

Colorado's Justice System Policy Changes During COVID-19 Show Positive Public Safety Outcomes

Introduction

As COVID-19 cases began to rise in Colorado in March 2020, the Colorado Department of Corrections (CDOC) began exploring ways to safely reduce the community supervision population and mitigate the spread of COVID-19. By the end of March, CDOC expanded eligibility criteria and streamlined release processes for two policies: early discharge from parole and low risk/low custody (LRLC) caseloads, which offers a lower level of supervision with less contact requirements for eligible individuals.

The Crime and Justice Institute (CJI) analyzed the public safety impacts of the policy changes and found that:

- ▶ Individuals transferred to LRLC as well as those granted early release from supervision were both less likely to recidivate compared to individuals transferred to traditional parole or those released via mandatory discharge.

Such policy changes are backed by research that shows the greatest reductions in recidivism are realized when supervision resources are focused on individuals at the highest risk to recidivate.¹ On the other hand, for individuals identified as low risk, over-supervision in the form of too many contacts or supervision requirements can have the opposite impact and actually increase their likelihood of recidivism.²

Findings

CJI examined data from CDOC and the Court Services Division of the Colorado Judicial Department, focusing the analyses on outcomes for individuals placed on LRLC and those who received an early discharge. From analyses of individuals with similar risk levels but different levels of supervision, results showed lower recidivism rates for individuals placed on LRLC and those who received early discharge compared to those placed on traditional parole or mandatorily discharged.³

Recidivism rates were lower for people discharged early or on low risk/low custody caseloads compared to those on traditional parole or mandatorily discharged.

LRLC Findings

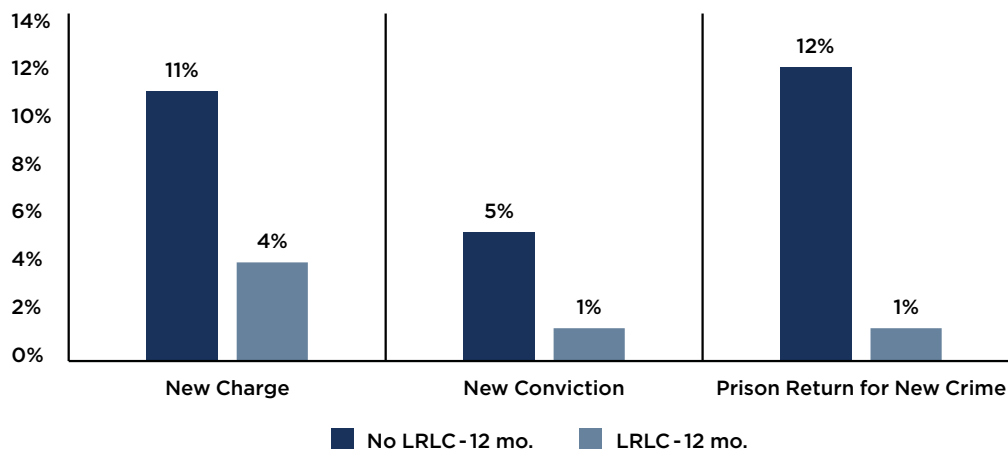
CDOC developed LRLC parole caseloads to reduce contact standards and supervision requirements and align practice with research demonstrating limited intervention is necessary for lower-risk individuals. In response to the COVID-19 pandemic, CDOC expanded eligibility and streamlined the approval and transfer of individuals onto LRLC. The broadened eligibility encompassed those assessed as medium risk who demonstrated compliance with supervision for at least nine months after transfer from regular parole or one year for those released from residential or intensive supervision. Other changes removed home contact and drug testing supervision requirements and established an automatic review process for eligible individuals.

CJI's analyses revealed that individuals placed on LRLC were more successful on supervision and had lower recidivism rates than individuals with similar risk levels who were not transferred to LRLC but remained on traditional parole. Individuals on LRLC were significantly less likely to commit violations while on supervision and were one-third as likely to be revoked as those who remained on regular parole supervision. In addition, results showed that medium-risk individuals not placed on LRLC were three- to four-times more likely to recidivate with a new charge or new conviction than those who were placed on LRLC (see Figure 1).

For people assessed as medium risk, being placed on low risk/low custody supervision reduced the odds of recidivism within a year by two-thirds.

Figure 1

1-Year Recidivism Trends for Medium-Risk Individuals by Low-Risk, Low Custody (LRLC) Status



Early Discharge Findings

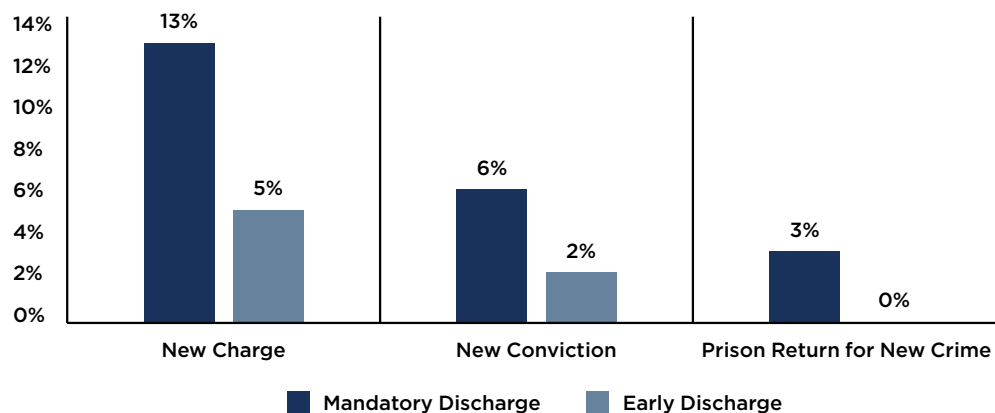
CJI also examined public safety outcomes for those released on mandatory discharge compared to those who received early discharge. CDOC’s early discharge policy allows individuals on parole who demonstrate successful compliance with supervision to be discharged early from supervision. In March 2020, CDOC expanded eligibility and streamlined the early discharge review process for certain eligible individuals. These changes included expanding eligibility to two groups: those age 60 or older; or those on supervision for certain classes of offenses who were either assessed as low or medium risk or completed a minimum of one year on parole.

CJI’s analyses found that those assessed as medium risk who received early discharge from parole supervision had significantly lower recidivism rates compared to those receiving mandatory discharge (see Figure 2).

The recidivism rates of people assessed as medium risk who received early parole discharge were significantly lower than those receiving mandatory discharge.

Figure 2

1-Year Recidivism Trends for Medium-Risk Individuals for Early versus Mandatory Discharge



Conclusion

In an effort to reduce their community supervision population and mitigate the spread of COVID-19, CDOC expanded eligibility for LRLC and early discharge in March of 2020. These evidence-based policy changes maximized the pool of individuals eligible for lower levels of supervision and subsequent early discharge from parole. In analyzing a year's worth of data, CJI found no evidence that these policy changes resulted in negative public safety outcomes. Rather, the findings suggest the opposite: those moving to LRLC or receiving early discharge from parole were significantly less likely to receive a new charge, new conviction, or return

to prison for a new crime. These findings are noteworthy given recent headlines in Colorado highlighting increases in crime rates. Often times, policy reforms aimed at improving supervision outcomes and aligning practice with research are cited as the cause of crime rate increases. However, CJI's analyses found the opposite; CDOC's efforts to further align two of their policies with research and best practices has resulted in positive public safety outcomes.

Endnotes

1 James Bonta and D.A. Andrews, "Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation," *Rehabilitation* 6, no. 1 (2007): 1-22, <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rsk-nd-rspnsvty/index-en.aspx>; Mark W. Lipsey and Francis T. Cullen, "The Effectiveness of Correctional Rehabilitation: A Review of Systematic Reviews," *Annu. Rev. Law Soc. Sci.* 3 (2007): 297-320, <https://doi.org/10.1146/annurev.lawsocsci.3.081806.112833>.

2 Christopher T. Lowenkamp and Edward J. Latessa, "Understanding the risk principle: How and why correctional interventions can harm low-risk offenders," *Topics in Community Corrections—2004* (2004): 3-8, https://www.researchgate.net/publication/309457017_Understanding_the_risk_principle_How_and_why_correctional_interventions_can_harm_low-risk_offenders_Technical_report; Brandon C. Welsh and Michael Rocque, "When crime prevention harms: A review of systematic review," *Journal of Experimental Criminology* 10 (2014): 245-266, <https://doi.org/10.1007/s11292-014-9199-2>.

3 Risk levels correspond to scores on the Level of Supervision Inventory (LSI), categorized as Low, Medium or High risk for recidivism.

Contact

For more information on this project or the Crime and Justice Institute, please visit our website at cjinstitute.org or contact Colby Dawley, Deputy Director.

Colby Dawley

Deputy Director
cdawley@cjinstitute.org

CJI

355 Boylston Street
Boston, MA 02116
617-482-2520 | @CJIatCRJ

This brief was prepared by Colby Dawley, Molly Buchanan, Michael Wilson, and Ashley Neufeld.