

Bill HB17-1308 would remove mandatory requirements placed on parolees and instead leaves the decision to impose these requirements at the discretion of the State Board of Parole (Parole Board) and Colorado Parole Officers (CPOs). This bill affects any future parolees.

The rules that would no longer be mandatory are as follows. First the parole board would no longer have to fix the manner and time of payment of restitution as a condition of every parole. Parolees would no longer be required to submit to urinalysis or other drug tests. Parolees would no longer have to obtain the knowledge and consent of their community parole officer before changing residence, instead they would only have to notify their parole officer. Finally parolees would no longer be mandated to disassociate with any other person on parole, probation, any inmate of a correctional facility, or person with a criminal record unless they had the permission of their parole officer. While the requirements would no longer be mandatory, the Parole Board and/or CPOs would be able to impose any of these as conditions of parole.

One of the primary motivations for government involvement in society is public safety. In this case, government has to perform the delicate act of protecting the public from those who would violate its laws, while reintegrating those who have violated them. Parole offers offenders the chance to reintegrate into society while under the supervision of the government.

Passing this bill will provide greater flexibility to the those in charge of striking the balance between protecting society and reintegrating offenders while maintaining appropriate levels of public safety. This bill devolves more power to the Parole Board and CPOs, allowing them to tailor the requirements of parole to parolees under their charge. It also removes some

financial burdens faced by parolees as a result of the mandatory conditions of their parole. This could result in lower reincarceration rates due to technical parole violations among parolees.

In April 2011 Colorado implemented the Colorado Violation Decision Making Process (CVDMP). The idea was to standardize practices and punishments regarding parole violations. A pilot study of the process was conducted from November 8, 2010 till February 4, 2011 where CPOs would submit violations using CVDMP paperwork.¹

The results of the CVDMP pilot study were published in December 2011. A total of 2,277 parole violations² were reported over the pilot study period. Of these at least 1,242 (54%) relate to the mandatory conditions that this bill affects. For example of the 2,277 violations, 507 violations were from missed drug/alcohol tests.

Passing this bill would allow CPOs to decide if drug/alcohol testing would be needed for their parolee. The result of this would be fewer technical parole violations and possibly lower re-incarceration rates among parolees. According to the Colorado Legislative Council imposing fewer conditions on CPOs may reduce their overall workload. There would be less administrative work to be done per parolee. If imposing fewer conditions leads to fewer technical violations the Council believes that the caseload for the Parole Board will fall as well.³

There are a total of 10,485 parolees in Colorado.⁴ Parolees are subject to urinalysis (UAs) as part of their parole, with the frequency dependent on the conditions of their parole. Each UA costs the State approximately \$8.98 per test.⁵ Reducing the number of parolees required to take

¹ Hochevar, Katherine. Et al. "Colorado Violation Decision Making Process Pilot Study." *Colorado Department of Corrections*. Dec, 2011.

² Ibid.

³ "Fiscal Note HB17-1308." Colorado Legislative Council Staff. Apr 13, 2017.

⁴ "Monthly Population and Capacity Report." *Colorado Department of Corrections*. Feb 28, 2017.

⁵ "Fiscal Note HB17-1308." Colorado Legislative Council Staff. Apr 13, 2017.

UAs would reduce cost to the state. A parolee who is returned to prison due to parole violation(s) appears to spent 6 months in custody, costing the state \$10,950 per offender.⁶

Parolees are required, at their own expense, to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol. Hair follicle testing averages from \$105-\$125 per test. Should the parolee's CPO determine that such tests were unnecessary this money could be spent on other aspects of their life, increasing their utility.

However, there exist hazards to the public from lowering parole requirements. The Parole Board and CPOs cannot examine every case correctly. Parolees who should be under stricter supervision may be granted exemptions under this law. This puts the public at potentially increased risk as a result of this bill, which would increase costs that the State and society bear.

Law enforcement officials such as Larimer County Sheriff Justin Smith are worried that the Department of Corrections is reducing rates of re-incarceration of parole violators due to budgetary constraints rather than public safety. To quote Sheriff Smith ""The drive is...to declare success when people don't go back, but the number one [drive] should be public safety. It comes down to community safety. That needs to be the goal. Let's be wise on what we're doing to save dollars. In the end, if it saves money but doesn't protect the public, it's a failure.""⁷

It should also be noted workload for the Parole Board and CPOs will increase in another form. Each parolee's case will have to be individually considered as to whether or not there should be additional requirements placed on them. This will increase administrative costs on the

⁶ "Fiscal Note HB17-1308." Colorado Legislative Council Staff. Apr 13, 2017.

⁷ Phillips, Noelle. "Colorado has reduced its prison population, but at what cost to the public safety?". *The Denver Post*. Mar 19, 2016

Parole Board and CPOs. If under the new guidelines parolees end up re-offending more often as a result of less supervision the Parole Board and CPOs will face additional costs.

Removing these requirements at once to all future parolees poses an unnecessary risk to public safety. It may also jeopardize the progress made by parolees in their effort to reintegrate into society. With less supervision more responsibility is placed on the parolee. Not all parolees may be ready for that responsibility.

These concerns may be addressed if the bill was put into place slowly. The bill could be rewritten so that it initially applies only to parolees considered to be low risk to the public. This would allow for the effects from removing the mandatory requirements to be measured over time. If removing these requirements has no discernible negative effect on public safety, then these efforts should be continued or even expanded.

Allowing the parole board and CPOs more control over the requirements faced by their parolees will reduce technical parole violations and state expenses. That being said there is an unknown cost to public safety as a result of removing these requirements for all future parolees. An amendment to the bill that applies the removal of mandatory parole requirements only to low risk parolees will allow for data to be obtained to see the effect removing these requirements has on parolee recidivism rates and costs to the public. Therefore, it is recommended that the bill is not passed in its current form, but is instead amended so that it applies only to parolees considered to be at low risk to the public.