

STATE OF COLORADO

COLORADO DEPARTMENT OF CORRECTIONS

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Bill Ritter, Jr.
Governor

Aristedes W. Zavaras
Executive Director

March 19, 2009

Representative Dianne Primavera, Chairperson
Legislative Audit Committee
Office of the State Auditor
Legislative Services Building
200 East 14th Avenue
Denver, CO 80203-2211

Dear Representative Primavera:

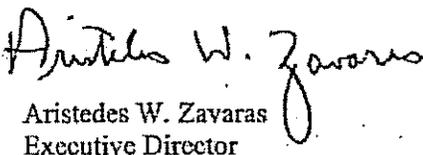
This progress report is intended to update the Legislative Audit Committee on the Department of Corrections' implementation status of Recommendation No. 2 for the Discretionary Parole audit report released in December 2008. There were two components in this recommendation affecting DOC, both of which are fully implemented at this time.

The first part of Recommendation No. 2 was to develop a memorandum of agreement with the Parole Board to clarify reporting functions (parole releases vs. Board decisions) of each agency and to develop language to be added to each agency's statistical report to clarify discrepancies in terms, data, analysis, and interpretations. The Department worked with the Parole Board to develop a memorandum of understanding, which was signed on January 30 (see the attached agreement).

The second part of Recommendation No. 2 addressed the tracking of weekend parole releases. In November 2008, a new process was implemented to code mandatory parole releases who release a few days early due to weekend transportation issues. Prior to November 2008, such releases had been coded as discretionary parole releases. As a result of the new process, these releases are more accurately recorded as weekend mandatory releases. The impact of this change in process is reflected in our monthly population reports. They show a significant decline in the number of discretionary paroles (see attached report).

Thank you for engaging our department in this process. As a result of this audit, we have taken the opportunity to review all of our statistical analysis and reporting functions in the hopes of improving our operations. Do not hesitate to contact me if I can be of further assistance.

Respectfully submitted,


Aristedes W. Zavaras
Executive Director

COLORADO DEPARTMENT OF CORRECTIONS
ADULT INMATE RELEASES FROM PRISON
TOTAL Population (Male and Female)

Date: 3/19/2009

	Parole*					Discharge				Other				Total
	Discretionary	Mandatory	Wknd Mand.	Mand. Repar.	Wknd Mand. Repar.	Sentence	H.B. 1087	Martin/Cooper	Chgs/Det.	Probation	Ct. Ord. Dsch.	Appeal Bond	Deceased	
Feb-09	254	160	172	91	68	35	68	4	12	14	9	1	3	891
Jan-09	277	172	124	80	80	38	67	4	27	7	13	0	9	898
Dec-08	288	194	172	98	71	40	56	4	7	15	11	0	3	959
Nov-08	456	144	N/A	86	N/A	37	45	5	16	7	8	0	0	804
Oct-08	444	211	N/A	83	N/A	34	51	3	25	17	13	0	6	887
Sep-08	426	184	N/A	93	N/A	35	63	6	31	12	10	1	5	866
Aug-08	412	164	N/A	110	N/A	40	59	6	15	10	4	0	2	822
Jul-08	506	233	N/A	126	N/A	30	49	6	17	15	6	0	4	992
FYTD-Avg.	383	241	N/A	123	N/A	36	57	5	19	12	9	0	4	890
FY 2008-Avg.	466	186	N/A	88	N/A	34	56	8	17	12	11	0	4	881
FY 2007-Avg.	422	198	N/A	89	N/A	31	50	10	16	13	9	0	4	843
FY 2006-Avg.	234	266	N/A	98	N/A	38	50	13	15	16	10	0	5	746

Definitions of Release Types

Discretionary parole-Released to parole through Parole Board discretion prior to mandatory release or sentence discharge date.

Mandatory parole-Released to parole on mandatory release date.

Wknd Mand.-Mandatory releases scheduled to release on a weekend; released a few days early under Parole Board authority.

Mand. Repar.-Reparoled on specific date set by Parole Board (includes S.B. 252 reparoles). n/a - breakout not available prior to June 2004.

Wknd Mand. Repar.-Mandatory Reparole releases scheduled to release on a weekend; released a few days early under Parole Board authority.

Sentence discharge-Completion of sentence with no further supervision.

H.B. 1087 discharge-Completion of sentence with no further supervision, subject to earn time provisions of H.B. 95-1087.

Martin/ Cooper discharge-Completion of sentence with no further supervision, sex offender subject to Martin/Cooper Supreme Court decision.

Chgs/ Det. discharge-Completion of sentence, released to other law enforcement for pending charges or detainers.

Probation-Released by court to probation.

Ct. Ord. Dsch.-Released by court order.

Appeal Bond-Released by court to appeal bond.

Deceased-Offender death in prison.

*Due to the decrease in community transportation services, the Department implemented a procedural change in December 2005 with regards to releasing inmates on weekends. As a result, discretionary releases increased and mandatory releases decreased. However, beginning December 2008, the implementation of a new electronic coding system enabled these releases to be correctly classified as weekend mandatory parole and mandatory reparole releases.

Colorado Department of Corrections
and
Colorado Parole Board
Memorandum of Understanding
Regarding Parole Decisions and Releases

January, 2009

Memorandum of Understanding

This agreement by and between the Colorado State Board of Parole (hereinafter referred to as the Board) and the Colorado Department of Corrections (hereinafter referred to as the Department), collectively referred to as the "agencies" enter into this Memorandum of Understanding (MOU) to ensure that accurate and meaningful data are collected and reported on parole decisions by the Board and parole releases by the Department. This reporting should include information that is useful for policymakers to identify trends, understand changes, and make appropriate decisions. Further, the Board and Department should ensure mutual understanding of their duties related to the reporting of parolee decisions.

It is the responsibility of the Parole Board to issue an annual report. The annual report will describe the decisions of the workload of the Board. The Department will report data and trends on parole releases but will discontinue reporting Board decisions. The Parole Board and the Department will add language to their respective reports that distinguish and report differences in terms such as decisions versus releases, statistical methods, and data interpretations, particularly as they relate to trends, changes and decision-making. The Department and the Board agree to collaborate with the Division of Criminal Justice to provide data needed by the Division of Criminal Justice to evaluate Parole Board decisions.

When an offender's MRD or Mandatory Re-Parole Date is calculated to fall on a Friday, Saturday, Sunday or holiday, the Department and the Board agree that the practice of releasing these offenders several days early is sound. The Department and the Board recognize the fact that there may be limited travel service available to offenders whose release date falls on Friday, Saturday, Sunday or a holiday. The Department and the Board agree that it is appropriate to release offenders several days early, on a weekday, to accommodate offender travel needs.

The Department and the Board recognize the fact that upon release, offenders are directed to report to the Parole Division at the offender's parole destination. The Department and the Board agree that offenders released on a Friday, Saturday, Sunday or holiday would have difficulty abiding by this parole directive. The Department and the Board agree that it is appropriate to release offenders several days early, on a weekday, to accommodate offender reporting responsibilities.

The Department and the Board agree that although these types of releases are mandatory, they must be recorded as discretionary parole since the offender is actually being released before his/her true release date.

The Department agrees to revise its release reporting data to identify:

- a. True discretionary paroles
- b. True mandatory releases, both parole and re-parole
- c. Releases that conform with the accepted practice of a release several days early to accommodate offender travel and reporting needs.

I. GENERAL PROVISIONS:

A. Integration and Formality of Changes: This agreement is intended as the complete integration of all understandings between the agencies unless otherwise stated herein. No subsequent renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written agreement executed and approved by the appropriate authorities.

B. Legal Authority: The person or persons signing this MOU do hereby warrant and guarantee that they have full authorization to execute this MOU.

C. Term: This MOU shall become effective upon the approval and signature by the authorized representatives of the agencies hereto, and shall continue until such time as either agency gives thirty (30) days advance written notice of termination to the other agency.

ACCORDINGLY, THE DULY AUTHORIZED REPRESENTATIVES OF THE RESPECTIVE AGENCIES TO THIS MOU HEREBY SIGN ON THE DATES INDICATED BELOW.

Colorado State Board of Parole

By: [Signature] Title: Chair Date: 1-30-2009
Parole Board Chairman

Colorado Department of Corrections:

By: [Signature] Title: Ex Dir Date: 1-30-2009
Executive Director