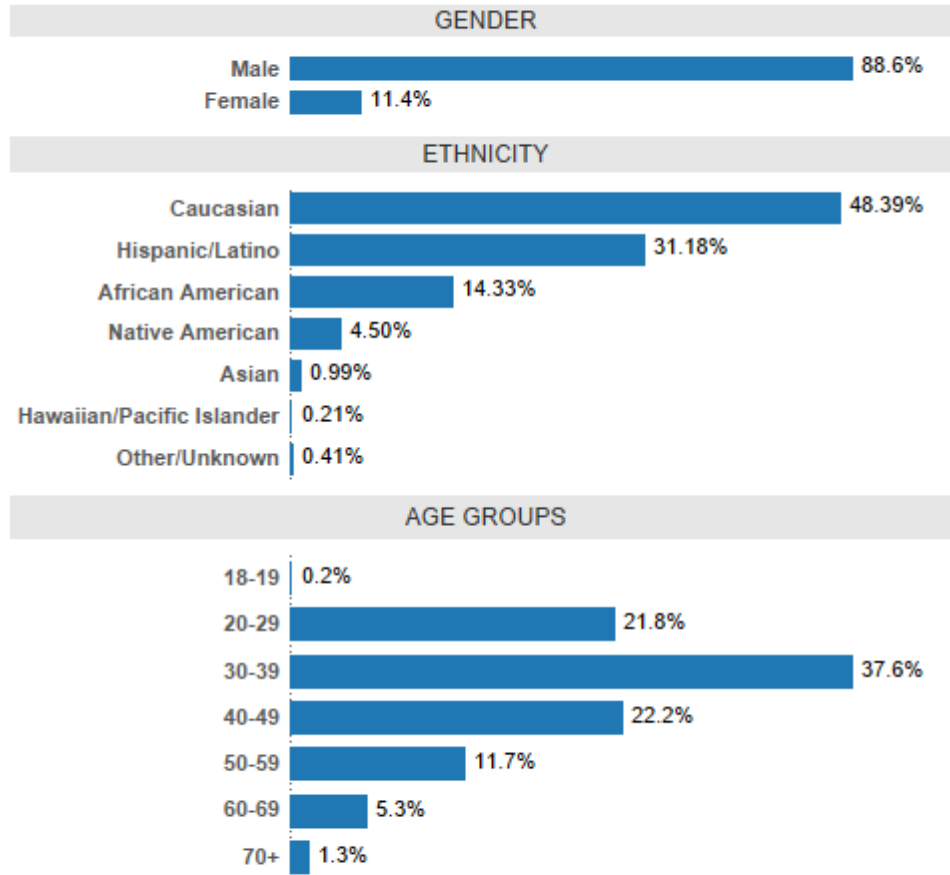
The Parole Board conducts a wide variety of hearings and reviews. During FY2022, the Parole Board conducted the following:

- 9,839 application hearings for parole, which included:
 - 6,079 Video/Phone application hearings
 - 1,613 File Reviews
 - 1,838 hearings were conducted for inmates who either refused to attend or were unable to attend the hearings (moved prior to the hearings to another facility or medical facility, were in court or jail, were on fugitive inmate status, etc.)
 - 309 administrative hearings were conducted by our office for individuals who submitted hearing waivers or needed to have their hearing date changed.
- 1,882 Full Board reviews
- 136 Rescission hearings
- 3,155 Revocation hearings
- 1,253 Early parole release reviews
- 67 Special needs parole hearings
- 14 Interstate parole probable cause hearings
- 202 Reduction of sex offender supervision level requests reviews
- 2,945 arrest warrants issued

The Parole Eligible Population

The demographic breakdown of individuals considered for discretionary release to parole in FY2022 is as follows:

FY2022 Hearing Demographics

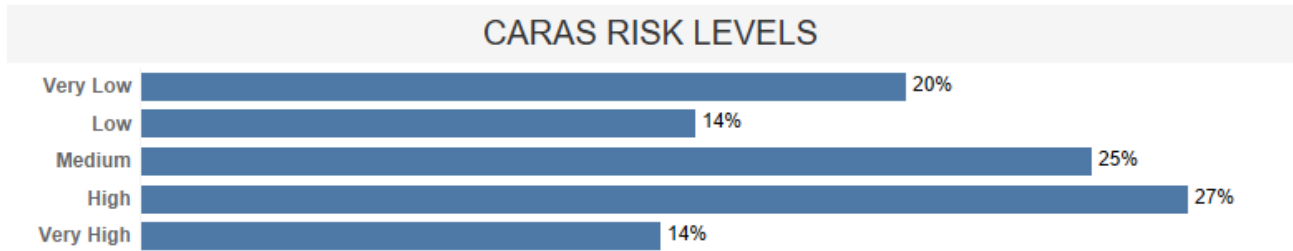


Demographic information reported to the Colorado Department of Corrections by those individuals who had a completed parole application hearing by the Colorado State Board of Parole during FY 2022.

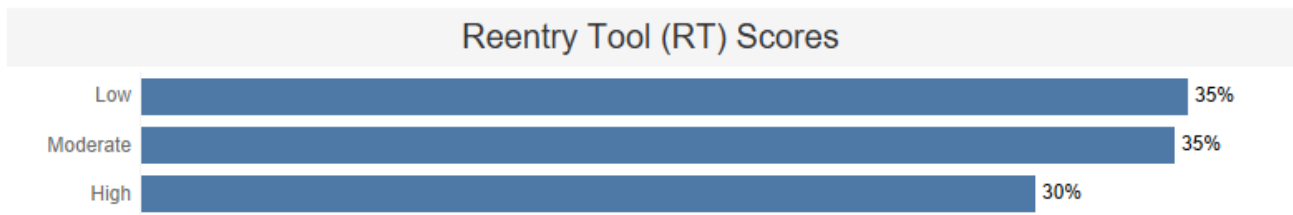
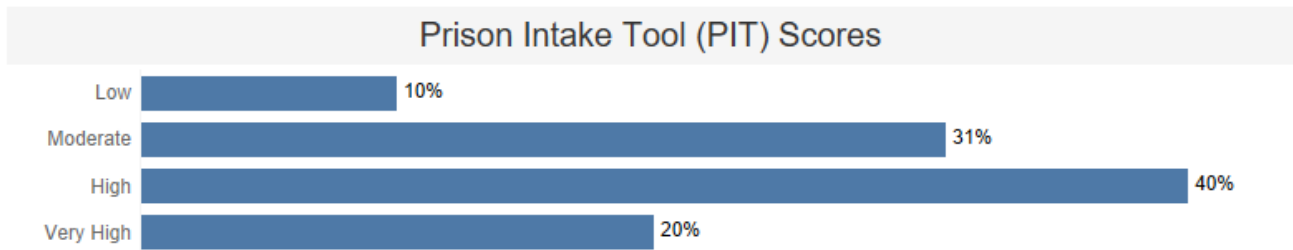
Risk and Readiness Assessments

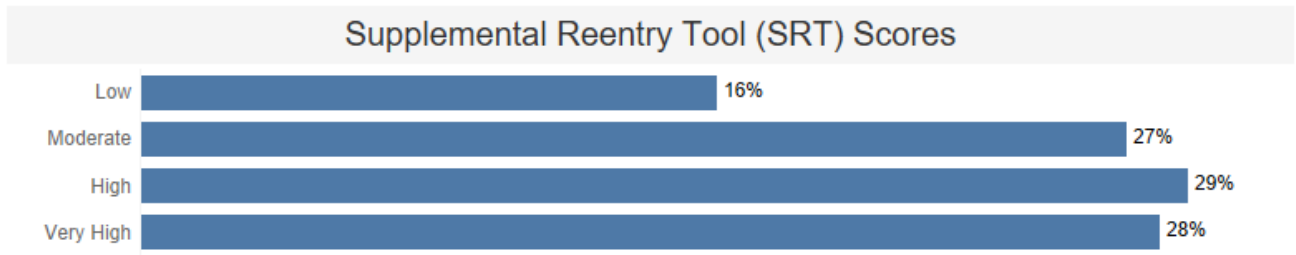
The Parole Board considers all available risk and readiness assessments in the review of all inmates for discretionary release: The Colorado Actuarial Risk Assessment Scale (CARAS) and the Colorado Transitional Accountability Plan (CTAP) suite of assessments are typically available for review by the Parole Board. The CARAS is a static risk assessment, meaning the score is unlikely to change but can get higher throughout someone’s lifetime. Due to its static nature, the CTAP assessments are also considered, as they are dynamic risk assessments that can change over time through intervention, treatment, etc. The CTAP assessments are completed throughout an individual’s stay in prison.

The CARAS is currently the main component of the Parole Board Release Guideline Instrument (PBRGI), a structured decision making tool that provides recommendations to Parole Board members regarding a deny or release from prison. The Parole Board is currently undergoing a revision of this tool to include more dynamic risk and readiness considerations. The CARAS has five risk domains: very low, low, medium, high, and very high. The breakdown of risk by CARAS scores for the inmates seen by the Parole Board in FY2022 for application hearings is provided below:



There are three CTAP assessments that can be completed for individuals while in CDOC. The Prison Intake Tool (PIT) is completed upon entry into prison. The Supplemental Tool (SRT) is completed every year for the first four years of incarceration and the Reentry Tool (RT) is completed every year from the fourth year of incarceration and beyond. CTAP assessments categorize individuals into low, medium, high, or very high risk categories, the breakdown for the inmates seen by the Parole Board in FY2022 for application hearings is below:

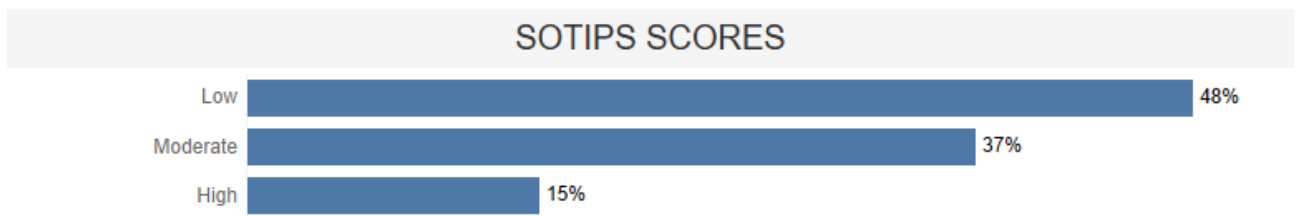
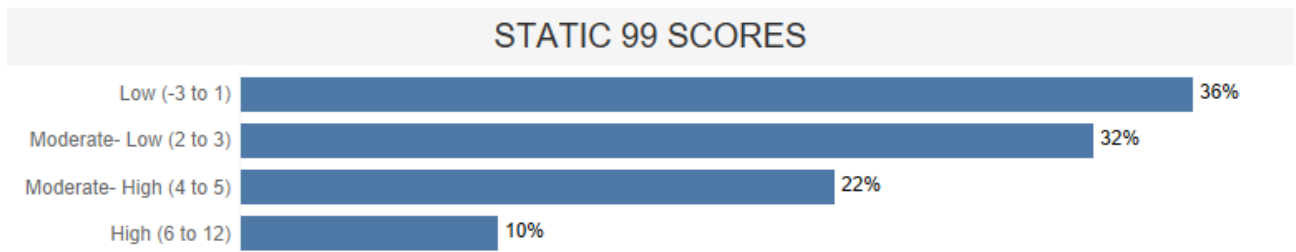




There are a number of specialized populations within the CDOC that require special training and attention by Parole Board members. The following is a discussion of individuals who were seen for an application hearing in FY2022 who are considered to fall within a specialized population.

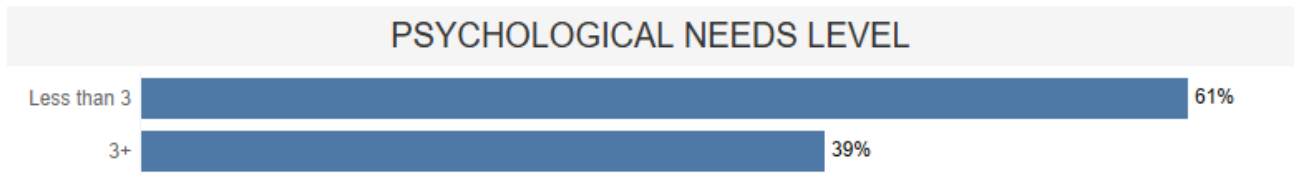
Sex Offenders

Regarding those convicted of a sex offense, the STATIC-99 and Sex Offender Treatment Intervention and Progress Scale (SOTIPS) assessments provide overall risk scores of the inmate, on what their likelihood is to commit another sex offense.



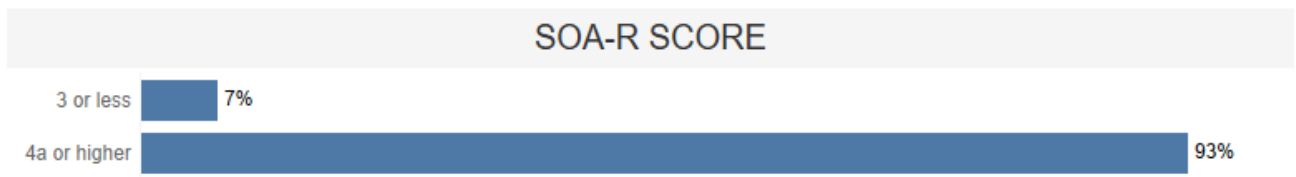
Mentally Ill Inmates

The Parole Board recognizes the challenges of those living with mental health issues. The CDOC provides a psychological code (P code) to identify level of need regarding the mental health population which then allows the Parole Board to appropriately condition inmates to increase resource availability once on parole. Parole Board members work collaboratively with the Division of Adult Parole’s Mental Health and Reentry Unit to help support release.



Substance Abusing Inmates

All individuals are assessed using the Standardized Offender Assessment – Revised (SOA-R) in CDOC. Individuals who score at a level 4a or higher are considered as needing a more intensive level of substance abuse treatment. The CDOC provides substance abuse treatment at different levels of intensity and Parole Board members encourage participation. If necessary, additional treatment in the community may be ordered as a condition of parole.



Conditional Discretionary Release Status

Individuals can be placed on conditional discretionary release (CDR), or “tabled”, status to ensure that their release occurs once they have met certain criteria. The most common reasons for being placed on CDR status, as opposed to be provided with a release date, are:

- The individual is in a program and still needs time to finish the program.
- The individual does not have a place to parole to and needs time to connect with reentry services.
- The individual has been accepted to a program and is waiting on bed availability.
- The individual is already in community corrections and will be paroled upon completion of the program.
- The individual is in need of assisted living or hospice care and more time is needed to find an available bed.

Special Needs Parole

§C.R.S. 17-22.5-403.5 defines the procedures involved in a special needs parole application and Parole Board hearing review process for eligible individuals. When an inmate has a mental health or medical diagnosis that warrants consideration for early release on parole, the CDOC will submit an application to the Parole Board for review. This review request can be initiated by the individual inmate themselves, their case manager, or the CDOC medical team. All applications

are vetted by the CDOC medical team and a recommendation is provided. In FY2022, the Parole Board conducted 67 special needs reviews for individuals that were recommended for release by the CDOC team. A total of 12 individuals were granted special needs parole and a total of 23 individuals were placed on CDR (“tabled”) pending an approved parole plan in FY2022. Of the 23 individuals placed on CDR status, 19 have been released to parole, one (1) remains on CDR status pending an approved parole plan, and three (3) individuals deceased while awaiting an approved parole plan.

The Opportunity to Complete Parole Early

When a parolee completes a set portion of their parole sentence and are at a certain risk and supervision level, they are eligible to be submitted for early release review by the Parole Board. The Department of Corrections’ Division of Adult Parole Administrative Regulation (AR) 250-29 defines when a parolee is eligible for review. In these reviews, Parole Board members are looking to see that individuals have completed the conditions of their parole and have been successful on supervision. The following table displays the number of individuals who were approved and denied early parole release from FY2018 through FY2022.

Early Parole Discharge Applications by FY and Parole Board Decision

	2018	2019	2020	2021	2022
Approved #	1,142	1,105	1,085	1,537	931
Denied #	419	220	386	319	322
Approved %	73%	83%	73%	82%	74%
Denied %	27%	16%	26%	17%	26%

*Includes all early parole discharge applications that were presented to the Parole Board and had a final decision within the Fiscal Years 2018- 2022.

The Revocation Process

When individuals violate the conditions of their parole the Division of Adult Parole can bring them before the Parole Board for a revocation hearing. Below is a breakdown of the outcomes of revocation hearing conducted in FY2022:

FY2022 Revocation Hearing Outcomes

Revoked vs Continued

Continued on parole (not revoked)	34%
Parole Revoked	66%

Reason for revocation

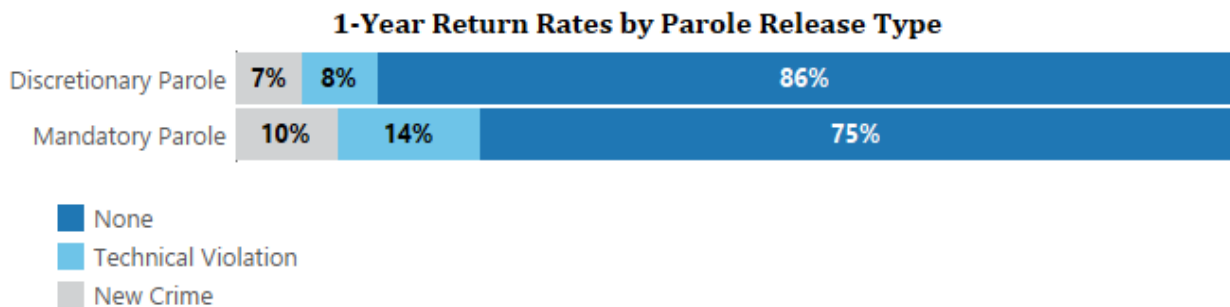
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**Other Technical Violations Only category includes inmates returned for termination from sex offender treatment, weapons violation(s), and/or contacting a victim under a protection order.

Return to Prison

Return rates differ depending on an inmate’s type of release. Those released discretionarily historically have lower return to prison rates than those who are released on mandatory parole. For those released in calendar year 2019 the 1-year return rate is 9% lower for discretionary releases than mandatory releases.



Conclusion

The Parole Board is dedicated to increasing public safety by leveraging relevant research, actuarial assessments, and structured decision making. Utilizing these tools in concert, the Parole Board is able to maximize the potential of releasing the right people, at the right time, and ensuring they have the right supports.



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For more information contact:

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