Colorado Parole Board Decisions
FY 2017 Report

- FY 2010 Colorado Commission on Criminal and Juvenile Justice Initiative -

Kevin Ford, Office of Research and Statistics
Division of Criminal Justice, Colorado Department of Public Safety

Presentation to the JRSA Western Regional Training Institute, May 22, 2018
Colorado Commission on Criminal and Juvenile Justice

Created by Colorado statute in 2007, the “CCJJ” is a twenty-nine member criminal justice policy board that studies criminal justice issues and generates recommendations regarding criminal justice policy and legislation.

MISSION: To enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The work of the commission focuses on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.
CCJJ Recommendation
FY10-PIS03. Introduce a structured decision-making guide.

A guide for adult parole release decisions

• Creation of the *Colorado Parole Board Release Guidelines Instrument*;
• Promote *consistency in parole decision making*; and
• Allow for *systematically collecting data* on parole decision making.

- **Guidelines development** - In consultation with the Board, DCJ mandated to develop a release guideline (§17-22.5-107(1)), and DOC mandated to develop a revocation guideline (§17-22.5-107(2)).
  
  - **Release/revocation factors** - release considerations to include thirteen non-exclusive decision factors (§17-22.5-404(4)), and revocation considerations to include nine non-exclusive decision factors (§17-22.5-404(5)).

- **Annual report** - Board and DCJ are mandated to issue an annual report to the General Assembly regarding the outcomes of decisions by the Board (§17-22.5-404(6)(e)(I)).
GUIDELINES DEVELOPMENT (§17-22.5-107(1))

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

• specific statutory release decision factors,
• based on a structured decision matrix, and
• offer an advisory release decision recommendation.
GUIDELINES DEVELOPMENT (§17-22.5-107(1))

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

- specific statutory **RELEASE DECISION FACTORS**, 
- based on a **structured decision matrix**, and 
- offer an **advisory release decision recommendation**.
Statutory: RELEASE DECISION FACTORS (§17-22.5-404(1))

1. victim statement;
2. actuarial risk of reoffense;
3. criminogenic need level;
4. program or treatment participation and progress;
5. institutional conduct;
6. adequate parole plan;
7. threat/harass victim or victim's family (direct or indirect);
8. aggravating or mitigating factors from the criminal case;
9. statement from parole sponsor, employer, or other support person;
10. previous abscond/escape or attempt while on community supervision;
11. effort to obtain or the completion of GED or equivalent or college degree during incarceration;
12. PB use the CARAS (Colorado Actuarial Risk Assessment Scale); and
13. PB use the administrative release guideline instrument (PBRGI).
Guidelines: RELEASE DECISION FACTORS - RISK

Item #1: The Colorado Actuarial Risk Assessment Scale
Item #2: Code of Penal Discipline / Victim Threat
Item #3: Code of Penal Discipline/ Class I Offense
Item #4: Code of Penal Discipline/ Class II Offense
Item #5: Escape/Abscond or Attempt
Item #6: 60 Years of Age or Older *
Item #7: Medical Condition Reduces Risk of Re-Offense *
Item #8: Manageable in the Community * [Rating by Board member]

* Risk moderator
Guidelines: RELEASE DECISION FACTORS - READINESS

Item #9: Level of Service Inventory-Revised

Item #10: Level of Service Inventory-Rater Box Average*

Item #11: Program Participation / Progress [Rating by Board member]

Item #12: Treatment Participation / Progress [Rating by Board member]

Item #13: Parole Plan [Rating by Board member]

(* Rating of positive adjustment)
Guidelines: RELEASE DECISION FACTORS

Under study: PBRGI Version 2

• PB would like the PBRGI advisory recommendation to reflect more of the factors they use in decision-making.

• PB and DCJ working collaboratively since Fall 2017.

• Include additional factors considered by the Board, and include more specific information on existing factors.
**PBRGI Version 2:** New and revised factors under study:

- Misdemeanor history
- Victim impact/input
- Severity/Type of offense
- Criminogenic needs
  - (In addition to LSI, use the CTAP-ORAS needs assessments: PIT, RT, SRT)
- Community supervision failures *(recency and pattern)*
  - (Community Corrections, Probation, and Parole)
- Vocational/Education program participation *(evaluate “dose” received)*
- Institutional misconduct (COPDs) *(recency and pattern)*
- Treatment received while in DOC *(evaluate “dose” received)*
- Parole plan accommodations *(rate all plan elements separately)*

  Employment plan/opportunities, Housing, Community support, etc.)
GUIDELINES DEVELOPMENT (§17-22.5-107(1))

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

- specific statutory release decision factors,
- based on a STRUCTURED DECISION MATRIX, and
- offer an advisory release decision recommendation.
### DECISION MATRIX

<table>
<thead>
<tr>
<th>RISK CATEGORY</th>
<th>READINESS CATEGORY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3-High</td>
</tr>
<tr>
<td>1-Very Low</td>
<td>2-Medium</td>
</tr>
<tr>
<td>2-Low</td>
<td>1-Low</td>
</tr>
<tr>
<td>3-Medium</td>
<td></td>
</tr>
<tr>
<td>4-High</td>
<td></td>
</tr>
<tr>
<td>5-Very High</td>
<td></td>
</tr>
</tbody>
</table>
GUIDELINES DEVELOPMENT (§17-22.5-107(1))

Statute specifically states that the guidelines must...

Provide a consistent framework to evaluate and weigh:

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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3-High</td>
</tr>
<tr>
<td>1-Very Low</td>
<td>RELEASE</td>
</tr>
<tr>
<td>2-Low</td>
<td>RELEASE</td>
</tr>
<tr>
<td>3-Medium</td>
<td>RELEASE</td>
</tr>
<tr>
<td>4-High</td>
<td>RELEASE</td>
</tr>
<tr>
<td>5-Very High</td>
<td>DEFER</td>
</tr>
</tbody>
</table>
Parole Board Release Guidelines Instrument (PBRGI)

- During FY 2011 and 2012, DCJ worked with CCJJ working group members, the Parole Board, and OIT @ CDOC to design an automated system to score inmates on the guidelines factors and provide an advisory recommendation.

- FY 2011 and FY 2012 – status reports issued on system development.

- During FY 2013, the PBRGI was implemented (September 2012).

- FY 2013 to present – annual decision reports submitted to the GA.

• **Guidelines development** - In consultation with the Board, DCJ mandated to develop administrative release guideline (§17-22.5-107(1)), and DOC mandated to develop administrative revocation guideline (§17-22.5-107(2))
  
  o **Release/revocation factors** - release considerations to include thirteen non-exclusive decision factors (§17-22.5-404(4)), and revocation considerations to include nine non-exclusive decision factors (§17-22.5-404(5)).

• **Annual report** - Board and DCJ are mandated to issue an annual report to the General Assembly regarding the outcomes of decisions by the Board (§17-22.5-404(6)(e)(I)).
FY 2017 Annual Report

Report Sample

• Decisions made regarding hearings and reviews finalized between 7/1/2016 and 6/30/2017

• Parole candidates between parole eligibility date (PED) and mandatory release date (MRD)

• Discretionary decisions only

  Excludes circumstances not within the Board’s control (e.g., Court orders, “statutory releases”, inmate unavailability)
BOARD HEARING TYPES

1. “Regular” hearing - Single member of the Board conducts and renders a decision. Two members decide, if the inmate is serving a life sentence and is parole eligible.

2. Full Board review - A case may be referred to full Board review for any reason following the initial (“regular”) hearing or shall be referred to a full Board review for release* in cases involving violence or a sex offense. Conducted and decided by at least four of seven Board members. If necessary, remaining members are polled until a majority threshold is met.

(* Deferral does not require full Board review in these cases.)
BOARD HEARING TYPES (continued)

3. File review - an option allowing a review rather than a meeting with the offender when victim notification is not required AND one or more specific statutory conditions is met:
   - a special needs release,
   - detainer to the U.S. Immigration and Customs Enforcement agency,
   - inmate within six months of the mandatory release date (MRD), or
   - inmate assessed “low” or “very low” in actuarial risk and meets Board’s re-entry readiness criteria (August 2017).
Total Hearings and Reviews
8,735

“Regular” Hearings
6,816

Full Board Reviews
1,919

Non-Sex Offender
6,641
PBRGI Adv. Rec!

Sex Offender
2,094
No PBRGI Adv. Rec!

FR - File Reviews
808
FR

5,350
Non-SO
1,466
SO

1,291
Non-SO
628
SO

647
FR
161
FR

FY 2017 Sample
DISCRETIONARY DECISION OPTIONS

• Refer to full Board review
• Release
  ° Table (“Conditional Discretionary Release Pending”)
• Defer

Table

- Set parole conditions, but release is pending specific requirement(s)
- Requirement(s) met...offender Released
- Requirement(s) not met...decision amended and offender Deferred
DISCRETIONARY DECISION OPTIONS (continued)

Defer

- Defer (to a subsequent hearing date)
  One, three or five years or a “custom” period

- Defer to MRD
  - Offender will not be seen again prior to MRD
  - Parole conditions are set
  - Can occur up to 14 months prior to MRD
  - Typically occurs up to 6 months prior to MRD
**FY 2017 Findings**

**Overall agreement: 73%**

**Rate of Deferral agreement: 90%**

(2,592 / 2,879)

**Rate of Release agreement: 53%**

(1,318 / 2,471)

<table>
<thead>
<tr>
<th>Parole Board Hearing Decisions Count (Percent)</th>
<th>PBRGI Advisory Recommendations</th>
<th>Total PB Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Defer</td>
<td>Defer 1,744 (33%)</td>
<td>2,481 (46%)</td>
</tr>
<tr>
<td></td>
<td>Release 737 (14%)</td>
<td></td>
</tr>
<tr>
<td>Defer to MRD [All Defer=2,592 (48%)]</td>
<td>Defer 848 (16%)</td>
<td>1,264 (24%)</td>
</tr>
<tr>
<td></td>
<td>[All Defer=1,153 (22%)]</td>
<td>[All Defer=3,745 (70%)]</td>
</tr>
<tr>
<td>Release</td>
<td>Release 287 (5%)</td>
<td>1,605 (30%)</td>
</tr>
<tr>
<td>Total PBRGI Recs</td>
<td>Total PBRGI Recs 2,879 (54%)</td>
<td>5,350 (100%)</td>
</tr>
</tbody>
</table>

**FY 2017 CO PB Decisions Report**

**Overall agreement: 73%**

**Rate of Deferral agreement: 90%**

(2,592 / 2,879)

**Rate of Release agreement: 53%**

(1,318 / 2,471)
<p>| PB DECISIONS &amp;  | Fiscal Year |</p>
<table>
<thead>
<tr>
<th>PBRGI RECOMMENDATIONS</th>
<th>2013* (n=5,263)</th>
<th>2014 (n=5,980)</th>
<th>2015 (n=5,572)</th>
<th>2016 (n=4,950)</th>
<th>2017 (n=5,350)</th>
</tr>
</thead>
<tbody>
<tr>
<td>PB / PBRGI AGREEMENT (72%)</td>
<td>69%</td>
<td>73%</td>
<td>72%</td>
<td>72%</td>
<td>73%</td>
</tr>
<tr>
<td>RELEASE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PB Decision (34%)</td>
<td>39%</td>
<td>32%</td>
<td>32%</td>
<td>36%</td>
<td>30%</td>
</tr>
<tr>
<td>PBRGI Rec. (51%)</td>
<td>54%</td>
<td>50%</td>
<td>52%</td>
<td>54%</td>
<td>46%</td>
</tr>
<tr>
<td>(Release Agreement, 56%)</td>
<td>(58%)</td>
<td>(55%)</td>
<td>(55%)</td>
<td>(57%)</td>
<td>(53%)</td>
</tr>
<tr>
<td>DEFER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PB Decision (66%)</td>
<td>61%</td>
<td>68%</td>
<td>68%</td>
<td>64%</td>
<td>70%</td>
</tr>
<tr>
<td>PBRGI Rec. (49%)</td>
<td>46%</td>
<td>50%</td>
<td>48%</td>
<td>46%</td>
<td>54%</td>
</tr>
<tr>
<td>(Defer Agreement, 89%)</td>
<td>(82%)</td>
<td>(90%)</td>
<td>(91%)</td>
<td>(89%)</td>
<td>(90%)</td>
</tr>
</tbody>
</table>

* Partial year - 10 months, following the September 2012 implementation.
### PBRGI: ADVISORY RELEASE DECISION RECOMMENDATION MATRIX

What is the degree of PB/PBRGI agreement within the guidelines matrix?

<table>
<thead>
<tr>
<th>Risk</th>
<th>Readiness</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
<td>Medium</td>
</tr>
<tr>
<td>Very Low</td>
<td>Release</td>
<td>Release</td>
</tr>
<tr>
<td>Low</td>
<td>Release</td>
<td>Release</td>
</tr>
<tr>
<td>Medium</td>
<td>Release</td>
<td>Release</td>
</tr>
<tr>
<td>High</td>
<td>Release</td>
<td>Defer</td>
</tr>
<tr>
<td>Very High</td>
<td>Defer</td>
<td>Defer</td>
</tr>
</tbody>
</table>
# FY 2017: Agreement within Guidelines Matrix

<table>
<thead>
<tr>
<th>Risk</th>
<th>High</th>
<th>Medium</th>
<th>Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very Low</td>
<td>75%</td>
<td>46%</td>
<td>22%</td>
</tr>
<tr>
<td>Low</td>
<td>83%</td>
<td>44%</td>
<td>95%</td>
</tr>
<tr>
<td>Medium</td>
<td>80%</td>
<td>42%</td>
<td>97%</td>
</tr>
<tr>
<td>High</td>
<td>82%</td>
<td>77%</td>
<td>95%</td>
</tr>
<tr>
<td>Very High</td>
<td>55%</td>
<td>79%</td>
<td>97%</td>
</tr>
</tbody>
</table>
DISAGREE: **Board Release and PBRGI Defer** (n=287; 5%)

<table>
<thead>
<tr>
<th>Of the 287 Deferral Departures</th>
<th>READINESS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
</tr>
<tr>
<td><strong>Count</strong></td>
<td><strong>Percentage</strong></td>
</tr>
<tr>
<td>Very Low</td>
<td>-</td>
</tr>
<tr>
<td>Low</td>
<td>-</td>
</tr>
<tr>
<td>Medium</td>
<td>-</td>
</tr>
<tr>
<td>High</td>
<td>-</td>
</tr>
<tr>
<td>Very High</td>
<td>84</td>
</tr>
</tbody>
</table>

- **Very Low**
  - Count: 28
  - Percentage: 9.8%

- **Medium**
  - Count: 17
  - Percentage: 5.9%

- **High**
  - Count: 18
  - Percentage: 6.3%

- **Very High**
  - Count: 27
  - Percentage: 9.4%

**Total**
- **Count**: 287
- **Percentage**: 84%

**High**
- **Count**: 71
- **Percentage**: 24.7%

**Medium**
- **Count**: 71
- **Percentage**: 24.7%

**Low**
- **Count**: 27
- **Percentage**: 9.4%

**Very Low**
- **Count**: 28
- **Percentage**: 9.8%

**JRSA, 5/22/2018**
FY 2017: Departure Reasons (...for Board Release decisions)

<table>
<thead>
<tr>
<th>% of 287 Cases</th>
<th>Departure Comment Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>60.6% (174 Cases)</td>
<td>Parole plan quality</td>
</tr>
<tr>
<td>42.2% (121 Cases)</td>
<td>Treatment participation considerations</td>
</tr>
<tr>
<td>39.7% (114 cases)</td>
<td>Demonstrated growth/positive attitude</td>
</tr>
<tr>
<td>35.9% (103 cases)</td>
<td>Performance in the community</td>
</tr>
<tr>
<td>28.9% (83 cases)</td>
<td>Mitigated or lesser risk</td>
</tr>
<tr>
<td>20.9% (60 cases)</td>
<td>Program participation considerations</td>
</tr>
<tr>
<td>9.8% (28 cases)</td>
<td>Adequate time served or imminent MRD/SDD</td>
</tr>
</tbody>
</table>
**DISAGREE: Board Defer and PBRGI Release (n=1,153; 22%)**

<table>
<thead>
<tr>
<th>RISK</th>
<th>READINESS</th>
<th>Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
<td>122</td>
<td>10.6%</td>
</tr>
<tr>
<td></td>
<td>Medium</td>
<td>222</td>
<td>19.3%</td>
</tr>
<tr>
<td></td>
<td>Low</td>
<td>439</td>
<td>38.1%</td>
</tr>
</tbody>
</table>

- **Very Low**
  - Count: 122
  - Percentage: 10.6%

- **Low**
  - Count: 39
  - Percentage: 3.4%

- **Medium**
  - Count: 33
  - Percentage: 2.9%

- **High**
  - Count: 27
  - Percentage: 2.3%

- **Very High**
  - Count: -
  - Percentage: -

**Total**

- **High**
  - Count: 62
  - Percentage: 5.3%

- **Medium**
  - Count: 46
  - Percentage: 4.0%
<table>
<thead>
<tr>
<th>% of 1,153 Cases</th>
<th>Departure Comment Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>73.1% (843 Cases)</td>
<td>Risk concerns</td>
</tr>
<tr>
<td>23.5% (271 cases)</td>
<td>Treatment participation or criminogenic need concerns</td>
</tr>
<tr>
<td>17.6% (203 cases)</td>
<td>Parole plan quality concerns</td>
</tr>
<tr>
<td>17.6% (203 cases)</td>
<td>Attitude or presentation concerns</td>
</tr>
<tr>
<td>15.4% (178 cases)</td>
<td>Need to transition / stabilize in a community corrections</td>
</tr>
<tr>
<td>14.1% (163 cases)</td>
<td>Time served inadequate, file review, or imminent MRD/SDD</td>
</tr>
<tr>
<td>12.2% (141 cases)</td>
<td>Program participation concerns</td>
</tr>
</tbody>
</table>
File Reviews by Fiscal Year
There has been a 50-fold increase in the use of file reviews over the last five years...primarily due to a single file-review criterion.

**REMININDER: BOARD HEARING TYPES**

3. **File review** - an option allowing a review rather than a meeting with the offender when a decision does not require victim notification and meets one or more specific statutory conditions:
   - a special needs release,
   - detainer to the U.S. Immigration and Customs Enforcement agency,
   - **inmate within six months of the mandatory release date (MRD),**
   - **inmate assessed “low” or “very low” in actuarial risk and meets Board’s re-entry readiness criteria (August 2017).**
   - **Class 1 COPD in the last 12 months [PB Rules] (repealed in 2015)**
### File Reviews by Fiscal Year

<table>
<thead>
<tr>
<th>Count (Percent within FY)</th>
<th>Fiscal Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2013 (n=8,403)</td>
</tr>
<tr>
<td>Total File Reviews</td>
<td>16 (&gt;1%)</td>
</tr>
<tr>
<td>Within Six Months of MRD</td>
<td>7^ (44%)</td>
</tr>
<tr>
<td>PB DECISION Defer</td>
<td>4 (25%)</td>
</tr>
<tr>
<td>Defer to MRD [Deferr Total]</td>
<td>6 (37.5%)</td>
</tr>
<tr>
<td>Release</td>
<td>6 (37.5%)</td>
</tr>
</tbody>
</table>

^ In FY 2013, 2014 and part of 2015, the Board had the option to use file reviews for inmates with a Class I COPD. In 2015, these offenders became ineligible for parole application hearings.
FY 2017 PB Decision and PBRGI Advisory Recommendation

FILE REVIEWS (n=647)
71% - Overall Agreement (PB Release=6%; PB Defer=94%)
  19% Release agreement (n=44 of 227 Release recommendations 35%)
  99% Defer agreement (n=417 of 420 Defer recommendations 65%)

FULL BOARDS (n=1,291) 64% - Overall agreement
  64% Release agreement (725 of 1,131 Release recommendations 88%)
  99% Defer agreement (96 of 160 Defer recommendations 12%)

INMATES labeled SEX OFFENDER (n=2,094)
  18% (372) Release  82% (1,722) Total Defer
  66% (1,387) Defer (to a subsequent hearing date)
  16% (335) Defer to MRD

JRSA, 5/22/2018
Analysis of Colorado State Board of Parole Decisions: FY 2017 Report

Report available at, colorado.gov/ccjj/ccjj-reports

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Presentation to the JRSA Western Regional Training Institute, May 22, 2018