

Colorado Division of Criminal Justice

Adult and Juvenile

Correctional Populations Forecasts

Pursuant to 24-33.5-503 (m), C.R.S.

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Introduction

Background

The Colorado Division of Criminal Justice (DCJ), pursuant to 24-33.5-503(m), C.R.S., is mandated to prepare correctional population projections for the Legislative Council and the General Assembly. Per statute, DCJ has prepared projections of these populations since the mid-1980s. This report presents current forecasts for the Colorado adult prison and parole populations across the upcoming seven fiscal years, and for the Colorado juvenile commitment, detention and parole populations through five fiscal years. Also included are estimates regarding average length of stay for inmates admitted during the previous fiscal year. These are used to calculate cost savings resulting from proposed legislation and policy changes.

Organization of This Report

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM). The adult prison population forecasts for fiscal years 2020 through 2026, including estimates of prison admissions and releases by type are then presented, followed by a discussion of factors and assumptions applied to the current projections. The following section presents the parole caseload forecasts for fiscal years 2020 through 2026.

Following the adult population forecasts, estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2019 are presented.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2020 through 2024. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, estimated numbers of new commitments, and year-end average daily caseload (ADC) forecasts for the juvenile parole population. These are followed by year-end and quarterly detention ADP forecasts.

Assumptions Affecting the Accuracy of the DCJ Projections

Forecasting future prison populations is not an exact science, as factors which can affect growth are often unpredictable and somewhat speculative. The projection figures for the Colorado Department of Corrections' incarcerated and paroled populations and for the Division of Youth Services' committed, detained, and paroled populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time individuals are incarcerated or the number of individuals receiving such a sentence.
- ❑ The General Assembly will not expand or reduce community supervision programs in ways that affect prison sentences or commitments.

- ❑ Decision makers in the justice system will not change the way they use their discretion, except in explicitly stated ways that are accounted for in the models.
- ❑ The data provided by the Colorado Department of Corrections (DOC) and the Division of Youth Services (DYS) accurately describe the number and characteristics of individuals committed to, released from, and retained in DOC and DYS facilities.
- ❑ Incarceration times and sentencing data provided by DOC and DYS are accurate.
- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming seven years, except in ways that are accounted for in the current year's projection models.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions generated by the Colorado Demographer's Office are accurate.
- ❑ District and Juvenile court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.
- ❑ No catastrophic event such as war, disease or economic collapse will occur during the projection period.

The Colorado Criminal Justice Forecasting Model

Justice and Demographic Information

Data from multiple sources are incorporated into the forecasting model to simulate the flow of individuals into the system, as well as the movement of those already in the system. These data include offender-based information concerning admissions to and releases from the Colorado Department of Corrections (DOC), as well as the population currently incarcerated.¹ Colorado population forecasts are provided by the Demographer's Office of the Department of Local Affairs. Criminal and juvenile case prosecution, conviction, sentencing and probation revocation data are obtained from the Colorado Judicial Branch's information management system, from the Division of Court Services, and from annual reports issued by the Judicial Department.^{2,3}

Adult Prison Population Forecasting Methodology

Future prison populations are modeled for three cohorts: new court commitments to prison, parole returns to prison, and the population currently incarcerated. The cohort of new commitments is comprised of estimates of the composition and number of future admissions, including not only those newly sentenced to prison but also offenders who fail probation or community corrections and are subsequently incarcerated. These estimates are based on historical trends of prison admissions, crime rates, criminal case filings, conviction rates, sentencing practices, probation placements and probation revocation rates. Recent changes in laws or policies are also taken into account.

This projected future admissions cohort is disaggregated into approximately 70 offender profile groups according to governing offense type, felony class and sentence length. The duration of each offender group's stay in prison is estimated using data concerning the length of stay for offenders with similar profiles released in prior years, adjusted to reflect recent changes in law or policy. Cumulative survival distributions are developed and applied to each of the offender profile/sentence length groups to determine a rate of release and the size of the remaining population.

The cohort of currently incarcerated offenders is treated in a similar manner. This cohort is also disaggregated into approximately 70 offender profile and sentence length groups, with cumulative survival distributions calculated to estimate their rate of release. These survival distributions are adjusted to reflect changes in law or policy that may impact those currently incarcerated, which may differ from those influencing the future admissions cohort. The release of offenders currently in prison (referred to as the

¹ Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

² Data concerning criminal court filings are extracted from the Judicial Branch's information management system and analyzed by DCC's Office of Research and Statistics.

³ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

stock population), the estimates of future admissions, and the anticipated release of those admissions are combined to forecast the size of incarcerated populations in the future.

A different approach is used to forecast parole populations. The number of releases to parole each year is estimated in the process of developing the prison population forecast. An average length of stay is applied to determine the number that will remain on parole at the end of each year and the number that will carry over into the following year. These figures are summed to estimate the number of parolees at the end of each fiscal year.

Colorado Adult Prison Population and Parole Caseload Projections

ADULT INMATE POPULATION FORECAST

IN BRIEF:

The number of adult inmates in Colorado is expected to decline by 1.8% across FY 2020, from 19,951 to 19,589 offenders by year-end. However, slow growth is expected to resume in the following years, such that the population is expected to increase 3.1% between fiscal years 2019 and 2026, to a total inmate population of 20,571.

The female inmate population is particularly susceptible to fluctuation, with the number of women in prison is expected to decrease by 6.1% by the end of FY 2020, followed by an increase of 14.8% over the next six years.

The number of men in prison is expected to decrease 1.3% in FY 2020, followed by a 4.0% increase over the following six years.

The domestic parole caseload is expected to increase 2.6% in the upcoming year, from 9,352 to 9,599 parolees by the end of FY 2020. However, the number of parolees is expected to decrease to 8,707 by the end of FY 2022, followed by increases in each of the following four years. Overall, the caseload is expected to drop 1.5% between FY 2019 and FY 2026.

The Colorado prison population is expected to increase 3.1% between fiscal years 2019 and 2026, from an actual year-end inmate population of 19,951 to a projected population of 20,571. This rate of growth is substantially less than that predicted by DCJ at this time last year and is slightly modified from the projection prepared in June of 2019.

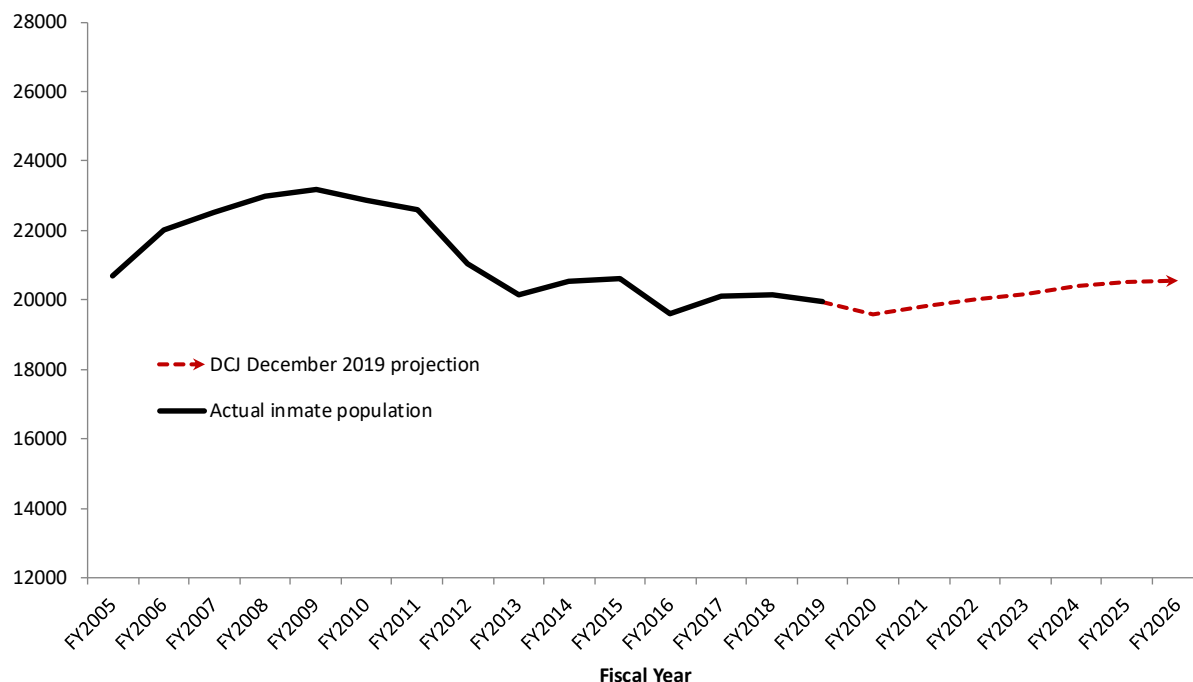
During FY 2020, the overall inmate population is projected to decrease by 1.8%. However, slow growth is expected to return by year-end, continuing across the following six years. The number of men in prison is expected to increase 2.3%, from 17,935 to 18,396 by the end of FY 2026, while the number of women in prison is expected to increase 7.9%, from 2,016 to 2,175 across the same time frame.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2019, and the current projection figures through FY 2026. As shown, after decades of continuous growth, the population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013. However, this decline stabilized in the fourth quarter of FY 2013, and was followed by a period of growth across FY 2014 into early FY 2015. Once again, this trend reversed, with the population declining at an accelerating rate through March of 2016 when the population reached 19,550. This is the lowest month-end figure

observed since 2003. However, the population began increasing through the remainder of FY 2016 and throughout FY 2017. The population declined during the first quarter of FY 2018, in the wake of Senate Bill 15-124 which limited technical parole violation revocations. This decrease was short-lived, and was soon followed by a pattern of growth through mid-FY 2020. Since that time, the population has demonstrated a downward trend. Over the 10 months between March and December 2019, the population fell by 2.7%, mainly attributable to declines in both new court commitments and in parole returns for technical violations.

This trend is expected to continue through the majority of the year, with a return to slow growth by the very end of FY 2020 and continuing through FY 2026. As shown, the total population is expected to decline during the first year, followed by very slow growth each year thereafter.

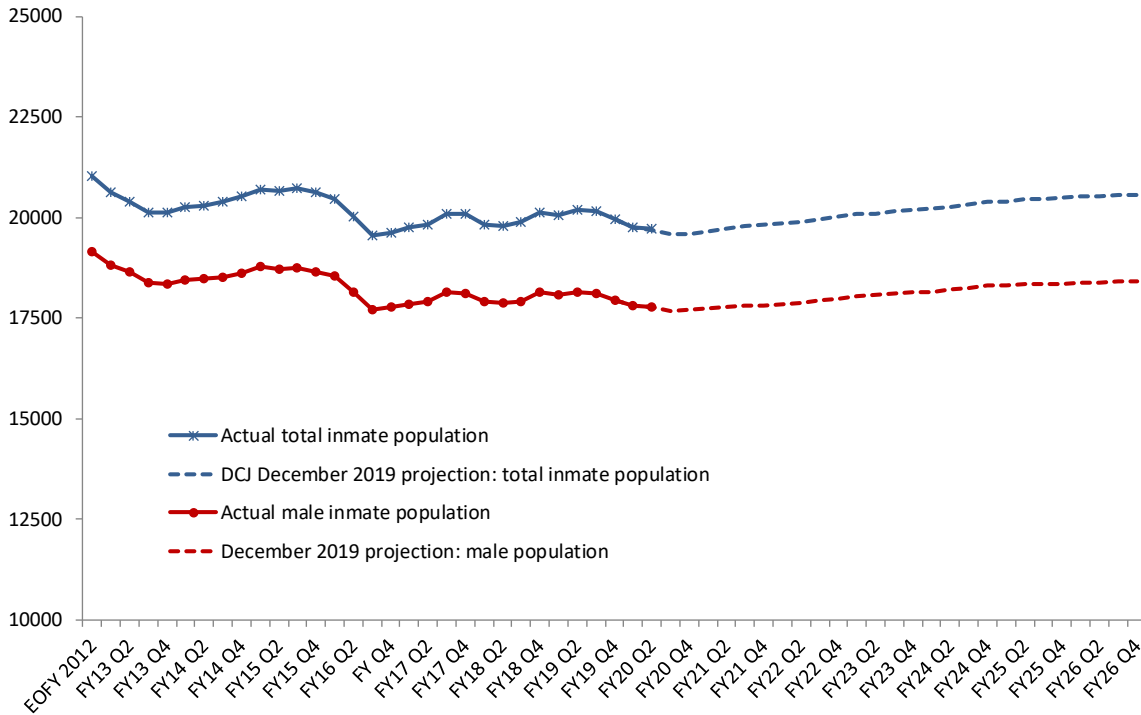
Figure 1: Actual and projected total prison population FY 2005 through FY 2026



Data source: Actual population figures FY 2005 through December 2019: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

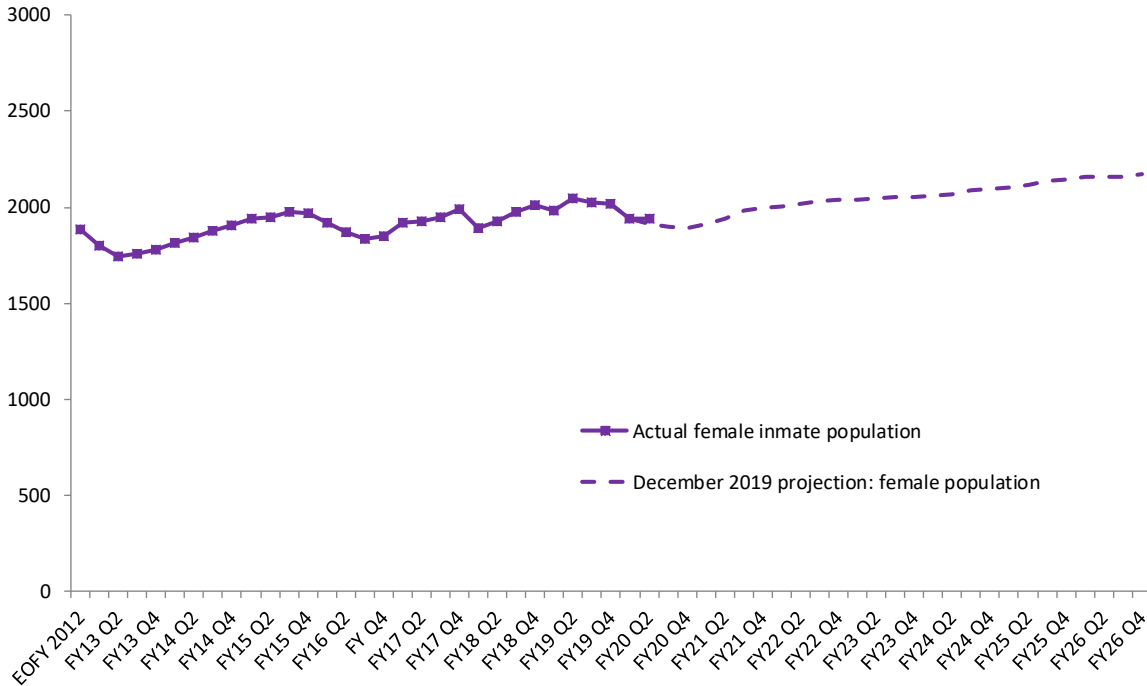
Figure 2, below, displays the quarterly total and male prison populations between the end of FY 2012 through the first half of FY 2020 (December, 2019), and the projected population at the end of each quarter through FY 2026. Figure 3 displays the actual and projected trends in the female inmate population over this same time frame.

Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2026



Data source: Actual population figures FY 2012 through December 2019 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Figure 3: Actual and projected quarterly female prison population FY 2012 through FY 2026



Data source: Actual population figures FY 2012 through December 2019 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2019, as well as the projected population through the end of fiscal year 2026. Table 2 displays total and gender-specific projected growth in the prison population by quarter across fiscal years 2020 through 2026. Annual projected numbers of admissions by type are given in Table 3, followed by the projected number of releases in Table 4.

Historical and projected trends in admission types for fiscal years 2012 through 2026 are graphically displayed in Figure 4. Release trends for the same time frame can be found in Figures 5 and 6.

Table 1: DCJ December 2019 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2026

| Fiscal Year End | Total Inmate Population | | Male Population | | Female Population | |
|-----------------|-------------------------|---------------|-----------------|---------------|-------------------|---------------|
| | Count | Annual Growth | Count | Annual Growth | Count | Annual Growth |
| 2005* | 20,704 | 5.80% | 18,631 | 4.59% | 2,073 | 18.12% |
| 2006* | 22,012 | 6.32% | 19,792 | 6.23% | 2,220 | 7.09% |
| 2007* | 22,519 | 2.30% | 20,178 | 1.95% | 2,341 | 5.45% |
| 2008* | 22,989 | 2.09% | 20,684 | 2.51% | 2,305 | -1.54% |
| 2009* | 23,186 | 0.86% | 20,896 | 1.02% | 2,290 | -0.65% |
| 2010* | 22,860 | -1.41% | 20,766 | -0.62% | 2,094 | -8.56% |
| 2011* | 22,610 | -1.09% | 20,512 | -1.22% | 2,098 | 0.19% |
| 2012* | 21,037 | -6.96% | 19,152 | -6.63% | 1,885 | -10.15% |
| 2013* | 20,135 | -4.29% | 18,355 | -4.16% | 1,780 | -5.57% |
| 2014* | 20,522 | 1.92% | 18,619 | 1.44% | 1,903 | 6.91% |
| 2015* | 20,623 | 0.49% | 18,655 | 0.19% | 1,968 | 3.42% |
| 2016* | 19,619 | -4.87% | 17,768 | -4.75% | 1,851 | -5.95% |
| 2017* | 20,101 | 2.46% | 18,108 | 1.91% | 1,993 | 7.67% |
| 2018* | 20,136 | 0.17% | 18,125 | 0.09% | 2,011 | 0.90% |
| 2019* | 19,951 | -0.92% | 17,935 | -1.05% | 2,016 | 0.25% |
| 2020 | 19,589 | -1.82% | 17,695 | -1.34% | 1,894 | -6.05% |
| 2021 | 19,818 | 1.17% | 17,822 | 0.72% | 1,996 | 5.40% |
| 2022 | 20,026 | 1.05% | 17,985 | 0.91% | 2,041 | 2.26% |
| 2023 | 20,178 | 0.76% | 18,128 | 0.80% | 2,050 | 0.41% |
| 2024 | 20,387 | 1.04% | 18,293 | 0.91% | 2,094 | 2.17% |
| 2025 | 20,500 | 0.56% | 18,353 | 0.33% | 2,147 | 2.51% |
| 2026 | 20,571 | 0.34% | 18,396 | 0.23% | 2,175 | 1.30% |

*Actual population figures. Data sources: Colorado Department of Corrections Annual Statistical Reports and Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Table 2: DCJ December 2019 Quarterly Adult Prison Population Projections: June 2019 through June 2026

| Fiscal Year | End of Month | Total Inmate Population | | Male Population | | Female Population | |
|-------------|-----------------|-------------------------|--------|-----------------|--------|-------------------|--------|
| | | Count | Growth | Count | Growth | Count | Growth |
| 2019* | June 2019* | 19,951 | -0.95% | 17,935 | -1.00% | 2,016 | -0.44% |
| 2020* | September 2019* | 19,748 | -1.02% | 17,805 | -0.72% | 1,943 | -3.62% |
| 2020 | December 2019 | 19,674 | -0.37% | 17,758 | -0.26% | 1,916 | -1.40% |
| 2020 | March 2020 | 19,581 | -0.47% | 17,679 | -0.45% | 1,902 | -0.73% |
| 2020 | June 2020 | 19,589 | 0.04% | 17,695 | 0.09% | 1,894 | -0.41% |
| 2021 | September 2020 | 19,651 | 0.32% | 17,735 | 0.23% | 1,916 | 1.15% |
| 2021 | December 2020 | 19,719 | 0.35% | 17,777 | 0.24% | 1,942 | 1.36% |
| 2021 | March 2021 | 19,785 | 0.33% | 17,803 | 0.14% | 1,982 | 2.05% |
| 2021 | June 2021 | 19,818 | 0.17% | 17,822 | 0.11% | 1,996 | 0.74% |
| 2022 | September 2021 | 19,848 | 0.15% | 17,846 | 0.14% | 2,002 | 0.28% |
| 2022 | December 2021 | 19,900 | 0.26% | 17,882 | 0.20% | 2,019 | 0.84% |
| 2022 | March 2022 | 19,966 | 0.33% | 17,935 | 0.30% | 2,031 | 0.63% |
| 2022 | June 2022 | 20,026 | 0.30% | 17,985 | 0.28% | 2,041 | 0.50% |
| 2023 | September 2022 | 20,082 | 0.28% | 18,045 | 0.34% | 2,037 | -0.23% |
| 2023 | December 2022 | 20,103 | 0.11% | 18,059 | 0.08% | 2,045 | 0.39% |
| 2023 | March 2023 | 20,144 | 0.20% | 18,093 | 0.19% | 2,051 | 0.29% |
| 2023 | June 2023 | 20,178 | 0.17% | 18,128 | 0.20% | 2,050 | -0.03% |
| 2024 | September 2023 | 20,218 | 0.20% | 18,156 | 0.15% | 2,062 | 0.61% |
| 2024 | December 2023 | 20,268 | 0.24% | 18,202 | 0.25% | 2,066 | 0.17% |
| 2024 | March 2024 | 20,332 | 0.32% | 18,246 | 0.24% | 2,087 | 1.00% |
| 2024 | June 2024 | 20,387 | 0.27% | 18,293 | 0.26% | 2,094 | 0.38% |
| 2025 | September 2024 | 20,402 | 0.07% | 18,303 | 0.05% | 2,099 | 0.23% |
| 2025 | December 2024 | 20,448 | 0.22% | 18,333 | 0.17% | 2,114 | 0.71% |
| 2025 | March 2025 | 20,464 | 0.08% | 18,326 | -0.04% | 2,138 | 1.13% |
| 2025 | June 2025 | 20,500 | 0.18% | 18,353 | 0.15% | 2,147 | 0.42% |
| 2026 | September 2025 | 20,519 | 0.09% | 18,364 | 0.06% | 2,155 | 0.37% |
| 2026 | December 2025 | 20,526 | 0.03% | 18,371 | 0.04% | 2,155 | 0.00% |
| 2026 | March 2026 | 20,573 | 0.23% | 18,411 | 0.22% | 2,162 | 0.32% |
| 2026 | June 2026 | 20,571 | -0.01% | 18,396 | -0.08% | 2,175 | 0.60% |

*Actual population figures. Data source: Colorado Department of Corrections Monthly Population and Capacity Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Table 3: DCJ December 2019 Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2026

| Fiscal Year End | Prison Admissions | | | | Total Admissions |
|-----------------|-----------------------|---------------------------------|-----------------------------|--------------|------------------|
| | New Court Commitments | Parole Returns with a New Crime | Technical Parole Violations | Other Admits | |
| 2005* | 5,789 | 835 | 2,649 | 160 | 9,433 |
| 2006* | 6,149 | 1,034 | 2,792 | 193 | 10,168 |
| 2007* | 6,380 | 1,014 | 3,047 | 188 | 10,629 |
| 2008* | 6,296 | 1,221 | 3,353 | 168 | 11,038 |
| 2009* | 5,922 | 1,131 | 3,776 | 163 | 10,992 |
| 2010* | 5,345 | 1,039 | 4,164 | 156 | 10,704 |
| 2011* | 5,153 | 962 | 3,678 | 142 | 9,935 |
| 2012* | 4,926 | 813 | 3,248 | 129 | 9,116 |
| 2013* | 5,144 | 815 | 3,558 | 103 | 9,620 |
| 2014* | 5,235 | 877 | 4,054 | 103 | 10,269 |
| 2015* | 5,248 | 808 | 3,614 | 86 | 9,756 |
| 2016* | 5,100 | 804 | 2,837 | 62 | 8,803 |
| 2017* | 5,698 | 930 | 2,455 | 66 | 9,149 |
| 2018* | 6,172 | 1,072 | 2,660 | 68 | 9,972 |
| 2019* | 6,217 | 2,214 | 1,245 | 50 | 9,726 |
| 2020 | 5,911 | 2,146 | 1,126 | 41 | 9,224 |
| 2021 | 5,804 | 2,118 | 1,136 | 41 | 9,100 |
| 2022 | 5,864 | 1,930 | 1,039 | 42 | 8,875 |
| 2023 | 5,937 | 1,900 | 1,023 | 42 | 8,902 |
| 2024 | 6,013 | 1,938 | 1,043 | 43 | 9,036 |
| 2025 | 6,097 | 1,958 | 1,053 | 43 | 9,152 |
| 2026 | 6,209 | 2,000 | 1,075 | 43 | 9,328 |

*Actual prison admission figures. Data source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Table 4: DCJ December 2019 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2026

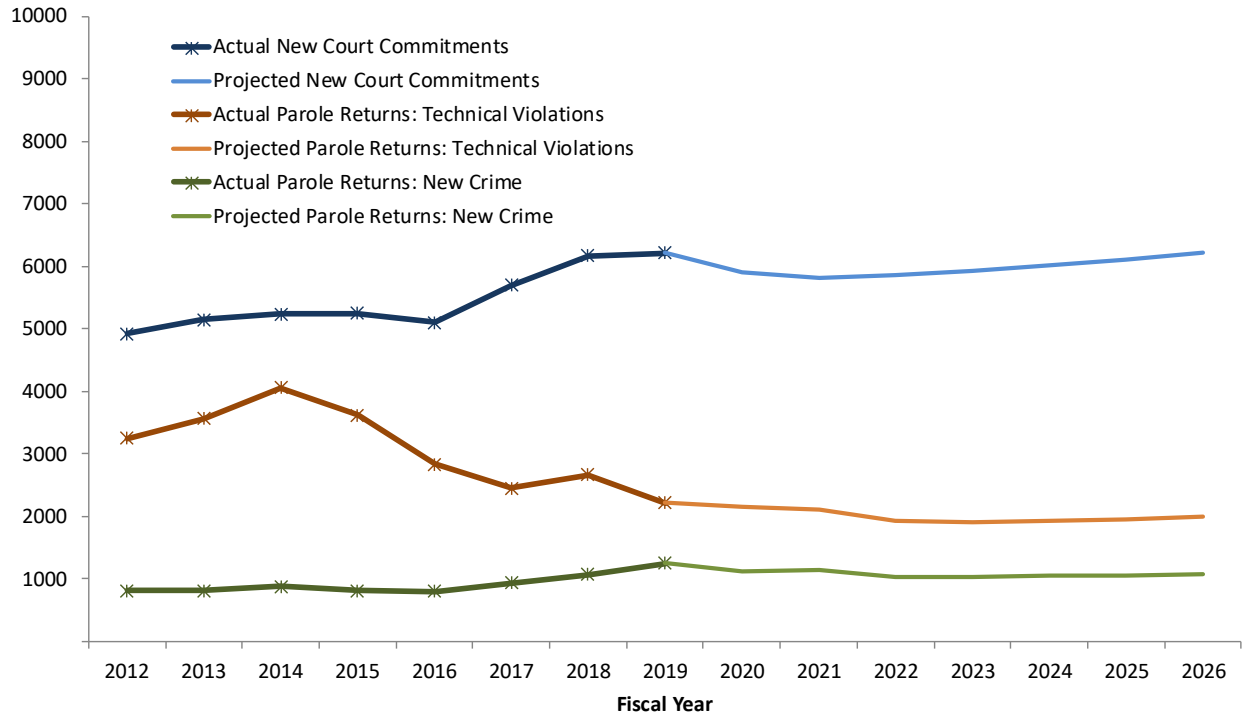
| Fiscal Year End | Releases to Parole | | | Sentence Discharge | Other ² | Total Discharges |
|-----------------|--------------------|----------------------------|-------|--------------------|--------------------|------------------|
| | Mandatory | Discretionary ¹ | Total | | | |
| 2005* | 4,688 | 1,598 | 6,286 | 1,576 | 387 | 8,249 |
| 2006* | 4,370 | 2,813 | 7,183 | 1,397 | 374 | 8,954 |
| 2007* | 3,439 | 5,069 | 8,508 | 1,283 | 319 | 10,110 |
| 2008* | 3,279 | 5,596 | 8,875 | 1,367 | 323 | 10,565 |
| 2009* | 4,918 | 4,118 | 9,036 | 1,452 | 315 | 10,803 |
| 2010* | 6,466 | 2,868 | 9,334 | 1,415 | 284 | 11,033 |
| 2011* | 6,413 | 2,095 | 8,508 | 1,427 | 225 | 10,160 |
| 2012* | 5,584 | 3,607 | 9,191 | 1,284 | 183 | 10,658 |
| 2013* | 5,140 | 3,806 | 8,946 | 1,397 | 163 | 10,506 |
| 2014* | 5,020 | 3,220 | 8,240 | 1,510 | 162 | 9,912 |
| 2015* | 5,278 | 2,658 | 7,936 | 1,577 | 146 | 9,659 |
| 2016* | 5,228 | 3,084 | 8,312 | 1,361 | 168 | 9,841 |
| 2017* | 4,793 | 2,557 | 7,350 | 1,191 | 146 | 8,687 |
| 2018* | 5,333 | 3,436 | 8,769 | 1,052 | 123 | 9,944 |
| 2019* | 4,278 | 4,291 | 8,569 | 1,191 | 132 | 9,892 |
| 2020 | 3,574 | 4,668 | 8,242 | 1,249 | 99 | 9,591 |
| 2021 | 3,276 | 4,234 | 7,509 | 1,282 | 88 | 8,879 |
| 2022 | 3,204 | 4,189 | 7,393 | 1,189 | 87 | 8,668 |
| 2023 | 3,223 | 4,292 | 7,515 | 1,147 | 89 | 8,750 |
| 2024 | 3,270 | 4,340 | 7,610 | 1,128 | 90 | 8,827 |
| 2025 | 3,348 | 4,435 | 7,783 | 1,164 | 92 | 9,039 |
| 2026 | 3,417 | 4,572 | 7,989 | 1,184 | 92 | 9,265 |

1. Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase in discretionary releases between 2005 and 2008, and the decrease between 2008 and 2010 is an artifact of this change in coding.

2. This category includes, among other things death, releases on appeal, bond release, and court ordered discharges.

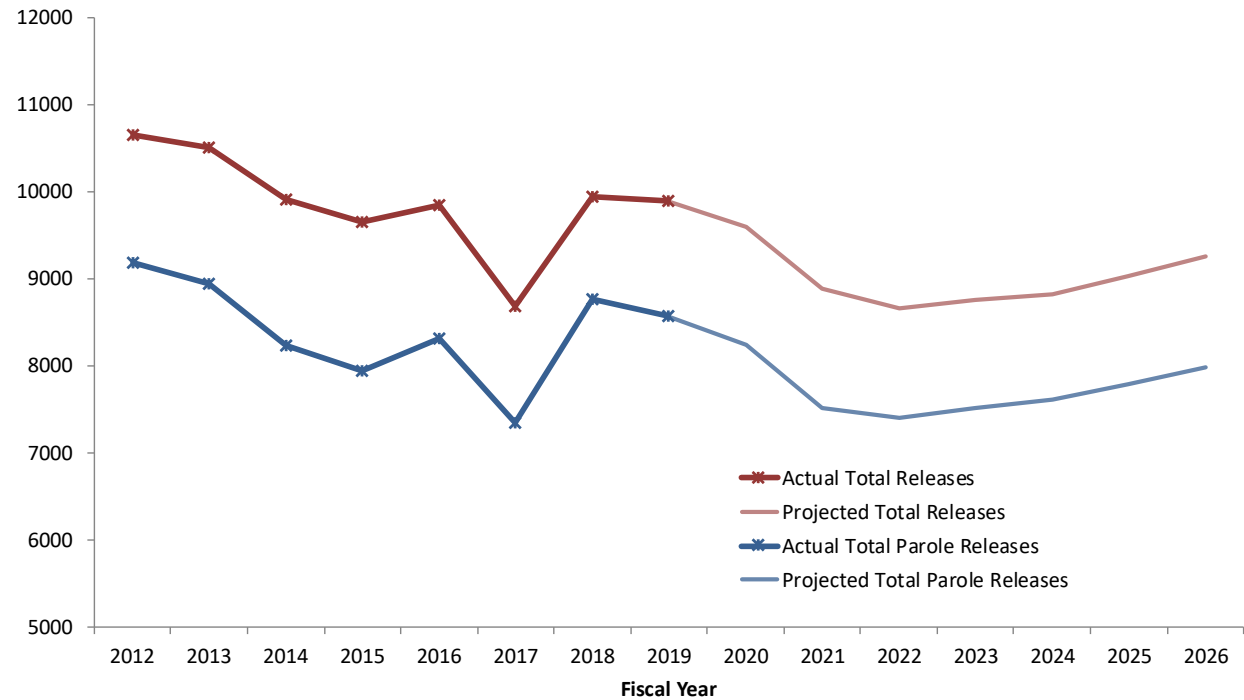
*Actual prison discharge figures. Data Source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 4: Colorado prison admissions by type: Actual and projected FY 2012 through FY 2026



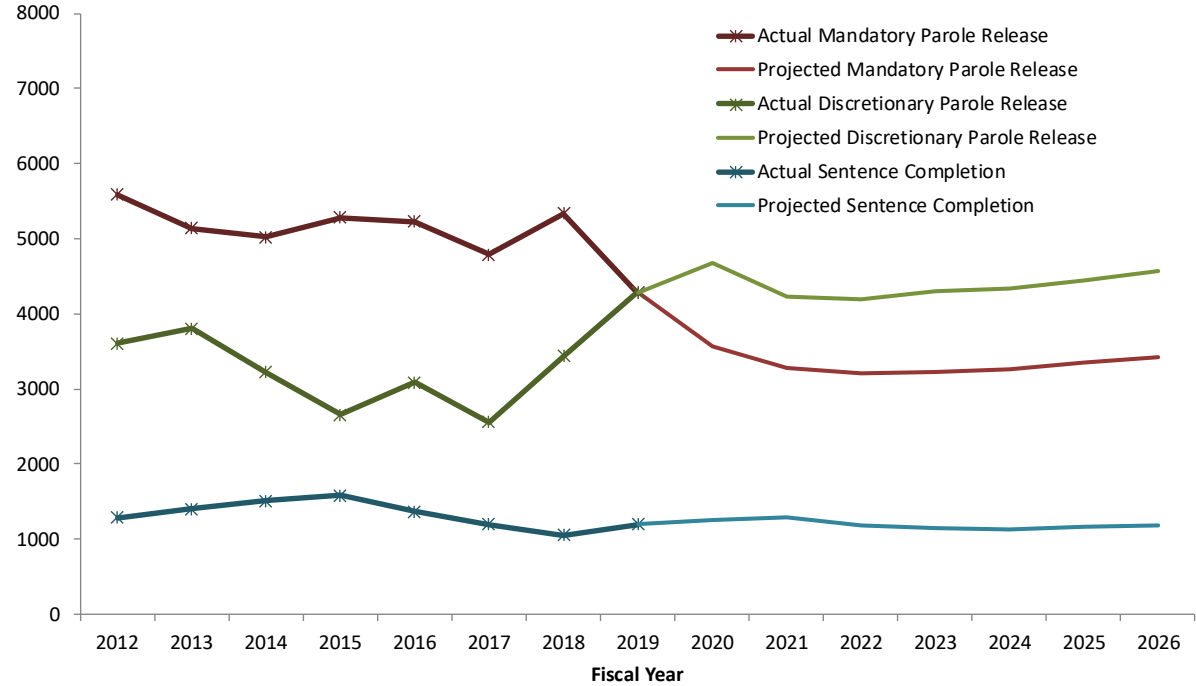
Data source: Actual prison admission figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Figure 5: Colorado prison releases: Actual and projected FY 2012 through FY 2026



Data source: Actual prison discharge figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2026



Data source: Actual prison discharge figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

ADULT PAROLE CASELOAD FORECAST

The two components used when forecasting future parole caseloads are the number of releases to parole and the length of stay on parole. These may vary according to a number of factors, such as profiles of releases, individual offender characteristics, legislation, parole board policies, community resources and parole success or failure rates.

Table 5 displays the DCJ projections for the total domestic parole caseload through the end of FY 2026, while Figure 7 displays the year-end caseloads for fiscal years 2012 through 2019, and the projected year-end caseloads for fiscal years 2020 through 2026.

The parole caseload grew steadily throughout fiscal years 2018 and 2019, during which the caseload grew by 5.6% and 6.9%, respectively. Much of this growth was attributable reductions in parole revocation terms and to the resultant mandatory re-paroles which occurred in response to HB 17-1326. Additionally, this legislation removed the Department’s authority to operate community return-to-custody facilities, requiring the re-assignment of a number of inmates in community corrections facilities to parole status. This growth also coincides with changes to the parole board leadership and to HB 18-1410 which required file reviews of inmates within 90 days of their mandatory release date.

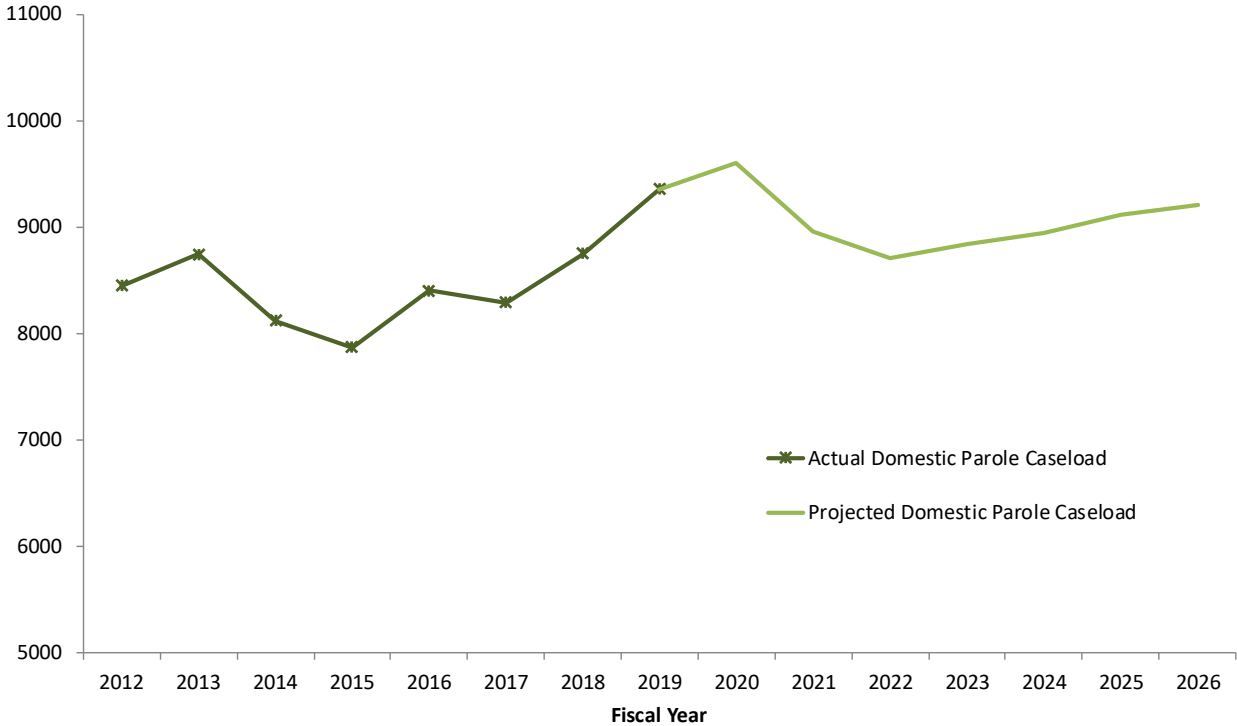
In the upcoming year, the caseload is expected to continue to increase in conjunction with increasing discretionary parole releases. However, the caseload is also expected to decline in the following two years, due to factors outlined in the following section of this report. Growth is expected to return in FY 2023, in concert with the expected growth in the prison population and continuing throughout the forecast horizon.

Table 5: DCJ December 2019 adult domestic parole caseload projection FY 2019 through FY 2026

| Fiscal Year End | Domestic Parole Caseload | Annual Growth |
|------------------------|---------------------------------|----------------------|
| 2019* | 9,352 | 6.86% |
| 2020 | 9,599 | 2.64% |
| 2021 | 8,951 | -6.74% |
| 2022 | 8,707 | -2.73% |
| 2023 | 8,834 | 1.46% |
| 2024 | 8,940 | 1.20% |
| 2025 | 9,117 | 1.98% |
| 2026 | 9,211 | 1.04% |

*Actual parole caseload figures. Data source: Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 7: Historical and projected end of fiscal year domestic parole caseload FY 2012 through FY 2026



Data Source: Historical data obtained from the Colorado Department of Corrections Monthly Population and Capacity Reports.

FACTORS INFLUENCING THE DCJ DECEMBER 2019 PRISON POPULATION AND PAROLE CASELOAD FORECASTS

The DCJ 2018 prison population forecast⁴ indicated that the Colorado adult prison population would remain very stable across FY 2019, followed by consistent growth through FY 2025. However, the population began to decrease in the second half of the year, falling by 1.2%. This slow decline has continued into the first half of FY 2020. The current forecast puts forth the expectation of a reduction in the population through FY 2020, with slow growth resuming in FY 2021. The following discussion provides context and the rationale behind these expectations.

Legislation and policy

Senate Bill 19-143, signed into law May 28, 2019, makes various changes to prison population management options, reentry services, parole, and facility security level designations. Most relevantly, parole revocations to DOC for determinate periods are eliminated, and the circumstances under which a parolee may be revoked for a technical parole violation are severely limited. In addition, the bill attempts to accelerate releases of low and medium risk parole-eligible inmates by allowing the DOC to submit to the board a list of low and medium risk parole-eligible inmates with an approved parole plan for board review within 30 days. Further, the bill requires a majority vote by the full board to deny parole for an inmate assessed as low or very low risk with an approved parole plan and a recommended release. In brief, this legislation is expected to result in fewer parole denials, increases in discretionary parole releases, and far fewer parole revocations. However, the length of stay on parole for certain revoked parolees could increase significantly.

Senate Bill 19-043 increases the number of district court judges in response to increases in felony court filings. To the extent that the additional judges expedite the pace at which criminal cases are tried and sentenced, and the size of any existing backlog of court cases, the bill could accelerate new court commitments to DOC in the short-term.

Senate Bill 19-008 requires DOC to allow medication-assisted treatment (MAT) for substance abuse to continue in cases when an inmate was receiving treatment in a county jail prior to transfer into DOC custody. The bill could increase (or decrease) discretionary releases to parole dependent on the parole board's evaluation of the use of MAT by a parole applicant.

⁴ Harrison, L. (2019). *Colorado Division of Criminal Justice Adult and Juvenile Correctional Populations Forecasts Pursuant to 24-33.5-503 (m), C.R.S.* Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

Senate Bill 19-165 increases the number of Parole Board members from seven to nine. It is possible this could accelerate the pace at which parole application hearings can be conducted, which would decrease the prison population and increase the parole population correspondingly. However, this is dependent on roles these new parole board members take. In addition to allowing the board to complete more hearings, the intention was to allow the board members to make better informed decisions at these hearings and to allow greater stake holder involvement.

House Bill 19-1263 reclassifies several existing drug possession felonies to misdemeanors, effective in March, 2020. This is expected to divert between 179 and 295 new commitments per year, exerting significant downward pressure on the prison population beginning in FY 2021.^{5,6}

Parole board actions. In addition to changes in the composition and leadership of the Parole Board over the past year, the Board made concerted efforts to work with the Governor's Office to address the capacity issues of the DOC and expedite releases. In response to the Governor's request, the Board has worked to review cohorts of offenders and expedite their release prior to their mandatory release date or previously set re-parole dates. The Board has also focused on reviewing offenders who are on tabled status to ensure they are released efficiently after they complete their tabled requirements.

A recent analysis of Parole Board decisions found that the Board was significantly more responsive to an applicant's readiness level than his or her risk level, which suggests that the ability of an inmate to complete certain treatment and reentry programs while in prison has a significant effect on his or her probability of being granted discretionary parole.⁷

Criminal justice system. These forecasts are based on expectations for behavior by offenders, prosecutors, judges, probation officers, parole board members, DOC administrators and legislators. Criminal justice policy has often been changed by legislation and executive decision making, which is often in response to the forecasts themselves, rendering them immediately obsolete and subject to adjustment. However, this forecast is based on current law and practice.

Availability of community corrections placements. In 2019 the Denver City Council voted not to renew contracts with two of its community corrections facility operators. It is possible that the loss of these community corrections placements will result in some offenders being sentenced to prison rather than receiving a sentence to community corrections. However, the timing and

⁵ Department of Corrections Fiscal Impact Analysis, March 28, 2019.

⁶ Colorado Legislative Council Staff (2019). *HB 19-1263 Revised Fiscal Note*.

⁷ Ford, K. (2019). *Analysis of Colorado State Board of Parole Decisions: FY 2018 Report Pursuant to § 17-22.5-404 (6), C.R.S.*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety.

certainty of these closures is unknown, and it is possible that new and alternative placements may be made available.

Admissions to prison

Much of the growth previously predicted for new court commitments to prison was based on historical patterns in felony court filings. Criminal filings increased by 4.7% in FY 2018, after experiencing 12.5% growth over each of the prior two years. At the time of the June 2019 forecast, estimates concerning the number of filings observed in FY 2019 indicated a leveling in this growth. However, CR filings exceeded expectations for FY 2019, increasing by 4.1%. This trend has continued into FY 2020.

However, while filings may increase, the correlation between new filings and new court commitments to prison has weakened with the majority of the increases in new filings being made up of lower-level felonies which carry less severe sentences. The ratio of criminal filings to new prison sentences has decreased from 13.8% six years ago to 11.0% in FY 2019. This is mainly observable among men, while this ratio has remained very stable at approximately 8% for women. In addition to reducing prison admissions, the shift in crime types serves to reduce the lengths of prison sentences, driving down the population in upcoming years.

The proportion of criminal filings made up of women has steadily increased over the past decade, from 20.5% ten years ago to 24.2% in FY 2019. This trend at least partially accounting for the stronger growth observed in the female prison population, and is expected to continue.

Additionally, legislation is expected to divert a number of cases that may have previously received sentences to DOC. As previously mentioned, the passage of House Bill 19-1263, which reclassifies several existing drug possession felonies to misdemeanors, is expected to divert up to 295 new commitments per year.⁸ This contributes to the expected decline in the population in FY 2021 and slowing the projected increase in the ensuing years.

On the other hand, Senate Bill 19-043 increases the number of district court judges in response to increases in felony court filings. To the degree that the backlog of cases is addressed, this could expedite sentences to DOC which would exert upward pressure on the population in the short term.

New court commitments are expected to continue their decrease through FY 2021, followed by a return to slow growth, corresponding with expected growth in the overall Colorado adult population.

⁸ Department of Corrections Fiscal Impact Analysis, March 28, 2019.

Parole revocations for technical violations are expected to continue to fall at an increasing rate through early FY 2023, due to Senate Bill 19-143. However, it is expected that the proportion of revocations to the overall population will stabilize at a lowered baseline, and slow growth in the number of revocations will resume, corresponding with the growth in the overall prison population and parole caseload.

Releases from prison

The passage of Senate Bill 19-143 is expected to result in fewer parole denials, thereby increasing discretionary parole releases. However, these releases are expected to decrease from present levels as the pool of low-risk, parole-eligible inmates diminishes.

While this legislation is expected to result in far fewer parole revocations, the length of stay in prison for revoked offenders is expected to increase with the elimination of determinate revocation periods, and the expectation that more parole violators will serve the remainder of their parole term in prison.

Conversely, downward pressure on the number of parole releases has occurred, due to the elimination of mandatory reparole releases in the wake of abolishing determinate revocation periods. At the same time, it is expected that more offenders will complete their parole terms while incarcerated, thus further driving down the number of re-paroles.

Even prior to the passage of SB 19-143, discretionary releases were increasing (between March and May of 2019, discretionary parole releases increased 57.8% over the number observed in the same time frame the prior year). As expected, mandatory releases have decreased, such that the overall releases to parole remained relatively stable.

This increase in discretionary parole releases was not unexpected, as the Parole Board has made concerted efforts to work with the Governor's Office to address the capacity issues of the DOC and expedite releases. In response to the Governor's request, the Board has worked to review cohorts of offenders and expedite their release prior to their mandatory release date or previously set re-parole dates. The Board has also focused on reviewing offenders who are on tabled status to ensure they are released efficiently after they complete their tabled requirements.

The length of stay in prison has declined for offenders incarcerated for drug, escape, and property crimes. This is particularly notable among those serving time for escape, likely the long-term impact of HB 10-1373 which removed the requirement that a sentence for an escape crime must run consecutively with any other sentences being served by the offender. This requirement often resulted in very long stays in prison, such that the impact of the legislation is still progressing.

The decline in new court commitments expected in fiscal years 2020 and 2021 will reduce the number of releases expected over the next three years.

Parole caseload

The parole caseload is expected to increase through the mid-FY 2021, then consistently decrease through the end of FY 2022, coinciding with the slowing of discretionary releases. Slow growth is expected in the ensuing four years. The projected decrease in the caseload is due to a number of factors, as follows:

The influx of low-risk, parole-eligible offenders will stabilize, followed by a reduction in the caseload as these offenders discharge their parole terms.

Additional downward pressure in the size of the caseload will occur with the elimination of mandatory re-paroles. These releases made up 7.0% of parole releases to date in FY 2020, less half of that seen in FY 2018 and a third that seen in FY 2019. This number is expected to continue to fall.

An overall fall in releases, including those to parole, is expected over the next three years, tied to the decline in new court commitments expected in fiscal years 2020 and 2021.

The diversion of drug offenders from prison due to House Bill 19-1263 will be quickly followed by a reduction in releases to parole, as these offenders would have had very short lengths of stay in prison. This impact would have a small effect in beginning in FY 2021, accelerating in FY 2022 and further in FY 2023.

The decline in releases to parole is amplified by the provisions of SB 19-143, with more offenders completing their parole terms while incarcerated rather than being re-paroled.

On the other hand, the length of stay on parole is expected to increase, with revocations of parolees for technical violations continuing to fall with the constraints on revocations specified in Senate Bill 19-143 as well as increases in the use of intermediate sanctions in lieu of revocation. This increase will serve to drive the caseload up.

Length of Stay Estimates for Prison and Parole Admissions during FY 2019

Tables 6 through 12 below display the estimated average length of stay (ALOS) for admissions to prison during FY 2019. The average time that new admissions are expected to remain in prison is estimated using data provided by the DOC regarding conviction crimes and sentence length, in combination with data concerning time actually served for inmates released during the same year. In some situations where very low numbers of releases are available, data from prior years may be incorporated.

Admissions for parole revocations due to technical violations are excluded. These figures are broken out by crime category and felony class, with separate tables provided for new court commitments and for parole returns with a new crime, for men and for women, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 13 and 14.

A series of new drug crime categories were introduced to these tables in 2015, to include admissions sentenced under Senate Bill 13-250 which created a new series of drug felony (DF) levels. These do not correspond to the felony classes of drug crimes committed prior to October 1, 2013. Therefore, these crime categories are presented separately, under the offense categories of drug felony (DF) levels 1 through 4, and extraordinary risk drug felony (Ext DF) levels 1 through 4.

Each of these tables presented total figures both including and excluding inmates sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998, as well as those subject to habitual offender sentence enhancers.

The estimation of length of stay in prison for sexual offenders convicted under the Colorado Lifetime Supervision Act of 1998⁹ is complicated by a number of factors. These offenders receive indeterminate prison sentences ranging between one year and up to the remainder of their natural life, and must progress in treatment and not pose an unreasonable risk to reoffend prior to being considered for parole. Where an offender is motivated to participate in treatment and receives timely treatment resources, the offender can be released in a relatively short amount of time. During FY 2019, 299 such offenders were released after serving an average of 10.0 years, only slightly more than their average minimum sentence of 9.4 years. However, offenders who refuse to participate in treatment entirely or who do not successfully progress in treatment may never be released.

Of admissions sentenced under the Act during FY 2019, a quarter (25.1%) had minimum sentences exceeding 20 years, compared to 4.0% of releases. Almost a third (32.3%) had minimum sentences exceeding 15 years, compared to 11.2% of releases. A strong majority will serve at least these minimums (the few who serve less

⁹ See CRS 18-1.3-1004, CRS 18-1.3-1006, and CRS 18-1.3-1008.

will likely either be released on a court order or die while in prison). It will be many years before an unbiased estimate can be made regarding what proportion of these minimum sentences will actually be served.

Estimates for the length of stay on parole are also included, and are presented in Table 15. These figures include only new admissions to parole, and exclude any parolees who have previously had their parole revoked for either new crimes or for technical violations.

Please note the estimates provided regarding length of stay on parole for the Sex Offender Act category must be viewed with caution. The parole term for those convicted of a class 4 felony subject to the Sex Offender Lifetime Supervision Act is a minimum of 10 years up to the remainder of the offender's life. For those convicted of class 2 or 3 felonies, the parole term is 20 years to life. As of the end of FY 2019, 1,101 offenders under lifetime supervision had been paroled. Of these, only nine have been approved for discharge from parole. The longest a lifetime sex offender has been under parole supervision is 11.8 years. Of the 836 on the parole caseload at the end of FY 2019, 71.7 percent have been on parole less than 5 years.¹⁰ Thus, the pool of parolees eligible for discharge will remain very small for many years to come.

These factors significantly impede the ability to make a factual approximation of how long these offenders will remain on parole. The length of stay estimate provided was calculated assuming 100% of statutory minimums (based on felony class) will be served. It is probable this percentage will be larger, but to what degree is impossible to estimate at this time.

¹⁰ Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

Table 6: Estimated average length of stay for FY 2019 new commitments¹

| Offense category | Average length of stay (months) | Number of new commitments ² | Percent of all new commitments | Average length of stay effect (months) |
|--|---------------------------------|--|--------------------------------|--|
| Felony 1 | 480.00 | 47 | 0.64% | 3.07 |
| F2 Ext ³ | 201.20 | 111 | 1.51% | 3.04 |
| F2 Sex ⁴ | 66.30 | 2 | 0.03% | 0.02 |
| F2 Other ⁵ | 68.54 | 25 | 0.34% | 0.23 |
| Total Felony 2 ⁶ | 181.70 | 141 | 1.97% | 3.57 |
| F3 Ext | 102.27 | 280 | 3.81% | 3.89 |
| F3 Sex | 78.57 | 42 | 0.57% | 0.45 |
| F3 Other | 47.08 | 185 | 2.52% | 1.18 |
| Total Felony 3 ⁷ | 80.14 | 506 | 7.06% | 5.65 |
| F4 Ext | 39.60 | 626 | 8.51% | 3.37 |
| F4 Sex | 29.34 | 41 | 0.56% | 0.16 |
| F4 Other | 24.97 | 1044 | 14.19% | 3.54 |
| Total Felony 4 ⁸ | 30.54 | 1685 | 23.49% | 7.18 |
| F5 Ext | 18.49 | 462 | 6.28% | 1.16 |
| F5 Sex | 22.61 | 111 | 1.51% | 0.34 |
| F5 Other | 13.62 | 1243 | 16.90% | 2.30 |
| Total Felony 5 ⁹ | 15.56 | 1844 | 25.71% | 4.00 |
| F6 Ext | 9.18 | 189 | 2.57% | 0.24 |
| F6 Sex | 7.15 | 44 | 0.60% | 0.04 |
| F6 Other | 7.51 | 680 | 9.25% | 0.69 |
| Total Felony 6 ¹⁰ | 7.83 | 912 | 12.72% | 1.00 |
| Drug Felony (DF) Level 1 ^{11,12} | 59.53 | 28 | 0.38% | 0.23 |
| DF Level 2 ¹² | 20.70 | 13 | 0.18% | 0.04 |
| DF Level 3 ¹² | 13.03 | 8 | 0.11% | 0.01 |
| DF Level 4 | 4.08 | 423 | 5.75% | 0.23 |
| Ext DF Level 1 ^{12,13} | 58.94 | 53 | 0.72% | 0.42 |
| Ext DF Level 2 | 29.32 | 190 | 2.58% | 0.76 |
| Ext DF Level 3 | 14.33 | 182 | 2.47% | 0.35 |
| Ext DF Level 4 | 5.01 | 30 | 0.41% | 0.02 |
| Total Drug Felony ¹⁴ | 16.42 | 927 | 12.93% | 2.12 |
| Total excluding Habitual and Sex Offender Act categories | 31.33 | 6059 | 84.48% | 26.47 |
| Habitual ¹⁵ | 157.09 | 35 | 0.48% | 0.75 |
| Sex Offender Act ¹⁶ | 266.28 | 130 | 1.77% | 4.71 |
| Total including Habitual and Sex Offender Act categories | 36.94 | 6224 | 84.62% | 31.26 |

Note: Refer to the footnotes following Table 14.

Table 7: Estimated average length of stay for FY 2019 male new commitments¹

| Offense category | Average length of stay (months) | Number of new commitments ² | Percent of all new commitments | Average length of stay effect (months) |
|--|---------------------------------|--|--------------------------------|--|
| Felony 1 | 480.00 | 45 | 0.61% | 2.94 |
| F2 Ext ³ | 205.40 | 100 | 1.36% | 2.79 |
| F2 Sex ⁴ | 66.30 | 2 | 0.03% | 0.02 |
| F2 Other ⁵ | 68.42 | 24 | 0.33% | 0.22 |
| Total Felony 2 ⁶ | 184.14 | 129 | 1.80% | 3.31 |
| F3 Ext | 105.21 | 247 | 3.36% | 3.53 |
| F3 Sex | 83.50 | 37 | 0.50% | 0.42 |
| F3 Other | 48.63 | 153 | 2.08% | 1.01 |
| Total Felony 3 ⁷ | 83.54 | 436 | 6.08% | 5.08 |
| F4 Ext | 40.80 | 547 | 7.44% | 3.03 |
| F4 Sex | 28.40 | 40 | 0.54% | 0.15 |
| F4 Other | 25.84 | 853 | 11.60% | 3.00 |
| Total Felony 4 ⁸ | 31.73 | 1415 | 19.73% | 6.26 |
| F5 Ext | 19.03 | 370 | 5.03% | 0.96 |
| F5 Sex | 22.61 | 111 | 1.51% | 0.34 |
| F5 Other | 14.03 | 1049 | 14.26% | 2.00 |
| Total Felony 5 ⁹ | 16.03 | 1557 | 21.71% | 3.48 |
| F6 Ext | 9.11 | 175 | 2.38% | 0.22 |
| F6 Sex | 7.19 | 43 | 0.58% | 0.04 |
| F6 Other | 7.59 | 518 | 7.04% | 0.53 |
| Total Felony 6 ¹⁰ | 7.92 | 735 | 10.25% | 0.81 |
| Drug Felony (DF) Level 1 ^{11,12} | 59.16 | 27 | 0.37% | 0.22 |
| DF Level 2 ¹² | 21.23 | 11 | 0.15% | 0.03 |
| DF Level 3 ¹² | 13.03 | 8 | 0.11% | 0.01 |
| DF Level 4 | 4.21 | 303 | 4.12% | 0.17 |
| Ext DF Level 1 ^{12,13} | 61.60 | 43 | 0.58% | 0.36 |
| Ext DF Level 2 | 31.39 | 151 | 2.05% | 0.64 |
| Ext DF Level 3 | 14.89 | 142 | 1.93% | 0.29 |
| Ext DF Level 4 | 5.46 | 24 | 0.33% | 0.02 |
| Total Drug Felony ¹⁴ | 18.12 | 709 | 9.89% | 1.79 |
| Total excluding Habitual and Sex Offender Act categories | 33.62 | 5023 | 70.04% | 23.55 |
| Habitual ¹⁵ | 166.35 | 31 | 0.42% | 0.70 |
| Sex Offender Act ¹⁶ | 267.46 | 126 | 1.71% | 4.58 |
| Total including Habitual and Sex Offender Act categories | 40.10 | 5180 | 70.43% | 28.24 |

Note: Refer to the footnotes following Table 14.

Table 8: Estimated average length of stay for FY 2019 female new commitments¹

| Offense category | Average length of stay (months) | Number of new commitments ² | Percent of all new commitments | Average length of stay effect (months) |
|--|---------------------------------|--|--------------------------------|--|
| Felony 1 | 480.00 | 2 | 0.03% | 0.13 |
| F2 Ext ³ | 163.02 | 11 | 0.15% | 0.24 |
| F2 Sex ⁴ | - | - | 0.00% | 0.00 |
| F2 Other ⁵ | 71.37 | 1 | 0.01% | 0.01 |
| Total Felony 2 ⁶ | 155.38 | 12 | 0.17% | 0.26 |
| F3 Ext | 80.22 | 33 | 0.45% | 0.36 |
| F3 Sex | 42.03 | 5 | 0.07% | 0.03 |
| F3 Other | 39.72 | 32 | 0.44% | 0.17 |
| Total Felony 3 ⁷ | 58.98 | 70 | 0.98% | 0.58 |
| F4 Ext | 31.33 | 79 | 1.07% | 0.34 |
| F4 Sex | 66.97 | 1 | 0.01% | 0.01 |
| F4 Other | 21.08 | 191 | 2.60% | 0.55 |
| Total Felony 4 ⁸ | 24.28 | 270 | 3.76% | 0.91 |
| F5 Ext | 16.35 | 92 | 1.25% | 0.20 |
| F5 Sex | - | - | 0.00% | 0.00 |
| F5 Other | 11.43 | 194 | 2.64% | 0.30 |
| Total Felony 5 ⁹ | 13.01 | 287 | 4.00% | 0.52 |
| F6 Ext | 10.05 | 14 | 0.19% | 0.02 |
| F6 Sex | 5.53 | 1 | 0.01% | 0.00 |
| F6 Other | 7.27 | 162 | 2.20% | 0.16 |
| Total Felony 6 ¹⁰ | 7.48 | 177 | 2.47% | 0.18 |
| Drug Felony (DF) Level 1 ^{11,12} | 69.60 | 1 | 0.01% | 0.01 |
| DF Level 2 ¹² | 17.77 | 2 | 0.03% | 0.00 |
| DF Level 3 ¹² | - | - | 0.00% | 0.00 |
| DF Level 4 | 3.73 | 120 | 1.63% | 0.06 |
| Ext DF Level 1 ^{12,13} | 47.52 | 10 | 0.14% | 0.06 |
| Ext DF Level 2 | 21.31 | 39 | 0.53% | 0.11 |
| Ext DF Level 3 | 12.35 | 40 | 0.54% | 0.07 |
| Ext DF Level 4 | 3.22 | 6 | 0.08% | 0.00 |
| Total Drug Felony ¹⁴ | 10.88 | 218 | 3.04% | 0.33 |
| Total excluding Habitual and Sex Offender Act categories | 20.21 | 1036 | 14.45% | 2.92 |
| Habitual ¹⁵ | 85.32 | 4 | 0.05% | 0.05 |
| Sex Offender Act ¹⁶ | 229.14 | 4 | 0.05% | 0.12 |
| Total including Habitual and Sex Offender Act categories | 21.26 | 1044 | 14.19% | 3.02 |

Note: Refer to the footnotes following Table 14.

Table 9: Estimated average length of stay for FY 2019 parole returns with a new crime¹

| Offense category | Average length of stay (months) | Number of new crime returns ² | Percent of all new crime returns | Average length of stay effect (months) |
|---|---------------------------------|--|----------------------------------|--|
| Felony 1 | - | - | 0.00% | 0.00 |
| F2 Ext ³ | 84.02 | 9 | 0.12% | 0.10 |
| F2 Sex ⁴ | - | - | 0.00% | 0.00 |
| F2 Other ⁵ | 67.44 | 8 | 0.11% | 0.07 |
| Total Felony 2⁶ | 76.22 | 17 | 0.24% | 0.18 |
| F3 Ext | 51.03 | 135 | 1.84% | 0.94 |
| F3 Sex | 25.88 | 4 | 0.05% | 0.01 |
| F3 Other | 32.95 | 64 | 0.87% | 0.29 |
| Total Felony 3⁷ | 44.83 | 203 | 2.83% | 1.27 |
| F4 Ext | 27.76 | 189 | 2.57% | 0.71 |
| F4 Sex | 25.20 | 4 | 0.05% | 0.01 |
| F4 Other | 30.24 | 259 | 3.52% | 1.06 |
| Total Felony 4⁸ | 29.21 | 451 | 6.29% | 1.84 |
| F5 Ext | 15.53 | 134 | 1.82% | 0.28 |
| F5 Sex | 17.71 | 13 | 0.18% | 0.03 |
| F5 Other | 20.30 | 186 | 2.53% | 0.51 |
| Total Felony 5⁹ | 18.25 | 334 | 4.66% | 0.85 |
| F6 Ext | 12.24 | 11 | 0.15% | 0.02 |
| F6 Sex | - | - | 0.00% | 0.00 |
| F6 Other | 13.09 | 45 | 0.61% | 0.08 |
| Total Felony 6¹⁰ | 12.93 | 56 | 0.78% | 0.10 |
| Drug Felony (DF) Level 1 ^{11,12} | - | - | 0.00% | 0.00 |
| DF Level 2 ¹² | 3.33 | 1 | 0.01% | 0.00 |
| DF Level 3 ¹² | - | - | 0.00% | 0.00 |
| DF Level 4 | 9.01 | 26 | 0.35% | 0.03 |
| Ext DF Level 1 ^{12,13} | 66.96 | 6 | 0.08% | 0.05 |
| Ext DF Level 2 | 44.11 | 9 | 0.12% | 0.05 |
| Ext DF Level 3 | 15.42 | 6 | 0.08% | 0.01 |
| Ext DF Level 4 | 3.03 | 4 | 0.05% | 0.00 |
| Total Drug Felony¹⁴ | 21.94 | 52 | 0.73% | 0.16 |
| Total excluding Habitual and Sex Offender Act categories | 28.33 | 1113 | 15.52% | 4.40 |
| Habitual ¹⁵ | 112.88 | 10 | 0.14% | 0.15 |
| Sex Offender Act ¹⁶ | 88.43 | 8 | 0.11% | 0.10 |
| Total including Habitual and Sex Offender Act categories | 29.50 | 1131 | 15.38% | 4.54 |

Note: Refer to the footnotes following Table 14.

Table 10: Estimated average length of stay for FY 2019 male parole returns with a new crime¹

| Offense category | Average length of stay (months) | Number of new crime returns ² | Percent of all new crime returns | Average length of stay effect (months) |
|---|---------------------------------|--|----------------------------------|--|
| Felony 1 | - | - | 0.00% | 0.00 |
| F2 Ext ³ | 63.32 | 8 | 0.11% | 0.07 |
| F2 Sex ⁴ | - | - | 0.00% | 0.00 |
| F2 Other ⁵ | 67.83 | 7 | 0.10% | 0.06 |
| Total Felony 2⁶ | 65.43 | 15 | 0.21% | 0.14 |
| F3 Ext | 52.96 | 123 | 1.67% | 0.89 |
| F3 Sex | 25.88 | 4 | 0.05% | 0.01 |
| F3 Other | 37.02 | 53 | 0.72% | 0.27 |
| Total Felony 3⁷ | 47.67 | 180 | 2.51% | 1.20 |
| F4 Ext | 28.39 | 153 | 2.08% | 0.59 |
| F4 Sex | 25.20 | 4 | 0.05% | 0.01 |
| F4 Other | 32.06 | 204 | 2.77% | 0.89 |
| Total Felony 4⁸ | 30.49 | 360 | 5.02% | 1.53 |
| F5 Ext | 15.03 | 97 | 1.32% | 0.20 |
| F5 Sex | 17.48 | 12 | 0.16% | 0.03 |
| F5 Other | 20.92 | 164 | 2.23% | 0.47 |
| Total Felony 5⁹ | 18.64 | 274 | 3.82% | 0.71 |
| F6 Ext | 12.24 | 11 | 0.15% | 0.02 |
| F6 Sex | - | - | 0.00% | 0.00 |
| F6 Other | 13.07 | 28 | 0.38% | 0.05 |
| Total Felony 6¹⁰ | 12.84 | 39 | 0.54% | 0.07 |
| Drug Felony (DF) Level 1 ^{11,12} | - | - | 0.00% | 0.00 |
| DF Level 2 ¹² | 3.33 | 1 | 0.01% | 0.00 |
| DF Level 3 ¹² | - | - | 0.00% | 0.00 |
| DF Level 4 | 8.69 | 17 | 0.23% | 0.02 |
| Ext DF Level 1 ^{12,13} | 66.96 | 6 | 0.08% | 0.05 |
| Ext DF Level 2 | 48.65 | 8 | 0.11% | 0.05 |
| Ext DF Level 3 | 17.48 | 4 | 0.05% | 0.01 |
| Ext DF Level 4 | 3.03 | 4 | 0.05% | 0.00 |
| Total Drug Felony¹⁴ | 25.61 | 40 | 0.56% | 0.14 |
| Total excluding Habitual and Sex Offender Act categories | 29.92 | 908 | 12.66% | 3.79 |
| Habitual ¹⁵ | 112.88 | 10 | 0.14% | 0.15 |
| Sex Offender Act ¹⁶ | 93.92 | 7 | 0.10% | 0.09 |
| Total including Habitual and Sex Offender Act categories | 31.30 | 925 | 12.58% | 3.94 |

Note: Refer to the footnotes following Table 14.

Table 11: Estimated average length of stay for FY 2019 female parole returns with a new crime¹

| Offense category | Average length of stay (months) | Number of new crime returns ² | Percent of all new crime returns | Average length of stay effect (months) |
|--|---------------------------------|--|----------------------------------|--|
| Felony 1 | - | - | 0.00% | 0.00 |
| F2 Ext ³ | 249.60 | 1 | 0.01% | 0.03 |
| F2 Sex ⁴ | - | - | 0.00% | 0.00 |
| F2 Other ⁵ | 64.67 | 1 | 0.01% | 0.01 |
| Total Felony 2 ⁶ | 157.13 | 2 | 0.03% | 0.04 |
| F3 Ext | 31.20 | 12 | 0.16% | 0.05 |
| F3 Sex | - | - | 0.00% | 0.00 |
| F3 Other | 13.33 | 11 | 0.15% | 0.02 |
| Total Felony 3 ⁷ | 22.65 | 23 | 0.32% | 0.07 |
| F4 Ext | 25.08 | 36 | 0.49% | 0.12 |
| F4 Sex | - | - | 0.00% | 0.00 |
| F4 Other | 23.50 | 55 | 0.75% | 0.18 |
| Total Felony 4 ⁸ | 24.13 | 91 | 1.27% | 0.31 |
| F5 Ext | 16.84 | 37 | 0.50% | 0.08 |
| F5 Sex | 20.40 | 1 | 0.01% | 0.00 |
| F5 Other | 15.67 | 22 | 0.30% | 0.05 |
| Total Felony 5 ⁹ | 16.47 | 60 | 0.84% | 0.14 |
| F6 Ext | - | - | 0.00% | 0.00 |
| F6 Sex | - | - | 0.00% | 0.00 |
| F6 Other | 13.13 | 17 | 0.23% | 0.03 |
| Total Felony 6 ¹⁰ | 13.13 | 17 | 0.24% | 0.03 |
| Drug Felony (DF) Level 1 ^{11,12} | - | - | 0.00% | 0.00 |
| DF Level 2 ¹² | - | - | 0.00% | 0.00 |
| DF Level 3 ¹² | - | - | 0.00% | 0.00 |
| DF Level 4 | 9.60 | 9 | 0.12% | 0.01 |
| Ext DF Level 1 ^{12,13} | - | - | 0.00% | 0.00 |
| Ext DF Level 2 | 7.80 | 1 | 0.01% | 0.00 |
| Ext DF Level 3 | 11.28 | 2 | 0.03% | 0.00 |
| Ext DF Level 4 | - | - | 0.00% | 0.00 |
| Total Drug Felony ¹⁴ | 9.73 | 12 | 0.17% | 0.02 |
| Total excluding Habitual and Sex Offender Act categories | 21.26 | 205 | 2.86% | 0.61 |
| Habitual ¹⁵ | - | - | 0.00% | 0.00 |
| Sex Offender Act ¹⁶ | 49.93 | 1 | 0.01% | 0.01 |
| Total including Habitual and Sex Offender Act categories | 21.40 | 206 | 2.80% | 0.60 |

Note: Refer to the footnotes following Table 14.

Table 12: Estimated average length of stay for FY 2019 combined new court commitments and parole returns with a new crime¹

| Offense category | Average length of stay (months) | Number of commitments ² | Percent of all commitments | Average length of stay effect (months) |
|--|---------------------------------|------------------------------------|----------------------------|--|
| Felony 1 | 480.00 | 47 | 0.64% | 3.07 |
| F2 Ext ³ | 192.41 | 120 | 1.63% | 3.14 |
| F2 Sex ⁴ | 66.30 | 2 | 0.03% | 0.02 |
| F2 Other ⁵ | 68.27 | 33 | 0.45% | 0.31 |
| Total Felony 2 ⁶ | 170.35 | 158 | 2.20% | 3.75 |
| F3 Ext | 85.60 | 415 | 5.64% | 4.83 |
| F3 Sex | 73.98 | 46 | 0.63% | 0.46 |
| F3 Other | 43.45 | 249 | 3.39% | 1.47 |
| Total Felony 3 ⁷ | 70.03 | 709 | 9.89% | 6.92 |
| F4 Ext | 36.86 | 815 | 11.08% | 4.08 |
| F4 Sex | 28.97 | 45 | 0.61% | 0.18 |
| F4 Other | 26.01 | 1303 | 17.72% | 4.61 |
| Total Felony 4 ⁸ | 30.26 | 2136 | 29.78% | 9.01 |
| F5 Ext | 17.83 | 596 | 8.10% | 1.44 |
| F5 Sex | 22.10 | 124 | 1.69% | 0.37 |
| F5 Other | 14.49 | 1429 | 19.43% | 2.82 |
| Total Felony 5 ⁹ | 15.97 | 2178 | 30.37% | 4.85 |
| F6 Ext | 9.35 | 200 | 2.72% | 0.25 |
| F6 Sex | 7.15 | 44 | 0.60% | 0.04 |
| F6 Other | 7.86 | 725 | 9.86% | 0.77 |
| Total Felony 6 ¹⁰ | 8.13 | 968 | 13.50% | 1.10 |
| Drug Felony (DF) Level 1 ^{11,12} | 59.53 | 28 | 0.38% | 0.23 |
| DF Level 2 ¹² | 19.46 | 14 | 0.19% | 0.04 |
| DF Level 3 ¹² | 13.03 | 8 | 0.11% | 0.01 |
| DF Level 4 | 4.36 | 449 | 6.10% | 0.27 |
| Ext DF Level 1 ^{12,13} | 59.76 | 59 | 0.80% | 0.48 |
| Ext DF Level 2 | 29.99 | 199 | 2.71% | 0.81 |
| Ext DF Level 3 | 14.37 | 188 | 2.56% | 0.37 |
| Ext DF Level 4 | 4.78 | 34 | 0.46% | 0.02 |
| Total Drug Felony ¹⁴ | 16.71 | 979 | 13.65% | 2.28 |
| Total excluding Habitual and Sex Offender Act categories | 30.86 | 7172 | 100.00% | 30.86 |
| Habitual ¹⁵ | 147.27 | 45 | 0.61% | 0.90 |
| Sex Offender Act ¹⁶ | 255.97 | 138 | 1.88% | 4.80 |
| Total including Habitual and Sex Offender Act categories | 35.80 | 7355 | 100.00% | 35.80 |

Note: Refer to the footnotes following Table 14.

Table 13: Estimated average length of stay for FY 2019 prison admissions, category totals *excluding* habitual and sex offender act convictions*

| Admission category | Average length of stay (months) | Number of commitments ² | Percent of all commitments | Average length of stay effect (months) |
|-------------------------|---------------------------------|------------------------------------|----------------------------|--|
| Total New Commitments | 31.33 | 6059 | 84.48% | 26.47 |
| Total Parole Returns | 28.33 | 1113 | 15.52% | 4.40 |
| Total Male Admissions | 33.05 | 5931 | 82.70% | 27.33 |
| Total Female Admissions | 20.38 | 1241 | 17.30% | 3.53 |
| Grand Total | 30.86 | 7172 | 100% | 30.86 |

*Parole returns on a technical violation are excluded.

Note: Refer to the footnotes on the following page.

Table 14: Estimated average length of stay for FY 2019 prison admissions, category totals *including* habitual and sex offender act convictions*

| Admission category | Average length of stay (months) | Number of commitments ² | Percent of all commitments | Average length of stay effect (months) |
|-------------------------|---------------------------------|------------------------------------|----------------------------|--|
| Total New Commitments | 36.94 | 6224 | 84.62% | 31.26 |
| Total Parole Returns | 29.50 | 1131 | 15.38% | 4.54 |
| Total Male Admissions | 38.77 | 6105 | 83.00% | 32.18 |
| Total Female Admissions | 21.28 | 1250 | 17.00% | 3.62 |
| Grand Total | 35.80 | 7355 | 100% | 35.80 |

*Parole returns on a technical violation are excluded.

Note: Refer to the footnotes on the following page.

¹ For the calculation of these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or sentence length are excluded. Additionally, offenders sentenced under obsolete laws are excluded.

³ The "Ext" category refers to offenses defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are presented as a separate category and are excluded here.

⁵ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are excluded.

⁷ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These are excluded from the overall felony class categories.

⁸ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes admissions sentenced under the "Uniform Controlled Substances Act of 2013", which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor drug crimes committed prior to July 1, 2013.

¹² As few offenders sentenced under this crime category have been released from prison, little data are available on which to base these estimates. Therefore, the estimated length of stay was calculated using release data from similar crime types with comparable sentence lengths.

¹³ Includes admissions convicted of crimes under the "Uniform Controlled Substances Act of 2013", but which are also defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b).

¹⁴ Includes all admissions sentenced under the "Uniform Controlled Substances Act of 2013".

¹⁵ Includes all admissions with habitual criminal sentence enhancers. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories as well as the data for each of the overall felony classes.

¹⁶ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998. These cases are excluded from the other sex crime categories as well as from the data for each of the overall felony classes.

Table 15: Estimated average length of stay for FY 2019 new parole intakes¹

| Offense Category | Average Length of Stay (Months) | Number of releases to parole ² | Percent of all parole releases | Average Length of Stay Effect (Months) |
|--|---------------------------------|---|--------------------------------|--|
| F2 Ext ³ | 36.43 | 92 | 1.48% | 0.54 |
| F2 Sex ⁴ | 46.80 | 2 | 0.03% | 0.02 |
| F2 Other ⁵ | 38.50 | 36 | 0.58% | 0.22 |
| Total Felony 2 ⁶ | 37.17 | 130 | 2.14% | 0.79 |
| F3 Ext | 41.80 | 280 | 4.51% | 1.88 |
| F3 Sex | 45.10 | 47 | 0.76% | 0.34 |
| F3 Other | 40.63 | 187 | 3.01% | 1.22 |
| Total Felony 3 ⁷ | 41.68 | 514 | 8.44% | 3.52 |
| F4 Ext | 25.20 | 675 | 10.87% | 2.74 |
| F4 Sex | 27.10 | 33 | 0.53% | 0.14 |
| F4 Other | 26.50 | 1160 | 18.68% | 4.95 |
| Total Felony 4 ⁸ | 26.20 | 1836 | 30.16% | 7.90 |
| F5 Ext | 18.43 | 418 | 6.73% | 1.24 |
| F5 Sex | 17.57 | 110 | 1.77% | 0.31 |
| F5 Other | 18.40 | 1329 | 21.40% | 3.94 |
| Total Felony 5 ⁹ | 18.34 | 1889 | 31.03% | 5.69 |
| F6 Ext | 9.43 | 179 | 2.88% | 0.27 |
| F6 Sex | 9.17 | 45 | 0.72% | 0.07 |
| F6 Other | 9.70 | 633 | 10.19% | 0.99 |
| Total Felony 6 ¹⁰ | 9.62 | 857 | 14.08% | 1.35 |
| Drug Felony (DF) Level 1 ¹¹ | 27.37 | 1 | 0.02% | 0.00 |
| DF Level 2 ¹² | 18.73 | 6 | 0.10% | 0.02 |
| DF Level 3 | 9.57 | 24 | 0.39% | 0.04 |
| DF Level 4 | 9.67 | 437 | 7.04% | 0.68 |
| Ext DF Level 1 ¹³ | 27.73 | 24 | 0.39% | 0.11 |
| Ext DF Level 2 ¹⁴ | 16.97 | 160 | 2.58% | 0.44 |
| Ext DF Level 3 | 9.23 | 174 | 2.80% | 0.26 |
| Ext DF Level 4 | 10.20 | 35 | 0.56% | 0.06 |
| Total Drug Felony ¹⁵ | 11.54 | 861 | 14.14% | 1.63 |
| Total excluding Habitual and Sex Offender Act categories | 20.89 | 6087 | 100% | 20.89 |
| Habitual ¹⁶ | 25.74 | 17 | 0.27% | 0.07 |
| Sex Offender Act ¹⁷ | 163.74 | 107 | 1.72% | 2.82 |
| Total including Habitual and Sex Offender Act categories | 23.37 | 6211 | 100% | 23.37 |

Note: Refer to the footnotes on the following page.

¹ These estimates reflect the length of time individuals are expected to spend on parole from the time of their first release to parole until their successful discharge from parole. Time spent in prison due following revocation due to technical parole violations is included. However, returns to prison due to a parole return with a new conviction are excluded.

² The number of new parole intakes reflected here will differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or parole sentence length are excluded, as are interstate parolees and parole violators previously returned to prison with new sentences. Additionally, cases sentenced under obsolete laws are excluded.

³ The "Ext" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ While some sexual crimes are considered extraordinary risk crimes, such crimes are included in this category. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are excluded.

⁵ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes parole intakes convicted of felony 2 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These offenders are excluded from the overall felony class categories.

⁷ Includes parole intakes convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁸ Includes parole intakes convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes parole intakes convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes parole intakes convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes parole intakes sentenced under the "Uniform Controlled Substances Act of 2013", which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor drug crimes committed prior to July 1, 2013.

¹² As no offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for felony 5 drug offenders was applied as the two have comparable statutory parole periods.

¹³ Includes parole intakes convicted of crimes under the "Uniform Controlled Substances Act of 2013", but which are also defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b).

¹⁴ As no offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for those convicted of felony 5 extraordinary risk drug crimes was applied as the two have comparable statutory parole periods.

¹⁵ Includes all parole intakes sentenced under the "Uniform Controlled Substances Act of 2013".

¹⁶ Includes all parole intakes with habitual criminal sentence enhancers. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories. as well as the data for each of the overall felony classes.

¹⁷ Includes all parole intakes sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998. These cases are excluded from the other sex crime categories as well as the data for each of the overall felony classes.

Note: The parole terms for sex offenders subject to the Sex Offender Lifetime Supervision Act range from a minimum of 10 to 20 years (dependent on felony class), up to the remainder of the offender's life. As of June 30, 2019, 1,101 of these offenders had been paroled. Of these, only nine have discharged their parole sentence. This lack of data concerning parole discharges impedes the calculation of how long these new parolees will remain on parole. The estimate provided is based on the assumption that 100% of statutory minimums will be served.

Division of Youth Services Juvenile Commitment, Detention and Parole Projections

IN BRIEF:

The annual number of new commitments is expected to fall 32.6% between the ends of FY 2019 and FY 2024. Consequently, the average daily population (ADP) of committed juveniles is expected to fall by 29.2% by the end of FY 2024, from 577.6 as of the end of FY 2019 to 408.8. The majority of this decline is expected during FY 2020, with an estimated year-end ADP of 476.9. Smaller declines are expected each year through FY 2024.

The juvenile parole average daily caseload (ADC) is also anticipated to decrease, by 9.8% over the course of FY 2020. This decline is expected to accelerate to 19.5% during FY 2021. The caseload is expected to experience continuing declines averaging 5.0% per year through FY 2024, reaching an ADC of 134.1.

The detention ADP is expected to decrease 4.8% in FY 2020, reaching 241.7 by year-end. Small but consistent decreases are expected in each of the following four years. Between the ends of FY 2019 and FY 2024 the ADP is expected to fall by 10.8%, from 253.9 to 226.4.

Organization of this Section

Estimates of the juvenile commitment, parole, and detention average daily populations (ADP) populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include annual and quarterly year-to-date (YTD) ADP forecasts for the committed population statewide, along with projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end average daily caseload (ADC) forecasts for the statewide juvenile parole population, and by annual and quarterly detention ADP forecasts. Finally, a brief discussion regarding factors affecting the overall DYS population is included.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The forecasts are developed utilizing data concerning historical monthly trends in detention, commitment and parole populations. Time series analyses are applied to data derived from these historical trends, producing a variety of scenarios.¹¹ The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends in juvenile

¹¹ Box, G. E. P., G. M. Jenkins, and G. C. Reinsel (1994). *Time series analysis: Forecasting and control*, 3rd ed. Englewood Cliffs, N.J.: Prentice Hall.

delinquency filings and probation revocations, and population forecasts prepared by the Colorado Demographer's Office provides the basis for the forecasts presented in the following tables.

JUVENILE COMMITMENT POPULATION FORECAST

The two factors driving the size of the population committed to the Division of Youth Services (DYS) are the number of youth sentenced to DYS, and the length of their incarceration. The number of youth committed to the DYS declined consistently between FY 2005 and FY 2016.¹² As expected, the ADP also began to fall the following year, after a decade of growth. This decline stabilized in FY 2017, and reversed slightly in FY 2018 with a 3.9% increase in admissions across the year. However, new commitments declined dramatically, by 26.5%, across FY 2019. This decline has continued into FY 2020, with 23.2% fewer new admissions during the first 5 months of the year than occurred during the first 5 months of FY 2019. This degree of decline in commitments to DYS is unprecedented, resulting in fewer admissions than observed over the past 50-plus years.

Based on these factors, in addition to those discussed below, this forecast significantly lowers the expectations of the DCJ January 2019 forecast of new commitments and the ADP in upcoming years, and anticipates continued declines in the committed population. The annual number of new commitments is expected to fall 32.6% between the ends of FY 2019 and FY 2024. Consequently, the average daily population (ADP) of committed juveniles is expected to fall by 29.2% by the end of FY 2024, from 577.6 as of the end of FY 2019 to 408.8. The majority of this decline is expected during FY 2020, with an estimated year-end ADP of 476.9. Smaller declines are expected each year through FY 2024.

Additional considerations prompting the expectation of continued reductions in the committed population include:

- Juvenile probation revocations have fallen each year, most notably by 18.5% in FY 2019, following a decrease of 10.7% in FY 2019. While the proportion of these revocations that result in a DYS commitment has increased in recent years (from 32.5% in FY 2015 to 39.1% in FY 2018), the decrease in the number of revocations outweighs the increase in the proportion sent to DYS.¹³

¹² Colorado Department of Human Services. *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

¹³ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

- The rate of new commitments per 100,000 juveniles aged between 13 and 17 in Colorado has fallen 43.0% in just the past 5 years. This trend is expected to continue.
- Growth in the juvenile population in Colorado is now slowing. Most relevantly, forecasts concerning the population between the ages of 13 and 17 indicate a decline in upcoming years.¹⁴
- The development of diversionary programs as alternatives to incarceration, mandated caps on sentence placements, and changes to parole terms will all serve to drive the commitment, detention, and parole caseloads down.
- Senate Bill 19-108 created the Juvenile Justice Reform Committee, which is tasked with developing assessment and screening tools for risk and needs, mental health needs, and diversion program eligibility. It also requires the development of a length-of-stay matrix for commitment populations to determine when committed youths are eligible for release. It requires the Working Group for Criteria for the Placement of Juvenile Offenders to create a screening tool to determine whether a juvenile should receive a sentencing alternative to detention. The bill also allows for and funds juvenile diversion program contracts, and makes changes to the juvenile probation system. It is anticipated that the bill will decrease the number of commitments to DYS, the parole caseload, and detentions. Additionally, it is expected to reduce the length of stay for committed youths.

Note, however, a number of elements provide some upward pressure on the size the committed population, which could contribute to a slowing in the degree of decline. Juvenile delinquency court filings had consistently declined every year between 2000 and 2017 (with the exception of FY 2015 when filings increased slightly, by 1.7%). However, the degree of decline slowed to less than half a percent (0.3%) in FY 2018, followed by a very slight increase (0.2%) in FY 2019. If the declining trend in delinquency filings stabilizes or reverses, the decline in the committed population will likely slow as well.

In addition, the proportion of commitments made up of aggravated offenders and recommitments to DYS is increasing, both of which contribute to increases in average length of stay. There is also an increased use of and demand for high-security placements, and fewer youth are being paroled early such that many are serving most, if not all, of their sentences.

Table 16 summarizes the actual year-end ADP and new commitment figures for fiscal years 2015 through 2019, and the current forecasts through FY 2024. Table 17 presents the projected quarterly YTD

¹⁴ Colorado Department of Local Affairs, State Demography Office, accessed 12/28/2019, <https://demography.dola.colorado.gov/population/data/>.

ADP. The historical ADP from FY 2015 through FY 2019 and the projected ADP through FY 2024 are depicted in Figure 8. Figure 9 displays historical new commitments to DYS since FY 2015, and projected new commitments through FY 2024.

Table 16: DCJ January 2019 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2016 through FY 2023

| Fiscal Year End | YTD ADP¹ Forecast | Annual Growth | Annual New Commitments | Annual Growth |
|------------------------|-------------------------------------|----------------------|-------------------------------|----------------------|
| 2015* | 740.0 | -7.2% | 410 | -13.5% |
| 2016* | 692.6 | -6.4% | 381 | -7.1% |
| 2017* | 651.1 | 6.0% | 381 | 0.0% |
| 2018* | 646.8 | -0.7% | 396 | 3.9% |
| 2019* | 577.6 | -10.7% | 291 | -26.5% |
| 2020 | 476.9 | -17.4% | 230 | -21.1% |
| 2021 | 446.1 | -6.4% | 213 | -7.1% |
| 2022 | 428.1 | -4.0% | 202 | -5.5% |
| 2023 | 416.6 | -2.7% | 197 | -2.3% |
| 2024 | 408.8 | -1.9% | 196 | -0.4% |

¹ Year to date average daily population.

*Actual average daily population. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

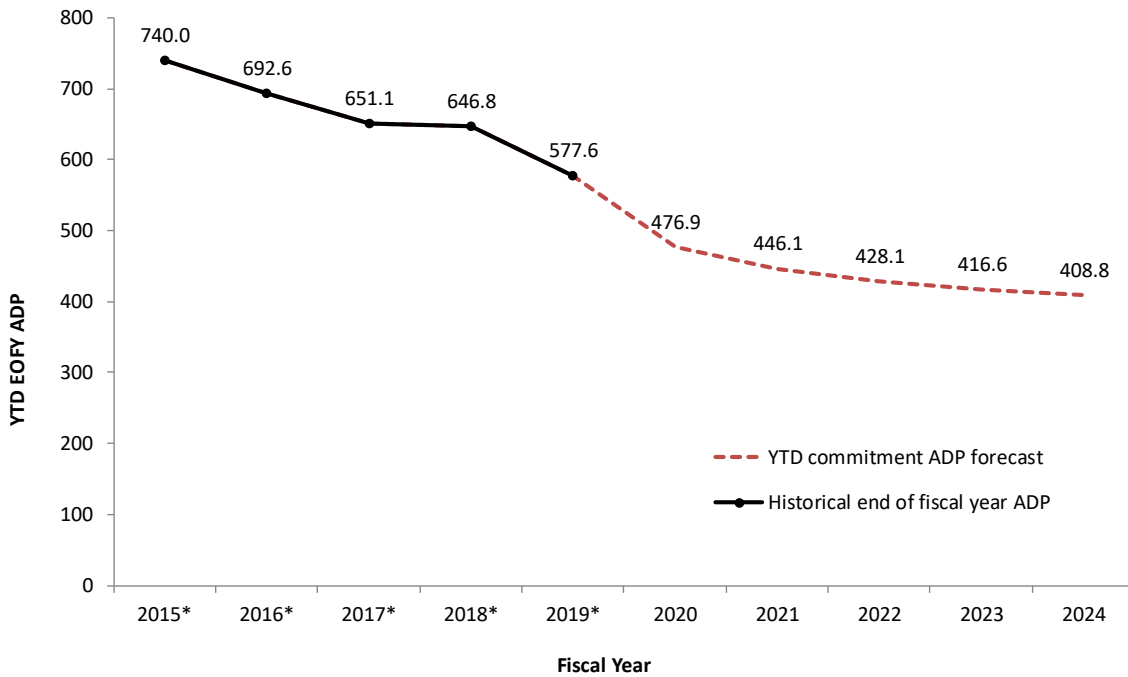
Table 17: DCJ January 2020 quarterly juvenile commitment average daily population forecast, FY 2019 through FY 2024

| Fiscal Year | Quarter Ending | YTD ADP¹ Forecast | Quarterly Growth |
|--------------------|-----------------------|---|-----------------------------|
| 2019* | June, 2019* | 577.6 | -1.9% |
| 2020* | September, 2019* | 504.5 | -12.7% |
| 2020 | December, 2019 | 491.2 | -2.6% |
| 2020 | March, 2020 | 483.0 | -1.7% |
| 2020 | June, 2020 | 476.9 | -1.3% |
| 2021 | September, 2020 | 444.4 | -6.8% |
| 2021 | December, 2020 | 444.7 | 0.1% |
| 2021 | March, 2021 | 441.6 | -0.7% |
| 2021 | June, 2021 | 446.1 | 1.0% |
| 2022 | September, 2021 | 436.2 | -2.2% |
| 2022 | December, 2021 | 432.1 | -0.9% |
| 2022 | March, 2022 | 426.4 | -1.3% |
| 2022 | June, 2022 | 428.1 | 0.4% |
| 2023 | September, 2022 | 424.1 | -0.9% |
| 2023 | December, 2022 | 420.1 | -1.0% |
| 2023 | March, 2023 | 415.6 | -1.1% |
| 2023 | June, 2023 | 416.6 | 0.3% |
| 2024 | September, 2023 | 418.4 | 0.4% |
| 2024 | December, 2023 | 414.4 | -1.0% |
| 2024 | March, 2024 | 409.6 | -1.2% |
| 2024 | June, 2024 | 408.8 | -0.2% |

¹ Year to date average daily population.

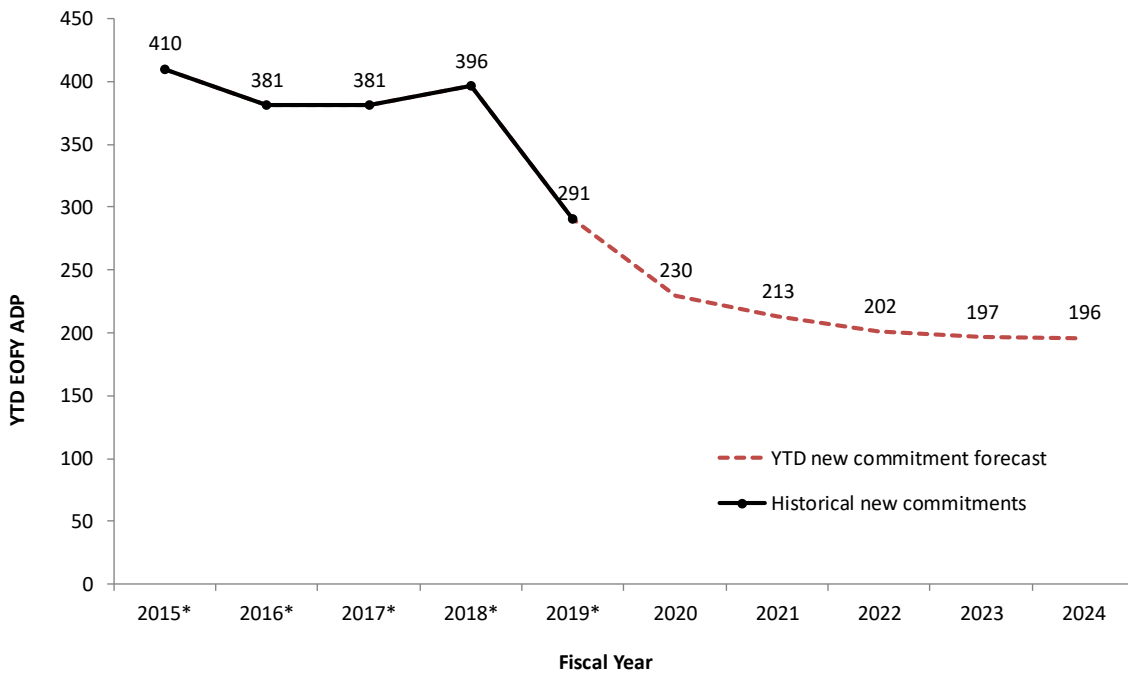
*Actual average daily population figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 8: Historical and projected year-end year to date juvenile commitment average daily population FY 2015 through FY 2024



Note: FY 2015-2019 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Management Reference Manuals and Monthly Population Reports. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 9: Historical and projected annual new juvenile commitments FY 2015 through FY 2024



Note: FY 2015-2019 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE PAROLE CASELOAD FORECAST

In correspondence with the commitment population, the parole average daily caseload consistently declined between fiscal years 2011 and 2018 with the exception of a very small (0.4%) increase in FY 2016. While the end-of-year ADC for FY 2019 increased by 1.8% over that at year-end in FY 2018, figures through the second half of FY 2019 and the first half of FY 2020 indicate a return to a continuous decline.¹⁵ Based on these figures and expectations for the committed population, the caseload is expected to decline 9.8% by the end of FY 2020, and by an additional 19.5% during FY 2021. The caseload is expected to experience continuing declines averaging 5.0% per year through FY 2024, reaching an ADC of 134.1.

Table 18 summarizes the historical ADC since 2015, and the projected ADC through FY 2024. These figures are also graphically displayed in Figure 10.

Table 18: DCJ January 2019 juvenile parole year-end average daily caseload forecast, FY 2015 through FY 2024

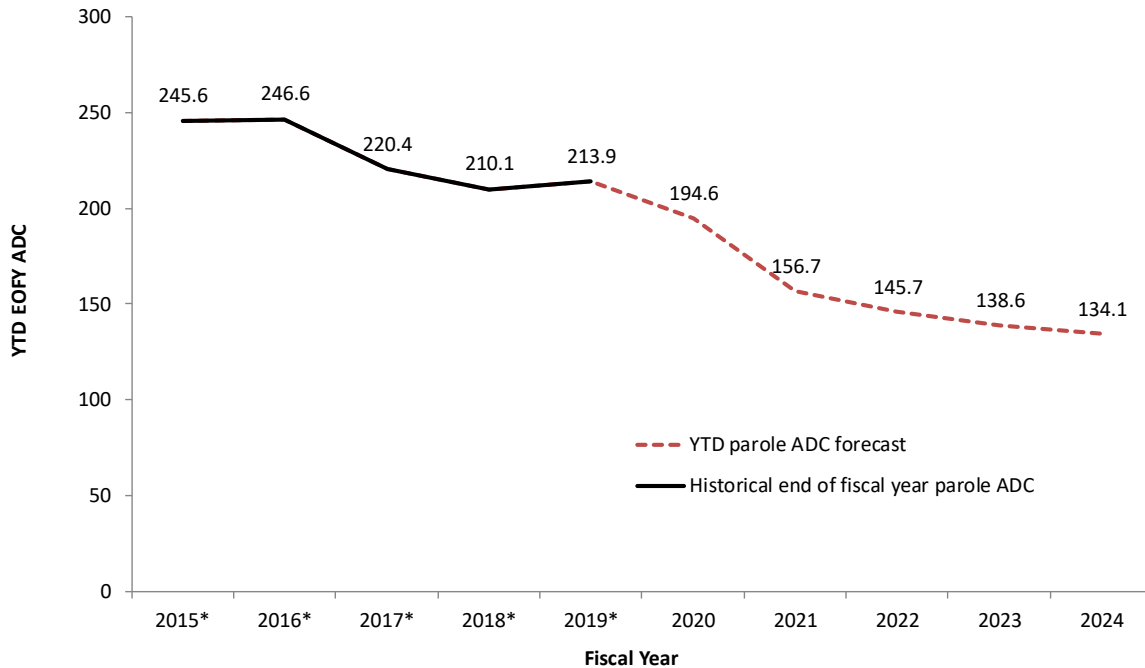
| Fiscal Year End | YTD ADC ¹ Forecast | Annual Growth |
|-----------------|-------------------------------|---------------|
| 2015* | 245.6 | -12.7% |
| 2016* | 246.6 | 0.4% |
| 2017* | 220.4 | -10.6% |
| 2018* | 210.1 | -4.7% |
| 2019* | 213.9 | 1.8% |
| 2020 | 194.6 | -9.0% |
| 2021 | 156.7 | -19.5% |
| 2022 | 145.7 | -7.0% |
| 2023 | 138.6 | -4.9% |
| 2024 | 134.1 | -3.2% |

¹ Year to date average daily caseload.

* Actual ADC figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

¹⁵Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 10: Historical and projected juvenile parole year-end average daily caseload FY 2015 through FY 2024



Note: FY 2015-FY 2019 data points represent actual average daily caseload figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE DETENTION POPULATION FORECAST

While the juvenile detention ADP declined in both fiscal years 2016 and 2017, the population increased slightly (2.2%) in FY 2018. However, the ADP declined again (by 3.4%) in FY 2019. Figures for early FY 2020 indicate a continuing and slightly greater decline. Based on this trend and the additional factors outlined below, the detention ADP is expected to decrease 4.8% in FY 2020, reaching 241.7 by year-end. Small but consistent decreases are expected in each of the following four years. Between the ends of FY 2019 and FY 2024 the ADP is expected to fall by 10.8%, from 253.9 to 226.4.

Many of the same factors influencing the commitment and parole populations and described previously in this section influence the detention ADP, in particular the passage of Senate Bill 19-108, Colorado demographics and population growth, and trends in probation revocations. Senate Bill 19-108 additionally limits the use of detention to only those children who either pose a substantial risk of serious harm to others, or that are a flight risk from prosecution.

As previously stated, juvenile probation revocations have consistently fallen each year, most notably by 18.5% in FY 2019. Additionally, the proportion of these revocations resulting in a sentence to detention has steadily fallen, from 50.6% in FY 2016 to 15.8% in FY 2017 to 38.6% in FY 2018.¹⁶

The passage of Senate Bill 19-210 reduces the DYS detention cap from 382 beds to 327 beds. The monthly detention ADP has remained substantially below this lowered cap for over the past 7 years. Therefore, this legislation confers minimal impact to this forecast.

Table 19 summarizes the actual year-end detention ADP for fiscal years 2015 through 2019 and the projected ADP through FY 2024, while Table 20 presents the projected quarterly detention YTD ADP throughout fiscal years 2020 to 2024. The historical detention year-end ADP from FY 2015 through FY 2019 and the projected ADP through 2024 are graphically displayed in Figure 11.

Table 19: DCJ January 2019 juvenile detention fiscal year-end average daily population, FY 2015 through FY 2024

| Fiscal Year End | YTD ADP ¹ Forecast | Annual Growth |
|-----------------|-------------------------------|---------------|
| 2015* | 281.8 | 1.4% |
| 2016* | 275.0 | -2.4% |
| 2017* | 257.1 | -6.5% |
| 2018* | 262.8 | 2.2% |
| 2019* | 253.9 | -3.4% |
| 2020 | 241.7 | -4.8% |
| 2021 | 236.3 | -2.2% |
| 2022 | 230.8 | -2.4% |
| 2023 | 228.1 | -1.1% |
| 2024 | 226.4 | -0.8% |

¹ Year to date average daily population.

*Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

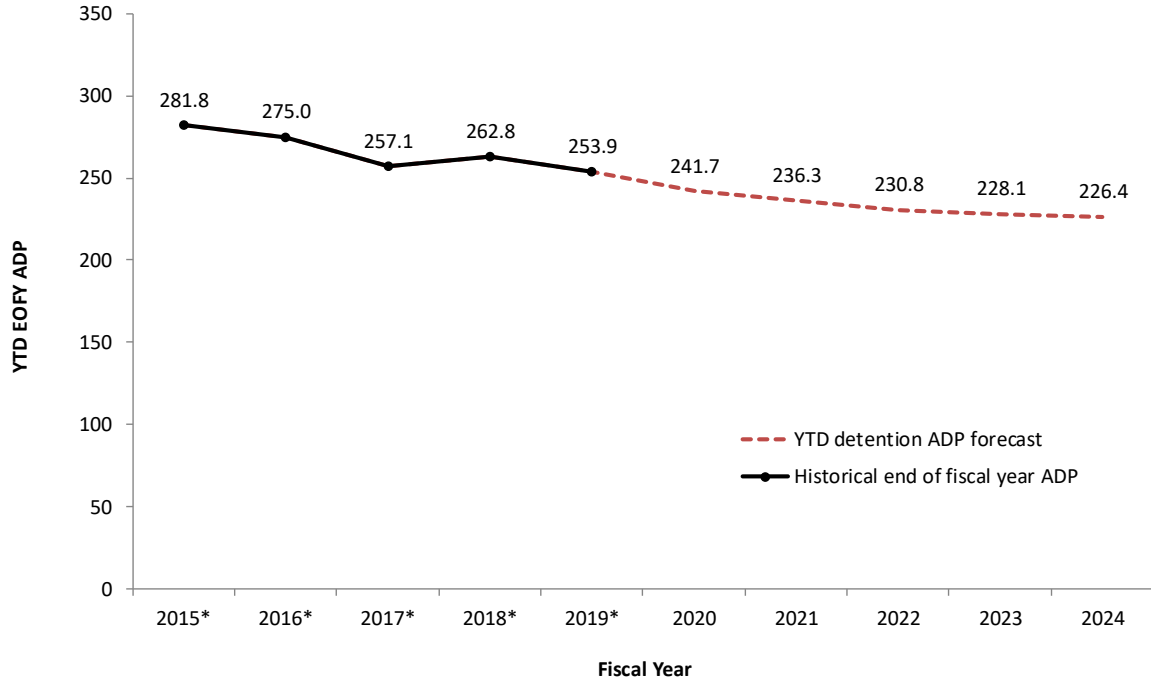
¹⁶ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

Table 20: DCJ January 2019 quarterly juvenile detention average daily population forecast, FY 2019 through FY 2024

| Fiscal Year | Quarter Ending | YTD ADP¹ Forecast | Quarterly Growth |
|--------------------|-----------------------|---|-----------------------------|
| 2019 | June, 2019* | 253.9 | 0.4% |
| 2020 | September, 2019* | 230.8 | -9.1% |
| 2020 | December, 2019 | 240.7 | 4.3% |
| 2020 | March, 2020 | 240.3 | -0.2% |
| 2020 | June, 2020 | 241.7 | 0.6% |
| 2021 | September, 2020 | 233.8 | -3.3% |
| 2021 | December, 2020 | 237.4 | 1.5% |
| 2021 | March, 2021 | 235.6 | -0.8% |
| 2021 | June, 2021 | 236.3 | 0.3% |
| 2022 | September, 2021 | 234.2 | -0.9% |
| 2022 | December, 2021 | 233.8 | -0.2% |
| 2022 | March, 2022 | 230.7 | -1.3% |
| 2022 | June, 2022 | 230.8 | 0.0% |
| 2023 | September, 2022 | 226.9 | -1.7% |
| 2023 | December, 2022 | 227.8 | 0.4% |
| 2023 | March, 2023 | 226.9 | -0.4% |
| 2023 | June, 2023 | 228.1 | 0.5% |
| 2024 | September, 2023 | 225.7 | -1.1% |
| 2024 | December, 2023 | 225.4 | -0.2% |
| 2024 | March, 2024 | 224.9 | -0.2% |
| 2024 | June, 2024 | 226.4 | 0.7% |

¹ Year to date average daily population. * Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Figure 11: Historical and projected juvenile detention year-end average daily population
FY 2015 through FY 2024**



Note: FY 2015-2019 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Appendix A

Legislation Affecting Prison Population Management

LEGISLATION AFFECTING PRISON POPULATION MANAGEMENT

Prisoners in Colorado are subject to many different sentencing laws, the most significant of which dates back to 1979 with H.B. 1589. Many of the ensuing changes in legislation have affected the size of the prison population, particularly House Bill 1320, passed in 1985. Changes to parole laws in the 1990s significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. Several pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations. These sentencing laws are outlined below.¹⁷

- ❑ In 1979, House Bill 1589 changed sentences from indeterminate to determinate terms and made parole mandatory at one-half (the mid-point) the sentence served.
- ❑ In 1981, House Bill 1156 required that the courts sentence offenders above the maximum of the presumptive range for “crimes of violence” as well as for crimes committed with aggravating circumstances.
- ❑ In 1985, House Bill 1320 doubled the maximum penalties of the presumptive ranges for all felony classes and mandated that parole be granted at the discretion of the Parole Board. As a result of this legislation, the average length of stay projected for new commitments nearly tripled from 20 months in 1980 to 57 months in 1989. In addition, parole became discretionary which contributed to increased lengths of stay. After the enactment of H.B. 1320, the inmate population more than doubled over the next five years.
- ❑ In 1988, Senate Bill 148 changed the previous requirement of the courts to sentence above the maximum of the presumptive range to sentencing at a minimum the mid-point of the presumptive range for “crimes of violence” and crimes associated with aggravating circumstances.
- ❑ In 1989, several class five felonies were lowered to a newly created felony class six with a presumptive penalty range of one to two years through the passage of Senate Bill 246.
- ❑ In 1990, House Bill 1327 doubled the maximum amount of earned time that an offender is allowed to earn while in prison from five to ten days per month. In addition, parolees were allowed to accumulate earned time while on parole. This legislation reduced time spent on parole as well as reduced the length of stay for offenders who discharged their sentence.

¹⁷ Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4-22). Colorado Springs, CO: Department of Corrections.

- ❑ In 1990, Senate Bill 117 modified life sentences for first-degree felony convictions to “life without parole.” The previous parole eligibility occurred after 40 calendar years were served. This affected sentences for crimes committed after September 20, 1991.
- ❑ In 1993, House Bill 1302 reduced the presumptive ranges for certain non-violent class 3 through class 6 felonies and added a split sentence mandating a period of parole for all crimes following a prison sentence. This legislation also eliminated earned time awards while on parole.
- ❑ Sentencing for habitual offenders was also changed in 1993 with House Bill 1302. This bill revised the sentence for repeat offenders convicted of class 1 through class 5 felonies. Offenders who have twice been convicted of a previous felony are subject to a term of three times the maximum of the presumptive range of the current felony conviction. Those who have received three prior felony convictions are sentenced to four times the maximum of the presumptive range of the current felony conviction. Additionally, any offender previously sentenced as a habitual offender with three prior convictions, and thereafter convicted of a crime of violence, is subject to a life sentence with parole eligibility after 40 calendar years.¹⁸
- ❑ In 1993, Senate Bill 9 created the provision for certain juvenile offenders to be prosecuted and sentenced as adults, and established the Youthful Offender System (YOS) within the Department of Corrections (DOC). Initially, 96 beds were authorized, with the construction of a YOS facility with a capacity of 480 beds approved.
- ❑ In 1994, Senate Bill 196 created a new provision for habitual offenders with a current conviction of any class one or two felony, or any class three felony that is defined as a crime of violence, and who have been previously convicted of these same offenses twice. This “three strikes” legislation requires that these offenders be sentenced to a term of life imprisonment with parole eligibility in forty calendar years.
- ❑ In 1995, House Bill 1087 reinstated earned time provisions for certain non-violent offenders while on parole. This legislation was enacted in part as a response to the projected parole population growth resulting from the mandatory parole periods established by H.B. 93-1302.
- ❑ In 1996, House Bill 1005 broadened the criminal charges eligible for direct filings of juveniles in adult court and possible sentencing to the YOS. This legislation also lowered the age limit of juveniles eligible for direct filing and sentencing to YOS from 14 to 12 years of age.

¹⁸ Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- House Bill 98-1160 applied to offenses occurring on or after July 1, 1998, mandating that every offender must complete a period of parole supervision after incarceration. A summary of the major provisions that apply to mandatory parole follows:
 - Offenders committing class 2, 3, 4 or 5 felonies or second or subsequent class 6 felonies, and who are revoked during the period of their mandatory parole, may serve a period up to the end of the mandatory parole period while incarcerated. In such a case, one year of parole supervision must follow.
 - If revoked during the last six months of mandatory parole, intermediate sanctions including community corrections, home detention, community service or restitution programs are permitted, as is a re-incarceration period of up to twelve months.
 - If revoked during the one year of parole supervision, the offender may be re-incarcerated for a period not to exceed one year.

- House Bill 98-1156 concerned the lifetime supervision of certain sex offenders, and is referred to as the 'Colorado Sex Offender Lifetime Supervision Act of 1998'. A number of provisions in the bill addressing sentencing, parole terms, and parole conditions are summarized below:
 - For certain crimes,¹⁹ a sex offender shall receive an indeterminate term of at least the minimum of the presumptive range specified in 18-1-105, C.R.S. for the level of offense committed and a maximum of the sex offender's natural life.
 - For crimes of violence,²⁰ a sex offender shall receive an indeterminate term of at least the midpoint in the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.
 - For sex offenders eligible for sentencing as a habitual sex offender against children (pursuant to 18-3-412, C.R.S.), the sex offender shall receive an indeterminate term of at least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

¹⁹ Such crimes are defined in CRS § 18-1.3-10, and include the following: Sexual assault, as described in section 18-3-402; sexual assault in the first degree, as described in section 18-3-402 as it existed prior to July 1, 2000; Sexual assault in the second degree, as described in section 18-3-403 as it existed prior to July 1, 2000; Felony unlawful sexual contact as described in section 18-3-404; Felony sexual assault in the third degree, as described in section 18-3-404 (2) as it existed prior to July 1, 2000; Sexual assault on a child, as described in section 18-3-405; Sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; Aggravated sexual assault on a client by a psychotherapist, as described in section 18-3-405.5(1); Enticement of a child, as described in section 18-3-305; Incest, as described in section 18-6-301; Aggravated incest, as described in 18-6-302; Patronizing a prostituted child, as described in section 18-7-406; Class 4 felony internet luring of a child, in violation of section 18-3-306(3); Internet sexual exploitation of a child in violation of section 18-3-405/4; Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

²⁰ Defined by CRS § 18-1.3-406.

- o The period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life.
 - o The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least 20 years and a maximum of the sex offender's natural life.
- In 2003, Senate Bill 252 allowed the Parole Board to revoke an individual who was on parole for a nonviolent class 5 or class 6 felony, except in cases of menacing and unlawful sexual behavior, to a community corrections program or to a pre-parole release and revocation center for up to 180 days. This bill also allowed DOC to contract with community corrections programs for the placement of such parolees. Additionally, the bill limited the time a parolee can be revoked to the DOC to 180 days for a technical revocation, provided that the parolee was serving parole for a nonviolent offense. Finally, this bill repealed the requirement of an additional year of parole if a parolee is revoked to prison for the remainder of the parole period (originally effected by H.B. 98-1160).
 - House Bill 04-1189 lengthened the amount of time that must be served prior to parole eligibility for violent offenders.²¹ First time offenders convicted of a violent offense must serve 75% of their sentence less any earned time awarded. If convicted of a second or subsequent violent offense, the full 75% of their sentence must be served.
 - Also in 2004, Senate Bill 04-123 recognized the YOS as a permanent program by eliminating the repeal date.
 - In 2008, House Bill 1352 modified the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants, and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities.
 - Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.

²¹ As defined by CRS § 18-1.3-406.

- ❑ House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25% to 30% of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.
- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).
- ❑ House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, the bill allows prisoners re-incarcerated for technical parole violations to accrue earned time. Any cost

savings are to be reinvested into vocational and educational programming inside prison and reentry support services for people on parolee.

- ❑ House Bill 14-1355 provided over \$8 million in funding and 78.4 FTE per year for reentry programs for adult parolees. These funds are to develop and implement programs to assist inmates to prepare for release to the community as well as provide equipment, training, and programs to better supervise offenders in the community.
- ❑ Senate Bill 15-124 narrows the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate and alternative sanctions to address noncompliance with conditions of parole. Such sanctions can include a short-term period of jail confinement and referral to treatment or other support services.
- ❑ House Bill 15-1122 stipulated that an offender is ineligible for parole if he or she has been convicted of certain penal discipline violations or failed to participate in required programs.
- ❑ Senate Bill 16-180 required CDOC to develop and implement a specialized program for juveniles convicted as adults and sentenced to an adult prison. Additionally, Senate Bill 16-181 allowed juveniles sentenced for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, to be re-sentenced to life with the possibility of parole.
- ❑ House Bill 17-1308 removed the mandatory imposition of certain parole conditions related to changes of residence, drug testing, personal contacts and payment of restitution.
- ❑ House Bill 17-1326 lowered parole revocation terms for certain parolees from 180 days to 30 or 90 days, dependent on conviction crimes. Additionally, the bill changed the maximum time a revoked parolee can be held in the preparole release and revocation facility from 180 to 90 days and repealed the Department of Corrections' authority to operate community return-to-custody facilities. Finally, it directed the Parole Board to conduct parole release review in lieu of a hearing for certain low-risk inmates.
- ❑ House Bill 18-1029 lowers mandatory parole periods from five years to three years for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.
- ❑ House Bill 18-1109 expands the existing eligibility requirements for special needs parole, and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs offender categories from 60 to 55 years and older, and adds a category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.
- House Bill 18-1410 requires that DOC track the prison bed vacancy rate at in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.
- Senate Bill 19-143, signed into law May 28, 2019, makes various changes to prison population management options, reentry services, parole, and facility security level designations. Most

relevantly, parole revocations to DOC for determinate periods are eliminated, and the circumstances under which a parolee may be revoked for a technical parole violation are severely limited. In addition, the Bill attempts to accelerate releases of low and medium risk parole-eligible inmates by allowing the DOC to submit to the board a list of low and medium risk parole-eligible inmates with an approved parole plan for board review within 30 days. Further, the bill requires a majority vote by the full board to deny parole for an inmate assessed as low or very low risk with an approved parole plan and a recommended release.

In addition to legislation specifically impacting sentencing laws and parole requirements, new laws affecting prison admissions and sentence lengths are introduced every year. Many of these may result in an increase or a decrease in the number of individuals sentenced to DOC, or the length of their prison sentences. Collectively they may have a significant impact on the size of future prison populations. These changes in legislation are taken into account in the development of prison population forecasts.