

COLORADO PAROLE GUIDELINES HANDBOOK

Prepared by
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DIVISION OF CRIMINAL JUSTICE
Department of Public Safety

With the assistance of
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Preface

In July of 1987, the Colorado General Assembly, in House Bill 1311, created the Parole Guidelines Commission, chaired by the Attorney General and comprised of members representing public safety interests. The Commission's mandate was to oversee development, implementation, and validation of parole guidelines, a set of specific criteria used by the parole board in making release decisions. This legislation also mandated that the Division of Criminal Justice provide the Commission with an actuarial risk assessment scale.

Specific language from this bill, focusing on public safety and actuarial risk prediction, is included below:

. . . the board may consider all applications for parole, as well as all persons to be supervised under any interstate compact and may parole any person who is sentenced or committed to a correctional facility when THE BOARD DETERMINES, BY USING THE GUIDELINES REQUIRED BY THIS SECTION, that there is a strong and reasonable probability that the person will not thereafter violate the law and that his release from institutional custody is compatible with the welfare of society. THE BOARD SHALL FIRST CONSIDER THE RISK OF VIOLENCE TO THE PUBLIC IN EVERY RELEASE DECISION IT MAKES.

. . . the division of criminal justice in the department of public safety shall develop objective parole criteria which shall also be used by the state board of parole in evaluating inmates for parole. ...“objective parole criteria” means the criteria which statistically have been shown to be good predictors of risk to society of release on parole. (Colorado Revised Statutes, 17-22.5-303.5)

Currently, legislation in the 1990 Legislative Session would delegate to the Colorado Parole Guidelines Commission the authority to promulgate guidelines. If this legislation wins approval, it will not be necessary to write the guidelines into law.

Purpose of this Handbook

This Handbook is designed to (1) provide training materials for key staff and administrators in Colorado, and (2) provide direction and information for other states considering development of parole guidelines. It is intended as a supplement to the Colorado Parole Guidelines Commission Report to the Legislature, Division of Criminal Justice, April 1988. For training purposes, the packet of materials relevant for other states should also include Handbook for New Parole Board Members (Second Edition), U.S. Department of Justice, National Institute of Corrections, February 1989.

The objective of the Colorado Parole Guidelines training program is to ensure that the Parole Board receives case information necessary to make Guidelines-based decisions. Specifically, Department of Corrections staff who present inmates to the parole board are trained on (1) the Colorado Parole Guidelines Commission's mission and its legislative mandate, (2) objective parole decision factors, i.e., actuarial risk scale development and validation, (3) policy-based parole decision factors (circumstances of the current offense, treatment considerations), (4) the implementation process--Who Does What? and (5) implementation trial runs, feedback mechanisms, and future developments.

Organization of this Handbook

Parallel to the training program, the Handbook is organized as follows:

- I. Mission Statement of the Colorado Parole Guidelines Commission
- II. Construction and Validation of the Actuarial Risk Assessment Scale
- III. Policy Factors (punishment, institutional behavior, and treatment/needs factors) included in the Guidelines
- IV. Presumptive Guidelines
- V. Implementation
- VI. Implementation: Empirical Feedback

Appendix A contains the Colorado Risk Assessment Scale; Appendix B contains the Guidelines Information Form; Appendix C contains the statute that lists the aggravating and mitigating circumstances; and Appendix D contains the Parole Board Action Form.

SECTION I

Mission Statement: Colorado Parole Guidelines Commission

The mission of the Colorado Parole Guidelines Commission is to formulate risk criteria, including needs assessment, to be used to release offenders in a consistent manner and to ensure the parole process protects the public interest. The criteria must be developed by the Commission in a manner which restores the confidence of policy makers and the public while assuring that parole decisions are based on reducing community risk. This requires the Commission to:

Develop an empirically-based risk assessment tool that shall be used to assist the Parole Board in making informed release decisions in addition to the guidelines listed in C.R.S. 1973, 17-22.5-303.5;

Develop a system to implement the risk assessment tool; support the development of parole management resources consistent with the requirements of the risk assessment guidelines and the Colorado Parole Board;

Advocate community supervision and improved management of parolees.

--Colorado Parole Guidelines Commission,
Fall, 1987

SECTION II

Construction and Validation of the Actuarial Risk Scale

This section describes the development of Colorado's actuarial risk assessment tool, The risk scale, developed by the Division of Criminal Justice and adopted by the Commission after careful study, serves as a fundamental tool in the release decision-making process.'

The National Institute of Justice funded the Division's work in the area of risk prediction from 1984-1986. The first tasks in scale development required collecting data on the crimes done by a group of released inmates and then identifying useful predictor variables. This study resulted in a 7-item risk assessment scale that reliably distinguished between high risk and low risk offenders.

The-second component of risk scale development is validation of the scale. Scales constructed on an original sample could, theoretically, predict only for that sample.

¹ The Colorado Risk Scale does not apply to female offenders or sex offenders. Females were not included in either the construction or the validation studies. The scale does not apply to offenders currently convicted of only a sex crime because these offenders tend to have different profiles and generally do not accumulate the recorded criminal history necessary to predict future reoffending.

Validation of the instrument on a new sample is necessary to determine if it continues to predict recidivism on the population of interest. Likewise, scales developed in one state cannot be reliably applied in another state without empirical validation: from jurisdiction to jurisdiction, data availability, definitions and reliability vary along with population characteristics and are intrinsically tied to an area's policies and practices.

In this section, the scale construction study is discussed next, followed by a description of the validation study. Details of both studies may be found in the Commission's 1987 Report to the Legislature (Division of Criminal Justice, Denver, Colorado), Finally, the accuracy of the Colorado Risk Scale is discussed.

Scale Construction

An actuarial scale, constructed and validated on Colorado inmates, is the primary tool for guiding parole board members' release decisions. The scale was constructed with data collected on inmates released from Colorado prisons in 1982. Cases in this study were followed for two years (the scale was validated in 1988 on a sample of inmates released in 1986 and living in the community for at least one year). A discussion of the validation study follows.

As described in the Colorado Guidelines Commission's 1987 Report to the Legislature, development of an actuarial scale is a two part process.

One is the objective, scientific development of the scale, and the other the policy design and decision making process. While developed empirically to provide objective (versus policy based) release criteria, scale construction includes policy decisions. Of particular concern to the Commission were (1) the ethics of using socio-demographic predictors such as age, race, unemployment, education, marital status and (2) the cut-off scores for dividing inmates into high, medium, or low risk categories.

These two initial policy decisions related to scale construction were finalized as follows. First, after discussing the statistical relationship of socio-demographic predictors to rearrest for a new crime, the Commission excluded race/ethnicity as a predictor on ethical grounds, but included other predictors for their independent contribution to scale accuracy.

Second, in selecting the cut-off points for the low, medium and high risk categories, Commission members were concerned both with false positives and false negatives. False positives are those inmates who are incorrectly predicted to be rearrested for a new crime after release from prison. Thus, a very high false positive rate means that many offenders remain incarcerated who would, in fact, not threaten public safety if released. Cost-effective use of prison resources is the primary false positive concern.

False negatives--predicting someone will be a low risk when in fact they will be rearrested for a new crime-

-are public safety concerns. A low risk category with a high false negative rate may mean an unacceptable level of risk is assumed with the release of this group. The objective, of course, is to develop a risk prediction scale that minimizes both false positives and false negatives.

As a part of the process of adopting the risk assessment scale, a national risk-assessment expert reviewed the scale for the Commission. The consultant confirmed that state-of-the-art methodology was used for developing the risk scale, and that the scale met the standards for accuracy of risk assessment tools. He recommended that, given the poor quality of criminal justice record keeping, the data be further examined for “redundant” predictors. Also, predictors related to age at admission and escape/parole violation were reexamined. Recognizing that the scale is based primarily on criminal history factors, the consultant also suggested building into the scale dynamic predictors which can change after admission to prison, such as disciplinary behavior. These recommendations were all incorporated into a new version of the Colorado risk scale.

The Validation Study

Usually, a scale cannot be validated on the same data used to identify the predictors. Because the scale naturally “overfits the data,” the instrument must be validated on a new sample. This two-step process (scale construction and validation) allows for reliable measures of predictive accuracy.

Colorado's validation sample consisted of all males paroled between January 20, 1988 and March 31, 1988. Of the 365 offenders studied, 316 were on the street following release for at least 12 months.

Analysis indicated that the original 7-item construction scale was still predictive but, as expected, somewhat less accurate than when tested on the original 1982 sample. If new predictors are added as a result of the validation research, the result is a new scale which, in fact, needs to be revalidated as soon as feasible.

The validation study provided empirical data to support inclusion of disciplinary infractions (frequency and severity), number of current conviction charges, age at release, and escape/parole violation in the scale's list of predictors.

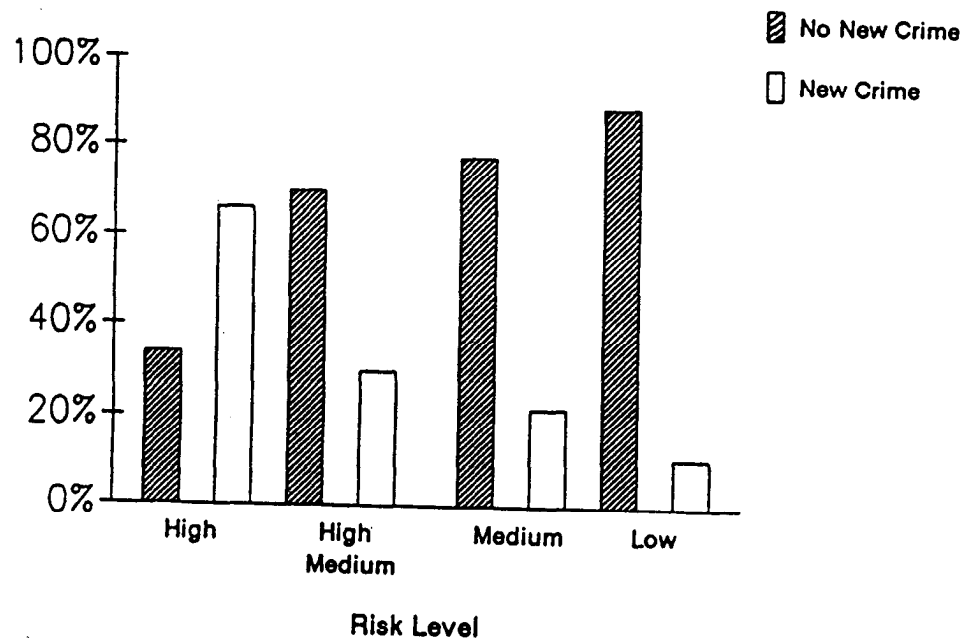
Given the policy value of the items added to Colorado's validation scale combined with the improvement in predictive accuracy, the Commission decided to include them in the Colorado risk scale prior to a second validation study.

The new scale, ranging from -3 to 46 risk points, was originally separated into three categories (low, medium and high risk). It was later modified to four categories with the addition of a medium high designation. This provided a high risk category with a lower rate of false positives (those inaccurately predicted to fail) which is more compatible with the comprehensive guidelines.

Scale Accuracy

Scale categories and arrest information for the validation sample are given below:

Figure 2.1
Colorado Risk Assessment Scale:
Percent of Validation Sample
Rearrested for a New Crime
(n=316)



Sixty-six percent of the high risk group reoffended; 22 percent of these offenders were violent. This means that the false positive rate in the category is fairly low at

34 percent. Thus, while high-risk offenders represented only six percent of the release population, two of every three offenders in this group are predicted to reoffend.

Conversely, over one-third (39 percent) of the release population will score low risk on the Colorado scale and, of these, one in 10 (11 percent) is predicted to reoffend. The probability that a violent crime will be committed by a member of this group is two percent.

Thus, the validation study indicated that the scale was quite successful in differentiating between the group that reoffended and the group that did not. The 11-item scale also did well predicting violent behavior, which is extremely difficult to predict simply because violence is a statistically rare event.

It should also be emphasized that an actuarial scale does not assess individual risk. Rather, it identifies the risk level of the group to which an individual belongs. This empirical process, used by insurance companies for decades to assess the health and accident risks of clients, provides a tool to differentiate among offenders considered for release. Thus, the Colorado Risk Scale provides parole board members with an important objective mechanism to assist in the decision making process.

SECTION III

Policy Factors Considered in the Parole Release Decision

According to legislation cited earlier, the Commission is mandated to develop parole guidelines where risk is the first factor among others considered by the Colorado Parole Board when members review an offender for discretionary release from prison. Other release factors are those which the Commission decided are also necessary components of the release decision.

Policy factors critical to the release process were identified by the Commission with input from individual Commission members, parole board members and the Guidelines legislation. These are (1) time served on this sentence, (2) serious institutional infractions, (3) treatment/rehabilitation needs.

These factors are described below in terms of the policy rationale and the context of the release decision. The following section, Section IV, presents Colorado's Parole Guidelines. That is, the decision factors are presented in the context of the policy guidelines for their application in the release process.

1. Time Served on This Sentence

In Colorado, inmates become eligible for parole at the midpoint of their sentence. For the last half of an offender's sentence, then, the parole board has the discretion to determine release status. Given that this portion of the sentence can range from three months to 24 years depending on the felony class of the conviction crime, structuring this "punishment" component is an important objective of the Guidelines.

Although the Parole Guidelines legislation explicitly identifies public safety as the primary release consideration, it also provides the policy basis for including a punishment consideration in the release decision. It does this by allowing board members to consider the presence of aggravating or mitigating circumstances of the current offense. Length of time left to serve in prison is then structured by the Guidelines to correspond with the presence or absence of these circumstances. Below, the impact on "time served" of mitigating and aggravating factors is discussed and then a hypothetical case is presented as an example.

Mitigating Circumstances. Eight mitigating factors, including "family obligations" and "offender committed the crime under duress" are available for the board's consideration at the point of release (See Appendix C for the statutory definitions of all mitigating and aggravating circumstances). The Guidelines use the presence of mitigating factors to structure the "time served" factor by

minimizing additional incarceration, providing there are no aggravating circumstances associated with the current crime. The presence of any aggravating condition nullifies, for the purpose of minimizing “time served,” all mitigating circumstances.

Aggravating Circumstances. Fifteen aggravating factors are listed in the parole guidelines legislation, including “crime involved high degree of cruelty” and “offender was on probation for another felony when he committed the offense.” The Commission and the Parole Board worked together to designate two categories--first and second degree--of aggravating factors (see Page 22 for the list of first and second degree aggravating factors). The “time served” criterion is structured differently for the two categories of factors, as discussed below.

Application of the Time Served Criterion. Colorado has a presumptive sentencing range for each of the broad felony classes. For the purpose of structured release decision making, the Guidelines have connected the presence of mitigating/aggravating circumstances to the presumptive sentencing ranges.

Generally, the Guidelines suggest that, with the presence of a mitigating factor, the “time served” criterion is met when up to 30 percent of range (not the sentence, since this varies considerably from case to case) has been served. The presence of a second degree aggravating factor requires 30 to 50 percent of the range to be served before this criterion is met. Finally, the

Guidelines suggest that 50 to 100 percent of the sentencing range be served when a first degree aggravating factor is present. The presence of no extraordinary factors result in a 15 to 50 percent "time served" range.

An Example of Time Served. The presumptive sentencing range for a Class 5 offense in Colorado is 12 to 48 months. Consider an offender who is serving four years, the maximum term, on a Class 5 burglary conviction. Just before the midpoint of his term, approximately two years, the offender's case is considered by the Parole Board for the first time. Guidelines suggest that the presence of a mitigating factor place "time served" in the range of three to 15 months. If this hypothetical offender had a mitigating circumstance and no aggravating factors, the Board would consider the "time served" criterion satisfied. If he had a second degree aggravating factor associated with the current offense, Guidelines recommend a "time served" range between 15 and 24 months, in which case the "time served" criterion has also been met. The presence of a first degree aggravating factor falls into a recommended range of 24 to 48 months; the offender may need to serve a few more months before this criterion is met.

2. Institutional Conduct

To recognize behavioral problems and provide a tool for institutional management, the Commission adopted institutional behavior as a release criterion, The Parole

Board had, in fact, been routinely taking prison conduct into account, but the level of the infraction and the extent of its impact of the release decision varied on a case by case basis. This criterion is intended to delay release for a specific period for inmates who meet the other release criteria.

The Guidelines require extending prison time for inmates who have incurred a Class One (the most serious class) violation of the Penal Code. Specifically, the release date is extended 90 days if a Class One offense has been committed within the last six months. Sixty days will be added to the release date if the disciplinary conviction occurred within the last six to 24 months.

3. Treatment/Rehabilitation Needs

The Commission decided that treatment needs and program participation, since these pertain to risk control, are a necessary release consideration. Addiction to drugs or alcohol, illiteracy, violence-proneness, sexual deviancy or other problems affect an offender's ability to function satisfactorily on parole. Both the prison system and corrections agencies in the community have limited access to programs, services and other resources. While availability of such resources may enhance the parole process for some offenders, for other offenders access to services may be essential for controlling recidivism.

This criterion was adopted because the Parole Board must know if offenders have attempted to address their

problems during their present incarceration; if programs were available to them; and if progress was achieved. When an offender's needs suggest a parole risk, the Guidelines advise that the Board apply special conditions of parole which address the particular need or needs. The Guidelines suggest that release be postponed only in cases of high or severe need combined with no or limited program participation.

Treatment and needs information (which is often, in reality, limited to information about program participation in available programs) is obtained from data systematically recorded in the prison file and also from information provided by the prison's mental health division and the inmate's case manager. Concurrently, information concerning the extent of problems anticipated by the case manager during the parole period is provided to the parole board.

4. Additional Information

Members of the Parole Board informed the Commission that input from the prison case manager, the victim, the offender and other parties (the district attorney, victim/offender families, employers, for example) is an important source of information for the release decision,

Specifically, the Guidelines advise that the source of information be tied to three release considerations: aggravating/mitigating factors, prison program participation and the parole plan. For example, a victim

may request that the offender not be allowed to enter the victim's county of residence. This consideration may then become a formal component of the parole plan, as directed by the Guidelines.

In sum, then, the Guidelines formalize a total of four decision items: (1) risk, as determined by the actuarial scale, (2) time served on this sentence, according to the presence of aggravating or mitigating circumstances, (3) institutional behavior, as defined as a recent Class I Code of Penal Discipline violation, and (4) institutional treatment participation and corresponding needs on parole. Additional information provided by prison staff, inmate interview and citizens or law enforcement officials is taken into account.

The next section, Section IV, presents the advisory policy language adopted by the Commission to create the Guidelines. Section V discusses the details of Guidelines implementation, including form development, training, and the logistics of collecting data and providing it to the Parole Board at the case hearing.

SECTION IV

Colorado Parole Release Guidelines

This section of the Handbook is offset because it includes the advisory Guidelines as drafted by the Commission in the Spring of 1989. Since the language of the Guidelines assumes knowledge of the development of the process, the two previous sections were designed to provide a context for understanding the actual Guidelines.

COLORADO PAROLE RELEASE GUIDELINES

Staff from the Division of Criminal Justice have, per statutory charge, developed an empirically-based risk factor scale to be used as a decision making tool for the assessment of offender risk (to be rearrested for a new crime) in the community. The following assessment tool has been tested in two different pilots. The designated cut-off scores and subsequent categories of risk have been set by the Commission based on empirical analysis of actual Colorado offender recidivism data. Refer to attached copy of the Colorado Actuarial Risk Assessment Scale. Below the designated risk categories are listed.

High Risk	34 - 46 points
High Medium	28 - 33 points
Medium	15 - 27 points
Low	-3 - 14 points

Elements which should be folded into the advisory policy options for risk decision making include: the offender risk assessment score, the corresponding parole plan with specified special conditions and standard conditions, as well as designated corresponding length of parole supervision.

The following advisory policy decision options have been formulated for use in applying risk information to case decision making.

<u>Risk Score/Level</u>	<u>Advisory Decision Options</u>
High (34-46 pts.)	NO. At first and subsequent hearings until the offender is approaching his/her sentence expiration date; or until the risk this offender may pose in the community can be reasonably controlled with an intensive supervision plan. The Board shall designate a period of supervision from 3-5 years for this risk group.
High Medium (28-33 pts.)	MAYBE. At first and subsequent hearings, NO RELEASE is the suggested option whenever the parole plan is inadequate to reasonably manage this risk level in the community. RELEASE is the suggested decision option when an intensive/rigorous supervision plan is created. Special conditions shall be set by the Board specifying various individualized risk control measures. The Board shall designate a fixed-length parole period from 2-3 years.
Medium (15-27 pts.)	MAYBE. At first and subsequent hearings, RELEASE is the suggested option where a suitable parole plan with accompanying special conditions has been created. Where such a parole plan is not created, the suggested option is NO RELEASE . The parole period shall be a fixed term from 1-2 years.
Lou (-3-14 pts.)	YES. At the first hearing, the suggested option is RELEASE with a standard parole plan and standard conditions. The parole period shall be a fixed term from 6 months to 1 year.

A primary purpose of a parole plan is to direct the use of field resources to control the risk of offenders in the community, and to provide opportunity for parolees to address their own functional deficiencies. The Board establishes the term of parole and the basis for a parole plan with standard and special conditions. Parole agents and staff of the Department of Corrections will develop a supervision and case management plan based on the conditions set by the Board and in a manner that targets greater resources for the higher risk levels.

Per guidance from Colorado statutes (CRS 1973 17-22.5-303.51, the Board shall consider the following factors when setting standard conditions: parolee shall pay restitution ordered by the court (2,a,III); parolee shall pay cost of supervision (2,a,IV); parolee shall diligently attempt to find employment which provides sufficient income (2,a,VII); parolee shall agree to stay in geographic boundaries and shall notify their parole officer of change in residence or employment (2,a,VIII); parolee shall report as directed to their parole officer (2,a,IX); parolee shall be willing to participate in community service (2,a,X).

In addition to standard conditions set by the Board per statute, the Board is directed to set individualized special conditions which shall include, at a minimum, the following considerations: parolee's willingness to devote time to a specific employment or occupation (2,a,V); parolee's willingness to enroll in school, college, university or course of vocational or technical training designed to prepare the student for gainful employment (2,a,VI).

Standard and special conditions set by the Board not only serve as the basis for building a parole plan, but can also become the basis for criteria utilized by parole officers to measure offenders' performance on parole. As such, these criteria will form the basis for consistency in revocation decision making practices.

Aggravating and Mitigating Factors on Offense Severity

As directed by statute (cited above) and professional judgement, aggravating and mitigating factors associated with the current criminal offense (and elements related to culpability as indicated by past criminal conduct and involvement in the justice system) shall be taken into consideration by the Parole Board when making release decisions. The presence of aggravating factors suggests that the sentence will be somewhat elevated above the "standard" offense. The presence of mitigating factors suggests that the term of imprisonment may be set somewhat below standard.

Several statutes govern the definitions of offense categories and the applicable authorized sanctioning terms allowed for each category. Knowledge of the various categories of offense and corresponding punishment are essential to the Board's consideration of aggravating and mitigating circumstances. The Board may, through its authority to defer parole release and affect the portion of a prison term actually spent in prison by an offender, observe the presence of mitigating and aggravating factors (whether or not they were taken into consideration at time of sentencing). The Board is instructed by statute to consider these factors. The following proposes a way to structure aggravating/mitigating factors for utilization in case decision making by the Board (based in part on definitions prepared by the Commission subcommittee).

Mitigating Factors

- o **Passive/minor participation in crime (4,a,I)**
- o **Victim precipitated crime or somehow provoked (4,a,II)**
- o **Substantial justification for offense (4,a,III)**
- o **Crime committed under duress or coercion (4,a,IV)**
- o **No past record or has long crime free period (4,a,V)**
- o **Offender voluntarily acknowledges wrongdoing (4,a,VI)**
- o **Family obligations (4,a,VII)**
- o **Attempted compensation to the victim (4,a,VIII)**

Aggravating Factors - 2nd Degree

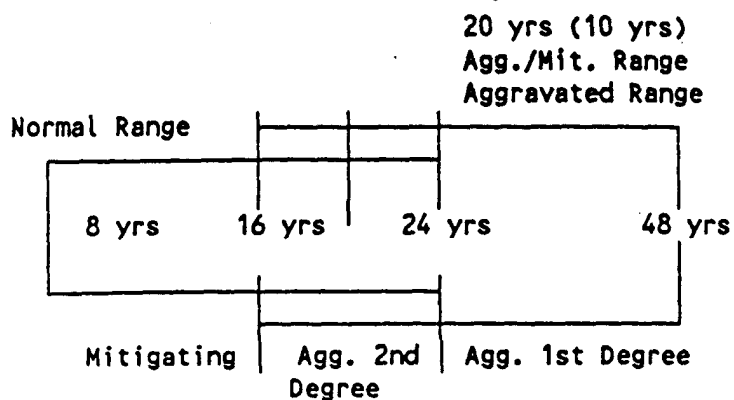
- o **Offender induced others in commission of offense (3,a,VI)**
- o **Took advantage of a position of trust (3,a,VII)**
- o **Paid to do the crime (3,a,VIII)**
- o **Pre-meditation (3,a,IX)**
- o **Drug-related, or contraband-related crime (3,a,X)**
- o **On bond for previous felony during commission (3,a,XIII)**
- o **Increasingly serious convictions, juvenile or adult (3,a,XV)**

Aggravating Factors - 1st Degree

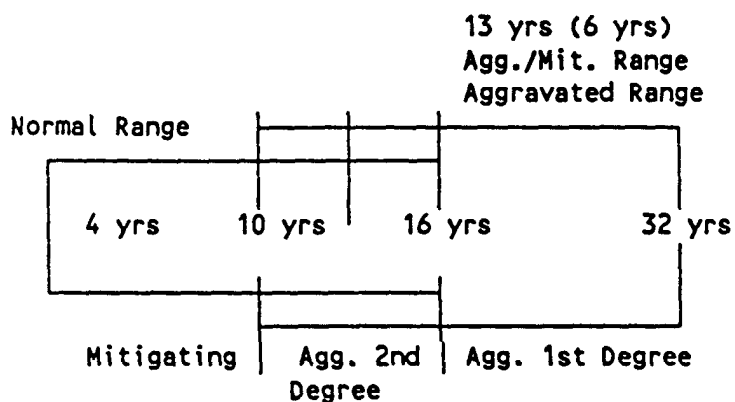
- o **Serious bodily injury and high degree cruelty (3,a,I)**
- o **Armed with deadly weapons (3,a,II)**
- o **Multiple victims (3,a,III)**
- o **Particularly vulnerable victims (3,a,IV)**
- o **Victim is official authority (3,a,V)**
- o **Pattern of violent conduct (3,a,XI)**
- o **On parole or probation for another felony at commission (3,a,XIII)**
- o **In confinement or escape status at commission (3,a,XIV)**

AGGRAVATING/MITIGATING FACTORS: SENTENCE LENGTH WORKSHEET

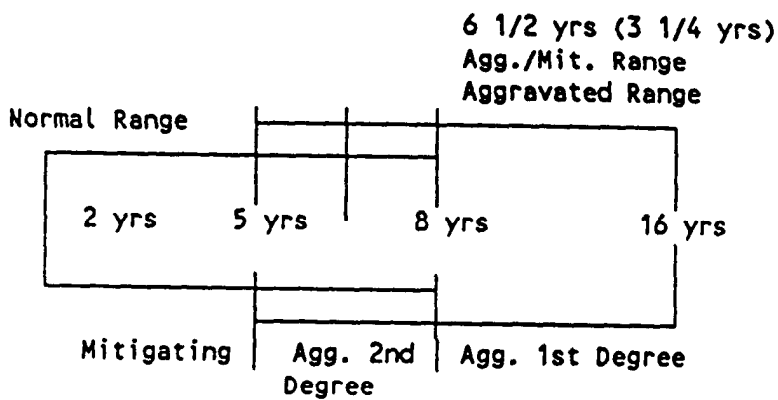
Class 2 Offenses:



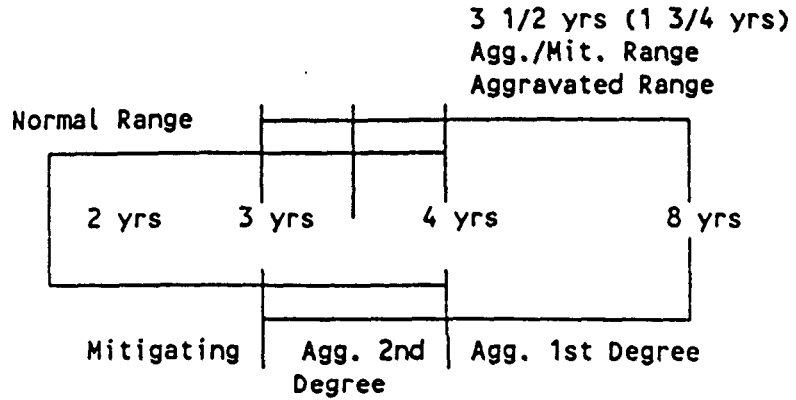
Class 3 Offenses:



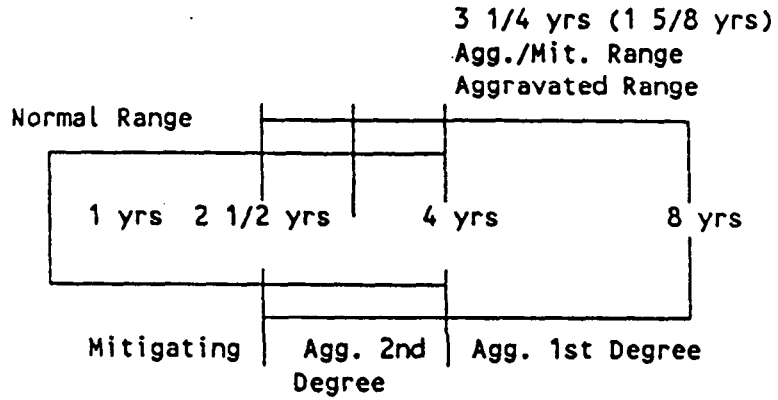
Class 4 Offenses: (Regular)



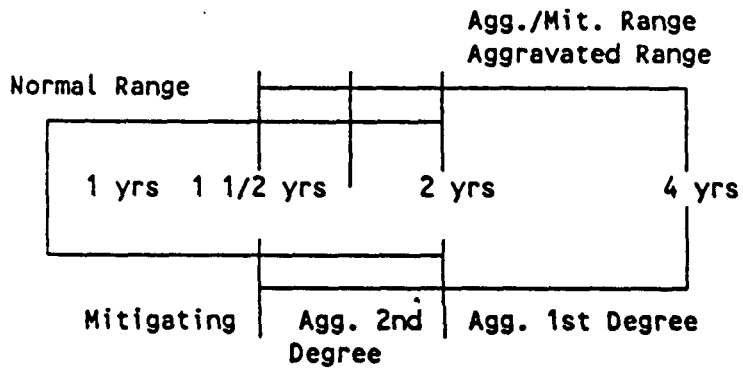
Class 4 Offenses: (Defined)



Class 5 Offenses: (Regular)



Class 5 Offenses: (Defined)



Aggravating/Mitigating Factors: Advisory Policy Options

Aggravating and mitigating factors have been ordered on a worksheet. The Board will review a case to determine if there are aggravating and mitigating circumstances that should affect the time an offender serves in prison on their punishment sanction. Mitigating factors are intended to lessen the time served and the presence of aggravating factors will extend the portion of the court ordered sentenced served in prison.

Because different sentence ranges apply to different categories of offenses, it is necessary to determine which statute applies to each imposed sentence. The attached worksheet (pages 6-8) defines the normal, aggravated ranges of sentence for each class of crime. The charts reflect the aggravated ranges as established by revised statutes in 1988. The aggravated ranges that applied before this period are encompassed in the charts though not specifically highlighted. The attached worksheet also defines the reduced ranges (normal and aggravated) for Class 4 and 5 nonviolent offenders as defined in SB148 and HB1200.

As reflected in the charts, the aggravating and mitigating circumstances (identified by the Parole Board) indicate the preferred sentence range for each case - and consequently, the expected length of time to be served for the current offense given the aggravating/mitigating factors which apply. The Board shall then indicate if the sentence imposed (and implied time to be served) falls in the preferred range. So for each case, aggravating and mitigating factors are noted, the preferred sentence range is identified, and the Board indicates if the imposed sentence is a)outside the preferred range by being under, b)within the preferred range, or c)outside the preferred range by being over. The Board can then "adjust" those cases where the sentenced imposed in a case is clearly outside/under the preferred range by deferring release until the time spent by an offender on the imposed sentence falls within the preferred range. It will not be possible (due to the nature of the statutes defining parole eligibility) for the Board to "adjust" in the case of an offender who is outside/over the range because that offender will have already served more than the time implied by the preferred range when they are eligible to be seen by the Board.

The following lists the advisory decision options proposed for each category of aggravating/mitigating factors and circumstances.

<u>Aggravating Mitigating Factors</u>	<u>Advisory Decision Option</u>
Under range	NO, defer until time spent falls into the range.
Within range	NO EFFECT. Doesn't affect decision.
Over range	If the otherwise indicated decision is to RELEASE, designate <u>priority</u> and expedite.

Statutes (CRS 1973 17-22.5-303.5) indicate that the Board shall consider the offender's conduct in the institution Or facility in terms of substantially observing rules and regulations and faithfully performing assigned duties. The Commission in its promulgation of guidelines has reviewed this element and its place in the broader advisory guidelines. The commission finds that both disciplinary factors and positive institutional conduct are currently being monitored and recognized by both Department of Corrections and the Parole Board.

The Department of Corrections according to their statutory authority has defined rules and regulations as well as penalties for infractions. The Department also administers: an offender good time system per statutes. The Department has far reaching authority to monitor inmate behavior, cite offenders for infractions, and penalize violators by removing good time earnings or imposing other sanctions. The Disciplinary Process is an integral tool for inmate behavior management which the Department utilizes within the boundaries of their significant authority.

Currently the Board of Parole has authority beyond the statutory good time provision to award earned time to inmates who demonstrate positive program and work participation in the institutions. Every 6 months, inmates may earn up to half of the annual allowance of 60 days. This earned time (in addition to the statutory good time) advances the parole eligibility date. Members of the Parole Board go to the DOC administrative offices periodically to review and approve earned time awards. In this way, the Board is recognizing and taking positive institutional behavior into consideration as earned time actually hastens the date of parole eligibility.

With regard to institutional behavior as a factor to be considered in release decision making by the Board, disciplinary behaviors have been tested and are reflected in the risk factors which are utilized by the Board. In this way, the Board's concern for the implications of negative institutional behavior are incorporated into the release decision making.

[In the discussion between Board and Commission members there has been ambiguity about whether or not an additional factor for disciplinary should be included in parole guidelines beyond its presence as described above. On one hand, many feel that the recognition given disciplinary behaviors is a 1 ready addressed. On the other hand, there is a reluctance on the part of a few members to bypass this item as a distinct and separate factor in release decision making. The boundary of consensus appears to be on the Class 1 infractions. If Class 1 infractions are to be directly factored into decision making guidelines, the following is proposed: a) automatic 90 day deferral for Class 1 violation convictions occurring within Last 6 months (regardless of penalties imposed by the institution); b) automatic 60 day deferral for violation

convictions of a Class 1 infraction occurring over 6 months ago but within the last 2 years (regardless of action taken by the institution).)

**MODIFIED REHABILITATION
ADDRESSING FUNCTIONAL DEFICIENCIES FOR RISK CONTROL**

Although the theoretical model of rehabilitation in prison has been found impractical and of limited feasibility, there is still an interest in providing offenders opportunity to address their own personal functional deficiencies, particularly those which appears to be related to their criminal activity. Increasingly we see offenders who are illiterate, drug/alcohol addicted, emotional dysfunctional, unemployable, sexually deviant, and with explosive, violent temperament. Since these types of dysfunctions can affect the ability of an offender to remain crime-free in the community, it is a concern to the Parole Board as they consider offenders for release. Members want to know that offenders have at least addressed these problems in themselves while in the facilities. The need to follow-up on treatment opportunities in the community will be expressed by the Board in special conditions.

There are some very real limitations in factoring "modified" rehabilitation directly into parole guidelines. It is unacceptable, of course, to "penalize" by not releasing a person who has not participated in treatment programs because they have no diagnosed deficiencies. It is also unacceptable to penalize offenders who do not have access to treatment programs in prison. Other constraints on this factor include:

- o **quality of diagnostic instruments and services;**
- o **the ability to coordinate and provide the range of necessary treatment programs;**
- o **recording and documenting progress;**
- o **suitable measures of offender progress.**

It appears as if the best we can do at the present time in measuring progress on addressing functional deficiencies is to note the level of participation in programs that are available. Because of the severe limitations on access to programs, ability to measure progress and the inherent difference in offenders on this dimension, it is felt that information on offender rehabilitation should be used as a factor in setting parole conditions rather than a factor which influences the release decision.

SECTION V

Guidelines Implementation

What is “implementation”?

"Implementation" is a concept frequently used to refer to the introduction of a new policy or procedure. But this use of the word obscures the complexities of actual implementation. Here, implementation refers to a long-term process that begins with policy development and leads to policy adoption. Along the way, implementation involves developing administrative support, initiating new procedures, training, testing, revising and retraining. Implementation is completed when the old way of doing business is replaced, routinely, with the new way of doing business. In Colorado, through the Guidelines process, implementation will be completed when the new practices of the Parole Board are policy driven and rooted in empirical assessments of public risk.

The Department of Corrections, the Parole Board and the Division of Criminal Justice have worked closely with the Commission to develop procedures which represent Guidelines-based parole decision making. The major components of these procedures included (1) drafting new documentation; (2) testing (in pilot projects) the documentation and the procedures that accompanied them; and (3) ongoing training of Department of Corrections staff. This section discusses each of these components beginning with on-site testing of the

Colorado Risk Scale form.

Pilot Projects

Once the Commission identified the release factors, planning commenced for getting the necessary case information to the Parole Board. Since work on the actuarial scale was completed before the policy factors were formalized, the Commission decided to test the application of the 7-predictor construction scale at Parole Board hearings. This test involved a two-month pilot project that engaged all the state's prison facilities.

Following this pilot study, a second pilot project was initiated early in 1989 in three prison facilities. The revised, 11-item Colorado Risk Scale was used during this project. Data collected on 241 cases during this test-run indicated that 44 percent of the low risk cases were deferred, suggesting that use of the actuarial scale alone did not lead to risk-based parole decisions.

The Commission agreed that the next step in the implementation process required a full-scale "dry run" of documents using all the Guidelines release factors. The Department of Corrections, working with the Commission and the Division of Criminal Justice, provided Guidelines information on every case heard by the Parole Board between July and September, 1989. Staff at all prison facilities were instructed to routinely present Guidelines data to the Board by mid-fall, 1989.

An important outcome of each of the pilot studies was feedback to the Commission from Board members and field Corrections staff. The feedback generally concerned problems with the availability and quality of Guidelines data that the Commission was requesting. Through this interactive process during each pilot, instructions and decision rules for obtaining reliable data were clarified.

Systematically Obtaining Guidelines Data

Data Collection: Providing Guidelines information to the Parole Board for members' use in making the release decision was the central implementation task. The Commission designed three documents which reflected the Guidelines decision-making process: the Colorado Risk Scale, the Colorado Parole Guidelines Information Form, and the Notice of Parole Board Action Form. The Action Form is the official parole decision document which, of course, existed before the Guidelines. However, the document was redesigned to reflect the new decision process with the Guidelines release criteria. These documents are included as Appendix A, B and D, respectively.

Data Quality: Completion of Guidelines administrative documents is one of the most important functions in a parole guidelines system. If the data included are not reliable or if the data are incomplete, then parole board decisions cannot be guided as intended. Further, if the quality of the information obtained from the documents is questionable, Board members may be less likely to

develop the confidence needed to consistently use the forms.

Data Sources: The information necessary for completion of the Guidelines forms comes from a variety of sources.' The inmate file contains all the official documents related to arrest, conviction, classification, supervision, and treatment/programming. For example, much of the criminal history and socio-demographic data come from the presentence investigation report prepared by the probation department of the committing district. At intake to the Department of Corrections, the diagnostic process of testing and interviewing produces additional data. Facility case managers periodically complete a performance review which contains offender progress, behavior problems and treatment activity. After the inmate is transferred out of the Diagnostic Unit, the file is transferred to the active case manager located at the housing facility.

Training

Providing Guidelines information to Board members in Colorado required assigning certain prison staff the additional responsibility of collecting information from files for the purpose of completing the forms. Department of Corrections' officials identified prison case managers as the most appropriate position in Colorado to assume this duty. Case managers, each of whom carry an inmate caseload, are in charge of parole case preparation. This includes good time and earned time, programming,

prerelease planning, and presenting case information to the Parole Board.

Typically, new procedures are difficult to implement because they require changing routines and mechanisms which have become comfortable and predictable. This situation can become more difficult when workloads have increased significantly due to system crowding.

Therefore, implementation of Parole Guidelines, required the cooperation and support of the Parole Board and of the Department of Corrections' central administration, facility management and line staff. These were the locations in the system where procedures were changing, and so the Guidelines training program targeted these groups. Training addressed (1) the process of Guidelines development, (2) the new information forms necessary for implementation, and (3) procedures necessary for implementation.

Training for Parole Board members was a very interactive process. This was, in fact, one of the Commission's objectives: involvement by Board members in the design of the Guidelines documents and the logistics of acquiring, photocopying and routing them throughout the system.

Over 100 prison case managers were trained in Guidelines' development and objectives, administrative forms and project logistics. Training took place on-site

in each prison so logistics unique to each facility could be addressed, Secretaries and administrators also attended many -of the training sessions since the forms and the additional workload were likely to affect their jobs, too,

As with the Parole Board, the on-site training of prison case managers was a fruitful interactive process. Issues such as the case managers' liability, subjectivity and sometimes unclear lines of responsibility were brought back to the Commission and the Parole Board for clarification and policy development. In fact, as a result of this interaction, the central manager of case management now regularly attends the Commission meetings, streamlining communication and problem resolution.

Naturally, prior to Guidelines training, operational definitions of each variable were developed to promote reliability of the information provided to the Parole Board. Not surprisingly, definitions sometimes lose their clarity when put to the test in the field by many individuals. This became even more complicated in Colorado when many of the Guidelines terms--terms that had empirically-based definitions--overlapped with terms used in the prison mental health and classification systems. It became clear that development of operational definitions for the data elements is necessarily an interactive process between those who create the administrative documents and those who use them. The Guidelines forms have been revised several times, and the "final" version will soon become an official Department of Corrections form.

At this writing, training continues for Corrections' administration, parole and community corrections staff. Plans are in place to incorporate this training component into the routine case management training agenda.

A Look To the Future

If, as discussed at the beginning of this section, implementation ends when a new policy becomes a routine way of doing business, then Colorado parole board members and Department of Corrections case managers are working toward full implementation of the Guidelines. Actually, there can be no real conclusion to implementation of Colorado's parole guidelines. Guidelines use must be monitored, and the guideline policies must be changed, if necessary, to remain consistent with the policy objectives of Colorado. Also, the risk assessment scale needs to be validated approximately every two years.

Of course, the Colorado Parole Guidelines Commission is actively interested in progress toward full implementation. Implementation is being tracked objectively for the Commission by Division of Criminal Justice research staff. A database has been developed which contains all the information from the three Guidelines forms (the Risk Scale form, the Guidelines Information form, and the Parole Action form), and analysis of these data allows ongoing empirical modeling of the parole decision process. The following section presents empirical information about the extent of implementation, to date.

SECTION VI

Implementation: Empirical Feedback

The extent of implementation can be objectively monitored by tracking parole release decisions and analyzing the data on the Guidelines documents. This is an ongoing process. To date, the relationship between the release decision and public risk has taken precedence over analysis of other release factors. This is because actuarial risk is the major factor imbedded in the Guidelines legislation.

Below, information is presented about the release decision for two study periods, July through September, 1989 and October through December, 1989.² Risk and average length of deferral until the next parole hearing are discussed.

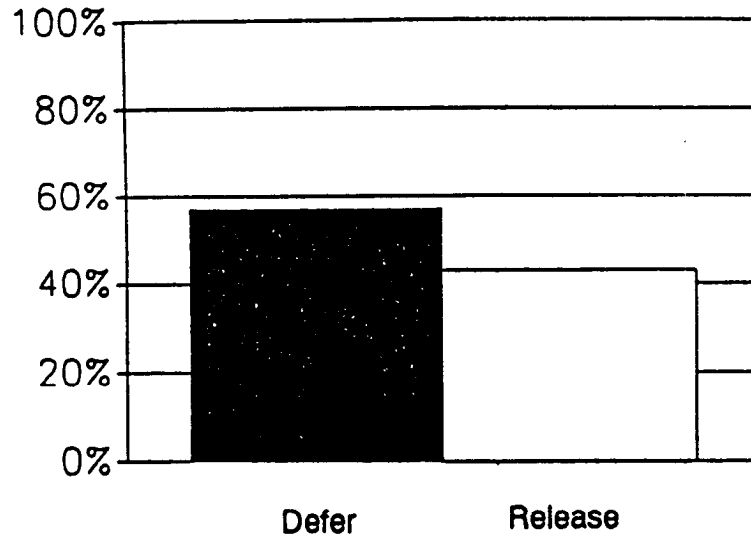
Overall, between October and December, 1989, 44 percent of the 479 (n=210) discretionary parole cases were released and 56 percent were deferred, as reflected in the figure below. Note that these data do not represent women, sex offenders or community corrections clients who went before the Parole Board during this period.

² The risk scale does not apply to men currently convicted of only a sex offense so these cases do not have a risk score. Nor does it apply to women because they were not included in the actuarial studies. Also, Guidelines data procedures have not yet been implemented in the community corrections system so no data are available on this group.

Figure 6.1

Release Decisions

October - December, 1989



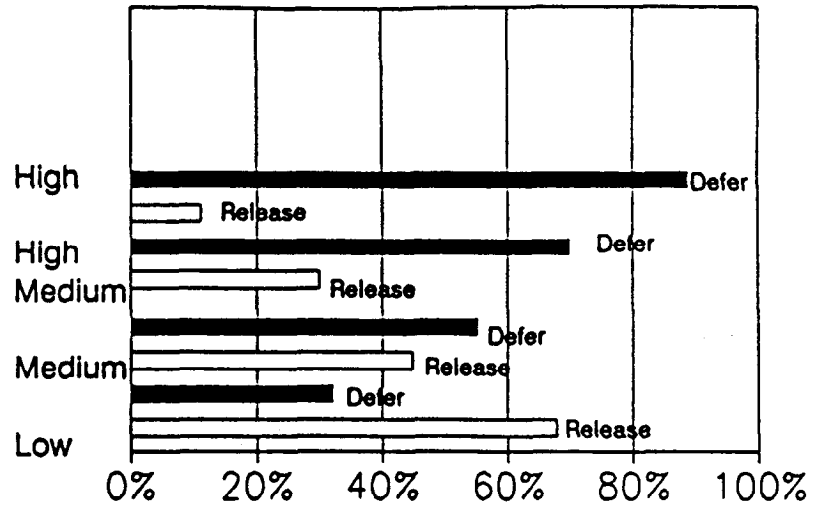
Parole decision data from October through December, 1989 reflect a slight increase in the percentage of low risk inmates released by the Board (68 percent) compared to the previous three-month period (61 percent). Similarly, high risk releases decreased to 11 percent during the October-December period compared to 29 percent during the previous quarter.

Data on release decisions and risk for the October through December study period are presented in the figure below.

Figure 6.2

Release Decision by Risk Level

October - December, 1989

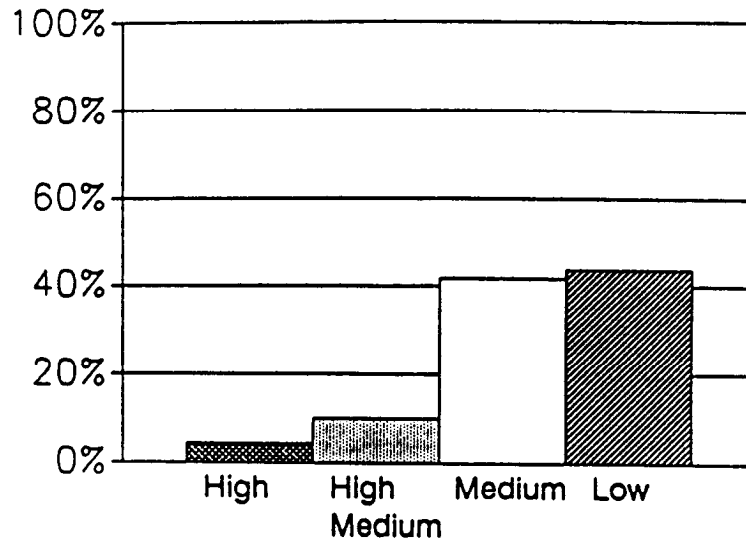


Consideration of the proportion of cases falling into the four risk categories is important in implementation analysis. Release decisions made concerning low risk offenders have a significant impact on the overall release process since 44 percent of the offenders in this study were low risk. Similarly, release decisions pertaining to medium risk parole candidates affected 42 percent of the group that saw the Board between October and December (note, again, that this group does not include women, sex offenders or community corrections parole candidates).

Figure 6.3

Risk Level of Parole Candidates

Cases Reviewed by Colorado Parole Board Between
July - September, 1989



Along with the release decision, length of deferral to the next hearing (which can be up to 12 months) is an important factor to track (data not presented). Deferral lengths affect overall length of stay patterns in the prison population. The average length of deferral for the 269 cases observed between July and September, 1989 was nine months. The average length of deferral for the next three month period was eight months. During the two study periods, the length of deferral did not differ significantly according to risk category.

In sum, the data indicate that, the percent of low risk candidates released on parole appears to be increasing and the percent of high risk candidates released is decreasing. Length of deferral is also decreasing, Decisions made by the Board about the low and medium risk group will continue to drive release patterns since over 85 percent of parole candidates fall into these two groups. Presently, 67 percent of the low risk group and 45 percent of the medium risk group are granted parole.

Appendix A

COLORADO ACTUARIAL RISK ASSESSMENT SCALE*
To Be Completed by Case Manager:

Date form completed _____
 Inmate Name _____ DOC# _____
 Case Managers Name _____ Facility _____

For each item, enter the weight corresponding to the information in the offender's record.

1. Any prior adult or juvenile felony conviction for burglary, robbery, theft, or auto theft (Include deferred judgments):

- 0 (No) _____
- 7 (Yes) _____
- 0 (Unknown) _____

2. Total number of original felony convictions on current prison sentence(s) (Do not count prior convictions):

- 0 (1) _____
- 3 (2-3) _____
- 5 (4+) _____

3. Total number of prior adult and/or juvenile sentenced incarcerations to prison, jail or juvenile facility for felony offense: If UNKNOWN, substitute number of prior felony convictions.

- 0 (None) _____
- 3 (One) _____
- 5 (Two or more) _____

4. Employed 50% or more of two consecutive years prior to original arrest date:

- 0 (Yes) _____
- 5 (No) _____
- 0 (Unknown) _____

5. Convicted of a felony or adjudicated a delinquent before age 18:

- 0 (No) _____
- 4 (Yes) _____
- 0 (Unknown) _____

6. Serious offender classification: Do one or more of the following apply? (check all that apply)

- Current conviction for violent crime (use Table A on back);
- Current court conviction for escape (include attempts/conspiracies);
- Prior conviction for felony against a person in the last 5 years of street time;
- Three or more prior adult or juvenile arrests for: robbery, rape, felony assault, kidnap, or aggravated burglary (weapon or injury);
- Substance abuse history includes one of the following: PCP use, injections of speed, cocaine, or hallucinogens (not heroin), or sniffing volatile substances (glue, paint);

- 0 (No) _____
- 4 (Yes) _____
- 0 (Unknown) _____

7. Ever legally married: (Do not include common law)

- 0 (Yes) _____
- 3 (No) _____
- 0 (Unknown) _____

8. Class I or Class IIA COPD disciplinary infractions during this incarceration:

- 3 (None) _____
- 1 (Yes, but none in last 6 months) _____
- 3 (One last 6 months) _____
- 5 (2+ last 6 months) _____

9. Code the most serious disciplinary infraction incurred during the past 6 months:

- 0 (None) _____
- 2 (Class IIA) _____
- 3 (Class I) _____

10. Age at PED or next hearing for governing sentence (whichever applies):

- 0 (35+) _____
- 1 (25 - 34) _____
- 3 (18 - 24) _____

11. Present incarceration includes administrative action for an escape/walkaway or parole violation in the last 5 years: (technical violation or new crime)

- 0 (No) _____
- 1 (Escape) _____
- 2 (Parole Violation) _____
- 0 (Unknown) _____

VIOLENT AND GENERAL RISK SCALE	
SCORE	RISK LEVEL
37-45	HIGH RISK
28-33	HIGH/MEDIUM RISK
15-27	MEDIUM RISK
3-14	LOW RISK

*This scale does not apply to currently convicted Sex Offenders or Women.

TOTAL SCORE

INSTRUCTIONS FOR COMPLETING RISK SCALE FORM

THIS SCALE DOES NOT APPLY TO WOMEN OR INMATE CURRENTLY CONVICTED OF ONLY SEX OFFENSES.

For Items 1 - 7: If offender is currently in on a TECHNICAL parole, probation or community corrections revocation, use information related to the original commitment offense.

1. File must specifically document adult conviction, juvenile adjudications or deferred judgments/sentences for burglary, robbery, theft, or auto theft. Do not include theft by fraud and deceit; include theft by receiving and attempts/conspiracies to commit burglary, robbery, theft, or auto theft.
2. Include total number of convictions for this sentence (i.e., two counts of burglary and two counts of robbery total four convictions). Include convictions from other states if the crime would have been a felony if committed in Colorado. If the inmate is currently serving time on a technical parole, probation or community corrections violation, do not count the revocation as a conviction; rather, consider only the original conviction(s).
3. "Incarcerations" include sentences to jail (not pretrial confinement); juvenile commitments to secure facilities, including any commitment to the Department of Institutions; commitments to prison as an adult. If you can't find incarceration information, substitute the number of prior felony convictions (do not count this one).
4. Consider the last 24 (consecutive) months the inmate was on the street before the original date of arrest. Time spent locked-up or in school is NOT employment. For technical parole, probation or community corrections violators, the 24 month period is the time BEFORE the original prison sentence.

YES if file documents full-time or part-time employment which totals at least 12 of the last 24 street months (for example, if the inmate worked half-time for nine months, this totals 4.5 months of employment).

NO if inmate was employed less than a total of 12 months.

UNKNOWN if file contains inadequate employment information.
5. "Felony" refers to any crime that would be considered a felony if committed by an adult in Colorado.
6. If the offender is presently serving time on a technical parole/probation violation, code this item as if he was serving time on the original sentence.
 - Violent crime: See table A, this page.
 - Escape: Do not count escapes handled administratively.
 - Prior Conviction: Look for violent felony convictions during the last 60 months the inmate was free (on the street) to commit crimes.
 - Three or more violent arrests: Unlike the other items in the Risk Scale, this requires information on arrests, not convictions.
 - Substance Abuse: Note that these are substances that tend to make people behave unpredictably or violently.
7. Do not count common-law relationships.
8. Consider only DOC infractions which occurred during this term of incarceration (include time spent on technical violations).
9. Consider only DOC infractions which occurred anytime during this sentence.
10. Code according to the age the inmate will be at potential parole release date.
11. Include county jail escapes and community corrections walk-aways. Do not include technical or community corrections violations.

TABLE A
<p>SERIOUS OFFENDER CLASSIFICATION: CURRENT CONVICTION FOR VIOLENT CRIME</p> <p>Murder Rape/Sex Assault Kidnapping for Ransom Aggravated Robbery 1st Degree Burglary Arson of a Dwelling Voluntary Manslaughter Attempted Rape/Sex Assault Sex Assault on a Child Kidnapping Robbery Felony Assault Terrorism Arson Involuntary Manslaughter Extortion/Blackmail Escape Jailbreak Aggravated Assault Conspiracy/Attempt to Commit a Violent Felony</p>

Appendix B

**COLORADO PAROLE GUIDELINES
INFORMATION AND ACTION FORM**

Inmate's Name _____ DOC Number _____

SECTION A Length of Sentence (months) _____ Date This Form Completed _____ Applicable Governing Sentencing Law (circle) 211 332 334 336 Felony Class of Governing Sentence: (circle) 1 2 3 4 5	Time Served at PED Months Days a. Total Incarceration Time + _____
	b. All Earned Time Awarded + & Projected at PED _____
	Total Time (a+b) = _____
	Good Time Withheld _____

SECTION B Board Hearing: (circle one) 1st 2nd 3rd 4th 5th _____

Date Last Board Action On This Sentence _____ Last Action By Board _____

1. Rescission	3. Revocation
2. Deferral	4. NA/None

**SECTION C: DECISION CRITERIA
STATUTORY DEFINITIONS: AGGRAVATING/MITIGATING FACTORS**

- Caseworkers:** Indicate by underlining relevant case factors. Flag location in file.
Parole Board: Check boxes that apply.
- Mitigating Factors**
- Passive/minor participation in crime
 - Victim precipitated or provoked crime
 - Substantial justification for offense
 - Crime committed under duress or coercion
 - No past record or long crime-free period
 - Offender voluntarily acknowledges wrongdoing
 - Family obligations
 - Attempted to compensate victim
- 2nd Degree Aggravating Factors**
- Induced others in commission of offense
 - Took advantage of position of trust
 - Paid to do the crime
 - Premeditated
 - Drug-related or contraband-related
 - On bond for previous felony during commission
 - Increasingly serious convictions, juvenile or adult
- 1st Degree Aggravating Factors**
- Serious bodily injury and/or high degree cruelty
 - Armed with deadly weapons
 - Offense involved multiple victims
 - Particularly vulnerable victim
 - Victim is official authority
 - Pattern of violent conduct
 - On parole or probation for another felony at commission
 - In confinement or escape status at commission

Caseworker: Check box according to controlling felony class.
Parole Board: Circle appropriate range and check box at bottom of page.

Good Time Included		
Class	Regular Range <input type="checkbox"/> (months)	Reduced Range* <input type="checkbox"/> (months)
Class 5 Offenses		
Normal	6 - 24	6 - 12
Mitigating	3 - 15	3 - 9
2nd Degree Agg.	15 - 24	9 - 12
1st Degree Agg.	24 - 48	12 - 24
Class 4 Offenses		
Normal	12 - 48	12 - 24
Mitigating	6 - 30	6 - 18
2nd Degree Agg.	30 - 48	18 - 24
1st Degree Agg.	48 - 96	24 - 48
Class 3 Offenses		
Normal	24 - 96	
Mitigating	12 - 60	
2nd Degree Agg.	60 - 96	
1st Degree Agg.	96 - 192	
Class 2 Offenses		
Normal	48 - 144	
Mitigating	24 - 96	
2nd Degree Agg.	96 - 144	
1st Degree Agg.	144 - 288	

* Sentence lengths modified by HB 1200 and SB 148 (1988)

Time served is UNDER by _____ months

Time served is WITHIN: Neutral (Proceed to Section D)

Time served is OVER: (Proceed to Section D)

INSTRUCTIONS FOR COMPLETING THE PAROLE GUIDELINES FORM**SECTION A****Time Served at PED**

Total Incarceration Time: Include pre-sentence jail time awarded on mitimus, time in jail after sentencing and time since arrival at RDC. If inmate is a PV with no new crime, use all time served prior to parole on this sentence, and time served from date parole revoked on Parole Revocation mitimus.

Earned Time Awarded: Compute total earned time already awarded and what would be awarded up to PED anticipating no change in current behavior.

Total Time: Add A and B. After January, 1990, this information will be available on the Time Comp form.

SECTION B

Complete as indicated. For inmates serving a Class 1 felony conviction, DO NOT complete section C. Go to Section D.

SECTION C

The parole board members will mark the aggravating/mitigating factors which apply. If you would like to suggest applicable factors, you may underline them. If not, simply go to the right half of the section and check the box for the applicable Class offense. A Board member will select the appropriate sentence range at the hearing.

SECTION D

Transfer the score calculated on the Risk Scale to Section D.

SECTION E

This item delays parole for a specific period of time for individuals with recent Class 1 violations.

SECTION F

Describe your assessment of this inmate's DOC program participation according to recommendations in the Diagnostic Summary. Write in whatever additional information you think is pertinent.

Use information provided on the Progress Assessment Summary (PAS) form. If this form is not in the file, use definitions approved by the case manager committee which developed the PAS (a draft of PAS definitions was provided during Guidelines training). "Violence" and "Financial/Restitution" are not included in the PAS; when applicable, you will have to assess the extent to which the offender has needs in these areas which should be considered in the conditions of parole.

Please attach an additional page or write on the back of Page 2 if there is not enough space for your comments. We ran out of space!

Inmate's Name _____ DOC Number _____

SECTION D: RISK SCALE SCORE

Total Score _____

- _____ High (34 - 46)-- (DEFER Until Near End of Sentence, Proceed to Section G)
- _____ High/Medium (28 - 33)-- (May Release to ISP with Special Conditions to Control Risk)
- _____ Medium (15 - 27)--(May Release with Special Conditions if Necessary)
- _____ Low (-3 - 14)--(Release with Standard Conditions)

SECTION E: CLASS 1 DISCIPLINARY ACTION

Class 1 disciplinary infraction within last 2 years?

- No
- Case Pending (include appeal time)

Yes Convicted within last 6 months: 90 day delay in parole release date
 Convicted 6 to 24 months ago: 60 day delay in parole release date

SECTION F: RISK CONTROL INFORMATION (for setting special conditions)

1. DOC Program participation

0. Not Applicable
 1. No Access/Waiting List
 2. Currently Participating
 3. Completed
 4. Limited Participation
 5. Did not complete
 6. Refused

MH _____ Vocational _____ Violence _____
 Drugs _____ Educational _____ Financial/Restitution _____
 Alcohol _____ Sex Offender _____ Medical _____
 Other (explain) _____

SPECIAL CONDITIONS

Use risk information or only in of high or need AND written in participate

2. Anticipated needs on parole

1. None
 2. Low
 3. Moderate
 4. High
 5. Severe

MH _____ Vocational _____ Violence _____
 Drugs _____ Educational _____ Financial/Restitution _____
 Alcohol _____ Sex Offender _____ Medical _____
 Other (explain) _____

3. Case Manager's Comments _____

Attach additional pages if necessary

Completed by: _____

PAROLE BOARD WORKSHEET

Inmate's Name _____ DOC Number _____

SECTION G: ADDITIONAL INFORMATION

Source of Information:	Aggravating/Mitigating Factors	Program Participation	Parole Plan	Other
Case Manager				
Victim				
Offender				
Other				

PAROLE BOARD MEMBERS

Appendix C

17-22.5-303.5. Parole guidelines. (1) As to any person sentenced for a class 2, class 3, class 4, or class 5 felony committed on or after July 1, 1985, and eligible for parole pursuant to section 17-22.5-303 (6) and (7), the board may consider all applications for parole, as well as all persons to be supervised under any interstate compact and may parole any person who is sentenced or committed to a correctional facility when it is determined that there is a strong and reasonable probability that the person will not thereafter violate the law and that his release from institutional custody is compatible with the welfare of society.

(2) (a) In considering offenders for parole, the board shall consider, but not be limited to, the following factors:

(I) The testimony of the victim of the crime or a relative of the victim, if the victim has died, pursuant to section 17-22.5-106;

(II) The offender's conduct which would indicate whether he has substantially observed all of the rules and regulations of the institution or facility in which he has been confined and has faithfully performed the duties assigned to him;

(III) The offender's willingness to make restitution to the victim of his conduct for the actual damages that were sustained pursuant to section 17-2-201 (5) (c);

(IV) The offender's willingness to pay reasonable costs of parole supervision pursuant to section 17-2-201 (5) (b);

(V) The offender's willingness to devote time to a specific employment or occupation;

(VI) The offender's willingness to enroll in a school, college, university, or course of vocational or technical training designed to fit the student for gainful employment;

(VII) Whether the offender has diligently attempted but has been unable to obtain employment that provides the offender sufficient income, whether the offender has an employment handicap, or whether the offender's age prevents him from obtaining employment;

(VIII) The offender's willingness to remain within prescribed geographical boundaries and notify the court or the parole officer of any change in the offender's address or employment;

(IX) The offender's willingness to report as directed to the parole officer; and

(X) The offender's willingness to participate in some type of community service work.

(b) Nothing in this subsection (2) shall preclude the board from considering factors other than those stated in paragraph (a) of this subsection (2) when considering applicants for parole.

(3) (a) The board shall consider the following extraordinary aggravating circumstances when determining the conditions for parole and length of parole supervision which show that an offender has a high **risk** of recidivism or a high risk of violence:

(I) The crime involved serious bodily injury, threat of serious bodily injury, or other acts disclosing a high degree of cruelty, viciousness, or callousness;

(II) The offender was armed with or used a deadly weapon at the time of the commission of the offense;

(III) The offense involved multiple victims;

(IV) The victim was particularly vulnerable due to advanced age, disability, ill health, or extreme youth,

(V) The offender's conduct was directed at an active officer of the court or at an active or former judicial officer, prosecuting attorney, defense attorney, peace officer, correctional employee, or fireman during or because of the exercise of his official duties;

(VI) The offender induced others to participate in the commission of the offense or occupied a position of leadership or dominance of other participants in its commission;

(VII) The offender took advantage of a position of trust or confidence to commit the offense;

(VIII) The offender committed the offense pursuant to an agreement that he either pay or be paid for its commission;

(IX) The circumstances surrounding the offense indicate that the crime was carried out following substantial planning and deliberation;

(X) The object of the crime was to acquire or to obtain control of a controlled substance or other item or material, the possession of which is illegal;

(XI) The offender has engaged in a pattern of violent conduct which indicates a serious danger to society;

(XII) The offender was on parole or on probation for another felony when he committed the offense;

(XIII) The offender was charged with or was on bond for a previous felony when he committed the offense, and for which previous felony he was subsequently convicted;

(XIV) The offender was under confinement in prison or in any correctional institution within this state as a convicted felon, or an escapee from any correctional institution within this state or another state when he committed the offense; and

(XV) The offender has numerous or increasingly serious convictions as an adult or adjudications of delinquency as a juvenile.

(b) Nothing in this subsection (3) shall preclude the board from considering aggravating circumstances other than those stated in paragraph (a) of this subsection (3) when considering applicants for parole.

(4) (a) The board shall consider the following extraordinary mitigating circumstances when determining the conditions for parole and length of parole supervision which show that an offender has a low risk of recidivism or a low risk of violence:

(I) The offender was a passive participant or played a minor role in the commission of the offense;

(II) The victim was an initiator, willing participant, aggressor, or provoker of the incident;

(III) Substantial grounds exist tending to excuse or justify the offender's conduct, though failing to establish a defense;

(IV) The offender committed the crime under duress, coercion, threat, or compulsion, insufficient to constitute a complete defense but which significantly affected his conduct;

(V) The offender has no history of prior delinquency or criminal activity, or has led a law-abiding life for a substantial period of time prior to the commission of the offense;

(VI) The offender voluntarily acknowledges wrongdoing or evidences remorse or penitence for his criminal conduct;

(VII) The offender is responsible for the maintenance or financial support of others and, to avoid undue hardship to his dependents, a shorter period of incarceration is warranted,

(VIII) Rehabilitation of the offender would be enhanced by imposing a shorter period of incarceration; and

(IX) Before the parole hearing, the offender compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(b) Nothing in this subsection (4) shall preclude the board from considering mitigating circumstances other than those stated in paragraph (a) of this subsection (4) when considering applicants for parole.

