

**Brandon Shaffer, Chairperson**

Rebecca Oakes, Vice-Chairperson  
Denise Balazic  
Dr. Marjorie Lewis  
Joe Morales  
John O'Dell  
Alfredo Pena



**Colorado Board of Parole**

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**MEMORANDUM**

Date: January 6, 2015  
To: Members of the Joint Budget Committee  
From: Brandon Shaffer, Colorado Board of Parole, Chairperson  
Subj.: Colorado Board of Parole Annual Report to the Joint Budget Committee

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**I. Introduction:**

This memorandum is presented to the Joint Budget Committee of the Colorado General Assembly. The memorandum is divided into three parts: (1) Parole Board Operations, (2) Parole Board 2015-16 Budget Request, and (3) 2014 Performance Measures.

**II. Parole Board Operations**

**Parole Board.** The Colorado Board of Parole ("Parole Board" or "Board") consists of seven members who are appointed by the Governor and confirmed by the Senate. Board members serve three-year terms at the will of the Governor. Board members may be re-appointed for more than one term.

**Chairperson/Vice-Chairperson.** The Chairperson is the administrative head of the Parole Board. It is his or her responsibility to enforce the rules and regulations of the Board, and to assure that parole hearings are scheduled and conducted properly. The Vice-Chairperson assumes these responsibilities in the absence of the Chairperson. Brandon Shaffer was designated Chairperson on July 15, 2013. Rebecca Oakes was designated Vice-Chairperson on the same day.

**Mission.** The mission of the Parole Board is to increase public safety by critical evaluation, through the utilization of evidence-based practices, of inmate potential for successful reintegration to society. The Board determines parole suitability through the process of setting conditions of parole and assists the parolee by helping to create an atmosphere for a successful reintegration and return to the community. (Colorado Board of Parole Strategic Plan, 2013-2015; created in accordance with the SMART Government Act, section 2-7-201, C.R.S. (2014))

**Office.** The Parole Board office is located at 1600 W. 24<sup>th</sup> Street, Building 54, Pueblo, Colorado. Remote offices are also provided for Board members at the Division of Adult Parole located at 940 Broadway Street, Denver, Colorado.

**Staffing.** The Parole Board is supported by 11 full-time FTE. The Board support staff is structured as follows:

- Parole Board Administrator, Pueblo (1 FTE)
- Office Manager, Denver (1 FTE)
- Parole Board Data Analyst, Colorado Springs (1 FTE)
- Revocation Unit, Pueblo (3 FTE)
- Application Unit, Pueblo (2 FTE)
- Admin, Pueblo (1 FTE)
- Scheduler/Admin, Denver (2 FTE)

During 2014, the Board also utilized several contract employees, including: (a) two Administrative Hearing Officers to conduct revocation hearings pursuant to 17-2-202.5, C.R.S. (2014); (b) a defense attorney to represent parolees who are not competent to represent themselves during revocation hearings; (c) a Release Hearing Officer to conduct application interviews pursuant to section 17-2-202.5, C.R.S. (2014); and (d) two temp-workers in Pueblo to help scan files for the Board’s automation project.

**Budget.** The following illustrates appropriations made to the Board of Parole from FY 2010-11 through FY 2014-15.

|                           | 2010-11                          | 2011-12                          | 2012-13                          | 2013-14                          | 2014-15                          |
|---------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|
| <b>Personal Services</b>  | \$1,348,408<br><b>(17.5 FTE)</b> | \$1,197,526<br><b>(12.5 FTE)</b> | \$1,197,526<br><b>(13.5 FTE)</b> | \$1,197,526<br><b>(13.5 FTE)</b> | \$1,376,891<br><b>(16.2 FTE)</b> |
| <b>Operating Expenses</b> | \$101,545                        | \$99,545                         | \$104,890                        | \$104,890                        | \$106,390                        |
| <b>Contract Services</b>  | \$152,000                        | \$228,637                        | \$288,437                        | \$272,437                        | \$272,437                        |
| <b>Start-Up Costs</b>     | 0                                | 0                                | 0                                | 0                                | \$14,109                         |
| <b>Total</b>              | \$1,601,953                      | \$1,525,708                      | \$1,590,853                      | \$1,574,853                      | \$1,769,827                      |

**II. Parole Board Budget Request 2015-16**

The Board of Parole was able to stay within its budget appropriations during FY 2013-14. In doing so, the Board also hosted an international conference sponsored by the Association of Paroling Authorities International (APAI) that was attended by paroling authorities from 31 different states and 13 different countries. It also upgraded approximately 80% of the computer equipment for Board members and replace dilapidated items of furniture.

The Board received an increase to its Personal Services line during FY 2014-15 in order to hire additional support staff. With standard adjustments for inflation and cost-of-living increases, the Board anticipates being able to maintain its level of operations under the same appropriations it received during FY 2014-15.

### III. Performance Measures

#### 1. What types of hearings are conducted by the Parole Board?

**Answer:** The Parole Board conducts a wide variety of hearings: (1) parole application interviews, (2) full board reviews, (3) parole rescission hearings, (4) parole revocation hearings, (5) early release reviews, (6) special needs parole hearings, (7) interstate parole probable cause hearings, (8) sexually violent predator designation reviews, and (9) reduction of sex offender supervision level requests.

**Statistics:** From December, 2013 – November, 2014, the Parole Board conducted:

- 16,747 Application interviews
- 1,904 Full Board reviews
- 668 Rescission hearings
- 8,551 Revocation hearings
- 365 Early Release reviews
- 43 Special Needs Parole hearings
- 48 Interstate Parole Probable Cause hearings
- 340 Sexually Violent Predator Designation hearings
- 38 Sex Offender Supervision Level Reduction requests

**Total: 28,704 hearings**

The Parole Board also:

- Issued 2,243 arrest warrants
- Granted 773 waivers
- Conducted 1,104 File Reviews in lieu of hearings.

**2. What are the trends in Parole from 2010-2014?**

**Answer:** The following tables provide an indication of the number of hearings, releases, revocations, and parole absconders that occurred from 2010 through 2014. In addition, **Exhibit A** attached to this report is a flow chart indicating approximate time-periods for which parolees were revoked in 2013 and 2014 (i.e., 90 days, 180 days, etc.).

|   | <b>Avg. Prison Population</b> | <b>Parole Applications</b> | <b>Disc. Release</b> |     | <b>Mandatory Release</b> |     |
|---|-------------------------------|----------------------------|----------------------|-----|--------------------------|-----|
| <b>2014</b><br>December 2013- November 2014 | 20,640                        | 18,651                     | 2,817*               | 15% | 5,291                    | 28% |
| <b>2013</b><br>December 2012- November 2013 | 20,482                        | 19,129                     | 3,582                | 19% | 4,906                    | 26% |
| <b>2012</b><br>December 2011- November 2012 | 21,261                        | 20,669                     | 3,663                | 18% | 5,436                    | 26% |
| <b>2011</b><br>December 2010- November 2011 | 22,747                        | 20,706                     | 2,475                | 12% | 6,155                    | 30% |
| <b>2010</b><br>December 2009- November 2010 | 23,038                        | 21,541                     | 2,551                | 12% | 6,336                    | 29% |

\*An additional 1,247 offenders have been granted discretionary parole under Community Corrections Track Presumptive Parole("CCTPP") established by DOC on June 6, 2013 (AR 250-74). These offenders are required to successfully complete a community corrections program prior to transitioning to parole and have parole release dates in 2015. If these additional offenders are included in the total number of Discretionary Releases in 2014, the release-rate increases to **22%**.

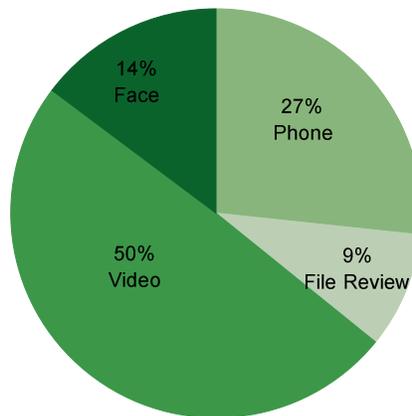
|   | <b>Avg. Parole Population</b> | <b>Revoked (New Crime)</b> |    | <b>Revoked (Technical)</b> |     |
|---|-------------------------------|----------------------------|----|----------------------------|-----|
| <b>2014</b><br>December 2013- November 2014 | 10,521                        | 849                        | 8% | 3,977                      | 38% |
| <b>2013</b><br>December 2012- November 2013 | 11,323                        | 919                        | 8% | 3,694                      | 33% |
| <b>2012</b><br>December 2011- November 2012 | 11,039                        | 814                        | 7% | 3,427                      | 31% |
| <b>2011</b><br>December 2010- November 2011 | 10,804                        | 892                        | 8% | 3,350                      | 31% |
| <b>2010</b><br>December 2010- November 2011 | 11312                         | 1,067                      | 9% | 4,067                      | 36% |

|   | <b>Avg. Parole Population</b> | <b>Monthly Avg. Parole Absconders</b> | <b>Avg. Parole Absconders Apprehended Per Month</b> | <b>Avg. % Parole Absconders Apprehended</b> |
|---|-------------------------------|---------------------------------------|---|---|
| <b>2014</b><br>December 2013- November 2014 | 10,521                        | 540                                   | 178   | 33%   |
| <b>2013</b><br>December 2012- November 2013 | 11,323                        | 658                                   | 195   | 30%   |
| <b>2012</b><br>December 2011- November 2012 | 11,039                        | 646                                   | 151   | 23%   |
| <b>2011</b><br>December 2010- November 2011 | 10,804                        | 630                                   | 150   | 24%   |
| <b>2010</b><br>December 2010- November 2011 | 11,312                        | 714                                   | 162   | 23%   |

### 3. How are hearings conducted?

**Answer:** The Board conducts the majority of its hearings by video conferencing. It also conducts hearings by telephone and face-to-face. Most of the video conferencing occurs with the larger correctional institutions (i.e., Colorado State Penitentiary, Sterling Correctional Facility, Limon Correctional Facility, etc.). Telephone hearings are generally used to reach smaller facilities in rural parts of the state. Face-to-face hearings generally occur in and around the metro area at parole offices and local jails.

**Statistics:** Percentage of hearings conducted by hearing method from December, 2013 – November, 2014: video 50%, phone 27%, face 14%, and 9% by file review.

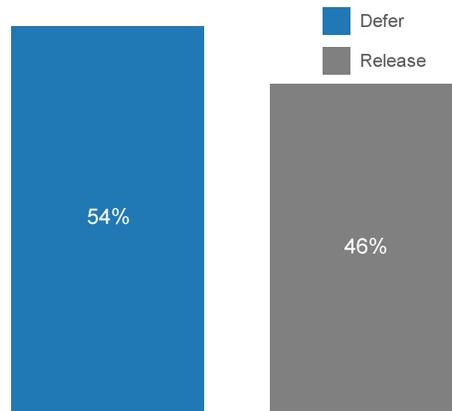


### 4. Is there a different procedure for violent offenders versus non-violent offenders?

**Answer:** Yes. Individual Board members do not have the authority to parole offenders convicted of a violent crime. Instead, if a Board member believes an offender is a good candidate for parole, the member refers the offender to the entire Parole Board for consideration. The Board sits as a “Full Board” at least once a week and votes on parole applications for violent offenders. An offender needs at least 4 affirmative votes to be released on discretionary parole. In contrast, individual members retain the authority to make final discretionary release decisions for non-violent offenders.

**Statistics:** In the past 12 months, 1,904 offenders were considered by the Full Board. Forty-six percent (46%) of those seen were released, and fifty-four percent (54%) were denied parole. The recidivism rate after the first year on parole for offenders considered and released by the Full Board is just over twelve percent (12.2%).

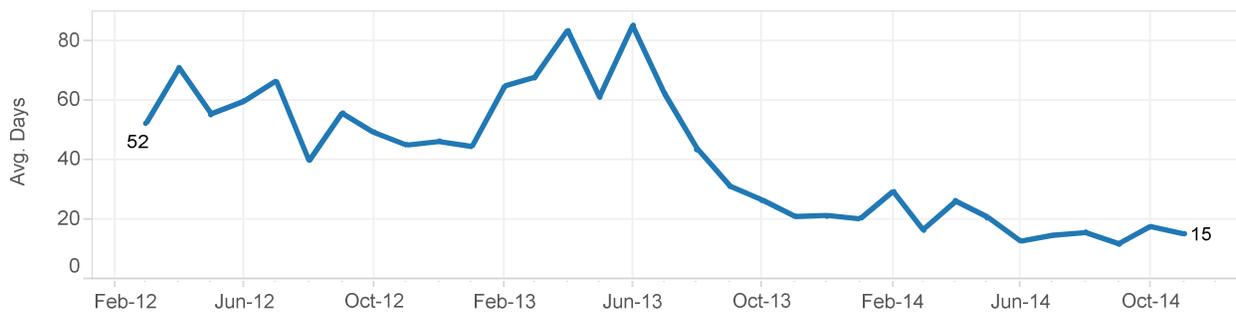
### Full Board Release Decisions



#### 5. How long does it take for the Full Board to consider offenders?

**Answer:** The Board has made a concerted effort to shorten the time from the initial application interview to the final Full Board review. Increased response times from the Board add certainty and predictability to the process. Currently, the response window for most reviews is approximately 2 weeks from the time an offender receives an application interview to the time he/she receives a response from the Full Board.

**Statistics:** The following graph compares the average review times from initial application interview to Full Board review in 2012 and 2014.



#### 6. What is the Parole Board Release Guideline Instrument ("PBRGI")?

**Answer:** As per 17-22.5-404(6)(a) and 17-22.5-107(1) C.R.S. (2014), the PBRGI was developed by the Division of Criminal Justice and the Board of Parole and offers an advisory release decision recommendation for parole applicants who are not sex offenders. "The goal of

the parole release guideline is to provide a consistent framework for the Board to evaluate and weigh specific release decision factors and, based on a structured decision matrix, to offer an advisory release decision recommendation for parole applicants who are not identified as sex offenders.” (Overview: Colorado State Board of Parole Administrative Release Guideline Instrument, published by DCJ, November 1, 2014.) The Board considers all the factors specified in section 17-22.5-404, C.R.S. (2014) in making parole decisions; however, it pays particular attention to the PBRGI, which incorporates the Colorado Actuarial Risk Assessment Scale.

**Statistics:** The Parole Board followed the PBRGI recommendation 67% of the time. When the PBRGI recommended release, the Board agreed 43% of the time; when the PBRGI recommended defer, the Board agreed 93% of the time.

**Overall counts and percentages of Parole Board release and defer decisions by PBRGI release and defer recommendations.**

| Parole Board Decision                       |         | PBRGI                   |         | Total  |
|---|---------|-------------------------|---------|--------|
|   |         | Decision Recommendation |         |        |
|   |         | Defer                   | Release |        |
| Defer                                       | Count   | 2,758                   | 1,600   | 4,358  |
|   | Percent | 29.0%                   | 16.8%   | 45.8%  |
| Defer (“Release”) to Mandatory Release Date | Count   | 1,506                   | 1,208   | 2,714  |
|   | Percent | 15.8%                   | 12.7%   | 28.5%  |
| Release Discretionary                       | Count   | 300                     | 2,152   | 2,452  |
|   | Percent | 3.1%                    | 22.6%   | 25.7%  |
| Total                                       | Count   | 4,564                   | 4,960   | 9,524  |
|   | Percent | 47.9%                   | 52.1%   | 100.0% |

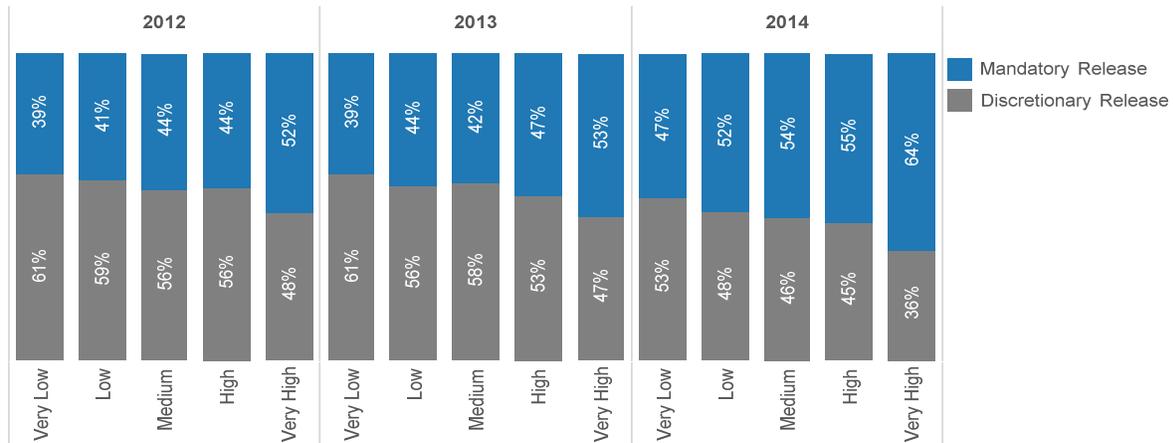
**7. What is the difference in release-rates between discretionary and mandatory paroles?**

**Answer:** The Parole Board releases significantly fewer offenders on discretionary parole than on mandatory parole.

**Statistics:** From December, 2013 - November, 2014, the Parole Board released 2,817 (35%) of offenders on discretionary parole and 5,291 (65%) on mandatory parole. The average risk assessment for offenders who were granted discretionary parole in 2014 was 33 (Medium

\* Dec. 2013 to Nov. 2014 sample of hearings with non-sex-offenders whose hearing was finalized. Deferrals due to non-appearance/absence and MRPs are excluded.

Risk). The following graph breaks down mandatory/discretionary release percentages by risk assessment scores.



**8. How often do you revoke an offender’s parole?**

**Answer:** The Parole Revocation process is governed by section 17-2-103, C.R.S. (2014). Each hearing is an independent event. The Parole Board member conducting the hearing is an objective hearing officer and accepts testimony and evidence from the Parole Officer and Offender. After the reviewing all pertinent information, the Board member determines if parole should be revoked. For “new law violations,” the Board member has the discretion to revoke an offender back to DOC for the remainder of his or her sentence. For most “technical violations,” the Board member has the discretion to continue an individual on parole with prescribed treatment, or revoke back to DOC or a Community Return to Custody Facility (CRCF) for up to 180 days.

**Statistics:** From December, 2013 – November, 2014, the total number of revocation hearings continued on parole were 591 (12%), and the total number revoked back to a DOC facility or CRCF was 3,757 (87%). During the same period of time, the total number of returns with a new felony conviction was 849 (17%), and the total number of returns with a technical violation was 3,976 (83%).

**9. What are the 6-month and 12-month recidivism rates for the Parole Board?**

**Answer:** The 6-month recidivism rate for all offenders released on parole, both mandatory and discretionary, is 18%; the 12-month recidivism rate is 30%. The 6-month average recidivism rate for discretionary releases is approximately 12%; the average recidivism rate after 12 months is approximately 24%. Comparatively, the 6-month revocation rate of mandatory releases is approximately 25% and the 12-month rate is approximately 38%.

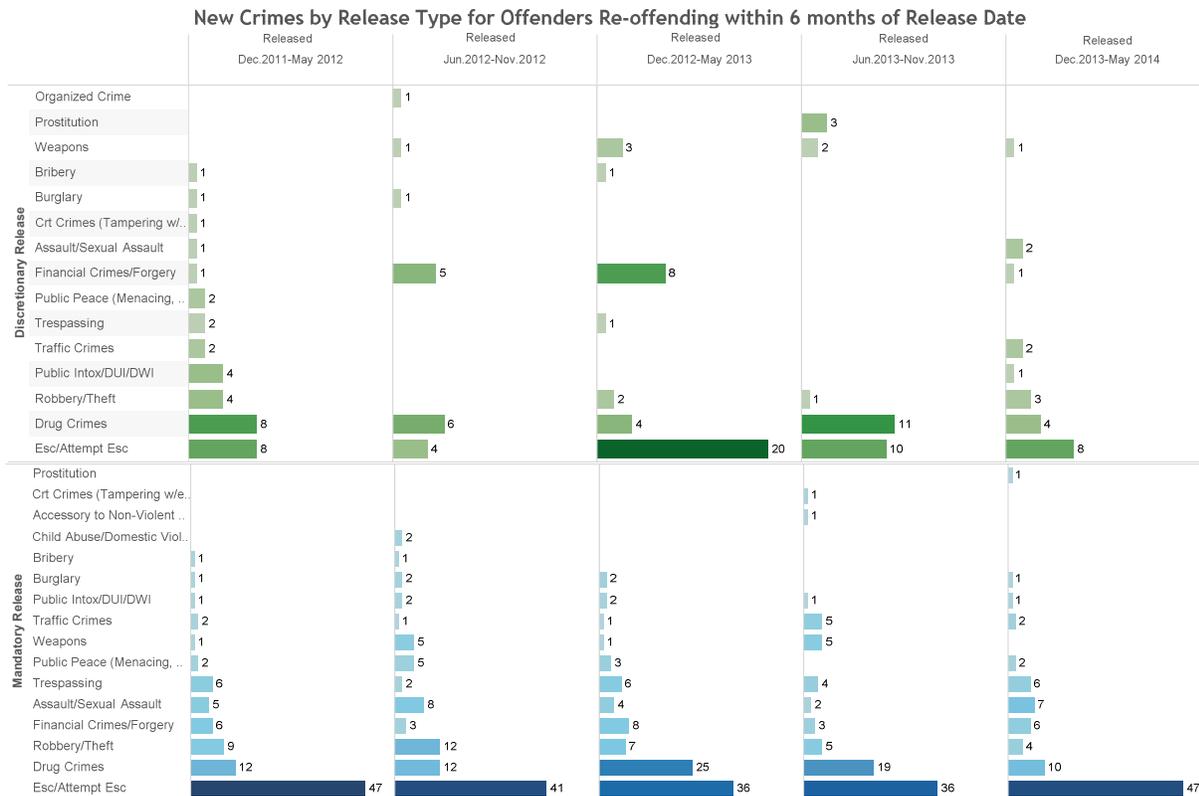


In 2013, 30% of the offenders who returned to DOC after committing a new crime were given a discretionary release. In 2014, only 25% of offenders who returned after committing a new crime were released on discretionary parole.



**10. What types of crimes are being committed by parolees?**

**Answer:** The following graph provides a breakdown of the types of crimes committed by parolees.



**EXHIBIT A**