

COLORADO DEPARTMENT OF CORRECTIONS



**Budget Hearing
January 3, 2018**

**RICK RAEMISCH
EXECUTIVE DIRECTOR**

DEPARTMENT OF CORRECTIONS
FY 2018-19 JOINT BUDGET COMMITTEE HEARING AGENDA

Wednesday, January 3, 2018
9:00 am – 12:00 pm

9:00-9:45 INTRODUCTIONS AND OPENING COMMENTS

Presenters:

- Rick Raemisch, Executive Director
- Kellie Wasko, Deputy Director
- Deb Goheen, Budget and Business Operations Director

9:45-10:20 PRISON UTILIZATION AND R2 PRISON CAPACITY

Presenters:

- Rick Raemisch, Executive Director
- Kellie Wasko, Deputy Director
- Deb Goheen, Budget and Business Operations Director

- 1 Please discuss the status of funding approved in the September Interim Supplemental. If the Department has not expended funds, why the delay? What is the Department's plan to expend the funds appropriated in September?**

***Response:** In preparation for opening a private prison with DOC staffing, the Department purchased \$156,317 in October 2017 for start-up goods that typically had long lead times, such as security equipment (radios, ballistic vests, body cameras, and radios). These are the only expenses from the 1331 Interim Supplemental that have been expended.*

After the September supplemental was approved, the Department requested estimates from the two private prison vendors in the state. At that time, offender populations began decreasing at a faster rate than anticipated from the August DCJ Summer projections (effects of HB 17-1326 coupled with increasing releases to parole), so the Department did not start hiring staff or enter into a private prison lease.

The Department is discussing options for bed capacity (including the 1331 Interim Supplemental request) based on the December 20 offender population projections, and will confirm/amend the 1331 supplemental plan through the external capacity caseload request due January 15, 2018.

- 2 If funding is approved for implementation of the Prison Utilization Study Update recommendations, how will the Department address employee concerns about relocation of services?**

***Response:** If the funding is approved, staff assigned to the Denver Complex (specifically Denver Reception Diagnostic Center) would be provided assignments in Denver*

commensurate with their classification. As a courtesy option, staff could be offered the opportunity to relocate or transfer to Centennial Correctional Facility – South campus (CCF-South), if desired. Staff most likely impacted by the mission change would be those staff assigned to the assessment/classification/programming unit. Those who choose to remain assigned to the Denver Complex would be provided assignments internally based on classifications and operations of the facility. With current technology, staff assigned to the assessment/classification/programming unit may be able to conduct business operations remotely, and through attrition, vacant positions would be reassigned to CCF-South campus.

3 Please discuss how the recommended changes to Centennial Correctional Facility South will make it suitable for intake and reentry services.

Response: *The proposed changes to make Centennial Correctional Facility South campus (CCF-South) suitable for intake and reentry services follows recommendations made in the Colorado Prison Utilization Study Update, Final Report, February 9, 2016.*

The diagnostic and reception services currently located at the Denver Reception and Diagnostic Center (DRDC), as well as the offenders being served, will be relocated to the CCF-South with 442 beds designated for use. This relocation will require the repurposing of approximately 7,500 square feet of space within CCF-South to include an expanded Intake/Observation area and spaces for diagnostic services. The remaining 506 beds at CCF-South would be utilized for the Department’s Re-Entry and Pre-Release Program.

Recommended changes make CCF-South suitable for intake services by utilizing a modern and secure physical plant to process, assess, and designate appropriate facility placement for new arrivals, technical parole violators, and offenders under the supervision of the department who receive new felony convictions.

Recommended changes make CCF-South suitable for re-entry services by establishing a central re-entry program to standardize and improve the quality of programming for offenders as they prepare to transition back into the community. Although this facility was designed as an administrative segregation facility, offenders would be provided the same out of cell time as they currently receive in existing re-entry units. The re-entry offenders would also participate in outdoor recreation activities as part of the proposed changes. There are two classrooms (12 total) in close proximity to each of the units for re-entry programming. Furnishings and cable/data hookups will be added to the day halls to provide additional space for structured re-entry programming as well as passive recreation. Utilizing CCF-South provides a substantial increase in overall system operational capacity. It provides a centralized point for re-entry programming, which is an important component in reducing offender recidivism.

10:20-10:35 BREAK

10:35-11:05 CORRECTIONAL OFFICER STEP PLANS AND R1 STEP RETENTION

Presenters:

- Rick Raemisch, Executive Director
- Kellie Wasko, Deputy Director
- Deb Goheen, Budget and Business Operations Director

4 What is the correlation between the prison population and officer turnover rate? Is the risk associated with working in a correctional facility a factor in setting the salary range for correctional officers? Why or why not?

***Response:** There is no known correlation between the prison population and officer turnover. Correctional Officer turnover is based on lack of competitive pay for similar law enforcement agencies and factors and risks associated with the nature and type of work required of this occupation. Managing the offender population on a daily basis creates risks not found in other lines of work, as cited in various studies. As noted in a 2012 [corrections.com](http://www.corrections.com) article *Beating the Odds* By Kevin E. Bedore, the following are risks Correctional Officers face:*

- *Correctional Officers (CO's) have the second highest mortality rate of any occupation.*
- *A CO's 58th birthday, on average, is their last.*
- *On average, a CO will live only 18 months after retirement.*
- *CO's have a 39% higher suicide rate than any other occupation.*
- *33.5% of all assaults in prisons and jails are committed by inmates against staff.*
- *A CO will be seriously assaulted at least twice in a 20-year career.*
- *CO's have higher divorce and substance abuse rates than the general population.*

Salary ranges are not set by the department. The salary ranges are published by the Department of Personnel and Administration after approval (required by statute C.R.S 24-50-104), and require employees are hired at the minimum of the pay range.

The following additional links reference articles relating to risk and factors that correctional officers face.

<https://www.ncjrs.gov/App/publications/abstract.aspx?ID=85591>

<https://nicic.gov/correctional-officer-life-expectancy>

<http://work.chron.com/disadvantages-being-correctional-officer-10287.html>

<http://www.corrections.com/news/article/30096-beating-the-odds>

5 What is the vacancy percentage for the Correctional Officer I, Correctional Officer II and Correctional Support Trades Supervisor I classifications over the past five years. Please compare the vacancy rates to the number of new employees, by year, and by authorized number of FTE. What factors have contributed to the change in the vacancy rates and number of authorized FTE?

Response:

DOC Classification History					
	Turnover Rate				
Classification Title	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Correctional Officer I	18.3%	17.1%	17.4%	18.6%	23.8%
Correctional Officer II	9.9%	7.1%	7.9%	8.9%	10.2%
Correctional Support Trades Supervisor I	13.1%	11.4%	10.6%	11.2%	13.2%
New Employees					
Classification Title	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Correctional Officer I	416	592	639	617	628
Correctional Officer II*	3	5	1	2	3
Correctional Support Trades Supervisor I	41	37	50	35	39
Authorized FTE					
Classification Title	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
Correctional Officer I	2,244	2,331	2,335	2,351	2,384
Correctional Officer II	731	756	778	796	745
Correctional Support Trades Supervisor I	521	522	522	522	522

* Most CO II vacancies are filled through internal promotions rather than new hires.

Correctional Officer turnover is based on lack of competitive pay for similar law enforcement agencies and factors and risks associated with the nature and type of work required of this occupation. Managing the offender population on a daily basis creates risks not found in other lines of work as discussed in Question 4.

The number of authorized correctional officer FTE have increased since FY 2012-13 due to the reopening of closed state beds, the addition of a dedicated security presence in prison facility kitchens, the establishment of an executive security detail, and increased escort staff for the Department's facilities that offer Residential Treatment Programs.

6 Please provide the officer to offender ratio by facility over the past five years.

Response: *The officer to offender ratio in the following chart is based on authorized FTE as reported in the Department's "Annual Report: Corrections Officer Staffing Levels" as reported to the Colorado General Assembly January 15, 2017. The FY 2016-17 officer levels are based on the document to be published January 15, 2018. These are total positions for the Department and are not adjusted for vacant positions, which is currently a serious concern for the Department this fiscal year. The offender population numbers are based on the average daily population (ADP) at the each facility.*

The report can be found at the following link:

<https://drive.google.com/file/d/0B21TrpBx507cSEdjdGY3WEJfOTO/view>.

Officer (CO I) Positions to Offender Average Daily Population Ratio					
	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17
State Facility (Security Level)	Ratio	Ratio	Ratio	Ratio	Ratio
Arkansas Valley (III)	1 : 8.2	1 : 8.3	1 : 8.3	1 : 7.9	1 : 7.9
Buena Vista (III)	1 : 8.7	1 : 8.1	1 : 8.7	1 : 8.8	1 : 9
Centennial (V)	1 : 2.4	1 : 2.1	1 : 2	1 : 1.9	1 : 2
Canon Minimum Center*	1 : 9.3	1 : 9.3	1 : 9.3	1 : 9.3	1 : 9.4
Colorado State Penitentiary (V)	1 : 3.5	1 : 3.4	1 : 3.2	1 : 3.2	1 : 3.4
Colorado Territorial (III)	1 : 6.7	1 : 6.2	1 : 6.2	1 : 6.3	1 : 6.3
Delta (I)	1 : 9.2	1 : 8.7	1 : 10.9	1 : 11.4	1 : 11.6
Denver Complex**	1 : 5.2	1 : 5.2	1 : 5.4	1 : 5.3	1 : 5.4
Fremont (III)	1 : 9.1	1 : 9.6	1 : 9.5	1 : 9.4	1 : 9.2
Limon (IV)	1 : 7	1 : 6.7	1 : 6.6	1 : 6.5	1 : 6
La Vista (III)	1 : 6	1 : 5.7	1 : 5.7	1 : 5.9	1 : 7
Rifle (I)	1 : 11.4	1 : 10.4	1 : 11.6	1 : 11.6	1 : 11.9
San Carlos (V)	1 : 2.8	1 : 2.5	1 : 2.3	1 : 2	1 : 2.1
Sterling (V)	1 : 6.2	1 : 6.1	1 : 6.3	1 : 6.1	1 : 5.9
Trinidad (II)	1 : 7.8	1 : 7.4	1 : 8.7	1 : 8.3	1 : 8
Youthful Offender System	1 : 2.8	1 : 2.7	1 : 2.6	1 : 2.5	1 : 2.1

* Canon Minimum Center includes the Arrowhead (II), Four Mile (II), and Skyline (I) facilities.

** Denver Complex includes the Denver Women's (V), Denver Reception & Diagnostic Center (V), and Colorado Correctional Center (I) facilities.

- 7 **Please respond to the staff recommendation for step plans and include a discussion of the logistics of implementing a step plan for Correctional Officers I, II, and Correctional Support Trades Supervisor I.**

Response: *The Department agrees with the staff recommendation that there should be some type of compensation plan, whether it be steps or a competency model as provided in State Personnel Board Rule. Included in this model, there should be a compensation process to ensure staff can move through the pay ranges. The intent is to promote career development, allowing salary movement through the range, and aligning pay increases to state service or achieving competencies to successfully perform the assignment.*

The Department would need to assess staff in each of these classifications to meet the requirements of a new compensation plan, and determine where each staff would be placed within the proposed plan. This would be required before a proposed start date. Expected factors to consider:

- a) *Designate a one-time pay move for current employees within the identified pay range, specifically those in the first quartile. The employee's salary move should be based on time in class and state service.*
- b) *Resolve any salary compression issues between long term/tenured employees and new employees in the identified job classes.*

- c) *Create/utilize mechanisms to move employees with the salary ranges outside of merit/performance process.*
- d) *Create a competitive compensation process to allow the department to attract and retain the top talent necessary to appropriately staff and supervise the offender population.*

8 **Please discuss what other classifications should be included in the step plan in future years.**

Response: *The next logical classifications for the Department under any new compensation plan would include Community Parole Officers and Correctional Officer IIIs.*

9 **Please discuss what other factors impact staff retention.**

Response: *In reviewing turnover and employee separation exit information, many staff are finding greater outside employment opportunities with more competitive pay. Other factors have included staff experiencing an increase in burnout, a loss of job satisfaction, and in some cases loss of job growth coupled with the loss of economic growth. Based on vacant positions and staffing shortages, the Department is requiring staff to work additional shifts, which minimizes their time off and may result in forfeiting scheduled days off, thus creating an employee's work-life imbalance. The increase in work demands impact not only work-life balance but also employee wellness. To add to staff retention challenges, three facilities with retention / turnover challenges are located in rural areas with documented affordable housing shortages. This causes a majority of staff to commute on average 70 miles one way adding to both the length of their work day and vehicle/commuting expense. To add to these concerns is an offender population that is difficult to manage, resulting in staff seeking less stressful employment.*

10 **By facility, please provide a list of the employee incentives that are available (example of this would be housing incentives for officers at the Buena Vista Facility).**

Response: *The following incentives are currently available:*

- *Buena Vista Correctional Facility: Housing Stipend \$300 per month for CO I, CO II, CSTS I, CPO, Parole Team Leader, and Clinical staff*
- *Limon Correctional Facility and Sterling Correctional Facility: Incentive Pay \$200 per month for CO I, CO II, CSTS I, and all Clinical Staff*
- *Outlying Parole Locations: Incentive Pay \$200 for CPO*
- *Nurse III and Nurse IV Supervisor Incentive Pay to those that accept facility shifts that cannot be filled with agency staff \$250-\$350 per shift dependent on duration and distance traveled*
- *Sign On Bonus: CO I hires at Sterling Correctional Facility \$1,000*
- *Sign On Bonus: Clinical hires \$1,000-\$5,000 dependent on class and location*
- *Referral Bonus for Buena Vista Correctional Facility, Limon Correctional Facility and Sterling Correctional Facility: \$100 for CO I and CSTS I*
- *Referral Bonus All Locations except for BVCC, LCF and SCF: \$50*

11:05-11:35 COMMUNITY CORRECTIONS REFERRALS

Presenters:

- Rick Raemisch, Executive Director
- Kellie Wasko, Deputy Director
- Deb Goheen, Budget and Business Operations Director

11 Please discuss the reasons offenders are refusing referrals to community corrections and how this refusal is documented.

***Response:** An offender can refuse or waive the referral process in writing, utilizing Administrative Regulation Form 550-01A, Community Corrections Placement Refusal/Waiver. At the time of the refusal, the offender can select a reason why they are refusing to include:*

- *To complete a program*
- *To resolve pending charges*
- *To develop a release plan/sponsor*
- *Other*

Additional comments that offenders share for refusing community corrections include:

- *Offenders are charged a fee of \$17.00 per day from the time that they arrive in the community center. If it takes two weeks for the offender to get a job, they would owe the community center \$238.00 before they can start establishing money in their account. Also, community correction centers manage the offender's money. They only distribute portions of the money back to the offenders.*
- *The offender may have previously failed a community corrections program.*
- *If given the choice, some offenders would prefer to be on parole rather than in a community center as an inmate, because community correction centers have stricter rules than being on parole and there is no guarantee that they will actually be paroled upon completion of the program.*
- *A high percentage of females have suffered significant trauma in the past. The most commonly cited reason for refusal for females is fear for their safety.*
- *In general, offenders hear about community corrections from other offenders that have regressed to prison from community corrections. This is their main form of advertisement. Therefore, offenders coming into prison only hear the bad stories from other offenders that have gone to community corrections and failed. Data from Division of Criminal Justice shows a 45.7% failure rate for 2014.*

12 Please discuss the following questions regarding community corrections referrals:

- a. What document is maintained regarding an offender referral;**
- b. Once an offender makes an initial refusal, is it permanent?**
- c. When, and how, is the initial refusal revisited?**

Response:

- a) *Offender community corrections referral packets are submitted electronically using the department's computer information system where they remain.*

The following is information contained in the referral:

- a) Residence plan to include sponsor information*
 - b) Results of the records query/background check*
 - c) Offender Parole Eligibility Date /Mandatory Release Date*
 - d) Employment opportunities/plans/skills*
 - e) Programming completed (need to include Mental Health/Substance Abuse/Sex Offender Treatment and Monitoring Program)*
 - f) Medical information*
 - g) Institutional adjustment to include disciplinary record*
 - h) Risk assessment scores*
 - i) Pre-Sentence Investigative Report, if available from Judicial*
 - j) Parole Board Action form, if applicable (statutory eligibility for community corrections predates an offenders' PED)*
 - k) Offender Statement if completed*
 - l) Mental Health Transition Report*
 - m) Community Support Letters, if submitted*
 - n) Victim statement, if applicable*
- b) *Offender initial refusals are not permanent. Offenders can be referred at six month intervals provided they agree to a referral and meet statutory requirements.*
- c) *Eligibility is reviewed every six months from the date of refusal by the assigned case manager with the offender. Case managers focus on case planning with the offender to address the reason(s) for the initial refusal and to encourage offenders to submit a referral to community. Ultimately, it is the offender's decision to accept a referral to community corrections.*

13 Can an offender request a specific location as part of a community corrections referral?

Response: *Yes, an offender can request a specific location on a community corrections referral. Ideally, offenders are referred to community corrections centers near their anticipated parole plan sponsor address, making the transition from community to parole more seamless. However, at times, a referral to a community center not near an offender's sponsor may be necessary based on the offender's needs and program or treatment availability at a specific center.*

11:35-11:50 OVERVIEW OF THE COLORADO CORRECTIONAL SYSTEM

Presenters:

- Rick Raemisch, Executive Director
- Kellie Wasko, Deputy Director
- Deb Goheen, Budget and Business Operations Director

- 14 **Please discuss why private prisons have a lower per offender per day cost than state run Level III facilities. Please provide a comparison of services available at state prisons compared to private prisons.**

***Response:** There are some differences in the populations housed in state and private prisons that lead to different costs between private and state facilities. Several state prisons have specialized missions to manage offenders with severe medical issues, high mental health needs, and high custody levels, which private prisons are not designed to accommodate. By contract, private prisons serve offenders that do not exceed Level III custody level, P3 (mild – stable symptoms, well-functioning) psychological needs level for mental health, or M4 (stable, does not require transportation for medical treatment, no serious medical diagnosis) medical needs level. If an offender has emerging high needs for mental health or medical treatment, they are transferred to a DOC facility. The offender is also transferred to a DOC facility if their behavior escalates to merit classification above a Level III custody level.*

In addition, the private prisons do not provide Track I or Track II treatment for sex offenders, although the Cheyenne Mountain Re-entry Center offers a sex offender maintenance program for those that have completed treatment. Residential Treatment Programs (RTPs) are provided only in DOC facilities; these programs provide an intensive treatment saturated environment for offenders with mental illness. Seven therapeutic communities (TCs) in state facilities serve offenders with substance use disorders; private prisons do not have TC or RTP programs.

The Department also provides diagnostic services, the intake and majority of release services (CMRC does release offenders), transportation to/from the private facilities, and offender tracking (movement between facilities, time computation, records) for all offenders in the correctional system, state and private.

The private prisons also report a higher turnover rate for correctional officers than state prisons. According to information provided by the private prisons to the Department on December 26, 2017, Crowley County had a 38.7 percent annualized turnover in staff as of November, 2017, with 60.3% of that number being Correctional Officers with less than 1 year of service; Bent County reports a 29.8 percent turnover for Correctional Officers; and Cheyenne Mountain Re-entry Center reports turnover was 49.3 percent for all classifications from October 2016 through September 2017. The higher turnover could be attributed to their lower hourly pay, as well as the overall competitive employment market in Colorado, which also affects DOC. The Department's turnover rate for CO I's is 23.8 percent for FY 2016-17, as reflected in the table in question 5.

The Department's December 2017 Annual Report Concerning the Status of Private Contract Prisons provides further details on the characteristics of offenders in the private prisons and state Level III facilities. The report can be found at this link:

<https://drive.google.com/file/d/19ML3NuxBxivoo8YUgdbIQ3VJXsDFoq4-/view>

15 Please discuss the Fetzer v. CDOC Supreme Court decision regarding calculation of parole eligibility date and the number of impacted offenders. Please include in the response:

- a. The number of inmates impacted by the decision
- b. The criteria used before and after the ruling
- c. The Department's timeline to implement the ruling.

Response: Since 1979, the DOC has been using the "governing sentence" method to determine parole eligibility date (PED) for offenders with multiple sentences. In effect, this means that the Department has used the sentence with the latest end date to calculate an offender's parole eligibility. By utilizing this method, DOC ensured that offenders serving multiple sentences served at least the statutory minimum on their latest sentence to prison.

In Fetzer, the court held that applying a governing sentence as a substitute for the statutory requirement that sentences should be construed as one continuous sentence was inappropriate. The court held the Department must construe all of Fetzer's sentences together and begin calculation of PED on the earliest effective sentencing date, excluding discharged sentences.

In a separate but related case, Diehl v. CDOC, the district court has held that the Department should start with the earliest effective sentence date and include discharged sentences as part of the one continuous sentence.

While the Supreme Court ruling is for one specific offender, the Department is being proactive in applying the ruling to other sentencing structures and other offenders. The Department was not ordered to apply this calculation to the entire population. The Department would like to emphasize that the Fetzer case only applies to offenders who have not received their FIRST parole board hearing. If an offender has met with the parole board once and not released, then timelines for the succeeding parole board hearings follow statutory requirements, not this case. This case does NOT affect Parole Board release decisions.

There are roughly 2,700 offenders that could potentially be affected by the Fetzer ruling. This list changes daily as offenders parole and new offenders enter the system. It is important to note that Fetzer will only impact offenders who are serving a sentence(s) concurrently to an earlier sentence(s), and, the new criteria will not cause all of these offenders to become past their Parole Eligibility Date (PED).

- 250 offenders have PEDs that currently are in November or December 2017, or January 2018.
 - These offenders have already had their initial parole application hearings, and therefore the recalculations under the Supreme Court's ruling will not make any difference.
- 650 offenders have PEDs between February 2018 and December 2018. Of these, 64 are currently in community corrections facilities.

- *It is important to note that the parole board sets hearing calendars three months in advance. This means that offenders with PEDs between now and April are already set to see the board. (PEDs in February are scheduled to see Board in November, PEDs in March are already scheduled for December, and PEDs in April are already scheduled for January).*
- *The targeted group for manual recalculations, therefore, will be offenders with PEDs from May-December 2018 (432 offenders). Note that the parole rate for FIRST parole board hearing is about 50% (verified with DOC's Office of Planning and Analysis on 11/2/17) so if all 432 offender's PED dates do get moved up, the Department could expect roughly 216 offenders that could be paroled.*
- *360 offenders have PEDs in 2019 (January through December).*
- *230 offenders have PEDs in 2020 (January through December).*
- *The remaining 1,210 have PEDs from 2021-2100 and beyond and as such, any impact by Fetzer will be negligible. The impact of the Fetzer recalculation on a parole eligibility date several decades out will not impact operations or funding in the foreseeable future (for example, moving the PED from 2100 to 2097.)*

Given this information, the impact of this ruling is potentially 216 offenders that could possibly see the parole board and be granted parole earlier in 2018 than originally scheduled.

Time/Release Operations is working cautiously on the offender file reviews as there are still open motions with various courts regarding the decisions in both Fetzer and another similar case for offender Diehl. The courts have given guidelines to determine a method for computing offender Fetzer's parole eligibility date, but have not given definitive instructions on computing the PED change for other offenders. The Department is waiting for court final approval on the method currently being developed for the Fetzer case, and the Department is also awaiting clarification on the court's opinion on the Deihl case which could impact these same recalculations. The difference in the two cases is that the Fetzer case does not include discharged sentences for previous offenses; the Deihl case includes discharged sentences.

In early November, DOC Time/Release Operations began manual calculations for the 432 offenders with parole eligibility dates between May 2018 and December 2018. To date, 47 files completed review starting with offender files with May PED dates and progressing in chronological order; each file requires approximately four hours for a full review. Manual calculation of the PED is a laborious process, and does not record/store the recalculated dates in the DCIS offender management system (software re-programming of DCIS is expected to require 6 months). The Department is training additional staff to assist in this process.

Of the 47 files reviewed:

- *32% (or 15 cases) were not impacted by the recalculation*

- 30% (14 cases) parole board hearings were rescheduled to January 2018 from February 2018
- 21% (10 cases) were not subject to Fetzner recalculation (did not meet sentencing parameters)
- 6% (3 cases) had class I COPD charges rendering them statutorily ineligible to see the parole board until a later date
- 4% (2 cases) already have revocation hearings pending, meaning they had already been paroled
- 4% (2 cases) had the PED date moved farther out rather than closer in
- 2% (1 case) was already ordered to release on mandatory release date

16 Please discuss the following about earned time:

- a. The fiscal impact of earned time on the per offender per day cost.
- b. How does the earned time awarded in Colorado prisons compare to other states?
- c. Should the amount of earned time be increased or decreased? Why or why not?
- d. What is the fiscal impact of increasing or decreasing earned time?

Response:

a) *The awarding of earned time does not have a fiscal impact on the per offender per day cost; however, it does result in savings due to a reduced need for prison beds since offenders receiving earned time have a shorter length of stay.*

The creation of achievement earned time in H.B. 12-1223 produced additional savings that the Department was allowed to redirect to academic and vocational education programs and parole wrap-around services. The redirected savings was subsequently capped at \$6.5 million in S.B. 15-195.

b) *A National Conference of State Legislatures report was updated in January 2016 for “Good Time and Earned Time Policies for State Prison Inmates (as established by law)”¹. The report includes a state by state comparison of good time and earned time policies, including statute references. The study indicates that 6 states have good time only, 14 states or 28 percent have earned time only, 24 states or 48 percent (including Colorado) have a combination of good and earned time, and 6 states allow no credit to sentencing length. It is noted that the Colorado section of the report references administrative segregation inmates; this custody level/status has been changed since the date of the report and the note no longer applies to Colorado’s current policy. A copy of the report can be found in Appendix A.*

¹ Wisconsin State Legislature website, National Conference of State Legislatures, “*Good Time and Earned Time Policies for State Prison Inmates (as established by law)*”, created November 2011 (updated January 2016), NCSL Criminal Justice Program, Denver, Colorado; email: cj-info@ncsl.org; website: http://docs.legis.wisconsin.gov/misc/lc/study/2016/1495/030_august_31_2016_meeting_10_00_a_m_room_412_east_state_capitol/memono4g.pdf

Earned Time/Good Time State Comparison ¹				
	Good Time Only	Earned Time Only	Combination of Good Time and Earned Time	No credit
	Alaska	Connecticut	Alabama	Hawaii
	Arizona	Georgia	Arkansas	Michigan
	Missouri	Idaho	California	Minnesota
	Nebraska	Massachusetts	Colorado	Montana
	Oregon	New Hampshire	Delaware	South Dakota
	Wyoming	New York	Florida	Wisconsin
		North Carolina	Illinois	
		North Dakota	Indiana	
		Ohio	Iowa	
		Pennsylvania	Kansas	
		Texas	Kentucky	
		Utah	Louisiana	
		Vermont	Maine	
		Virginia	Maryland	
			Mississippi	
			Nevada	
			New Jersey	
			New Mexico	
			Oklahoma	
			Rhode Island	
			South Carolina	
			Tennessee	
			Washington	
			West Virginia	
Total	6	14	24	6

c) *The Department feels the current process is a consistent, fair and appropriate process for offenders to achieve earned time. Earned time is directly tied to offenders demonstrating substantial and consistent progress in areas such as work and training, group living, and progress towards goals and programs. In addition, offenders may also qualify for other types of earned time:*

- ***Provisional Earned Time*** - Two additional days per month for class 4, 5, 6 felonies.
- ***Achievement Earned Time*** – Up to 60 days per program (maximum of 120 days) for successfully completing a milestone or phase of an educational, vocational, therapeutic or reentry program.

- **Exceptional Conduct Earned Time** – Up to 60 days per incident (maximum of 120 days) for demonstrating exceptional conduct that promotes the safety of DOC employees, contract workers, volunteers or other offenders.

The fiscal impact of offenders releasing from prison earlier than their initial required sentence length through increasing earned time grants would result in a cost savings. However, prematurely releasing offenders back to the community prior to their risk(s) being appropriately addressed and elements of truth in sentencing balanced with victim rights pose concerns for additional earned time being awarded.

- d) *The fiscal impact of increasing or decreasing earned time would have the subsequent result of decreasing or increasing the need for prison beds due to shorter or longer lengths of stay for offenders. Using the achievement earned time program created in H.B. 12-1223 as an example, the Department estimates it would have spent an additional \$37 million on private prison beds from August 1, 2012 (program implementation) through November 30, 2017 had offenders not had this opportunity to be released at an earlier date.*

17 **Please discuss the following related to the treatment of sex offenders in prison:**

- For the past five fiscal years (FY 2012-13 through FY 2016-17) provide a number for how many sex offenders in prison received sex offender treatment;**
- For FY 2015-16 and FY 2016-17 please discuss what type of therapy was provided each year and what the treatment consisted of.**
- For FY 2015-16 and FY 2016-17 please provide a list of where offenders received sex offender treatment and how many staff by facility provided the treatment.**
- As of November 30, 2017, how many offenders are enrolled in sex offender treatment, how many offenders are eligible for treatment, and how long have offenders been waiting for treatment.**

Response:

- a) *The following chart illustrates the number of offenders who have received sex offender treatment over the last five fiscal years.*

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
# of Sex Offenders who received treatment	478	483	514	523	541

- b) *The Sex Offender Treatment and Monitoring Program (SOTMP) has fully implemented the Risk, Needs and Responsivity model of treatment as of July 2015. This treatment modality is a cognitive behavioral therapy approach to sex offender treatment that matches offender risk for sexual recidivism with the appropriate corresponding dose of treatment. Sex offense specific treatment in DOC follows the standards and guidelines promulgated by the Sex Offender Management Board (SOMB). The SOTMP relies on evidence based modalities to prevent re-occurring sexually abusive behavior by helping clients:*

- effectively manage their individual risk factors,
- develop strengths and competencies to address criminogenic needs,
- identify and change thought distortions, feelings, and actions that may contribute to sexual offending and
- establish and maintain stable meaningful and pro-social lives.

The SOTMP determines offender treatment needs and risk for sexual recidivism through evidence based risk assessment tools. Clients are recommended for a specific level of treatment based on their individual risk and treatment needs. More information about the evidence behind the SOTMP can be found on OSPB’s Research and Evidence-Based Policy Initiatives website.

In addition to treatment tracks based on risk for sexual recidivism, the SOTMP offers specialized programs for the following offenders with a sex offense conviction: female, youth, Spanish speaking, and offenders with medical restrictions, hearing impairments, developmental disabilities, and chronic mental illness.

- c) The following facilities provided services in both FY 2015-16 and FY 2016-17, with filled position staff numbers as of July 1 of each fiscal year:

Sex Offender Treatment		
	FY 2015-16	FY 2016-17
Facility	# Staff	# Staff
Arkansas Valley	3	6
Arrowhead	12	0
Centennial	0	12
Colorado Territorial	4	5
Denver Complex	3	8
Fremont	15	12
Pueblo (San Carlos & YOS)	1	1
Total	38	44

- d) As of November 30, 2017, there are 415 sex offenders in treatment: 248 Lifetime Supervision and 167 determinately sentenced sex offenders. As of November 30, 2017, there were 1,540 sex offenders eligible for treatment on the Global Referral List. It should be noted that offenders requiring sex offender treatment are placed on the Global Referral List if they are within four years from their parole eligibility date.

	Number of Days on Global Referral List	Number of Offenders
Determinately Sentenced Sex Offenders	180.9	1,133
Lifetime Supervision Sex Offenders	195.9	407
Grand Total	184.9	1,540

-
- 18 **As of November 30, 2017, how many offenders were denied parole over the past twelve months because they had not received sex offender treatment?**

Response: *The Department does not receive aggregate data from the Parole Board on this issue. The Board of Parole reviews a number of factors, to include participation in sex offender treatment in making parole release decisions.*

The number of hearings for offenders who participated in treatment prior to receiving a deferred or tabled parole hearing (meaning parole was denied) has been dropping each fiscal year since 2013, but is still a significant number. The reason for the deferral or tabled ruling is not available.

FY 2013: 705

FY 2014: 680

FY 2015: 636

FY 2016: 570

FY 2017: 558

Note that these figures can represent multiple hearings for an offender: for instance, an offender who has participated in sex offender treatment, but parole release was deferred in 2013, could also have been deferred in subsequent years and be counted in these figures more than once (also assuming a deferred or tabled ruling occurred only once each year per offender). The offender could also have been released at his or her next hearing in 2014.

- 19 **Has the Department been part of any lawsuits related to the provision of sex offender treatment? What was the outcome of the lawsuits?**

Response: *There have been 46 lawsuits against the Department that are, in some way, related to sex offender treatment. Of the 46 cases, only 2 resulted in judgment against the Department and were appealed resulting in the following:*

Spitz v. DOC (Regarding sex offender treatment)- The district court ordered the DOC to immediately place the plaintiff Spitz into Phase II of the Sex Offender Treatment and Monitoring Program (SOTMP). DOC appealed this decision. The court of appeals dismissed DOC's appeal as moot, because DOC did, in fact, place offender Spitz into treatment thereby rendering the issue moot because there was no longer an actual and existing controversy.

Baillie V. Clements (Regarding SOTMP termination) - Plaintiff Baillie refused sex offender treatment. Later, Baillie decided he wanted treatment and due to the previous refusal, was placed lower on the referral list. The trial court ordered DOC to place Baillie on the list in the position he would have been in had he never refused. In addition, the court ordered DOC to place offender Baillie on the list as though he had been sentenced under the Sex Offender Lifetime Supervision Act of 2003 (SOLSA) even though he had not. The appellate court affirmed the placement on the list as though no refusal had occurred but vacated the order regarding placement as though Baillie had been sentenced under SOLSA.

11:50-12:00 GENERAL DEPARTMENT QUESTIONS

- 20 Please discuss the full scope of the opioid issue for offenders entering and exiting prison. Please include in the discussion what type of education, treatment and engagement is offered to offenders with known or suspected opioid use.

Response: DOC offenders are assessed during the intake process for the presence of substance use. The Standardized Offender Assessment Revised instrument is used to identify appropriate treatment level needs. During the assessment process and throughout treatment, offenders are given opportunities to identify and discuss their history of specific substance use. This self-reporting process, in conjunction with additional collateral information obtained through the judicial system, assists in identifying those with opioid use.

Opioid use disorder treatment is addressed by matching the offender to the appropriate level of treatment. Standardized treatment levels used in DOC are defined by the Colorado Office of Behavioral Health, which licenses substance use disorder treatment for the state of Colorado. Depending on the identified treatment needs, clients are referred to education groups or more intensive treatment such as therapeutic community. Once in treatment, offenders explore their substance use histories to identify specific substances which have been primary contributors to the addictive and criminal behaviors. Goals and objectives are developed through individual treatment planning to identify thoughts and behaviors that can result in substance use. A combination of education and cognitive behavioral therapy is used to help the offender develop new coping mechanisms that support sobriety. Treatment facilitates the formation of healthy responses to triggers to avoid relapse after release from DOC.

The Department also provides parolees and inmates a voluntary opportunity to be assessed for and participate in the use of Vivitrol (naltrexone) in conjunction with other substance abuse treatment. Vivitrol is an antagonist which creates a barrier that blocks opioid molecules from attaching to opioid receptors and is given to parolees/inmates on a monthly basis, helping them to prevent relapse to opioid dependence.

The Department has also recently begun coordinating with Evans Police Department to provide Narcan (naloxone) training to 11 parole supervisors. This training is set to begin in mid-January. The Department is also working with the Attorney General's office to leverage dollars for training and is working with the Office of Behavioral Health to supply Narcan.

In addition, the Department is leveraging opportunities through SB16-202, which utilizes Marijuana Tax Cash Fund dollars to increase access to effective substance use disorder services through regional managed service organizations. These services will include services for individuals recently released from the DOC.

Finally, the administration of opioids for pain management is monitored through DOC's Chronic Pain Management Program. Indicators of previous substance or prior prescription drug misuse are considered when applying pain management strategies.

- 21 **Please discuss what reentry services are provided to offenders exiting prison with known opioid use in the past. How is the Department identifying offenders entering prison with known opioid use?**

***Response:** DOC connects offenders needing substance use disorder treatment to treatment providers in the community through the Colorado Treatment Accountability for Safer Communities (TASC) program administered by a contractual relationship with 1st Alliance Treatment Services. Additionally, in-reach services are offered through Peer 1, The Haven, and Independence House Fillmore. These programs offer treatment and support to offenders with substance use disorders to include those struggling with opioid addiction.*

Offenders are offered the opportunity to volunteer for medication assisted treatment (MAT) prior to release. Facility parole officers identify offenders who meet basic criteria for medication assisted treatment. A psychiatric provider or a medical provider meets with the offender who expresses interest in receiving MAT. After determining if the offender would be appropriate for MAT, an oral Naltrexone tablet is administered once daily for seven days to determine Naltrexone tolerability. If tolerance is indicated, Vivitrol is administered seven days prior to release date. According to DOC Pharmacy, as of December 21, 2017, there were 26 offenders who either received Vivitrol pre-release or who are scheduled this month for administration. The TASC program has provided Vivitrol services to 90 Colorado parolees since January 2017.

- 22 **Please discuss the cost of Hepatitis C treatment drugs. Please include an explanation of the Department's efforts to negotiate the lowest cost. What other options could be considered to lower the cost of the medication.**

***Response:** Due to pending litigation, the Department has no answer at this time.*

ADDENDUM: OTHER QUESTIONS FOR WHICH SOLELY WRITTEN RESPONSES ARE REQUESTED

- 1 **Provide a list of any legislation that the Department has: (a) not implemented, or (b) partially implemented. Explain why the Department has not implemented or has only partially implemented the legislation on this list. Please explain any problems the Department is having implementing any legislation and any suggestions you have to modify legislation.**

Response:

(a) Legislation not implemented

There is no legislation that meets this description.

(b) Legislation partially implemented

SB 13-210, Concerning Employment Conditions for Correctional Officers, requires the Department to establish staffing levels at each correctional facility and private prison by security level; develop a criteria when a corrections officer works two consecutive shifts and to pay overtime; and establish a new work period for staff subject to Fair Labor

Standards Act (FLSA) 28 day work schedule. The Department is in compliance with these provisions of the Act.

Additionally, the Department is required to provide all Department employees with a pay stub that clearly and accurately reflects all hours worked, among other requirements. The Department is currently collaborating with the Department of Personnel and Administration (DPA) and the Governor's Office of Information Technology (OIT) on their efforts to modernize the state's personnel timekeeping systems. This modernized system will include the issuance of a pay stub that clearly and accurately reflects all hours worked, standard rate of pay, rate of overtime pay, accrual of any paid leave and compensatory time, remaining paid leave and compensatory time balances, as required by SB 13-210.

- 2 Does the Department have any **HIGH PRIORITY OUTSTANDING** recommendations as identified in the "Annual Report: Status of Outstanding Audit Recommendations" that was published by the State Auditor's Office and dated June 30, 2017 (link below)? What is the Department doing to resolve the **HIGH PRIORITY OUTSTANDING** recommendations? Please indicate where in the Department's budget request actions taken towards resolving **HIGH PRIORITY OUTSTANDING** recommendations can be found.

<http://leg.colorado.gov/audits/annual-report-status-outstanding-audit-recommendations-june-30-2017>

***Response:** In accordance with the State Auditor's Office report dated June 30, 2017, the Department does not have any recommendations classified as High Priority Outstanding.*

- 3 If the Department receives federal funds of any type, please respond to the following:
- Please provide a detailed description of any federal sanctions or potential sanctions for state activities of which the Department is already aware. In addition, please provide a detailed description of any sanctions that **MAY** be issued against the Department by the federal government during FFY 2017-18 or 2018-19.
 - Are you expecting any changes in federal funding with the passage of the FFY 2017-18 or 2018-19 federal budget? If yes, in which programs, and what is the match requirement for each program?
 - Does the Department have a contingency plan if federal funds are eliminated?

Response:

- The Department is not aware of any actual or potential federal sanctions of state activities related to federal funding.*
- Yes, the Department is not expecting to receive an award from the Federal Bureau of Justice Assistance (BJA) for the State Criminal Alien Assistance Program (SCAAP) in FFY 2017-18 or 2018-19. The BJA has not made the 2017 SCAAP application available to program participants. The Department receives Long Bill spending authority of \$2,077,720 for these funds in the External Capacity subprogram. There is no match requirement for this program.*
- The Department has a SCAAP fund balance of approximately \$1.45 million that can be applied to the current \$2 million SCAAP spending authority in FY 2017-18. If*

federal funding is eliminated, the remaining shortfall would need to come from the General Fund. The full \$2.08 million cash funds for SCAAP spending in FY 2018-19 would be reduced with a corresponding increase in General Funds required to meet external capacity funding needs.

- 4 Is the Department spending money on public awareness campaigns? If so, please describe these campaigns, the goal of the messaging, the cost of the campaign, and distinguish between paid media and earned media. Further, please describe any metrics regarding effectiveness and whether the Department is working with other state or federal departments to coordinate the campaign?

Response: The Department does not spend any money on public awareness campaigns.

- 5 Based on the Department’s most recent available record, what is the FTE vacancy and turnover rate by department and by division? To what does the Department attribute this turnover/vacancy? Do the statewide compensation policies administered by the Department of Personnel help or hinder in addressing vacancy or turnover issues?

Response: The Department had 6,016 active employees and 1,033 separations for a total 17 percent turnover rate in FY 16-17. Although division level data is unavailable at this time, the following turnover data is provided for five key classes:

FY 2016-2017 Turnover Rates by Class:

Class Title	Total Active Employees	Separations	Turnover Rate
Corr/Yth/Clin/Sec Off I	2,219	528	24%
Corr/Yth/Clin/Sec Off II	719	73	10%
Corr/Yth/Clin/Sec Off III (Spec and Supv)	299	23	8%
Corr Supp Trades Supv I	477	63	13%
Community Parole Officer	187	26	14%
Agency Total	6,016	1,033	17%

The Department attributes the turnover to salary concerns. The current workforce falls well below range midpoints with 70% percent of staff in quartile 1, 13% percent in quartile 2, 10% in quartile 3, and 7% percent in quartile 4. Per the FY 2018-19 Compensation Report, base salaries for state employees are 6.35% below market median. The following were the top reasons for separations:

- *Full service retirement:* 185
- *Accepted new job outside of system:* 146
- *Personal reasons:* 168

- 6 Please provide an update on the Department’s status, concerns, and plans of action for increasing levels of cybersecurity, including existing programs and resources. How does the Department work with the Chief Information Security Office (CISO) in the Office of Information Technology (OIT)? Have your information technology infrastructure and policies been audited for cybersecurity capabilities? If so, was the audit completed by the

legislative auditor or an outside entity? Do you have dedicated cybersecurity personnel? How do your cybersecurity staff interact with the CISO in OIT? What unique security issues does your Department have? Do you handle private or sensitive data? What unique cybersecurity processes or tools do you use to protect this data?

Response: The Office of Information Security, under the leadership of the state CISO provides security governance, security architecture, risk management, compliance assessment support, and security operations functions for all executive branch agencies (with a few exceptions, such as: CDE, Department of State, Department of Law, Lottery). Agencies, except those mentioned as exceptions, do not have dedicated cybersecurity personnel.

The Office of Information Security has input into the 5-year plans for each Department, and has worked to prioritize projects benefiting each Department, such as: the Enterprise Firewall Refresh project, new quarterly security awareness training, two-step verification, and an enterprise security log collection and correlation engine.

Additionally, the Office of Information Security, within OIT, produces a quarterly risk report card, in which they measure risk for each Department, and have specific goals set, for reducing risk.

Annually, the CISO develops an enterprise information security plan, utilizing input from the Governor's goals, the 5 year plans for each department, and the OIT playbook. The information security plan includes communication and information resources that support the operations and assets of each department.

The Office of Information security, within the Office of Information Technology (OIT) implements enterprise-wide security controls, meant to secure sensitive data for each department. Some of these controls are: ensuring encryption is in place to secure data in transmission, utilizing Zix to encrypt sensitive data in email, implementing specific configuration and technologies to encrypt data in storage. Additionally, OIT has implemented two-step verification to add a layer of protection to email, contacts, and data stored within G-Suite. Each department implements additional procedures, such as training, data retention and access control policies, implemented at a department level to further protect and secure sensitive data. These local security procedures augment technical controls implemented by OIT to enhance the department's continued security health.

OIT supports all of the audits that occur for each department. OIT maintains a register of outstanding technology recommendations for each department, and works individually with the department to prioritize and secure funding to implement the recommendations. In addition to performing remediation, OIT continues to implement controls and improve processes in an attempt to proactively (rather than reactively) improve security.

- 7 **What impact do the SMART Act and Lean processes have on your budget requests? Could they be used more effectively?**

Response: *Through the performance planning process, the Department focuses on key initiatives for accomplishing the DOC's mission and vision. For several years, the Department has placed an emphasis on providing re-entry services to offenders in an effort to assist offenders in their transition back to society. The Department has steered existing resources to the initiatives that support this priority and has also used the budget and legislative processes to provide additional resources, such as H.B. 14-1355, Re-entry Initiatives. In addition, the Department utilizes the Lean process to help streamline day-to-day operations and promote the efficient use of resources.*

- 8 **Does your Department use evidence-based analysis as a foundation for your budget request? If so, please provide a definition for your use of "evidence-based," indicate which programs are "evidence-based," and describe the evidence used to support these programs.**

Response: *The Department's continuing budget includes funding for many tried and true programs such as academic and vocational education, cognitive-based programs, and behavioral health treatment. Besides utilizing recognized methods for preparing offenders for their eventual return to society, the Department has also been a leader in changing corrections practices, most recently with those offenders that previously experienced long term segregation from the general prison population. While the Department expects the programs that are established and have evidence-based effectiveness to remain the foundation for its budget requests, it will also employ promising concepts that will reform and advance corrections practices. Many of the Department's programs have been categorized as evidence-based by the OSPB Research and Evidence-Based Policy Initiatives team, and more information about them can be found here: <https://sites.google.com/state.co.us/rfpfs/colorado-results-first/reports?authuser=0>.*

- 9 **Please identify how many rules you have promulgated in the past two years (FYs 2015-16 and 2016-17). With respect to these rules, have you done any cost-benefit analyses pursuant to Section 24-4-103 (2.5), C.R.S., regulatory analyses pursuant to Section 24-4-103 (4.5), C.R.S., or any other similar analysis? Have you conducted a cost-benefit analysis of the Department's rules as a whole? If so, please provide an overview of each analysis.**

Response: *Per Section 17-1-111 C.R.S., the Department is not subject to the requirements of Section 24-4-103 C.R.S. Rule-Making, and thus does not promulgate rules.*

- 10 **Describe the expected fiscal impact of proposed changes to PERA made by both the Governor's Office and the PERA Board of Directors. In addition to direct budgetary impacts, please describe any anticipated secondary impacts of an increase in employee contribution rates. For instance, does the Department anticipate a need to increase employee salaries to compensate for the increase in PERA contributions?**

Response: *The proposed changes to PERA made by the PERA Board of Directors include a 2.0 percentage point increase in employer contributions from 20.15% to 22.15%, which will have a direct budgetary impact on the department. DPA will provide a statewide*

estimate for this impact. PERA's proposal makes this change starting January 2020, thus it will affect the department's budget starting with FY 2019-20. The PERA Board proposal also includes a recommendation for contributions to be made on gross pay rather than net pay, which increases the salary base upon which the annual contribution is calculated for both employers and employees. This would have a direct impact on the department's budget as well as employee take home pay. OSPB and DPA are looking into whether this impact can be estimated, and if so, a statewide response will be provided by DPA. The PERA Board proposal also includes a 3.0 percentage point increase in employee contributions—from 8.0 percent to 11.0 percent of pay—beginning in January 2020. Without an increase in employee salaries, these changes would reduce take home pay for state employees beginning in FY 2019-20.

The Governor's proposed changes to PERA will not have a direct budgetary impact on the department, with the exception of maintaining the PERA Board's recommendation for employee and employer contributions to be made on gross pay rather than net pay. As mentioned above, this would increase the salary base upon which the annual contribution is calculated for both employers and employees. OSPB and DPA are looking into whether this impact can be estimated, and if so, a statewide response will be provided by DPA. The Governor's proposal includes a 2.0 percentage point increase in employee contributions—from 8.0 percent to 10.0 percent of pay—beginning in January 2019, a year earlier than the PERA proposal. The Governor's budget request includes an across-the-board salary survey increase of 3.0 percent for most state employees beginning July 1, 2018. With the proposed increase in employee contributions, this will average to a take home pay increase of 2.0 percent for the fiscal year. The proposed salary survey increase results in an increase of \$10,825,001 total funds, and \$10,516,363 General Fund for FY 2018-19 for the department.

- 11 **Senate Bill 17-267 required Departments, other than Education and Transportation, that submit budgets to OSPB to propose a budget that is 2.0 percent below the total funds budget in FY 2017-18. Please highlight the following regarding the 2.0 percent reduction:**
- **Where these reductions can be found in the Department's request;**
 - **What programs are impacted by the reduction; and**
 - **Total amount of the reduction.**

Response: *In the course of its statutory duties, the Office of State Planning and Budgeting complied with the provisions of S.B. 17-267. A provision of the bill required OSPB's consideration of proposed two percent reductions for certain principal department budgets. OSPB found the process to be useful. In recommending the budget request, especially in the General Fund, while considering each department's budget reduction items, OSPB also took into account the various pressures on spending and needs throughout the state. Additionally, S.B. 17-267's provisions informed decision making in the request, in particular the recommendation for a decrease in the Budget Stabilization factor in the School Finance Act as well as the recommendation to increase the statutory reserve in the General Fund. With respect to the two percent target of General Fund spending as defined in the bill, these two items exceeded the suggested target.*

The Department's budget request includes two reductions, including:

1. (\$465,372) General Fund to eliminate the remainder of the Community Corrections funding in External Capacity subprogram for Community Return to Custody Facilities abolished by SB 17-1326.
2. (\$2,061,362) General Fund in R-09 Community Supervision Caseload, which reduces staff and operating costs due to projected population decreases in the Community Supervision Program which oversee offenders in community corrections facilities and those offenders that have transitioned to live outside the community corrections center on an intensive supervision program while remaining on inmate status before release to parole.

12 Please provide the following information for the Department's custodial funds and continuously appropriated funds:

- Name of the fund;
- Amount of funds received;
- Whether the revenues are one-time or multi-year;
- Current cash fund balance;
- Source(s) of the funds;
- A list of FY 2015-16 and FY 2016-17 expenditures from these funds;
- Expected uses of the funds in FY 2017-18 and FY 2018-19; and
- Legal authorization and restrictions/limitations on the Department's use of these funds.

Response: A response to this question will be provided by the Governor's Office at a later date.

13 What is the Department's process for engaging in (or disputing) federal land, environmental, jurisdictional, and/or water policy issues? How do you coordinate with other departments, the Governor's Office, local governments, and/or citizens?

Response: The Department's Facility Management Services has specialized team members that routinely address and closely monitor regulations. The team members' responsibilities include ensuring Correctional Facilities throughout the State maintain compliance with current regulations and plan for potential regulatory updates.

Engagement by the Department with Federal entities is specific to the Environmental Protection Agency (air pollution, water and wastewater), Homeland Security (security audits) and Bureau of Reclamation (water). The Department is currently working with the Bureau of Reclamation on untreated water storage to be used for water replenishment.

The Department consistently maintains relationships with its counterparts at other State Agencies so that when issues arise, there is already an established foundation of respect and collaboration. The level and method of collaboration will depend on a case-by-case analysis of the issue, and may include email, phone conferences, or in-person meetings.

The Department also navigates issues with allied State Departments/Divisions (Personnel & Administration, Office of the State Architect, Land Board, Public Health & Environment,

Attorney General's Office, Wildlife, Human Services, Transportation, and Natural Resources), Federal agencies (including the Environmental Protection Agency) and Local/Regional departments (such as fire districts, sanitation and water districts, and utility providers). The Department also engages with local fire districts to operate under memorandums of understanding to provide fire protection at the Correctional Facilities.

14 Please discuss how new tablets are being used for education and rehabilitation purposes and how tablets affect reentry services.

Response: *Various studies show that offenders who maintain close contact with family members during incarceration have better outcomes once released and have lower recidivism rates. The tablets provide offenders with additional opportunities to maintain familial contact via the phone and e-messaging. Additionally, many of these offenders have not been exposed to tablet or smartphone technology, so this also aids in their preparation for release into the community.*

Mental health, alcohol/drug and sex offender treatment team members compiled information sheets that provide information for self care and to promote wellness. These information and worksheets are available for all offenders through their GTL tablets. The brief descriptions can help raise self awareness around unhelpful thinking styles along with helpful strategies for coping being available to an offender to review and access on their tablet. When an offender can review these sheets and perhaps start to recognize when they utilize unhelpful thinking styles without the pressure of classes or groups, it can lower defensiveness since it is on their terms to access information. Having resources accessible like information and worksheets to challenge the pattern of high risk coping styles with alternative coping skills can increase an offender's personal accountability as they transition to community living and resume personal relationships and engage in the workforce. Some topics include:

- *Unhelpful Thinking Styles: labeling, overgeneralization, emotional reasoning, magnification/minimization, personalization, jumping to conclusions*
- *Information and strategies regarding: accepting uncertainty, assertive communication, calming techniques, grief/bereavement, sleep hygiene, coping with anger, coping with stress, progressive muscle relaxation*
- *Information fact sheets regarding: facts about sleep, what is anger, what is mindfulness, what is insomnia*
- *Worksheets: sleep diary, accepting uncertainty, challenging intolerance of uncertainty, monitoring your relaxation level, letting go with mindfulness*

The Department has also begun to download re-entry and educational material on the tablets such as: GED study materials, GED Practice Tests, Go Guide (Re-entry Guide for Colorado), and Take Care Health Matters. The Department is currently identifying additional re-entry resource material that can be downloaded to the tablets.

- 15 Please discuss what the Department does for parolees during the first seventy-two hours of parolee prior to the initial meeting with the parole officers.

Response: *Offenders are required to report to their Community Parole Officer on the day of release. The Facility Parole Officer works closely with releasing offenders to ensure they have reporting instructions and transportation to the assigned parole office. The Division of Adult Parole runs a shuttle in the Denver Metro area and provides individual transports or bus tickets statewide for releasing offenders.*

The Department continues to work to ensure offenders release with an ID and other benefits documentation for which they are eligible. In addition, offenders can meet with Reentry staff on their parole release date for access to resources for clothing, food, hygiene products, and other community resources.

Additional efforts the Department provides prior to and just following release are included in Response #16a.

- 16 Please discuss the following questions about recidivism:
- a. How does the Department ensure offenders and parolees are connected to services upon exit from prison or parole?
 - b. What recidivism reduction initiatives are planned for FY 2018-19? What is the Department's FY 2018-19 target for recidivism reduction?
 - c. How does the Department use technology to reduce recidivism? What new technologies are being considered for reducing recidivism? How does the Department identify and select new technology?
 - d. How the Department uses technology to coordinate with community based agencies to reduce offender recidivism rates.

Response:

- a) *In FY 2015-16, the Department started the re-entry program and established re-entry living units at all Level II custody and above facilities. A significant component of the re-entry units encompasses developing collaborative partnerships with government and community entities to identify resources/services through an in-reach model. In-Reach embraces the idea that in order for an offender to be successful in a community setting, the offender must have basics such as housing, employment, and treatment services arranged before the offender is released from prison. Developed collaborative partnerships have allowed for facility re-entry units to conduct in-reach events for job fairs, motivational speakers, educational opportunities, faith based support, housing opportunities, and health organizations. Examples of In-Reach participants are; Pikes Peak Work Force Center, Denver Works, Connect for Health, Second Chance Center, Colorado Department of Social Services, Denver Rescue Mission, and Express Employment. In FY 2016-17, the Department established 690 collaborative relationships with government and community participants to facilitate resources for in-reach and conducted 575 in-reach functions with 6,155 offender contacts through in-reach.*

Clinical Services mental health clinicians assigned to parole coordinate with facilities prior to an offender release that has identified high needs for mental health and poses a higher risk for substance use disorders and relapse. The parole mental health clinicians along with community parole officers, facility mental health, case management and facility parole officers will staff offenders and discuss the specific needs for the individual. The parole mental health clinicians have established good working relationships with community mental health centers and approved treatment providers through parole, and facilitate intake appointments prior to an offender's release in effort to increase continuity of treatment services. Additionally, parole mental health also assists with the psychiatric in-reach efforts and can facilitate follow up for continuity of care.

Other services from parole include:

- Community Reentry Specialists – provide a wide range of individualized wrap around services including health care navigation, housing, education and training, employment, transportation, pro-social recreation activities, family reunification support and parenting skills.*
 - Parole Mental Health Clinicians assist Community Parole Officers in acquiring the necessary mental health services for offenders on parole. The clinicians see individual offenders with specific mental health needs, crisis intervention, suicide assessment, non-released medication issues, and help to manage community mental health center appointments and do in-reach prior to release to coordinate care.*
 - Employment Training and Navigators - provide employment services, job coaching and job placement to parolees seeking work.*
 - Community Care Case Managers - provide transition planning services, intensive case management, care coordination and benefits navigation (e.g., Medicaid/Medicare, SSI) for individuals releasing from prison identified with high medical and/or mental health needs.*
 - Community Service Collaborations (such as the Work and Gain Education and Employment Skills (WAGEES) Program authorized and funded under HB 14-1355) – community- and faith-based organizations that provide wrap-around services including cognitive behavioral interventions, employment preparation/placement, education preparation/placement and support, gang disengagement, health and benefits acquisition, housing, behavioral health services, parenting/family reunification and vocational training services.*
- b) The re-entry units serve moderate/high risk offenders with the intent of the program being to break the negative cycle by educating these offenders so they focus on positive actions and successfully transition into the community. For FY 2018-19, the Department plans to enhance services within the re-entry units by establishing an offender mentoring program. The intent is to establish a supportive relationship between the offender and a mentor to assist in the offender's transition from prison to the community. The mentoring relationship will be defined based on the offender's risk and needs.*

The Department intends to expand employment training to increase the percentage of parolees who, with the first year following release from prison, have obtained and maintained part- or full-time employment. The monthly average of parolees employed is 81% (with exception for those parolees who are unable to work due to a disability, retirement, attending school, etc.)

In FY 2018-19, the Department also plans to implement a gender responsive risk assessment for female offenders. The gender-responsive risk assessment is designed to properly case plan women's risk factors associated with recidivism and future misconduct. Research confirms that female offenders differ significantly from their male counterparts in terms of their personal histories and how they enter into crime. They are more likely to have a history of physical and/or sexual abuse; suffer from trauma; are often the primary caretakers of young children at the time of arrest; and have distinctive physical and mental health needs. The goal of this initiative is to effectively manage the female population by addressing substance abuse, trauma, and mental health issues through individualized assessment and comprehensive gender-responsive services/intervention strategies.

The Department is also looking to establish a Colorado Violation Decision Making Process (CVDMP) and Incentive Program specific to the female parole population: The Division of Adult Parole has been researching information on gender-specific response to violations and incentives from the states of Oregon and Washington as well as the American Probation and Parole Association. Since childhood trauma and women's health (mental and physical) outcomes are so interconnected, the Division is in early discussions with the Department of Public Health and Environment in piloting the Adverse Childhood Experience (ACE) screen to the female parole population to assist in developing a supervision plan to address their specific areas of vulnerability.

DOC has partnered with community Approved Treatment Providers for the purpose of providing in-reach psychiatric services via televideo to offenders with a serious mental illness prior to paroling to the Denver Metro area covered by the Lincoln, Englewood, and Sherman Parole offices. These services effectively begin the therapeutic relationship between the individual and the psychiatric provider, helping to ensure follow up appointments are kept and "bridge" medications are provided. The initiative for FY 2018-19 is to expand psychiatric in-reach services to cover Denver, Adams, Jefferson, Arapahoe, Douglas, El Paso, Pueblo, and Fremont counties.

The SOTMP has partnered with the Division of Parole, DOC Re-Entry, community sex offender treatment providers, and Geo Re-Entry Services (formerly CMRC) to develop a parole re-entry workshop for sex offenders in the maintenance level of treatment. The SO Re-Entry Workshop is intended to address components of successful community transition, specific to offenders with a sex offense conviction. Several of the topics covered in this workshop address risk factors associated with

sexual recidivism. One goal of the workshop is to begin to address risk factors that occur in the community prior to the offender's release from prison. This workshop is designed for soon-to-be-released sex offenders. A unique component of this workshop is that it utilizes sex offenders on parole in the community as well as Parole officers, re-entry specialists, and community treatment providers to provide education on community treatment and parole as well as responding to questions via live video conferencing.

The Alcohol and Drug Program plans to increase the connection between facility clinicians and offenders who were clients in DOC Therapeutic Communities (TC) through the TC/Community Liaison program. TC clients represent those DOC offenders with the highest level of substance use disorder treatment needs. One Facility TC/Community Liaison from each of six TCs will act as a single point of contact for former clients and/or Parole Officers working with these clients. This streamlined opportunity for connection will help the client, who is navigating the challenges of parole, maintain the support and encouragement developed during treatment. The Liaison will help the client transition to the services and resources provided by parole.

- c) Various studies show that offenders who maintain close contact with family members during incarceration have better outcomes once released and have lower recidivism rates. Offenders have been issued tablets with phone and e-messaging abilities. The tablets provide offenders with additional opportunities to maintain familial contact via the phone and e-messaging, as well as learning new technology they may not have experienced before incarceration. The Department has also begun to download re-entry and educational material as noted in question 14, and is looking for additional programming opportunities to enhance re-entry efforts.*

The Department will also offer video visitation for offenders and their families. The video visitation kiosks are currently being installed at all facilities.

New programs were introduced into education this year via chrome books, which require a wireless infrastructure to operate but are not connected to the internet or external networks. The chrome books offer unlimited resources for education. The applications are geared toward specific learning difficulties and are suited to the needs and subject content of the individual learner.

Education programs utilize virtual reality technology to incorporate life skills learning into offender course work. Virtual learning experiences such as welding, doing laundry, cooking and virtual grocery shopping allow for critical experiences prior to release. Another utilized technology is simulation; through a driving simulator, offenders are capable of obtaining practical skills to assist in procuring a commercial drivers' license (CDL).

Education Programs, in partnership with the Community Colleges, arranges for Mobile Learning Labs to provide industry training statewide. The Mobile Learning Labs consists of Electrical System training, Hydraulics and Pneumatics training, Machining Concepts and Live Welding Education. Upon completion of Mobile Learning Labs, offenders obtain industry certificates and OSHA 10 cards.

What new technologies are being considered for reducing recidivism?

At present, Education Programs is looking at the development of a DOC offender cloud. Considering the community now functions by uploading, downloading and storing in the cloud, the Department would like to provide a secure DOC cloud that functions similarly. Offenders need to understand the use of the cloud for storing their own assignments, projects and items such as resumes and college or industry certificates. Education Programs would then, upon release of the offender, be able to send stored items from the DOC cloud to the cloud that is utilized in the community.

The Division of Adult Parole will be testing a program which will use smartphone technology to assist offenders in navigating community resources, organizing their schedules, and meeting their reporting requirements through virtual check-ins.

How does the Department identify and select new technology?

The Department selects its technologies utilizing the labor market report of top occupations and by reviewing current community practices in essential skills of living. Example: Personal checks for the purpose of bill paying are practically obsolete. The Department teaches financial literacy through a web-based resource on the chrome books. Not only does the offender receive information essential to functioning within the community but they understand the Wi-Fi concept and mobile device utilization that they will face once released from prison.

- d) Second-chance employers in the community have been able to video-interview offenders before they leave prison using the video conferencing system or Google Hangouts. Offenders that are pre-hired through these companies receive a pre-hire letter that is emailed directly to their facility case manager. Employers also have been able to provide information about their company to offenders in a group setting over the video conferencing system. This allows for a question/answer session with the offenders and employer to discuss if they might be a good fit for that company after they release from prison, providing them an option and opportunity to look forward to after release.*

17 Please discuss the following questions related to Treatment Accountability for Safer Communities:

- a. Has the Department conducted a performance audit of the Treatment Accountability for Safer Communities?**

Response: *A performance audit of the Treatment Accountability for Safer Communities has not been requested nor conducted since 2014.*

- b. 1st Alliance was purchased by CoreCivic, which is the same company that owns many community corrections facilities and private prisons. Is there any conflict with them also providing Treatment Accountability for Safer Communities services?

Response: *Treatment Accountability for Safer Communities services provide for the assessment of offenders and referral for services to Approved Treatment Providers (ATPs) statewide. This is the primary function of the current contract with 1st Alliance that will be taken over via the purchase by CoreCivic. Since CoreCivic provides only a small percentage of the ATP services compared to the statewide ATP program, the Division of Adult Parole does not believe a conflict exists. In addition, CoreCivic's ownership of community corrections facilities is managed under the Department of Public Safety – Division of Criminal Justice budget and contracts; their ownership of private prisons does not conflict with providing TASC services.*



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**Good Time and Earned Time Policies for State Prison Inmates
(as established by law)**

Created November 2011 (updated January 2016)

This chart highlights sentence credit policies listed in state statutes that are applicable to inmates in state prisons. Earned time is defined as a credit against an inmate's sentence or period of incarceration that he or she earns for participation in or completion of productive activities. Earned time is distinguished from, and can be offered in addition to, "good time" credits which are given to offenders for following prison rules and required participation in activities.

STATES	GOOD TIME	EARNED TIME							NOTES	
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other		
<i>Alabama</i> <i>§14-9-40 et seq.; §14-9-3</i>	20, 40 or 75 days per 30 days served for prisoner behavior, discipline, work practices and job responsibility.								30 days per 12 months for blood donation; on top of other time earned.	Time awarded based on inmate classification
<i>Alaska</i> <i>§33.20.010</i>	1/3 off prison term for good conduct.									
<i>Arizona</i> <i>§41-1604.06 to .07</i>	1 day per 6 served for education, training, treatment programs and any assignments of confidence and trust.									DOC to create and base credit on classification, including ineligible classes
<i>Arkansas</i> <i>§12-29-201 et seq.</i>	30 days per month served for work practices, job	90 days per completion of GED	90 days per completion of vocational	90 days per completion of drug or alcohol						Earned time not to exceed 360 days, earned on

STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	responsibilities, and rehabilitative activities.		certification	treatment					top of good time. Board of Corrections to create inmate classifications
<i>California Penal Code §2933 et seq. and §2935</i>	Six months per six months served or proportionally less time awarded for less time served, in line with regulations set by the secretary of corrections.	See other	See other	See other		2 days per 1 day working for working at a conservation camp or for working as an inmate firefighter or after completion of training for those programs.	Up to 12 months for heroic acts in life threatening situations or providing exceptional assistance in maintaining the safety and security of a prison.	1 – 6 weeks per 12-month period for completion of rehabilitative programming as determined by DOC but may include academic programs, vocational programs, vocational training, and core programs such as anger management, social life skills, and substance abuse programs. Awarded on top of good time. Jail inmates-1 day per 8 hours of participation in educational, vocational, substance abuse, life skills, and parenting programs	Certain inmates are only eligible to earn 15% of good time.
<i>Colorado §17-22.5-405 et seq.</i>	10 or 12 days per month served based on DOC standards of consistent progress	Up to 60 days per completion of program milestone or phase of an	Up to 60 days per completion of program milestone or phase of a	Up to 60 days per completion of program milestone or phase of a		1 day per 1 day of working at a disaster site, on top of	Up to 60 days per act of exceptional conduct.	An additional maximum 30 days or maximum 60 days for certain inmates without	Administrative segregation inmates eligible for earned time after first 90



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	with work, training, group living (personal hygiene, cooperation, double bunking, and social adjustment), counseling and self-help groups, progress towards goals identified in diagnostic program, has not harassed victim, any parole release rules, and progress in literacy corrections program or correctional education program	educational program.	vocational program.	therapeutic program.		good time		penal code infractions within specified timeframes, has been program compliant, and has not been previously convicted of certain felonies; at the discretion of the parole board. Up to 60 days per completion of program milestone or phase of a reentry program.	days
<i>Connecticut §18-98e</i>								Up to 5 days per month for compliance with accountability plan, participation in eligible programs and good conduct. (credit may not be earned for only good conduct)	Total credit cannot exceed 5 days per month
<i>Delaware 11 Del.C. §4381</i>	2 days per month for first year served and 3 days per month for subsequent years served for no violations and work	Up to 5 days per month for participation in education			Up to 5 days per month for participation in work			Up to 5 days per month for participation in rehabilitation or program approved by DOC. Up to 60 days for successful	Good time not to exceed 36 days per year and total credit not to exceed 100 days per year; earned



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	toward rehabilitation							completion of program designed to reduce recidivism	time programs determined by DOC in line with authorized list
<i>Florida §944.275 and §944.801</i>	10 days per month served for participating in training, working diligently, using time constructively, or other positive activities	6 days per 150 hours of participation in correctional education program; 60 days for completion of GED	60 days for completion of vocational certificate				Up to 60 days for service in outstanding deed (saving a life or assisting with recapture of escapee)		education / vocation is a onetime credit; Inmate Education Guidelines §944.801
<i>Georgia §42-5-101, HB349 (2013)</i>		1 day per 1 day of participation in academic education	1 day per 1 day of participation in vocational education						Instructs the parole board to consider credits when making a release decision. Inmates convicted of certain offenses are not eligible
<i>Hawaii N/A</i>									Requested development of earned time program
<i>Idaho §20-101D</i>							Up to 15 days per month for an extraordinary act of heroism at the risk of his own life or for outstanding service to the state of Idaho which results in		

STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
							the saving of lives, prevention of destruction of major property loss during a riot, or the prevention of an escape from a correctional facility.		
<i>Illinois</i> 730 ILCS 5/3-6-3	1 day per 1 day or 4.5 days per month served for compliance with rules and regulations	Good time multiplied by 1.5 for participation in educational program; 90 days for completion of GED on top of other good and earned time.		Good time multiplied by 1.5 for participation in full-time substance abuse program	Good time multiplied by 1.5 for working in correctional industry assignment		Up to 90 or 180 days for service as determined by DOC, including compliance with rules and regulations and services to DOC, community or state; at the directors discretion.	Good time multiplied by 1.5 for participation in behavior modification program, life skills program, or reentry planning.	
<i>Indiana §35-50-6-3 et seq., HB 1006 (2013)</i>	1 day per 1 day served, 1 day per 2 days served or 1 day per 6 days served. For convictions after June 30, 2014: 1 day per 1 day served, 1 day per 3 days served, 1 day per 6 days served, or no credit.	Time earned per completion of literacy skills program (6 months), GED (6 months), High School Diploma (1 year), associate's degree (1 year), or bachelor's degree (2 years) on top of other good and earned time.	Up to 1 year for completion of one or more career and technical or vocational education program on top of good time.	Up to 6 months for completion of one or more substance abuse or basic life skills program on top of good time.				Up to 6 months for completion of one or more reformative program on top of good time	Total credit not to exceed 2 years or 1/3 of sentence, whichever is lesser.
<i>Iowa</i>	15/85 of a day for	12/10 of a day per		12/10 of a day	12/10 of a		Up to 365 days		Inmates are

STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
<i>§903A.2</i>	good conduct	1 day of participation in an educational program.		per 1 day of participation in a treatment program	day per 1 day working in the institution, Iowa state industries or an employment program TBD by DOC		for exemplary acts		either eligible for 15/85 good time or 12/10 earned time dependant on type of sentence, not both.
<i>Kansas §21-6821</i>	15% or 20% of prison term	90 days for completion of a GED on top of good time.	90 days for completion of a technical or vocational training program on top of good time.	90 days for completion of a substance abuse program on top of good time.				90 days for completion of any other program which has been shown to reduce offender's risk after release on top of good time.	
<i>Kentucky §197.045 and §197.047, SB 78 (2013)</i>	10 days per month served based on conduct	90 days for completion of GED, high school diploma, two or four year college degree, or civics education program on top of good time.	90 days for completion of two or four year applied science or technical education diploma or an online or correspondence education program on top of good time.	90 days for completion of a drug treatment program or other evidence-based program on top of good time.			7 days per month for outstanding performance related to institutional operations and programs; additional 7 days per month during an emergency on top of good and earned time.	1/5 day per 8 hours of participation in state or local government entities work projects or work related to maintenance and operation of a correctional facility.	
<i>Louisiana RS 15: §571.3, RS 15: §833.1, RS 15: §828, HB 59 (2013)</i>	45 days per 30 days or 3 days per 17 days in custody for good behavior and performance of work or self-				1.5 days per 1 day working in lieu of incentive wages.	30 days per 30 days working on disaster remediation.		1.5 days per 1 day for performance in self-improvement activities in lieu of incentive wages.	Inmates earn either good time or earned time, not both. Total good time limited to 360



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	improvement activities.								days
<i>Maine 17-A MRSA §1253 (8) – (10)</i>	Up to 4 or 5 days per month served based on conduct.							Up to 3 days per month for complying with transition plan for work, education or rehab; additional 2 days per month for community-based work, education or rehab, on top of good time.	
<i>Maryland Correctional Services §3-701 et seq.</i>	5 or 10 days per month served	5 days per month of participation in educational or other training courses on top of good time.	5 days per month of participation in vocational courses on top of good time.		5 days per month for satisfactory performance in assigned tasks on top of good time.			10 days per month of participation in special selected work projects or other special programs on top of good time.	Total credits not to exceed 20 days per month.
<i>Massachusetts 127:§129C and §129D</i>		5 days per month of participation in a GED educational course or other educational course	5 days per month of participation in a vocational program		5 days per month of working at a state hospital or state school; employed on work release or in prison industry.			5 days per month for any other program deemed valuable to an inmate’s rehabilitation. Additional 5 days while confined in a prison camp on top of other earned time. One-time up to 10 day credit for program requiring six months satisfactory participation.	Total credits not to exceed 10 days per month. Habitual offenders cannot earn good time.

STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
<i>Michigan §800.34</i>									No credit. Disciplinary time: time added to prison term for misconduct to be considered by the parole board for release.
<i>Minnesota §244.05</i>									No credit. Time added to prison term for misconduct or non-participation in rehabilitative programming.
<i>Mississippi §47-5-138, §47-5-138.1, and §47-5-142</i>	4.5 days per 30 days served for compliance with good conduct and performance requirements.	30 days per month of participation in educational or instructional programs on top of good time; additional time of up to 10 days for every 30 days participation for completion			30 days per month for satisfactory participation in work projects on top of good time; additional time of up to 10 days for every 30 days participation for completion			30 days per month of participation in special incentive programs on top of good time; additional time of up to 10 days for every 30 days participation for participation.	
<i>Missouri §558.041 and 14 CSR 10-5.010</i>	1 – 2 months per year for acceptable behavior and appropriate program involvement.								Statute Instructs Department to create a policy.



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
Montana N/A									No credit.
Nebraska §83-1,107	Six months per year, credit may be forfeited or withheld for misconduct. 3 days per month for no class I or II violations nor more than 3 class III violations within preceding 12 months.								
Nevada §209.4465, §209.448, §209.449, and §209.443, AB 43 (2013) , SB 71 (2013)	20 days per month served with no serious infractions and performing duties assigned.	10 days per month for participation in study on top of good time. 60 days for GED, 90 days for high school diploma, 120 days for 1 st associates degree and up to 90 days for additional degrees on top of all other time.	60 days for completion of a vocational education and training program on top of all other time; additional maximum 60 days for meritorious or exceptional achievement in completing the program.	60 days for completion of alcohol or drug treatment program by a licensed counselor on top of all other time.	10 days per month for “laboring” on top of good time.	10 days per month for participating in a conservation camp on top of good time.	Up to 90 days per year for exceptional meritorious service on top of all other time.	10 days per month for participating in a restitution center, reentry program, work release or any other program outside prison.	Board of prison commissioners supposed to adopt regulations allowing offenders sentenced after June 30, 1969 for crime committed before July 1, 1985 to earn credit for donating blood. Cannot earn more good time credit than time remaining on sentence. Limits reduction from minimum term of imprisonment to 58%

STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
<i>New Hampshire §651:2(II-e), §651-A:22 and §651-A:22-a</i>		90 days for GED. 120 days for high school diploma. 180 days for Associate’s Degree and 180 days for Bachelor’s Degree	60 days for successful completion of vocational programming	One-time 60 day reduction for meaningfully participating in recommended or mandated mental health and/or substance use treatment.				Up to 12.5 days per month served (150 days per year) for good conduct and participation in programs designed to reduce recidivism.	150 days “disciplinary time” added for each year of term; days reduced for good conduct at the same rate
<i>New Jersey §30:4-92; §30:4-92a and §30:4-140</i>	7 days per month up to 16 days per month served, time awarded increases with number of years served for orderly conduct.	Commissioner may award time for achievements in education on top of other time.	Commissioner may award time for achievements in workforce training on top of other time.		3 days per month for the first year employed and 5 days per month for subsequent years working in honor camps, farms or details.				
<i>New Mexico §33-2-34</i>	Up to 4, 8 or 30 days per month served dependant on crime and quality of participation.	3 months for a GED, 4 months for an associates degree, 5 months for a bachelor’s degree or graduate qualification completion, on top of good time.	1 month for completion of a vocational program, on top of good time.	1 month for completion of a substance abuse or mental health program on top of good time.			For a heroic act of saving life or property or extraordinary conduct that demonstrates commitment to rehabilitation. Amount earned at discretion of DOC.		Earned time awarded may not exceed 1 year in a 12-month period.
<i>New York Correction §803 - §805</i>		Total of 1/7, 1/6, or 1/3 of the sentence for completion of a GED .	Total of 1/7, 1/6, or 1/3 of the sentence for vocational trade certificate following at least six month of	Total of 1/7, 1/6, or 1/3 of the minimum sentence for alcohol and substance abuse treatment				6 months for participation in work and treatment <i>and</i> completion of “significant programmatic	6 month credit will be applied to the end of a prison term, on top of other credit earned.



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
			vocational programming or at least 400 hours of community work crew service.	certificate.				accomplishment” (defined in statute).	
<i>North Carolina §148-13, §15A-1340.13(d), §15A-1340.18 and P&P Ch. B, sec. 0100</i>		Up to 30 days for each educational degree achieved.	5, 15 or 30 days credit for completion of apprentice program, dependant on program.		2 – 6 days per month for working full-time. Additional one day credit per 8 hours overtime worked. DOC can also award time for working in inclement weather.		Up to 30 days for each exemplary act.	2 – 6 days per month for full-time participation in programs that assist in productive reentry. 20% the minimum sentence for participation in treatment, education and rehabilitative programs – eligibility determined by the court.	Monthly credit cannot exceed 6 days per month. Completion and meritorious credit on top of other credit. Statute Instructs DOC to create a policy .
<i>North Dakota §12-54.1</i>							Lump sum or monthly rate equal to 2 days per month for outstanding performance or heroic acts, on top of other earned time.	5 days per month based on participation in court ordered or staff recommended treatment and education programs and good work performance.	No more than 1 day for 6 days served
<i>Ohio §2967.193</i>		1 or 5 days per month of participation in an education program	1 or 5 days per month of participation in vocational training	1 or 5 days per month of participation in substance abuse treatment or sex offender treatment	1 or 5 days per month working in prison industries			1 or 5 days per month of participation in a constructive program TBD by DOC with specific standards for performance	May earn time for up to 2 programs and total credit cannot exceed 8% of total days of sentence.



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
<i>Oklahoma §57-138, §57-138.1, and §57-65</i>	22, 33, 44, 45, or 60 days per month for rehabilitation, obtaining job skills, and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance.	10 – 30 days for educational accomplishments on top of good time; 90 days for completion of GED on top of good time; 200 days for a bachelor’s degree; 100 credits for an associate’s degree.	80 days for vocational certificate on top of good time.	70 days for completion of a minimum 4 month alcohol/chemical abuse treatment program on top of good time.			Up to 100 days for meritorious act within the public interest in enhancing public safety on top of all other time.	10 – 30 days for programs not specified on top of good time. 3 days for each pint of blood in first 30 days, up to 5 days for each pint during any sixty-day period thereafter for jail inmates	
<i>Oregon §421.121</i>	Total of 20% or 30% of prison term on crime for appropriate institutional behavior								
<i>Pennsylvania 61 Pa CSA §4501 - §4512</i>								1/4 or 1/6 the minimum sentence for participation in and completion of evidence-based program plan as determined by risk assessments	Eligibility determined by sentencing court.
<i>Rhode Island §42-56-24</i>	Up to 10 days per month for good			5 days per month of participation;	2 days per month		3 days per month for	5 days per month for programs that	Inmates serving time for murder,



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	behavior.			30 days for completion	working in prison industries on top of good time.		performing heroic acts or for extraordinary and useful ideas and which have been implemented for the benefit of the state resulting in substantial savings and/or a higher degree of efficiency or performance; on top of good time but NOT in addition to rehabilitation or other earned time.	address inmate's personal needs related to criminal behavior and 30 days for completion of a program on top of good time.	kidnapping a minor, sexual assault, or child molestation cannot earn good time
<i>South Carolina §24-13-210 to 235</i>	3 or 20 days per month served for a good conduct record.	Up to 1 day for every 2 or 6 days per month for actively enrolled and participating in academic training; granted upon successful completion on top of good time.	Up to 1 day for every 2 or 6 days per month for actively enrolled and participating in vocational or technical training; granted upon successful completion on top of good time.						
<i>South Dakota N/A</i>									No credit.
<i>Tennessee §41-21-236</i>	Up to 8 days per month served for good institutional	Up to 8 days per month of participation on	Up to 8 days per month of participation on		Up to 8 days per month working on				Inmates can earn up to 16 days per month



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
	behavior.	top of good time. 60 days for completion of GED, high school diploma, 2 or 4-year college degree or applied sciences program on top of all other credit.	top of good time; 60 days for completion of a vocational educational diploma		top of good time				and one educational completion credit.
<i>Texas</i> <i>Gov. Code</i> <i>§498.002 -</i> <i>§498.003</i>		10 to 30 days per month of participation in an educational program; literacy program only if inmate is a tutor or pupil	10 to 30 days per month of participation in a vocational program	10 to 30 days per month of participation in a treatment program	10 to 30 days per month working in an industrial or other work program	10 to 30 days per month working in agricultural program			
<i>Utah</i> <i>§77-27-5.4</i>								Minimum 4 months for completion of one program identified in case action plan.	Earn credit for up to two programs. Parole board has discretion to award additional time.
<i>Vermont</i> <i>28 VSA §811 to</i> <i>§813</i>					30 days per month for working in a work camp.				
<i>Virginia</i> <i>§53.1-191,</i> <i>§53.1-202 et</i> <i>seq.</i>							Time awarded is agency discretion for assistance in preventing an escape; blood donation to another	4.5 days per 30 served for participation and cooperation in programs based on a risk assessment, related to successful reentry	



STATES	GOOD TIME	EARNED TIME							NOTES
		Education	Vocation	Treatment	Work	Disaster / Conservation	Meritorious	Other	
							prisoner; extraordinary service; suffers bodily injury		
<i>Washington §9.94A.729</i>	Up to 1/3 of total sentence for good behavior and performance.							Up to 50% of sentence for good behavior and performance in reentry program plan.*	Good time cannot exceed 1/3 of total sentence. *50% does not apply to inmates convicted after July 1, 2010.
<i>West Virginia §28-5-27</i>	1 day for 1 day served as determined by DOC rules			See other			Time can be awarded at agency discretion, with approval of governor for exceptional work or service.		
<i>Wisconsin §302.113(3) and §302.11</i>									10 days – 40 days added to mandatory release date for violating rules or not performing required duties.
<i>Wyoming §7-13-420 and P&P #1.500</i>	Up to 10 or 15 days per month based on inmate performance, conduct and behavior.								Statute instructs the governor, parole board and DOC to create policy

Source: National Conference of State Legislatures, November 2011 (updated Jan. 2015)



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