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TO: Members of the Colorado Senate Judiciary Committee

Colorado Victims for Justice members oppose Senate Bill 19-143 because it is based on false premises and will have pernicious effects.

Any bill that is designed to rewrite parole laws must have Parole Board input. Parole Board members know better than anyone how the parole system actually functions. The states surrounding Colorado overwhelmingly favor independent parole boards. In Colorado, the Parole Board is a second-level agency that cannot offer its expertise to lawmakers. Because its members are muzzled, you will get information from them only if they are invited to your committee hearing and members ask them direct questions.

I have been in a number of Parole Board hearings and have spoken to Parole Board members. If they could speak freely, they would tell you how mistaken the concepts in this bill are.

False premise number 1: The inmates eligible for automatic parole are non-violent. The bill text on page 7, lines 24 to 26, says those eligible have been convicted of "a Level 3 or Level 4 drug felony or a Class 3, Class 4, Class 5, or Class 6 nonviolent felony offense" and then lists exceptions.

- Attempted murder can be a Class 3 felony, but it is not listed as a "crime of violence" in CRS 18-13-406. This omission would not cause a big problem if we could rely on the Parole Board members' judgment, but this bill restricts that judgment.
- In plea bargain cases, a defendant frequently pleads down from a violent crime to a non-violent crime. If the Parole Board members have full information and are allowed to use their judgment, they can distinguish between those who are dangerous and those who are not.
- Criminals often have a broad repertoire. The fact that the most recent offense is non-violent must be considered in the context of a past record. This bill does not allow that.

False premise number 2: Pencil and paper assessments are more valid than the experienced judgment of Parole Board members. Put a person with a long record of poor impulse control in a structured environment without access to drugs or alcohol and the person will usually behave well. Plus, every prisoner knows what to say in an interview. Only human judgment can separate the liars from the truth-tellers. If a particular assessment instrument consistently disagrees with

the considered judgment of experienced decision-makers, the instrument is flawed.

False premise number 3: If a parole plan is flawed, ordering the director to fix it will solve the problem. (Page 11, line 27 to page 12, line 3) If the prisoner lacks a support network, it can't be instantly created. The same goes for every other plan element.

Conclusion: The Parole Board is overworked but functioning well. Prison overcrowding is not caused by the Parole Board, but is due to population growth, crime rates, and the closing of prisons over the last 20 years. Please don't wreck the one part of the criminal justice system that works like it should.

With respect,

Ray Harlan, Chairman
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