Comprehensive Sentencing Task Force

November 9th, 2010, 1:30-4:30PM

710 Kipling, 3rd Floor Conference Room

ATTENDEES:

CHAIR

Jeanne Smith/Division of Criminal Justice

TASK FORCE MEMBERS

Carl Blesch, Division of Criminal Justice

Christie Donner/Criminal Justice Reform Coalition

Charles Garcia/Denver Crime Prevention & Control Commission

Claire Levy/State Representative

Gil Martinez/District Court Judge (phone)

J.P. Moore/DA 17th Judicial

Pete Hautzinger/DA 21st Judicial (phone)

Tom Quinn/Director of Probation Services

Celeste Quinones, Parole Board

Mark Scheffel, Senator

Dianne Tramutola-Lawson/CURE

Doug Wilson/State Public Defender

STAFF

Paul Herman/Center for Effective Public Policy

Peg Flick/ Division of Criminal Justice

Linda Harrison/ Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

ADDITIONAL ATTENDEES

Miles Madorin

Ken Tomlinson

Mark Evans

Kathy Isor

Haley Wilmer

ABSENT

Jeaneene Miller/DOC Division of Parole

John Suthers/Attorney General

Joe Cannata/Voices of Victims

Jason Middleton/ Public Defender/Appellate Division

Joe Pelle/Sheriff, Boulder County

Issue/Topic: Welcome and Introductions	**Discussion:** Jeanne Smith opened the meeting with introductions and an overview of the meeting. Gil Martinez and Pete Hautzinger attended by phone.

Issue/Topic:	**Discussion:**
Report Back - **Theft Analysis**	DCJ researcher Linda Harrison reports to the group on theft statutes and analysis of crimes under subsections 18-4-401 (please see attached 9 tables). Linda reviews the nine tables and informs the group that the data was provided through Judicial's ICON system. *Data Discussion Points* • 'Hispanic' and 'White' designations need to be reviewed with caution and are problematic. The data is accurate bit doesn't accurately reflect the ethnicities coming into the system. This is pulled from law enforcement data and does not break out 'Hispanic' from 'Caucasian'. This problem is not unique to Colorado, this is how the FBI collects and reports data. • Table 6 and 7 – The 2nd judicial district doesn't have misdemeanors M1s, 2s and 3s filings from county court are excluded. • It's good to note what data sets can and cannot show. In looking at the data results, what does this kind of information tell us? What jumps out at you? *Data Discussion Points* • There are relatively few at risk adult case filings compared to others • The theft range between $1,000 and $20,000 is problematic • The arbitrary delineations we have in statute don't accurately identify the crime. • Table 1 - 65% of the cases are misdemeanors, 35% felonies • There are a high percentage of women in the theft categories and higher percentages for women than men in the Felony 3 category
Report Back – **Value Thresholds**	DCJ researcher Kerry Cataldo compiled 'value threshold' information that looks at thresholds state to state. Colorado is listed at the top and the other states are listed underneath (please see attached table). *Data Discussion Points* • Texas – You can be sentenced to the county jail up to two years.

Action	- Florida – Not much significant here, just different - Ohio – the range of punishment is huge, you won't do as much time in Ohio - Washington – like Colorado, there are only 2 categories, but threshold values are lower - Arizona – Has a complicated sentencing scheme and offenders will do 85% of their sentence - Connecticut – Has 3 values - Basically, with these numbers we can compare categories and thresholds and range of punishment. Colorado is not out of line in terms of what other states are doing. - In looking at this data what conclusions do you come to? It's not worth looking at; there are so many variables once you dig into the numbers. - Longer prison sentences are related to more value taken but not necessarily assessment

Issue/Topic:	**Discussion:**
Report Back – **Restitution ordered vs. collected**	Tom Quinn provides a handout to the group regarding Restitution Ordered and Collected on All Theft Cases Sentenced between 7-1-2005 thru Present.
Action	*Data Discussion* - The numbers show that there is a lot of restitution ordered - Whether restitution is added at sentencing or later it is reflected in the chart - The 2nd chart addresses total percent of restitution paid during that time. This reflects how much was *paid* no matter how much was *ordered*. - For those ordered to pay, the biggest bulk for those who have paid is in the $1 to $500 range. The $1 to $500 could include the DOC offenders. - 18 people paid $100,000 or more. - Are there any 'Ns'? Tom says didn't include them because the charts were pretty busy as it was. - Deferred sentences are included under probation, if deferred is unsupervised it's under the "unsupervised" category. - These numbers reflect people who had a theft conviction under 18-4-401 and were ordered to pay restitution. The average offender paid 16% of restitution. Folks on diversion or unsupervised are more likely to pay their restitution. - There is a valid point here. What is the goal of a criminal theft charge? Is it to make the victim whole? Is it to collect the amount owed? Is restitution on theft collected different than in any other categories? - Can we have misdemeanants removed from this chart? Seems to be mixing apples and oranges. - It's difficult to detect how much restitution was paid in DOC, at Comm. Corr. or on probation.

- Since the data reflects open cases it's not exactly accurate.
- Can we do this on a cohort of concluded cases? That wouldn't be accurate either as cases often go to collections once an offender is 'off paper'.
- The offenders who stole the most money, get the most severe sentence, which also means they're less likely to pay back because they're in DOC.
- **This is a good policy question** - Would it be better not to incapacitate so an offender is more likely and has the ability to pay back the money?
- Table 2 – Gives the mean, median and high range for each of these sentences.
- The final chart – shows the average percent collected by type of sentence. Those with larger amounts have paid a smaller percentage as it's often more of a challenge.
- Again, there's a lot of restitution that gets collected through private parties.
- Another thing to keep in mind is to track MEDIAN numbers. On the charts that break down average percent collected per offender, agency and sentence type make sure to look at the median. Averages can be weird if say 2 people are ordered to pay a million bucks. Median is important.

Are there any lessons learned from asking about data regarding restitution?
Discussion
- You don't know what you're going to find until you look at the data.
- Know what you want and why you want it before you get the data
- This data excludes payment for anything else.. fines, fees, just restitution only
- As we refine our skills in this, the more specific we are in terms of our questions, the better off we are.

Issue/Topic:	Discussion:
Sunrise Review Process **Action**	Representative Claire Levy reports back to the task force on the conclusions her small working group came to regarding a proposed Sunrise Review Process. The working group consisted of Charlie Garcia, Christie Donner, Tom Raynes and staff from Legislative Council. The group met yesterday (Nov. 8th) to discuss this issue. *Discussion* - The group met to talk about what to do regarding the problem of new legislation that doesn't necessarily address a true problem, but instead clogs up the statute book. This takes into account the incidences of 'designer offenses' that come up out of a particular circumstance, a high profile case, etc. - The group discussed a possible formalized review process or maybe a way to codify some criteria to be considered when bills are being passed. - The group came up with a recommendation that before someone goes

to committee on a bill there must be a fiscal note and analysis presented to Legislative Council. Leg. Council would then determine if the bill should move forward.
- Leg. Council says they may need some additional resources to do this.
- The process would go something like this –
    - A new theft bill gets introduced, goes to CDAC, DOC, Judicial, public defenders. These stakeholders would be asked "Can you charge this crime under existing statutes?" Each party would have a list of predetermined questions and they would know what topics need to be addressed.
    - Then all parties would do a fiscal analysis and say if there are other statutes where this could be filed. How many times in the last five years has this occurred and have we not been able to adequately address the situation in the past.
    - It would be kind of a codified "10 commandments" before legislation passes
    - Basically **is this new law needed and is the classification appropriate?**
    - The goal is to get clarity around new legislation and have a statement as to where the proposed legislation fits in the existing legislation and is there consistency with current statute?
    - The goal of this process would be to find out 'is this new bill in the interest of public safety'? There would be objective info that doesn't come from a proponent or opponent.
    - The hope is that legislators would do some self analysis around new legislation.
    - This would need a statutory change.

Does this group want to move this recommendation forward to the Commission? Rather than calling this a 'Sunrise Review' we will call this something like "Additional analysis and information for the legislature".

We would ask Leg. Council to take a more formal role , ask specific question about new legislation, and provide a separate note in addition to the fiscal note.

The task force takes a vote-
Support -7
Live with-6
Cannot support-0

This recommendation will be informally presented to the Commission during its November meeting this week, and then formally presented to the Commission for a vote in December.

Issue/Topic:	Discussion:
Next steps **Action**	What are the next steps we need to go through at this point? What do we need to do as our work moves forward? Jeanne asks Judge Martinez to talk to the group about what is really happening during a sentencing, what is the judge looking at when sentencing a theft case? *Judge Martinez feedback* - Regarding thefts - Judges look at amounts stolen and tie that into the ability to pay restitution, and is it going to be realistic restitution. The amount stolen will really determine how LONG probation will be. If it's a significant amount, the length of probation will be longer. - Judges also look at WHAT was stolen? For example, if drugs or pharmaceuticals were stolen that brings up other issues that the offender may have. - We look at prior record, has this happened before? - Was restitution paid up front, or CAN restitution be paid up front – which relates to how much can a person be rehabilitated - We look at victim's desire, they're main concern is usually that they want to be 'made whole' (i.e., financially). - Is this a series of transactions or a single transaction? - Are there substance abuse issues? - What is the employment history (which is also tied to restitution) - We know there is not usually a lot of physical community safety issues in theft crimes - We also have to temper this with did the person make bond prior to sentencing and have they made restitution? At the same time, we don't want to punish those who haven't made bail. We don't want to punish someone if they've been in custody and haven't had a chance to start paying restitution - Also, how big was the betrayal (a series of transactions)? - We will look at alternative sentences but we want to be practical as well. - The more deliberation the higher the responsibility of the defendant - One different thing about theft is that there are fewer community safety to worry about - Theft is uncomplicated. You're talking about amounts, etc. For a judge it's an uncomplicated sentence. - There are no statutory constraints that affect theft sentences - What about an employed thief who can pay back vs. someone unemployed who can't pay back? A judge would probably give them both probation, but a lot of it goes back to good faith effort. - Regardless, we can't set an offender up to fail. However, they do have to make a good faith effort. - Do you ever convert restitution to community service? Judges would usually rather waive fees that go to community service and put that

toward restitution.
- A judges primary goal in these cases is to get restitution to the victims.
- Someone shouldn't go to prison just because they're unemployed and can't pay restitution.
- More experienced judges are a little more realistic at looking at conditions and not overloading a person. New judges are often a little overzealous with the conditions they put on an offender. New judges aren't often realistic. It takes a while for new PSIR writers to get there, too.

Jeanne asks Tom Quinn to talk to the group about what happens when Probation gets a theft case, what does staff consider on an individual for PSIR or initial intake.

Tom Quinn feedback
- When probation gets a theft case, 'risk' is an issue. Probation performs the LSI and if there is high risk then that's going to generate a little bit more of a public safety supervision plan. On the flip side, if they need a job or have mental health issues there will be more of a treatment oriented case plan.
- It's really a balancing act
- We want to limit the number of issues we give to an offender to work on. Don't load them up with 30 tasks to complete.
- Consider victim restoration always
- Sometime victim's request community service
- When looking at conditions, how much does the availability of resources factor in? You don't want to create a desirable condition that is impossible to implement
- Would a probationer in the metro area end up with different conditions than a rural probationer with fewer resources? Yes, all parties try to make the best possible sentence for the district. This is true for judges also.

Discussion Points – the group gives feedback on additional issues to be considered
- Prior record
- Victim's desires
- Substance abuse
- Employment record
- Bond prior to sentencing vs. in custody
- Language barriers with understanding conditions, ability to get a job and pay restitution.

Issue/Topic:	Discussion:

Adjourn and Next Meeting	The meeting adjourned at 4:30pm. The next meeting is set for December 9, 2010

Future Meeting Dates:

Date	Location	Time
December 9, 2010	690 Kipling, 1st floor conference room	1:30-4:30PM

Table 1: Most Serious Theft Filing Charges:
Cases January 2008 through September 2010

Law class	Law description	Number of Cases
F3	At-risk adult-theft $500 or more	3
	At-risk theft/series $500/more	4
	At-risk-theft-$500/more	76
	At-risk-theft/series-$500/more	12
	Theft $15,000 or more	89
	Theft $20,000 or more	205
	Theft-$10,000 or more	7
	Theft-$15,000 or more	12
	Theft-$15000 or more	24
	Theft-$20,000 or more	229
	Theft/series over $20,000	75
	Theft/series-$10,000 or more	4
	Theft/series-$20,000 or more	89
	Theft/series-over $10,000	1
	Theft/series-over $15,000	42
	Theft/series-over $20,000	1
	Total	873
F4	At-risk theft from the person	3
	At-risk theft-$500/more-att	1
	At-risk theft-$500/more-csp	2
	At-risk-theft from the person	12
	Attempt - theft $20,000 or more	12
	Attempt - theft/series over $20,000	1
	Conspiracy theft $20,000 or more	6
	Theft $1000-$20,000	1764
	Theft-$10,000 or more-att	1
	Theft-$1000-$20,000	3243
	Theft-$15,000 or more-csp	2
	Theft-$20,000 or more-att	4
	Theft-$20,000 or more-csp	2
	Theft-$200-$10,000	7
	Theft-$300-$10,000	63
	Theft-$400-$15,000	5
	Theft-$500-$15,000	434
	Theft/series - $1000-$20,000	486
	Theft/series-$1000-$20,000	799
	Theft/series-$200-$10,000	4
	Theft/series-$500-$15,000	94
	Theft/series-over $15,000-att	1
	Total	6946
F5	At-risk adult-theft under $500	4
	At-risk theft-less than $500	12
	At-risk-theft-less than $500	19
	Attempt - theft $1000-$20,000	91
	Attempt - theft/series $100-$20,000	3
	Conspiracy - theft $1000-$20,000	12
	Conspiracy - theft/series $1000-$20,000	4
	Theft $500-$15000	1
	Theft from the person	248
	Theft-$1000-$20,000-att	110
	Theft-$1000-$20,000-csp	22
	Theft-$200-$10,000-att	2
	Theft-$300-$10,000-att	1
	Theft-$500-$15,000-att	5
	Theft-$500-$15,000-csp	14
	Theft-from the person	12
	Theft/series-$1000-$20,000-att	9
	Theft/series-$1000-$20,000-csp	4
	Theft/series-$500-$15,000-csp	1
	Total	574

Table 1: Most Serious Theft Filing Charges:
Cases January 2008 through September 2010

Law class	Law description	Number of Cases
F6	Theft from the person-att	93
	Theft from the person-csp	3
	Total	96
M1	Theft $500-$1000	1163
	Theft-$500-$1000	2281
	Theft-$500-$1000-att	1
	Theft-under $100	2
	Total	3447
M2	Attempt - theft $500-$1000	51
	Conspiracy - theft $500-$1000	6
	Theft $500-$1000	1
	Theft under $500	3331
	Theft-$100-$400	78
	Theft-$100-$500	225
	Theft-$50-$200	133
	Theft-$50-$300	598
	Theft-$500-$1000-att	39
	Theft-$500-$1000-csp	11
	Theft-under $100	7
	Theft-under $500	6222
	Total	10702
M3	Unspecified	1
	Attempt - theft under $500	81
	Conspiracy - theft under $500	7
	Theft - under $100 - attempt	21
	Theft under $500	2
	Theft-$100-$500-att	3
	Theft-$100-$500-csp	1
	Theft-$50-$200-att	2
	Theft-$50-$300-att	33
	Theft-$50-$300-csp	4
	Theft-$500-$1000	1
	Theft-under $100	570
	Theft-under $100 (repealed 6/30/07)	12
	Theft-under $100-att	1
	Theft-under $100-csp	2
	Theft-under $50	180
	Theft-under $50-att	5
	Theft-under $500-att	113
	Theft-under $500-csp	26
	Total	1065

* Includes workrelease

** Includes community service, home monitoring, treatment, fees and fines.

Source: Includes CR and adult misdemeanor filings CY 2008-Sept. 2010.

Data exracted from ICON and analyzed by DCJ/ORS.

Filings from Denver county court are excluded.

Table 2. Most Serious Theft Filing Charges: Law Class by Gender
Cases January 2008 through September 2010

Class	Number of Cases	Percent of Cases	Women		Men	
			Count	%	Count	%
F3	873	3.7%	336	4.7%	532	3.2%
F4	6946	29.3%	2134	29.6%	4774	29.1%
F5	574	2.4%	149	2.1%	425	2.6%
F6	96	0.4%	20	0.3%	76	0.5%
M1	3447	14.5%	1055	14.6%	2384	14.5%
M2	10702	45.2%	3196	44.4%	7467	45.5%
M3	1065	4.5%	313	4.3%	749	4.6%
Total	23703	100.0%	7203	100.0%	16407	100.0%

Table 3. Most Serious Theft Filing Charges: Law Class by Race/Ethnicity
Cases January 2008 through September 2010

Class	Number of Cases	Percent of Cases	White		Black		Hispanic		Other	
			Count	%	Count	%	Count	%	Count	%
F3	873	3.7%	742	3.8%	56	2.7%	40	2.4%	34	6.0%
F4	6946	29.3%	5597	29.0%	669	32.2%	474	28.2%	190	33.6%
F5	574	2.4%	416	2.2%	92	4.4%	52	3.1%	14	2.5%
F6	96	0.4%	70	0.4%	15	0.7%	10	0.6%	1	0.2%
M1	3447	14.5%	2739	14.2%	340	16.4%	278	16.5%	86	15.2%
M2	10702	45.2%	8899	46.1%	800	38.6%	744	44.3%	226	39.9%
M3	1065	4.5%	861	4.5%	103	5.0%	82	4.9%	15	2.7%
Total	23703	100.0%	19324	100.0%	2075	100.0%	1680	100.0%	566	100.0%

Source: Includes CR and adult misdemeanor filings CY 2008-Sept. 2010.

Data exracted from ICON and analyzed by DCJ/ORS.

Filings from Denver county court are excluded.

Table 4. Most Serious Theft Conviction Charges: Law Class by Gender
Cases January 2008 through September 2010

Class	Number of Cases	Percent of Cases	Women		Men	
			Number of Cases	% of Cases	Number of Cases	% of Cases
F3	203	1.7%	86	2.1%	116	1.5%
F4	2297	19.3%	897	21.7%	1390	18.0%
F5	862	7.3%	269	6.5%	590	7.7%
F6	172	1.4%	51	1.2%	121	1.6%
M1	2111	17.8%	689	16.7%	1415	18.4%
M2	5102	43.0%	1735	42.1%	3354	43.5%
M3	1125	9.5%	399	9.7%	721	9.4%
Total	11872	100.0%	4126	100.0%	7707	100.0%

Table 5. Most Serious Theft Conviction Charges: Law Class by Race/Ethnicity
Cases January 2008 through September 2010

Class	Number of Cases	Percent of Cases	White		Black		Hispanic		Other	
			Count	%	Count	%	Count	%	Count	%
F3	203	1.7%	182	1.9%	9	0.9%	4	0.5%	8	2.7%
F4	2297	19.3%	1845	19.0%	222	23.2%	153	17.6%	74	25.0%
F5	862	7.3%	666	6.8%	108	11.3%	71	8.2%	16	5.4%
F6	172	1.4%	130	1.3%	22	2.3%	17	2.0%	3	1.0%
M1	2111	17.8%	1702	17.5%	200	20.9%	158	18.2%	49	16.6%
M2	5102	43.0%	4249	43.7%	325	33.9%	389	44.9%	124	41.9%
M3	1125	9.5%	950	9.8%	72	7.5%	75	8.7%	22	7.4%
Total	11872	100.0%	9724	100.0%	958	100.0%	867	100.0%	296	100.0%

Source: Data concerning adult felony and misdemeanor convictions in which the most serious conviction crime is
theft per CRS 18-4-401, cases CY 2008-September 2010 extracted from ICON and analyzed by DCJ/ORS.
Filings from Denver county court are excluded.

Table 6. Theft Convictions: Most Serious Law Class by Judicial District:
Cases January 2008 through September 2010

Judicial District	Number of cases	F3		F4		F5		F6		M1		M2		M3		Total %
		Count	% within district	Count	% within district	Count	% within district	Count	% within district	Count	% within district	Count	% within district	Count	% within district	
1	1508	21	1.4%	253	16.8%	89	5.9%	48	3.2%	235	15.6%	631	41.8%	231	15.3%	100%
2	898	49	5.5%	396	44.1%	176	19.6%	31	3.5%	222	24.7%	23	2.6%	1	0.1%	100%
3	101		0.0%	13	12.9%	7	6.9%		0.0%	15	14.9%	61	60.4%	5	5.0%	100%
4	1316	21	1.6%	333	25.3%	63	4.8%	1	0.1%	213	16.2%	552	41.9%	133	10.1%	100%
5	254	4	1.6%	48	18.9%	12	4.7%		0.0%	53	20.9%	119	46.9%	18	7.1%	100%
6	179	1	0.6%	34	19.0%	7	3.9%		0.0%	32	17.9%	88	49.2%	17	9.5%	100%
7	214	6	2.8%	44	20.6%	16	7.5%		0.0%	31	14.5%	115	53.7%	2	0.9%	100%
8	1131	6	0.5%	155	13.7%	95	8.4%	2	0.2%	129	11.4%	503	44.5%	241	21.3%	100%
9	173	3	1.7%	46	26.6%	10	5.8%	1	0.6%	22	12.7%	85	49.1%	6	3.5%	100%
10	407	3	0.7%	79	19.4%	33	8.1%	2	0.5%	124	30.5%	152	37.3%	14	3.4%	100%
11	207	6	2.9%	30	14.5%	5	2.4%		0.0%	35	16.9%	114	55.1%	17	8.2%	100%
12	127	1	0.8%	7	5.5%	4	3.1%		0.0%	29	22.8%	57	44.9%	29	22.8%	100%
13	109	1	0.9%	27	24.8%	9	8.3%		0.0%	21	19.3%	47	43.1%	4	3.7%	100%
14	244	4	1.6%	21	8.6%	6	2.5%	2	0.8%	28	11.5%	133	54.5%	50	20.5%	100%
15	83		0.0%	3	3.6%	2	2.4%	1	1.2%	21	25.3%	50	60.2%	6	7.2%	100%
16	115		0.0%	10	8.7%	4	3.5%	1	0.9%	11	9.6%	72	62.6%	17	14.8%	100%
17	968	15	1.5%	116	12.0%	87	9.0%	73	7.5%	383	39.6%	222	22.9%	72	7.4%	100%
18	1130	32	2.8%	273	24.2%	94	8.3%	7	0.6%	150	13.3%	518	45.8%	56	5.0%	100%
19	683	7	1.0%	156	22.8%	41	6.0%	2	0.3%	92	13.5%	353	51.7%	32	4.7%	100%
20	1448	12	0.8%	133	9.2%	65	4.5%	1	0.1%	182	12.6%	911	62.9%	144	9.9%	100%
21	516	10	1.9%	110	21.3%	31	6.0%		0.0%	67	13.0%	268	51.9%	30	5.8%	100%
22	61	1	1.6%	10	16.4%	6	9.8%		0.0%	16	26.2%	28	45.9%		0.0%	100%
Total	11872	203	1.7%	2297	19.3%	862	7.3%	172	1.4%	2111	17.8%	5102	43.0%	1125	9.5%	100%

Source: Data concerning adult felony and misdemeanor convictions in which the most serious conviction crime is
theft per CRS 18-4-401, cases CY 2008-September 2010 extracted from ICON and analyzed by DCJ/ORS.
Filings from Denver county court are excluded.

Table 7. Theft Convictions: Most Serious Law Class by Judicial District:
Cases January 2008 through September 2010

Judicial District	Number of cases	F3		F4		F5		F6		M1		M2		M3		Total %
		Count	% within class	Count	% within class	Count	% within class	Count	% within class	Count	% within class	Count	% within class	Count	% within class	
1	1508	21	10.3%	253	11.0%	89	10.3%	48	27.9%	235	11.1%	631	12.4%	231	20.5%	12.7%
2	898	49	24.1%	396	17.2%	176	20.4%	31	18.0%	222	10.5%	23	0.5%	1	0.1%	7.6%
3	101		0.0%	13	0.6%	7	0.8%		0.0%	15	0.7%	61	1.2%	5	0.4%	0.9%
4	1316	21	10.3%	333	14.5%	63	7.3%	1	0.6%	213	10.1%	552	10.8%	133	11.8%	11.1%
5	254	4	2.0%	48	2.1%	12	1.4%		0.0%	53	2.5%	119	2.3%	18	1.6%	2.1%
6	179	1	0.5%	34	1.5%	7	0.8%		0.0%	32	1.5%	88	1.7%	17	1.5%	1.5%
7	214	6	3.0%	44	1.9%	16	1.9%		0.0%	31	1.5%	115	2.3%	2	0.2%	1.8%
8	1131	6	3.0%	155	6.7%	95	11.0%	2	1.2%	129	6.1%	503	9.9%	241	21.4%	9.5%
9	173	3	1.5%	46	2.0%	10	1.2%	1	0.6%	22	1.0%	85	1.7%	6	0.5%	1.5%
10	407	3	1.5%	79	3.4%	33	3.8%	2	1.2%	124	5.9%	152	3.0%	14	1.2%	3.4%
11	207	6	3.0%	30	1.3%	5	0.6%		0.0%	35	1.7%	114	2.2%	17	1.5%	1.7%
12	127	1	0.5%	7	0.3%	4	0.5%		0.0%	29	1.4%	57	1.1%	29	2.6%	1.1%
13	109	1	0.5%	27	1.2%	9	1.0%		0.0%	21	1.0%	47	0.9%	4	0.4%	0.9%
14	244	4	2.0%	21	0.9%	6	0.7%	2	1.2%	28	1.3%	133	2.6%	50	4.4%	2.1%
15	83		0.0%	3	0.1%	2	0.2%	1	0.6%	21	1.0%	50	1.0%	6	0.5%	0.7%
16	115		0.0%	10	0.4%	4	0.5%	1	0.6%	11	0.5%	72	1.4%	17	1.5%	1.0%
17	968	15	7.4%	116	5.1%	87	10.1%	73	42.4%	383	18.1%	222	4.4%	72	6.4%	8.2%
18	1130	32	15.8%	273	11.9%	94	10.9%	7	4.1%	150	7.1%	518	10.2%	56	5.0%	9.5%
19	683	7	3.4%	156	6.8%	41	4.8%	2	1.2%	92	4.4%	353	6.9%	32	2.8%	5.8%
20	1448	12	5.9%	133	5.8%	65	7.5%	1	0.6%	182	8.6%	911	17.9%	144	12.8%	12.2%
21	516	10	4.9%	110	4.8%	31	3.6%		0.0%	67	3.2%	268	5.3%	30	2.7%	4.3%
22	61	1	0.5%	10	0.4%	6	0.7%		0.0%	16	0.8%	28	0.5%		0.0%	0.5%
Total	11872	203	100.0%	2297	100.0%	862	100.0%	172	100.0%	2111	100.0%	5102	100.0%	1125	100.0%	100.0%

Source: Data concerning adult felony and misdemeanor convictions in which the most serious conviction crime is
theft per CRS 18-4-401, cases CY 2008-September 2010 extracted from ICON and analyzed by DCJ/ORS.
Filings from Denver county court are excluded.

Table 8. Theft Conviction Sentences by Class, Race/Ethnicity and Gender: Cases January 2008 through September 2010

			Race/Ethnicity				Sex		Total	Total N
			Black	Hispanic	Other	White	Female	Male		
F3	Sentence	Deferred	55.6%	75.0%	62.5%	25.6%	31.8%	27.0%	29.4%	58
		Probation	11.1%	25.0%	0.0%	17.0%	20.0%	13.5%	16.2%	32
		Probation/ Jail*	22.2%	0.0%	0.0%	17.6%	18.8%	15.3%	16.8%	33
		ComCor	0.0%	0.0%	12.5%	8.0%	5.9%	9.0%	7.6%	15
		DOC	11.1%	0.0%	25.0%	29.5%	18.8%	35.1%	27.9%	55
		Else**	0.0%	0.0%	0.0%	2.3%	4.7%	0.0%	2.0%	4
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	197
		Total N	9	4	8	176	85	111	197	197
	DOC Sentences	3-4 years	0.0%		50.0%	9.6%	12.5%	10.3%	10.9%	6
		4-5 years	0.0%		50.0%	7.7%	0.0%	12.8%	9.1%	5
		5-6 years	0.0%		0.0%	21.2%	25.0%	17.9%	20.0%	11
		>=7 years	100.0%		0.0%	61.5%	62.5%	59.0%	60.0%	33
		Total	100.0%		100.0%	100.0%	100.0%	100.0%	100.0%	55
		Mean Days	7300.0		1642.5	3495.6	3011.3	3696.8	3497.4	55
		Time Served[a]							1467.0	40
F4	Sentence	Deferred	51.8%	54.0%	50.7%	42.4%	52.7%	39.0%	44.4%	994
		Probation	22.5%	18.0%	13.7%	16.8%	16.9%	17.8%	17.4%	389
		Probation/ Jail*	5.9%	12.0%	13.7%	12.3%	11.7%	11.6%	11.7%	262
		ComCor	5.4%	5.3%	5.5%	6.3%	3.9%	7.6%	6.1%	137
		DOC	12.6%	8.0%	9.6%	14.7%	5.7%	19.3%	13.9%	311
		Else**	1.8%	2.7%	6.8%	7.4%	9.2%	4.7%	6.6%	147
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	2240
		Total N	222	150	73	1793	881	1349	2240	2240
	DOC Sentences	<=2 years	10.7%	16.7%	0.0%	15.9%	10.0%	16.2%	15.1%	47
		2-3 years	7.1%	8.3%	0.0%	12.1%	4.0%	12.7%	11.3%	35
		3-4 years	25.0%	16.7%	28.6%	24.6%	36.0%	22.3%	24.4%	76
		4-5 years	7.1%	8.3%	14.3%	14.8%	14.0%	13.8%	13.8%	43
		5-6 years	21.4%	33.3%	28.6%	17.0%	18.0%	18.5%	18.3%	57
		>=7 years	28.6%	16.7%	28.6%	15.5%	18.0%	16.5%	17.0%	53
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	311
		Mean Days	2235.6	1800.8	2033.6	1734.5	1832.3	1777.6	1788.9	311
		Time Served[a]							834.9	379
F5	Sentence	Deferred	9.5%	11.9%	20.0%	13.8%	17.1%	11.5%	13.2%	111
		Probation	53.3%	38.8%	26.7%	35.8%	46.8%	34.0%	38.0%	319
		Probation/ Jail*	13.3%	10.4%	20.0%	15.2%	16.3%	14.0%	14.7%	123
		ComCor	6.7%	10.4%	0.0%	12.3%	8.4%	12.6%	11.2%	94
		DOC	15.2%	22.4%	26.7%	20.7%	9.5%	25.1%	20.4%	171
		Else**	1.9%	6.0%	6.7%	2.2%	1.9%	2.8%	2.5%	21
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	839
		Total N	105	67	15	651	263	573	839	839
	DOC Sentences	<=2 years	43.8%	46.7%	50.0%	45.2%	40.0%	45.8%	45.0%	77
		2-3 years	18.8%	26.7%	25.0%	35.6%	32.0%	33.3%	33.3%	57
		3-4 years	12.5%	6.7%	25.0%	8.1%	20.0%	6.9%	8.8%	15
		4-5 years	12.5%	13.3%	0.0%	3.0%	0.0%	5.6%	4.7%	8
		5-6 years	12.5%	6.7%	0.0%	5.2%	8.0%	5.6%	5.8%	10
		>=7 years	0.0%	0.0%	0.0%	3.0%	0.0%	2.8%	2.3%	4
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	171
		Mean Days	1149.2	1045.8	821.3	1075.1	1065.2	1079.9	1073.6	171
		Time Served[a]							464.7	116

Table 8. Theft Conviction Sentences by Class, Race/Ethnicity and Gender:
Cases January 2008 through September 2010

Class	Type	Sentence								
F6	Sentence	Deferred	0.0%	0.0%	0.0%	4.0%	0.0%	4.3%	3.0%	5
		Probation	57.1%	52.9%	66.7%	44.8%	61.2%	41.9%	47.6%	79
		Probation/ Jail*	14.3%	11.8%	0.0%	14.4%	14.3%	13.7%	13.9%	23
		ComCor	0.0%	17.6%	33.3%	12.0%	10.2%	12.0%	11.4%	19
		DOC	23.8%	17.6%	0.0%	20.0%	12.2%	23.1%	19.9%	33
		Else**	4.8%	0.0%	0.0%	4.8%	2.0%	5.1%	4.2%	7
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	166
		Total N	21	17	3	125	49	117	166	166
	DOC Sentences	<=2 years	80.0%	100.0%		80.0%	100.0%	77.8%	81.8%	27
		2-3 years	20.0%	0.0%		20.0%	0.0%	22.2%	18.2%	6
		Total	100.0%	100.0%		100.0%	100.0%	100.0%	100.0%	33
		Mean Days	627.0	303.3		597.3	488.3	594.3	575.1	33
		Time Served[a]							244.2	22
M1	sentence	Deferred	6.7%	10.8%	26.5%	10.6%	14.9%	8.5%	10.6%	221
		Probation	59.6%	48.7%	42.9%	51.4%	59.2%	48.1%	51.8%	1077
		Probation/ Jail*	11.4%	17.1%	8.2%	12.9%	10.5%	14.1%	12.9%	269
		Else**	22.3%	23.4%	22.4%	25.1%	15.5%	29.2%	24.7%	513
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	2080
		Total N	193	158	49	1678	679	1394	2080	2080
M2	Sentence	Deferred	17.6%	12.6%	28.7%	25.7%	28.4%	22.1%	24.3%	1225
		Probation	26.9%	38.7%	30.3%	31.0%	37.5%	28.0%	31.2%	1576
		Probation/ Jail*	11.8%	12.6%	7.4%	10.7%	8.6%	12.0%	10.8%	547
		Else**	43.7%	36.1%	33.6%	32.7%	25.5%	38.0%	33.7%	1703
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	5051
		Total N	323	382	122	4209	1716	3322	5051	5051
M3	Sentence	Deferred	16.9%	10.7%	14.3%	16.1%	17.3%	14.9%	15.6%	174
		Probation	32.4%	36.0%	33.3%	39.6%	43.9%	35.9%	38.7%	430
		Probation/ Jail*	14.1%	5.3%	4.8%	7.1%	5.1%	8.8%	7.5%	83
		Else**	36.6%	48.0%	47.6%	37.2%	33.8%	40.4%	38.2%	425
		Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	1112
		Total N	71	75	21	939	394	713	1112	1112

* Includes workrelease

** Includes community service, home monitoring, treatment, fees and fines.

Source: Data concerning adult felony and misdemeanor convictions in which the most serious conviction crime is theft per CRS 18-4-401, cases CY 2008-September 2010 extracted from ICON and analyzed by DCJ/ORS. Filings from Denver county court are excluded.

[a] Data provided by the Department of Corrections for FY 2009 releases. Data concerning race, ethnicity, and gender not available.

Table 9. Criminal History of Offenders With A Most Serious Conviction Crime of Theft

Theft Conviction Felony Class	Criminal History: Prior Felony Arrest Charges	Sentence			
		DOC		Probation	
		Percent	Count	Percent	Count
F3	None	10.0%	1	75.0%	3
	1 Prior Adult	30.0%	3	0.0%	0
	2 or More Prior Adult	60.0%	6	25.0%	1
	Total	100.0%	10	100.0%	4
F4	None	7.7%	4	29.4%	10
	Juvenile only	3.8%	2	2.9%	1
	1 Prior Adult	15.4%	8	32.4%	11
	2 or More Prior Adult	73.1%	38	35.3%	12
	Total	100.0%	52	100.0%	34
F5	None	0.0%	0	20.0%	4
	Juvenile only	0.0%	0	10.0%	2
	1 Prior Adult	15.4%	2	30.0%	6
	2 or More Prior Adult	84.6%	11	40.0%	8
	Total	100.0%	13	100.0%	20
F6	Juvenile only	0.0%	0	20.0%	1
	1 Prior Adult	0.0%	0	40.0%	2
	2 or More Prior Adult	100.0%	5	40.0%	2
	Total	100.0%	5	100.0%	5
M2	None			22.2%	4
	Juvenile only			0.0%	0
	1 Prior Adult			50.0%	9
	2 or More Prior Adult			27.8%	5
	Total			100.0%	18
M3	1 Prior Adult			100.0%	1
	Total			100.0%	1

Source; Data collected by DCJ researchers from the 10 Colorado judicial districts
with the largest number of filings during 2005. The data presented here are based
on random samples of individuals sentenced to probation and to DOC during 2006.

Value Thresholds	Felony Class	Presumptive Range		Exceptional Circumstances		
		Minimum	Maximum	Minimum	Maximum	Mandatory parole
Colorado *(Source: Colorado District Attorney's Council)*						
Over 1,000 but under 20,000	Class 4	2 year $2000 fine	6 years $500,000	1 year	12 years	3 years
Over 20,000	Class 3	4 years $3000 fine	12 years $750,000	2 years	24 years	5 years
Texas *(Source: Penal Code Chapter 12-Punishments)*						
1,500 – 20,000	State Jail Felony	180 days to 2 years in a state jail. In addition, a fine not to exceed $10,000 maybe imposed.				
20,000 – 100,000	3rd Degree	2 to 10 years in a state prison. In addition, a fine not to exceed $10,000 maybe imposed.				
100,000 – 200,000	2nd Degree	2 to 20 years in a state prison. In addition, a fine not to exceed $10,000 maybe imposed.				
200,000 or more	1st Degree	5 to 99 years in a state prison. In addition, a fine not to exceed $10,000 maybe imposed.				
Florida *(Source: 2010 Florida Statute-775.082)*						
300 – 19,999	3rd Degree	imprisonment not exceeding 5 years				
20,000 – 99,999	2nd Degree	imprisonment not exceeding 15 years				
Over 100,000	1st Degree	imprisonment not exceeding 30 years				
Ohio *(Source: Ohio Statutes-2929.14 and 2929.18)*						
500 – 5,000	5th Degree	6 to 12 month prison term. In addition, a fine not to exceed $2,500 maybe imposed.				
5,000 – 100,000	4th Degree	6 to 18 month prison term. In addition, a fine not to exceed $5,000 maybe imposed.				
100,000 – 500,000	3rd Degree	1 to 5 years prison term. In addition, a fine not to exceed $10,000 maybe imposed.				
500,000 – 1,000,000	2nd Degree	2 to 8 years prison term. In addition, a fine not to exceed $15,000 maybe imposed.				
Over 1,000,000	1st Degree	3 to 10 years prison term. In addition, a fine not to exceed $20,000 maybe imposed.				
Kansas *(Source: Kansas Sentencing Grid)*						
		One nonperson felony*	Two nonperson felony*	Three plus nonperson felony*	Probation	Post Release
1,000 – 25,000	Level 9	11/10/9 mths	10/9/8 mths	9/8/7 mths	12 mths	12 mths
25,000 – 100,000	Level 7	17/16/15 mths	19/18/17 mths	23/21/19 mths	24 mths	12 mths
100,000 or more	Level 5	51/49/46 mths	47/44/41 mths	51/49/46 mths	36 mths	24 mths
Washington *(Source: Washington Statute-RCW9A.20.021)*						
500 – 5,000	Class C	confinement in a state correctional institution for 5 years and/or a fine of $10,000				
Over 5,000	Class B	confinement in a state correctional institution for 10 years and/or a fine of $20,000				
New York *(Source: New York Statute-Section 70.00)*						
250 – 2,500	Class C	maximum penalty of 15 years in prison				
Over 2,500	Class B	maximum penalty of 25 years in prison.				
Nevada *(Source: Nevada Statute-NRS 193.130)*						
250 – 2,500	Class C	1 to 5 years in a state prison and/or a fine of not more than $10,000				
Over 2,500	Class B	1 to 20 years in a state prison				

Wisconsin *(Source: Wisconsin Statute-973.01)*

500 – 10,000	Class H	the term of confinement in prison may not exceed 3 years.
10,000 – 100,000	Class G	the term of confinement in prison may not exceed 5 years.
Over 100,000	Class E	the term of confinement in prison may not exceed 10 years.

New Mexico *(Source: New Mexico Statute-31-18-15)*

500 – 2,500	4th Degree	18 months imprisonment, In addition, a fine not to exceed $5,000 maybe imposed.
2,500 – 25,000	3rd Degree	3 years imprisonment. In addition, a fine not to exceed $5,000 maybe imposed.
Over 25,000	2nd Degree	9 years imprisonment. In addition, a fine not to exceed $10,000 maybe imposed.

Missouri *(Source: Missouri Statute-Section 557.021)*

500 – 25,000	Class C	maximum term of imprisonment authorized is ten years
Over 25,000	Class B	maximum term of imprisonment authorized exceeds ten years but is less than twenty years

Arizona *(Source: Arizona Statute-13-702 and 13-703)*

		Mitigated	Minimum	Presumptive	Maximum	Aggravated
First offense						
250 – 1,000	Class 6	0.33 years	0.5 years	1 year	1.5 years	2 years
1,000 – 2,000	Class 5	0.5 years	0.75 years	1.5 years	2 years	2.5 years
2,000 – 3,000	Class 4	1 year	1.5 years	2.5 years	3 years	3.75 years
3,000 – 25,000	Class 3	2 years	2.5 years	3.5 years	7 years	8.75 years
Over 25,000	Class 2	3 years	4 years	5 years	10 years	12.5 years
Repetitve offense-Category One**						
250 – 1,000	Class 6	0.3 years	0.5 years	1 year	1.5 years	1.8 years
1,000 – 2,000	Class 5	0.5 years	0.75 years	1.5 years	2 years	2.5 years
2,000 – 3,000	Class 4	1.1 years	1.5 years	2.5 years	3 years	3.75 years
3,000 – 25,000	Class 3	1.8 years	2.5 years	3.5 years	7 years	8.75 years
Over 25,000	Class 2	3 years	4 years	5 years	10 years	12.5 years
Repetitve offense-Category Two***						
250 – 1,000	Class 6	0.75 years	1 year	1.75 years	2.25 years	2.75 years
1,000 – 2,000	Class 5	1 year	1.5 years	2.25 years	3 years	3.75 years
2,000 – 3,000	Class 4	2.25 years	3 years	4.5 years	6 years	7.5 years
3,000 – 25,000	Class 3	3.3 years	4.5 years	6.5 years	13 years	16.25 years
Over 25,000	Class 2	4.5 years	6 years	9.25 years	18.5 years	23.1 years
Repetitve offense-Category Three****						
250 – 1,000	Class 6	2.25 years	3 years	3.75 years	4.5 years	5.75 years
1,000 – 2,000	Class 5	3 years	4 years	5 years	6 years	7.5 years
2,000 – 3,000	Class 4	6 years	8 years	10 years	12 years	15 years
3,000 – 25,000	Class 3	7.5 years	10 years	11.25 years	20 years	25 years
Over 25,000	Class 2	10.5 years	14 years	15.75 years	28 years	35 years

Connecticut *(Source: Connecticut Penal Code-Updated and Revised)*

Over 1,000	Class D	1 to 5 years imprisonment

Over 5,000	Class C	1 to 10 years imprisonment
Over 10,000	Class B	1 to 20 years imprisonment
North Dakota *(Source: North Dakota Statute-12.1-32-01)*		
Over 500	Class C	Maximum penalty of 5 years imprisonment and/or a fine not to exceed up to a $5000
Over 10,000	Class B	Maximum penalty of 10 years imprisonment and/or a fine not to $10,000
South Dakota *(Source: South Dakota Statute-22-6-1)*		
Over 1,000	Class 4	10 years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars maybe imposed.
Over 10,000	Class 3	15 years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars maybe imposed.
Tennessee *(Source: Tennessee Statute-40-35-111)*		
500 – 1,000	Class E	1 to 6 years imprisment. In addition, the jury may assess a fine not to exceed $3,000.
1,000 – 10,000	Class D	2 to 12 years imprisonment. In addition, the jury may assess a fine not to exceed $5,000.
10,000 – 60,000	Class C	3 to 15 years imprisonment. In addition, the jury may assess a fine not to exceed $10,000.
Over 60,000	Class B	8 to 30 years imprisonment. In addition, the jury may assess a fine not to exceed $25,000.

Notes:

*The center number represents the presumptive number of months an offender should be sentenced to prison. The other two numbers reflect a number of months the offender can be sentenced to serve without the judge engaging in what is called "departure" sentencing. Individuals whose crimes and criminal histories fall into the yellow non-drug or the orange drug boxes are to be sentenced to a term in prison but are presumed to be allowed to serve a nonprison sanction instead, such as being placed on probation or being assigned to a community corrections program. Individuals whose crimes and criminal histories place them in the blue drug boxes are presumed to be incarcerated for one of the three alternative sentences in the grid box. Person whose crimes and criminal histories place them in the purple boxes are presumed to be incarcerated but can be given a nonprison sanction without it being considered a departure sentence.

Presumptive Imprisonment
Border box
Presumptive Probation

**A person shall be sentenced as a category one repetitive offender if the person is convicted of two felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions.

***A person shall be sentenced as a category two repetitive offender if the person either:

1. Is convicted of three or more felony offenses that were not committed on the same occasion but that either are consolidated for trial purposes or are not historical prior felony convictions.

2. Except as provided in section 13-704 or 13-705, is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has one historical prior felony conviction.

C. Except as provided in section 13-704 or 13-705, a person shall be sentenced as a category three repetitive offender if the person is at least eighteen years of age or has been tried as an adult and stands convicted of a felony and has two or more historical prior felony convictions.

D. The presumptive term set by this section may be aggravated or mitigated within the range under this section pursuant to section 13-701, subsections C, D and E.

E. If a person is sentenced as a category one repetitive offender pursuant to subsection A of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection H of this section.

F. If a person is sentenced as a category two repetitive offender pursuant to subsection B, paragraph 2 of this section and if at least two aggravating circumstances listed in section 13-701, subsection D apply or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection I of this section.

****If a person is sentenced as a category three repetitive offender pursuant to subsection C of this section and at least two aggravating circumstances listed in ection 13-701, subsection D or at least two mitigating circumstances listed in section 13-701, subsection E apply, the court may impose a mitigated or aggravated sentence pursuant to subsection J of this section.
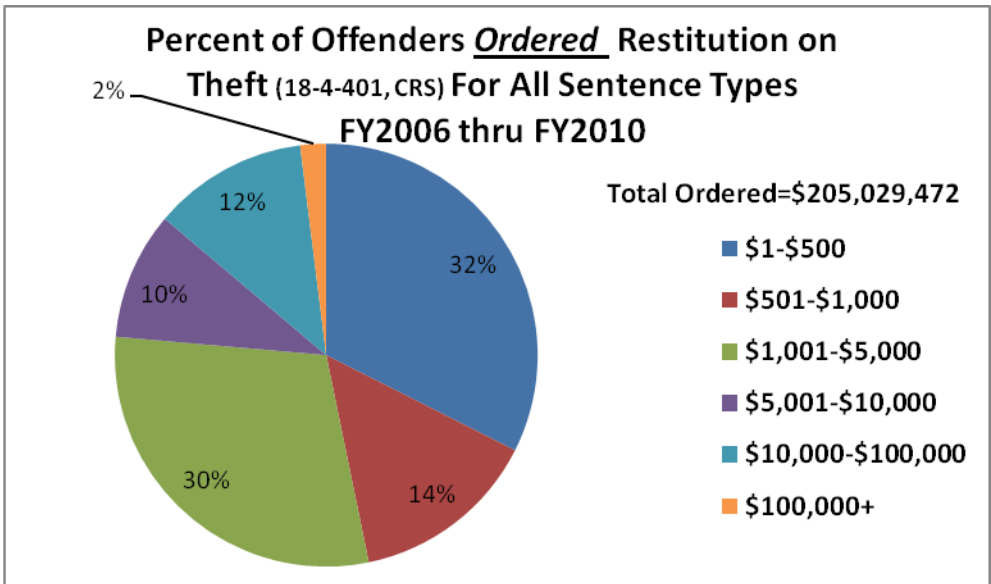
Restitution Ordered and Collected on All Theft Cases Sentence between 7-1-2005 thru Present

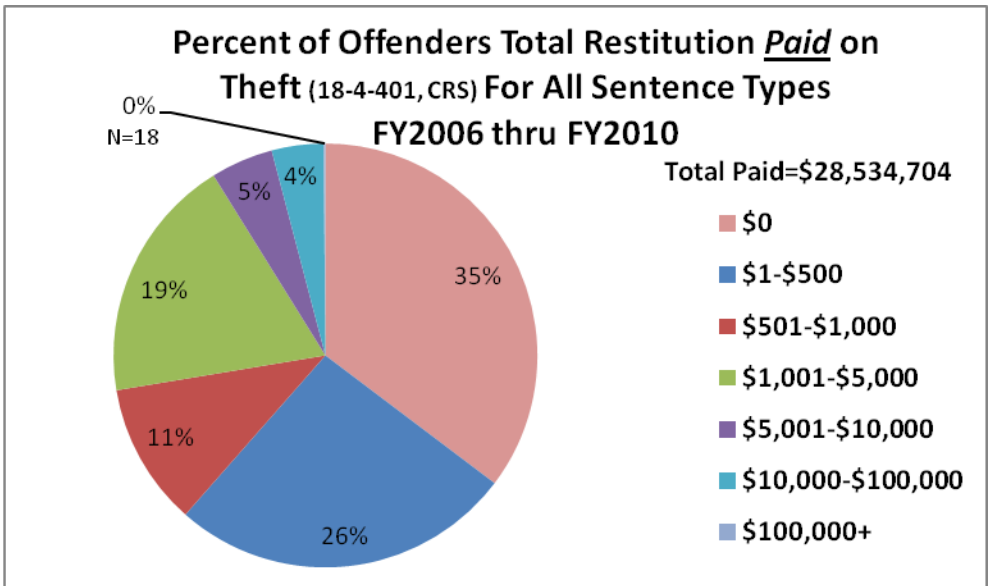## Prepared for CCJJ Sentencing Reform Taskforce

Working Draft

November 5, 2010

Prepared by
Division of Probation Services
Kris Nash

Percent of Offenders _Ordered_ Restitution on Theft (18-4-401, CRS) For All Sentence Types FY2006 thru FY2010

Total Ordered=$205,029,472

- $1-$500 — 32%
- $501-$1,000 — 14%
- $1,001-$5,000 — 30%
- $5,001-$10,000 — 10%
- $10,000-$100,000 — 12%
- $100,000+ — 2%

➢ An additional 19,060 (58% of the total Theft Cases) were not ordered any restitution. It is unknown why restitution was not ordered in these case.

Percent of Offenders Total Restitution _Paid_ on Theft (18-4-401, CRS) For All Sentence Types FY2006 thru FY2010

Total Paid=$28,534,704

0%
N=18

- $0 — 35%
- $1-$500 — 26%
- $501-$1,000 — 11%
- $1,001-$5,000 — 19%
- $5,001-$10,000 — 5%
- $10,000-$100,000 — 4%
- $100,000+ — 0%

➢ 14% of ordered restitution has been paid

➢ Data represents all offenders sentenced in FY2006 thru October, 2010. Although some have completed their sentence, many have not.

Average Percent Collected Per Offender on Theft (18-4-401 CRS) by Sentence Types FY2006 thru FY2010
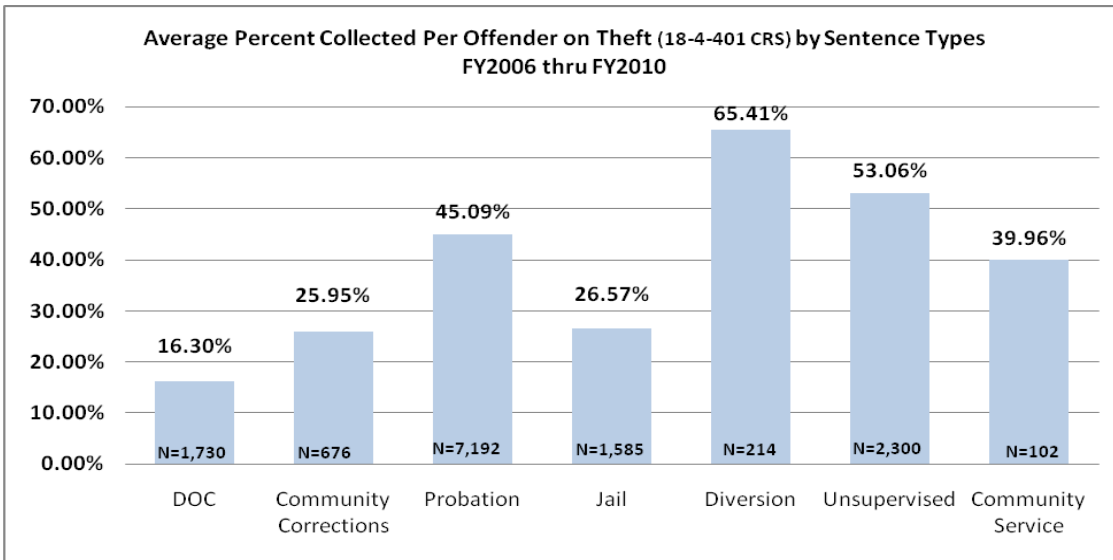
> By example, the above chart indicates that on average, DOC inmates pay 16.30% of their restitution ordered

Agency	Amt Ordered	Amt Paid	% Collected
DOC	$107,657,581	$2,642,311	16.30%
Community Corrections	$10,362,808	$767,439	25.95%
Probation	$76,827,342	$20,765,986	45.09%
Jail	$1,913,368	$454,807	26.57%
Diversion	$1,461,268	$752,497	65.41%
Unsupervised	$6,761,692	$3,118,672	53.06%
Community Service	$45,413	$32,992	39.96%
Total	$205,029,472	$28,534,704	

Sentence Type		Ordered	Paid
DOC	Mean	$62,230	$1,527
	Median	$2,490	$0
	High Range	$15,379,428	$603,459
Community Corrections	Mean	$15,330	$1,135
	Median	$2,105	$141
	High Range	$1,152,691	$55,515
Probation	Mean	$10,682	$2,887
	Median	$1,650	$475
	High Range	$2,272,481	$1,294,728
Jail	Mean	$1,207	$287
	Median	$245	$0
	High Range	$392,292	$26,820
Diversion	Mean	$6,828	$3,516
	Median	$2,143	$865
	High Range	$437,476	$103,557
Unsupervised	Mean	$2,940	$1,356
	Median	$501	$187
	High Range	$322,636	$55,000
Community Service	Mean	$445	$323
	Median	$99	$83
	High Range	$11,465	$11,050

Average Percent Collected on Theft (18-18-401 CRS) **by Sentences for FY2006-FY2010**
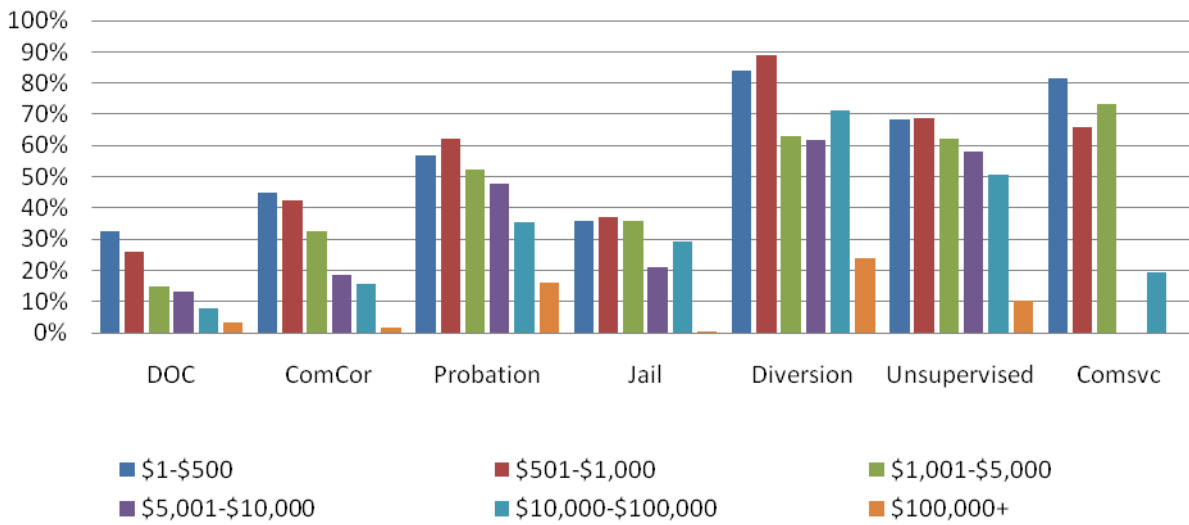
- ➢ By example, this chart indicates that, on average, approximately 30% of DOC offenders were ordered to pay between $1 and $500 restitution

- ➢ This chart includes all Theft charges; however may not be most serious offense charged