

Colorado provides compassionate release¹ to eligible incarcerated individuals who have a serious medical condition, severe cognitive impairment, or who are older through **Special Needs Parole**.²

SPECIAL NEEDS PAROLE

I. ELIGIBILITY

Incarcerated individuals are eligible for release under Special Needs Parole before or after their eligibility dates if they qualify based on medical condition or age, are not likely to pose a risk to public safety, and the Colorado State Board of Parole (Board) approves an appropriate parole plan.³

Medical Condition – An incarcerated individual is eligible for Special Needs Parole based on a medical condition if the individual has a serious impairment limiting their ability to function⁴ or a severe cognitive impairment.⁵

- “Serious impairment” is defined as a chronic, severe, long-term medical condition that requires assistance with two or more activities of daily living on a “daily and sustained basis.”⁶ Conditions include advanced or metastatic cancer, end-stage renal disease, end-stage chronic pulmonary disorder, end-stage heart disease, end-stage liver disease, intractable seizure disorder, and progressive neurodegenerative disease such as Huntington’s disease, Parkinson’s disease, and amyotrophic lateral sclerosis.⁷
- “Severe cognitive impairment” is defined as a chronic, severe, and long-term substantial mental or cognitive disorder with marked functional disability that requires assistance with two or more activities of daily living on a “daily and sustained” basis.⁸ Conditions include dementia and related disabilities, and Alzheimer’s disease.⁹

Incarcerated individuals 55 years of age or older with a qualifying medical or mental condition are eligible for Special Needs Parole.¹⁰ Individuals under 55 years of age with a qualifying medical condition must meet one of the following two additional conditions.

- The individual must not have incurred a Class I Code of Penal Discipline violation within the 12 months prior to application and served part of their sentence, as given below.¹¹
 - The individual is eligible for parole generally after serving 50% of their sentence and the individual has served at least 25% of the sentence including time earned.¹²

- Under certain parameters, the individual is eligible for parole generally after serving 75% of their sentence and the individual has served at least 35% of their sentence including time earned.¹³
- Under certain parameters, the individual is eligible for parole generally after serving 75% of their sentence and the individual has served at least 40% of their sentence including time earned.¹⁴
- The individual has an irreversible terminal illness diagnosed by a licensed health care provider that is unlikely to be cured and likely to result in death.¹⁵

Age – An incarcerated individual is also eligible for Special Needs Parole if they are age 64 or older and meet certain criteria.¹⁶ The individual must have served at least 20 years of their sentence and not have a conviction for a Class 1 or Class 2 felony, unlawful sexual behavior, domestic violence, or stalking.¹⁷

Exclusions – An incarcerated individual will not be considered for Special Needs Parole if the individual has been convicted of (1) a Class 1 felony, sentenced to life with the possibility of parole, and served fewer than 20 calendar years for the offense;¹⁸ (2) a Class 1 felony and sentenced to life without parole;¹⁹ or (3) a Class 2 felony crime of violence and served less than 10 calendar years of the sentence.²⁰ Exclusions do not apply to an individual diagnosed by a health care provider with an irreversible terminal illness likely to cause death.²¹

II. APPLICATION OR REFERRAL

Responsibility – The Colorado Department of Corrections (Department) is responsible for identifying incarcerated individuals who meet the medical or age eligibility criteria for Special Needs Parole and referring them to the Board.²² A licensed health care provider determines if the individual’s medical condition qualifies and documents this in the individual’s medical record.²³ Neither the Department’s ability to accommodate the individual’s medical condition or a Department employee’s opinion of the individual’s medical status can change the determination of eligibility.²⁴

Requests – An incarcerated individual or an “inmate liaison”²⁵ may request that the Department determine whether the individual is eligible.²⁶ Individuals request a determination through their case manager and may make a request every six months or when there is a significant change in their medical condition.²⁷

An individual’s liaison makes their request through the Special Needs Parole Case Manager (SNPCM) and may do so every six months if there is no self-referral by the individual or there is a suspected change in condition.²⁸ Additionally, the Department’s clinical services, under the supervision of the Chief Medical Officer, may request a determination.²⁹

The Department must make that determination within 30 days after receiving the request.³⁰

The Department's determination may be appealed by either the incarcerated individual or their liaison.³¹ The individual submits an appeal form to their case manager, who sends it to the SNPCM for review.³² Relevant medical or legal information should be attached.³³ The SNPCM sends medical appeals to the Chief Medical Officer who discusses the appeal with the facility provider.³⁴ Administrative appeals are sent to the Associate Director of Benefit Acquisition.³⁵ A written response on the appeal decision is required within 30 days and the SNPCM ensures the response is delivered to the individual and facility case manager.³⁶

III. DOCUMENTATION AND ASSESSMENT

Administrative Review – Once a request is received, the facility case manager requests a Release of Information (ROI) from the incarcerated individual.³⁷ The SNPCM completes required documentation for the Department's internal tracking system and checks if the individual is medically eligible for Special Needs Parole.³⁸ If the individual is eligible, the SNPCM will ask if the individual wants to waive their appearance at the Parole Hearing.³⁹

The SNPCM then notifies the Division of Adult Parole's Benefit Acquisition Team to initiate the process for the individual to apply for any benefits, like health insurance, for which they are eligible.⁴⁰ The SNPCM also works with the facility case manager and individual to develop a parole plan.⁴¹

If the incarcerated individual is not eligible based on the medical criteria, the SNPCM will notify the individual.⁴² The SNPCM must notify the individual of the results of the administrative review decision via letter within five working days of the decision.⁴³

Notice – If the Department determines that the incarcerated individual meets the Special Needs Parole eligibility criteria, it must notify any victim.⁴⁴ The SNPCM communicates with Victim Services to make the notification.⁴⁵ A victim has 30 days after receiving notification to submit a victim impact statement to the Department, which will be included in the materials sent to the Board.⁴⁶

The Department must also notify and provide information from the referral to the district attorney that prosecuted the individual if the individual was convicted of a crime of violence or certain sexual offenses involving minors.⁴⁷ The SNPCM is responsible for notifying the district attorney and sending the required information.⁴⁸ The district attorney has 30 days after receiving the notice to submit a response to the Department and the response will be included in the referral to the Board.⁴⁹

Referral Information – If an individual meets the Special Needs Parole eligibility criteria and has a parole plan, the Department, through the SNPCM,⁵⁰ refers them to the Board with the following information.

- A diagnosis and summary of the individual’s medical, physical, or mental condition.
- Criminal history.
- Risk and needs assessment scores and any other relevant information regarding risk and risk-reduction factors.
- Institutional disciplinary history.
- Work history.
- Participation in any treatment, vocational training, and educational opportunities.
- Details of the Department’s recommended Special Needs Parole plan.
- A statement from the incarcerated individual (or the individual’s liaison if the individual is unable to submit a statement).
- Any information provided by the individual’s liaison or by the public defender’s liaison, if appropriate.
- A victim impact statement and a response from the district attorney who prosecuted the individual, if appropriate.⁵¹

Submission – The Department will provide a copy of the referral to the individual or individual’s liaison and the public defender liaison, excluding any victim impact statement and district attorney response.⁵² The individual is notified by the facility case manager that they have 30 days to submit health records or other relevant information not included in the referral packet for submission to the Board.⁵³ The SNPCM submits the completed referral to the Board.⁵⁴

IV. DECISION-MAKING PROCESS

Decision-Maker – The Colorado Board of Parole makes the final decision whether to grant Special Needs Parole.⁵⁵

Review by Assigned Board Member – Once the referral is received by the Board, the Parole Board Scheduler (Scheduler) reviews it to ensure completion and that all necessary notifications have been made.⁵⁶ The Scheduler then notifies the Board

Member assigned to Special Needs Parole cases (Assigned Member) and the Assigned Member reviews the packet.⁵⁷ If the Assigned Member does not believe the application meets the statutory requirements, they send the application back to the Scheduler and the Department so they may take steps to determine if the individual meets the criteria.⁵⁸ Once the Assigned Member determines the individual's application is in order, they write a summary of the information in the referral packet.⁵⁹

Victim Rights – In addition to notification about parole consideration, victims also have the right to be present and be heard at parole proceedings.⁶⁰ Victims may be present in person or by use of technology such as by phone or videoconference.⁶¹ Victims may choose to speak at a hearing or submit a written statement.⁶² The Victim Services Unit manages victim participation, and if the victim chooses to participate, schedules a hearing with the full Board.⁶³ If a victim does not wish to participate in proceedings, then the hearing is scheduled for the next full Board meeting.⁶⁴

Hearings – The Board may schedule a hearing on the application for Special Needs Parole with the incarcerated individual present or, if there is no victim notification required, it may choose to review the application and issue a decision without a hearing.⁶⁵

Risk – The Board will not release an individual on Special Needs Parole unless it determines that the individual is not likely to pose a risk to public safety.⁶⁶ In making that determination, it considers the “nature and severity” of the individual's medical condition and the individual's age, conviction severity, risk and needs assessment scores, criminal history, institutional conduct, and program and treatment participation.⁶⁷

Decision – The Board considers all information provided in the referral when making its decision.⁶⁸ The Board must also approve a parole plan for each individual released and confirm that the plan addresses appropriate supervision and continuity of medical care.⁶⁹ The Board must decide whether to grant Special Needs Parole within 30 calendar days after receiving the Department's referral.⁷⁰ The Board may not deny parole solely on a lack of recommended parole plan.⁷¹ The individual's case manager, the SNPCM, and Victim Services Unit are notified of the Board's decision by the Scheduler via email.⁷²

The Board can only deny an individual referred for Special Needs Parole by a majority vote and only if it finds that granting the parole would create a threat to public safety and that the individual is likely to commit another offense.⁷³

V. POST-DECISION

Release – When Special Needs Parole is granted, the Board establishes a release date based on the individual's needs, in cooperation with the Department's Benefits Assistance Team and Time and Release Operations.⁷⁴ The SNPCM and other

Department staff work with the individual to enact the parole plan.⁷⁵

If the individual has not reached their parole eligibility date, the Assigned Member contacts Board staff who coordinate with the Department's Time and Release Operations to move the eligibility date to the current date.⁷⁶ If the individual is in the hospital, their release could be the same day as the new eligibility date.⁷⁷

The term for Special Needs Parole is between six and 36 months, and individuals cannot serve more time than their sentence provides or the 36-month maximum, whichever is the shorter period.⁷⁸ The Board may revise the duration of Special Needs Parole at any time during the parole term.⁷⁹

Conditional Discretionary Release – If the Board considers an individual to be appropriate for release except for the parole plan, it may delay the decision and ask the Department to submit a Special Needs Parole plan within 30 calendar days.⁸⁰

Alternatively, the Board may issue a Conditional Discretionary Release (CDR), or a release pending an approved plan.⁸¹ Department policy indicates CDR is commonly used.⁸² If the individual has not yet reached their parole eligibility date, the Assigned Member contacts the Board staff, who work with the Department's Time and Release Operations to change the eligibility date to the current date.⁸³ An additional hearing is not needed once CDR is decided.⁸⁴

Once there is a recommended parole plan, the SNPCM sends the plan to the Assigned Member.⁸⁵ When the Assigned Member approves the parole plan, the Board staff coordinates with Time and Release Operations and the Benefits Assistance Team to determine an appropriate release date.⁸⁶

Medical Care – The Department is not responsible for an individual's medical care upon release.⁸⁷ However, individuals aged 65 or older who have been approved for Special Needs Parole must be enrolled in the "most appropriate" medical insurance benefit plan, including Medicare, veterans benefits, or other health insurance, prior to or upon release.⁸⁸ For those individuals, the Department pays any insurance premiums for up to six months from the start of coverage.⁸⁹ Generally, incarcerated individuals who were receiving medical assistance before release, or who are expected to be eligible for medical assistance after release based on Supplemental Security Income qualifications, must receive help in applying for medical assistance before their release.⁹⁰ Individuals eligible for premium-free Medicare coverage must be enrolled either during their initial enrollment period or during regular open enrollment.⁹¹

Denials and Appeals – If Special Needs Parole is denied, the Board may inform the Department it should not refer the individual for a subsequent application unless the individual's medical or mental health status deteriorates.⁹² An individual, the individual's liaison, or a clinical practitioner can request a review every six months or if the individual's condition deteriorates.⁹³

The denial of Special Needs Parole does not affect an individual’s eligibility for any other form of parole or release.⁹⁴

The Board’s decision may not be appealed.⁹⁵

Revocation – There are no specific laws or rules covering the revocation of Special Needs Parole, and individuals released under this law are treated like any other parolee, which means parole may be revoked using the “general” parole rules and processes.⁹⁶

VI. REPORTING AND STATISTICS

The Department must provide a monthly report, by facility, detailing the number of Special Needs Parole applications submitted to the Board of Parole, number of decisions, number of applications pending, average length of time the decision has been pending, and general reason for delaying the decision.⁹⁷ The numbers are publicly available, but the reasons for delayed decisions are not.

- For fiscal year 2025, which ended June 30th, 2025, the Department reported 38 applications were in process prior to Board submission. Eight new applications were submitted to the Board and 19 were still pending with the Board. The Board approved two applications, tabled seven, denied seven, and one individual died before a decision was made. The average time for a Board decision was 21 days.⁹⁸
- For fiscal year 2024, which ended June 30th, 2024, 10 applications were still in process prior to Board submission. Sixteen applications were submitted to the Board. The Board approved six applications, tabled two, denied seven, and two remained pending. One application was removed because the individual died during the 30-day notification period. The average time for a Board decision was 14 days.⁹⁹

The Colorado State Board of Parole reports information on Special Needs Parole in its annual report published on its website.

- For fiscal year 2024, the Board reviewed 18 cases, with 10 placed on CDR. Of the 10 individuals placed on CDR, two were released to parole, six remained on CDR status, and two died while waiting on an approved plan.¹⁰⁰
- For fiscal year 2023, the Board reviewed 57 cases, with 11 granted parole and 20 placed on CDR. Of the 20 individuals on CDR, 16 were released to parole, two remained on CDR status, and one died while waiting on an approved plan.¹⁰¹

COLORADO COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

SPECIAL NEEDS PAROLE

Statutes

Colorado Revised Statutes § 17-1-102 (2025), available through the Colorado General Assembly at <https://leg.colorado.gov/laws> (after entering the URL, select Colorado Revised Statutes, click on Title 17, and go to the relevant subsection).

Colorado Revised Statutes § 17-22.5-403.5 (2025), available through the Colorado General Assembly at <https://leg.colorado.gov/laws> (after entering the URL, select Colorado Revised Statute, click on Title 17, and go to the relevant subsection).

Note that changes to both statutes in effect August 6, 2025, may not be reflected in the code until later in 2025.

Regulation

Code of Colorado Regulations, 8 CCR 1511(10.1) (2025), Rules Governing the State Board of Parole and Parole Proceedings, available through the Colorado Secretary of State, <https://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=6249&fileName=8%20CCR%201511-1>.

Note that this regulation is included for reference purposes only; as of September 1, 2025, it has not been updated to reflect changes to the Special Needs Parole statute in effect August 6, 2025.

Agency Policy

Colorado Department of Corrections, Division of Adult Parole, Regulation 250-81, *Special Needs Parole* (Dec. 1, 2023), <https://drive.google.com/file/d/1H7pn5ZoJ5xK-UW71wQa7-WpTYqGWNKjg/view?pli=1> (start at source link <https://cdoc.colorado.gov/about/departments-policies> and scroll to drop down menu "250-Adult Parole" then click link for 250-81).

Colorado State Board of Parole, *Policy & Procedure: Special Needs Parole* (Apr. 11, 2024), <https://drive.google.com/file/d/1ozFtV2LYj72HoOwl16qbUOTahgl04wm5/view> (start at source link <https://paroleboard.colorado.gov/operational-manual> then scroll to and click "Special Needs Parole P&P" link).

Note that neither policy document has been updated to reflect changes to the Special Needs Parole statute in effect August 6, 2025.

NOTES

* *Id.* means see prior note. *Supra* means refer to specified note for full citation.

¹ Colorado's Constitution empowers the Governor to grant commutations and pardons (Colo. Const. art. IV, § 7 (2025); Colo. Rev. Stat. §§ 16-17-101 to 16-17-103 (2025)). Incarcerated individuals must meet certain eligibility criteria to apply, but may apply for a waiver of the criteria for "catastrophic medical [or] mental health issues" (Colorado Department of Corrections, Division of Adult Parole, Regulation 250-84, *Executive Clemency* (Jan. 1, 2025), <https://drive.google.com/file/d/1VJAXfQqiOYhtgnQ7MUPzhK0gpz76yiQ/view> (start at source link <https://cdoc.colorado.gov/about/department-policies> and scroll to drop down menu "250-Adult Parole" then click link for 250-84); Colorado Executive Clemency Advisory Board, *Application Eligibility Criteria Commutation of Sentence* (Jan. 2022), <https://drive.google.com/file/d/1QE0ihtQW5oHMNKAMnfJoMjMVTbbSrt4-/view> (start at source link at <https://cdoc.colorado.gov/resources-faq/clemency> and scroll down to "Commute Process" and click the link "Executive Clemency Advisory Board Eligibility Criteria"). There is no information given on what qualifies as catastrophic medical or mental health issues. This memo does not include executive clemency in its discussion because of its limited scope. For further information on the commutation and pardon process, please see the statutes and agency policies cited above.

² Colo. Rev. Stat. §§ 17-1-102, 17-22.5-403.5 (2025).

Colorado law also allows county jails to have programs for release for medical treatment; however, this is outside the scope of this memo. See *id.* § 18-1.3-106 (2025).

The Colorado State Board of Parole (Board) Rules include a section on Special Needs Parole (8 Colo. Code Regs. § 1511-1(10.01) (2025)). However, as of September 2025, these rules have not been updated since 2013 and do not reflect statutory changes made to Special Needs Parole. This memo will not cite to the regulations for this reason.

Department of Corrections (Department) policy on Special Needs Parole was last updated in December 2023 and does not reflect statutory changes to Special Needs Parole in effect August 6, 2025 (Colorado Department of Corrections, Division of Adult Parole, Regulation 250-81, *Special Needs Parole* (Dec. 1, 2023) [hereinafter *Department Policy*], <https://drive.google.com/file/d/1H7pn5Z0J5xK-UW71wQa7-WpTYqGWNKjg/view?pli=1> (start at source link <https://cdoc.colorado.gov/about/department-policies> and scroll to drop down menu "250-Adult Parole" then click link for 250-81)). The Board's policy on Special Needs Parole was last updated in April 2024 and does not reflect the August 2025 change as well (Colorado State Board of Parole, *Policy & Procedure: Special Needs Parole* (Apr. 11, 2024) [hereinafter *Board Policy*], <https://drive.google.com/file/d/1ozFtV2LYj72HoOwl16qbUOTahgl04wm5/view> (start at source link <https://paroleboard.colorado.gov/operational-manual> then scroll to and click "Special Needs Parole P&P" link)).

This memo will cite to the *Department Policy* from 2023 and the *Board Policy* from 2024 for sections unaffected by the statutory changes, however, the Department and Board may make changes before the next version of this memo. Please check the Department and Board websites to verify the most recent policy at <https://cdoc.colorado.gov/about/department-policies> and <https://paroleboard.colorado.gov/operational-manual>, respectively.

³ Colo. Rev. Stat. § 27-22.5-403.5(1).

⁴ *Id.* § 17-1-102(7.6)(a)(I).

⁵ *Id.* § 17-1-102(7.6)(a)(II).

⁶ *Id.* § 17-1-102(7.4).

A licensed health care provider must make the diagnosis (*Id.*). "Activities of daily living" means self-care activities such as eating, bathing, dressing, grooming, transferring from bed to chair, toileting, taking medications, and independent ambulation (*Id.* § 17-1-102(1.1)).

⁷ *Id.* § 17-1-102(7.4).

⁸ *Id.* § 17-1-102(7.5).

A licensed health care provider must make the diagnosis (*Id.*). "Activities of daily living" means self-care activities such as eating, bathing, dressing, grooming, transferring from bed to chair, toileting, taking medications, and independent ambulation (*Id.* § 17-1-102(1.1)).

⁹ *Id.* § 17-1-102(7.5), referencing Colo. Rev. Stat. § 25-1-520(2.5) (2025).

¹⁰ *Id.* § 17-1-102(7.6)(a)(I)(A).

¹¹ *Id.* § 17-1-102(7.6)(a)(I)(B).

¹² *Id.*, referencing Colo. Rev. Stat. § 17-22.5-403(1) (2025).

¹³ *Id.* § 17-1-102(7.6)(a)(I)(B), referencing Colo. Rev. Stat. § 17-22.5-403(2) to (2.5).

Convictions include second-degree murder, first-degree assault, first-degree kidnapping that is not a Class I felony, first- or second-degree sexual assault, first-degree arson, first-degree burglary, and aggravated robbery either (1) committed between June 7, 1990 and July 1, 2004 where the individual has a previous conviction of a crime of violence or (2) committed between July 1, 2004 and January 1, 2025 and is a Class 2 or 3 felony, or a Class 4 or 5 felony with a previous conviction of a crime of violence (*Id.* § 17-22.5-403(2)(a), (2.5)). Crimes of violence include murder, first- and second-degree assault, kidnapping, some sexual offenses, aggravated robbery, first-degree arson, first-degree burglary, escape, criminal extortion, first- and second-degree unlawful termination of pregnancy, human trafficking, crimes against at-risk adults or juveniles, crimes where a deadly weapon was used or possessed with usage threatened, and crimes that caused serious bodily injury or death (*Id.* § 18-1.3-406 (2025)).

¹⁴ *Id.*, referencing Colo. Rev. Stat. § 17-2.5-403(3) to (3.5).

Convictions include second-degree murder, first-degree assault, first-degree kidnapping that is not a Class I felony, first- or second-degree sexual assault, first-degree arson, first-degree burglary, and aggravated robbery either (1) committed between June 7, 1990 and July 1, 2004 with two prior convictions for a crime of violence or (2) committed on or after July 1, 2004 that is a Class 2 or 3 felony with a prior conviction of a crime of violence, or a Class 4 or 5 felony with two prior convictions of a crime of violence (*Id.* § 17-22.5-403(3) to (3.5)). Crimes of violence include murder, first- and second-degree assault, kidnapping, some sexual offenses, aggravated robbery, first-degree arson, first-degree burglary, escape, criminal extortion, first- and second-degree unlawful termination of pregnancy, human trafficking, crimes against at-risk adults or juveniles, crimes where a deadly weapon was used or possessed with usage threatened, and crimes that caused serious bodily injury or death (*Id.* § 18-1.3-406).

¹⁵ *Id.* § 17-1-102(7.6)(a)(I)(B)

¹⁶ *Id.* § 17-1-102(7.6)(a)(III).

¹⁷ *Id.* § 17-1-102(7.6)(a)(III), referencing Colo. Rev. Stat. §§ 16-22-102(9) (2025), 18-3-602 (2025), 18-6-800.3(1) (2025), 24-4.1-302(1) (2025).

Class 1 and 2 felonies include, but are not limited to, first- and second-degree murder, manslaughter, first-degree arson, first-, second-, and third-degree assault, first- and second-degree kidnapping, sexual assault, robbery, first- and second-degree burglary, careless driving, vehicular homicide and assault, and criminal invasion of privacy (*Id.* § 24-4.1-302, see statute for complete list).

¹⁸ *Id.* § 17-1-102(7.6)(b)(I)(A).

¹⁹ *Id.* § 17-1-102(7.6)(b)(I)(B).

²⁰ *Id.* § 17-1-102(7.6)(b)(I)(C).

Crimes of violence include murder, first- and second-degree assault, kidnapping, some sexual offenses, aggravated robbery, first-degree arson, first-degree burglary, escape, criminal extortion, first- and second-degree unlawful termination of pregnancy, human trafficking, crimes against at-risk adults or juveniles, crimes where a deadly weapon was used or possessed with usage threatened, and crimes that caused serious bodily injury or death (*Id.* § 18-1.3-406).

²¹ *Id.* § 17-1-102(7.6)(b)(II).

²² *Id.* § 17-22.5-403.5(3)(a).

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.* § 17-1-102(6.7).

“Inmate liaison” is defined as an individual’s family member, attorney, a government agency, a public defender liaison, or a representative from an organization with experience in parole and reentry planning.

The Office of State Public Defender provides public defender liaisons to the Department and Board to help individuals with legal matters, including Special Needs Parole applications (*Id.* § 21-1-104(6) (2025)).

²⁶ *Id.* § 17-22.5-403.5(3)(a).

²⁷ *Department Policy, supra* note 1, § (IV)(A)(1)(a).

²⁸ *Id.* § (IV)(A)(1)(b).

The Special Needs Parole Case Manager is a case manager on the Benefit Assistance Team who ensures the Special Needs Parole process meets all statutory requirements, provides needed documents and liaises between the Department and Board (*Id.* § (III)(N)).

²⁹ *Id.* § (IV)(A)(1)(c).

³⁰ Colo. Rev. Stat. § 17-22.5-403.5(3)(a).

³¹ *Department Policy, supra* note 1, § (IV)(C)(1).

³² *Id.* § (IV)(C)(1)(a)-(b).

³³ *Id.* § (IV)(C)(1)(a).

³⁴ *Id.* § (IV)(C)(1)(c).

³⁵ *Id.* § (IV)(C)(1)(d).

³⁶ *Id.* § (IV)(C)(1)(d)-(e).

³⁷ *Id.* § (IV)(B)(1)(a).

The ROI includes the following forms: Authorization for Use and Disclosure of Health Information (AR Form 950-02A1) and Authorization for Use and Disclosure of Behavioral Information (AR Form 950-02A2).

If the individual refuses to sign the ROI, facility case management contacts the SNPCM and the SNPCM documents the decisions not to proceed with the application and notifies the public defender liaison (*Id.* § (IV)(B)(1)(b)).

If the individual is unable to sign the ROI, the SNPCM notifies the nurse case manager and public defender liaison. The nurse case manager, working with the facility health services administrator and case manager, will see if the individual has a designated “surrogate decision maker.” If there is not a designated decision maker, the nurse case manager will “make every attempt” to find one (*Id.* § (IV)(B)(1)(c)).

³⁸ *Id.* § (IV)(B)(2)-(5).

Note there are specific forms the SNPCM and other Department employees use to document the process and make notifications to relevant parties.

³⁹ *Id.* § (IV)(B)(6).

⁴⁰ *Id.* § (IV)(B)(11).

⁴¹ *Id.* § (IV)(B)(12).

⁴² *Id.* § (IV)(B)(7).

⁴³ *Id.* § (IV)(B)(13).

⁴⁴ Colo. Rev. Stat. § 17-22.5-403.5(3)(c)(I), referencing Colo. Rev. Stat. § 24-4.1-302.5 (2025).

⁴⁵ *Department Policy, supra* note 1, § (IV)(B)(8).

⁴⁶ Colo. Rev. Stat. § 17-22.5-403.5(3)(c)(I).

Note this means there is a 30-day wait between victim notification and when the referral can be submitted to the Board (*Board Policy, supra* note 1, at 2).

⁴⁷ Colo. Rev. Stat. § 17-22.5-403.5(3)(c)(II).

Crimes of violence include murder, first- and second-degree assault, kidnapping, some sexual offenses, aggravated robbery, first-degree arson, first-degree burglary, escape, criminal extortion, first- and second-degree unlawful termination of pregnancy,

human trafficking, crimes against at-risk adults or juveniles, crimes where a deadly weapon was used or possessed with usage threatened, and crimes that caused serious bodily injury or death (*Id.* § 18-1.3-406).

See *id.* § 16-22-102(9)(j), (k)-(l), (n)-(s) (2025) for the specific sexual offenses included.

⁴⁸ *Department Policy, supra* note 1, § (IV)(B)(9).

⁴⁹ Colo. Rev. Stat. § 17-22.5-403.5(3)(c)(III).

⁵⁰ *Department Policy, supra* note 1, § (IV)(B)(12).

⁵¹ Colo. Rev. Stat. § 17-22.5-403.5(3)(b).

Note *Board Policy* includes the provision that if a parole plan is not approved, a Department case manager will provide a “narrative” to the Board about the plan (*Board Policy, supra* note 1, at 1).

Note the referral should also meet the requirements included in Colo. Rev. Stat. § 17-22.5-404(4)(a) (2025): actuarial risk of re-offense, assessed criminogenic need level, whether the individual has threatened or harassed the victim or victim’s family, aggravating or mitigating factors from the criminal case, testimony of a prospective parole sponsor or employer, previous escapes or attempts to escape while on community supervision, and if the individual successfully completed a high school diploma, high school equivalency exam, or college degree while incarcerated.

⁵² Colo. Rev. Stat. § 17-22.5-403.5(3)(b.5).

⁵³ *Id.*; *Department Policy, supra* note 1, § (IV)(B)(10).

⁵⁴ *Department Policy, supra* note 1, § (IV)(B)(12).

⁵⁵ Colo. Rev. Stat. §§ 17-2-201(4)(a) (2025), 17-22.5-403.5(4).

⁵⁶ *Board Policy, supra* note 1, at 2.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.* at 2-3.

⁶⁰ Colo. Const. art. II, § 16a (2025); Colo. Rev. Stat. § 24-4.1-302.5(1)(c)(I)(b), (1)(j) (2025).

⁶¹ Colo. Rev. Stat. § 24-4.1-302.5(1)(j).

⁶² *Id.*

⁶³ *Board Policy, supra* note 1, at 3.

⁶⁴ *Id.*

⁶⁵ Colo. Rev. Stat. §§ 17-2-201(4)(f)(I)(A), 17-22.5-403.5(4)(c).

⁶⁶ *Id.* § 17-22.5-403.5(1)(b).

⁶⁷ *Id.* § 17-22.5-403.5(4)(b).

⁶⁸ *Id.* § 17-22.5-403.5(4)(a).

⁶⁹ *Id.* § 17-22.5-403.5(1)(b).

⁷⁰ *Id.* § 17-22.5-403.5(4)(d).

⁷¹ *Id.*; *Board Policy, supra* note 1, at 3.

⁷² *Board Policy, supra* note 1, at 5.

⁷³ Colo. Rev. Stat. § 17-22.5-403.5(5); *Board Policy, supra* note 1, at 5.

⁷⁴ *Board Policy*, *supra* note 1, at 4.

⁷⁵ *Department Policy*, *supra* note 1, § (IV)(B)(15). This includes the parole supervisor, community parole officer, the Community Re-Entry Specialist, the Long-Term Care Case Manager, and Treatment Coordination Case Managers.

⁷⁶ *Board Policy*, *supra* note 1, at 4.

⁷⁷ *Id.*

⁷⁸ *Id.*; Colo. Rev. Stat. § 17-22.5-403.5(7).

⁷⁹ Colo. Rev. Stat. § 17-22.5(7).

⁸⁰ *Id.* § 17-22.5-403.5(4)(d); *Board Policy*, *supra* note 1, at 3.

⁸¹ Colo. Rev. Stat. § 17-22.5-403.5(4)(d); *Board Policy*, *supra* note 1, at 3.

⁸² *Board Policy*, *supra* note 1, at 3.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.* at 4.

⁸⁶ *Id.*

Note that if the individual is hospitalized, it is possible to have a release date the same day as approval.

⁸⁷ Colo. Rev. Stat. § 17-22.5-403.5(6).

⁸⁸ *Id.* §§ 17-1-113.5(1)(c) (2025), 17-22.5-403.5(6).

⁸⁹ *Id.* §§ 17-1-113.5(1)(c), 17-22.5-403.5(6).

Note that the Department may provide financial assistance for longer than six months if the individual is still under the Department's jurisdiction and would otherwise be uninsured or underinsured.

⁹⁰ *Id.* § 17-1-113.5(1)(a)-(b).

⁹¹ *Id.* § 17-1-113.5(1)(d).

⁹² Colo. Rev. Stat. § 17-22.5-403.5(4)(d); *Board Policy*, *supra* note 1, at 5.

Note *Board Policy* states a re-review may be requested every three months or if the condition worsens.

⁹³ *Department Policy*, *supra* note 1, § (IV)(B)(16)(a).

⁹⁴ Colo. Rev. Stat. § 17-22.5-403.5(4)(g); *Board Policy*, *supra* note 1, at 5.

⁹⁵ *Department Policy*, *supra* note 1, § (IV)(C)(1)(f).

⁹⁶ See Colo. Rev. Stat. § 17-2-103 (2025) for general parole revocation policies.

The Board must suspend parole revocation proceedings if the Department or a member of the Board have a "substantial and good-faith reason to believe the [individual] is incompetent to proceed" (*Id.* § 17-22.5-403.5(4)(f)). The public defender liaison is notified, and a public defender is appointed to represent the individual while the sentencing trial court determines competency (*Id.*). The trial court must follow standard procedures for determining competency (*Id.*, referencing Colo. Rev. Stat. §§ 16-8.5-10 to 16-8.5-124 (2025)). If the individual is determined to be incompetent to proceed, the trial may order the Department to provide or arrange for appropriate "restoration services" in an authorized setting (*Id.*, § 17-22.5-403.5(4.5)). If the court determines there is not a substantial probability of the individual being restored to competency, the Department may refer the individual for Special Needs Parole, develop an appropriate parole plan, and notify the public defender liaison (*Id.*, referencing Colo. Rev. Stat. § 21-1-104(6) (2025)).

⁹⁷ *Id.* § 17-22.5-403.5(4)(e).

⁹⁸ Colorado Department of Corrections, Division of Adult Parole, *Senate Bill 21-146: Special Needs Parole 2* (June 2025), <https://drive.google.com/file/d/1YJP3Hu64g3jnsUQXLKuMmnt02RrTDxSp/view> (start at source link <https://cdoc.colorado.gov/about/data-and-reports/legislative-reports> and click drop down menu “SB 21-146 Special Needs Parole” under “Legislative Reports” then scroll and click link for “June 2025”).

Note that the numbers of decisions and applications pending do not align with the number of applications submitted because some applications carry over between fiscal years.

⁹⁹ Colorado Department of Corrections, Division of Adult Parole, *Senate Bill 21-146: Special Needs Parole 2* (June 2024), <https://drive.google.com/file/d/14FvfSEljSDZUJvhQoYHrllfvt7txFVf8/view> (start at source link <https://cdoc.colorado.gov/about/data-and-reports/legislative-reports> and click drop down menu “SB 21-146 Special Needs Parole” under “Legislative Reports” then scroll and click link for “June 2024”).

Note that the numbers of decisions and applications pending do not align with the number of applications submitted because some applications carry over between fiscal years.

¹⁰⁰ Colorado State Board of Parole, *Annual Report: FY 2024 10* (Dec. 2024), <https://drive.google.com/file/d/19feRu0bR6CB3EfS1j577KXC5Zwmr0HEu/view> (start with source page at <https://paroleboard.colorado.gov/reference-materials> and click on link for 2024).

¹⁰¹ Colorado State Board of Parole, *Annual Report: FY 2023 10* (Dec. 2023), <https://drive.google.com/file/d/1IECW4bOBPmp-PfmahHZwzk16JYc13sQ4/view> (start with source page at <https://paroleboard.colorado.gov/reference-materials> and click on link for 2023).