

TITLE 17. CORRECTIONS
ARTICLE 26. JAILS
PART 1. GENERAL PROVISIONS
§17-26-118 (4) & (5), C.R.S.

17-26-118. Criminal justice data collection - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Average daily population" means the number of confined inmates each day for a year, divided by the number of days in the year.

(b) "Case disposition" means the final judgment, adjudication, adjudication withheld, dismissal, or nolle prosequi of a case.

(c) "Confined inmate" means an inmate under the supervision of a jail facility, including an inmate who is in transit to or from a facility, appearing in or in transit to or from court, held for other jurisdictions, in a hospital or other medical institution for treatment but would otherwise be housed in the jail facility, in a work release program but returns to jail at night, or in a community-based program but returns to jail at night. "Confined inmate" does not include a person who is absent without leave, has escaped, is on long-term transfer to other jurisdictions, or is in a community-based program but does not return to jail at night.

(d) "Hold" means a mechanism preventing a confined inmate's release from custody on bail, including a hold on behalf of another criminal justice agency, a parole hold, and a probation hold.

(e) "Homeless" means an individual who lacks a fixed, regular, and adequate nighttime residence. An individual is considered homeless if the individual's primary address is recorded as:

(I) Transient;

(II) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with behavioral or mental health disorders; or

(III) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings, including but not limited to an automobile, a park, an abandoned building, a bus or train station, or a similar setting.

(f) "Jail facility" means any building, structure, enclosure, institution, or place, whether permanent or temporary, fixed or mobile, where persons are or may be lawfully held in custody or confined, that is operated by a county or city and county.

(g) "Jail management system" means a software program utilized by a jail facility to store jail data and to track inmate information and status beginning at booking and until release.

(h) "Length of stay" means the number of consecutive days that a confined inmate spends in jail, from the date of booking to the date of release, counting any part of one calendar day, including days during which the inmate spends part of the day outside of the jail, as one day.

(i) "Municipal offense" means a violation of, or conduct defined as unlawful by, any municipal code or ordinance.

(j) "Operational capacity" means the number of inmates who can be accommodated in a jail facility based on the number of permanent beds that the facility is designed to hold and the facility's staff, existing programs, and services.

(k) "Sentenced inmate" means an inmate who is confined and actively serving a sentence requiring a term of imprisonment. An inmate is considered sentenced even if the inmate is unsentenced in a separate case, and even if the inmate has a hold.

(l) "Snapshot" means a data set from a jail facility that represents the required data points as of the reporting date.

(m) "Unsentenced inmate" means an inmate who is confined and awaiting case disposition. An inmate is not considered unsentenced if the inmate is actively serving a sentence requiring a term of imprisonment in a separate case.

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(2) The keeper of each jail facility shall keep and maintain a daily record of all data specified in subsection (3) of this section. The information contained in the record must be available to the public at all reasonable hours.

(3) The keeper of each jail facility shall keep and maintain a daily record of the following data:

(a) For each confined inmate, the date of entrance; name; date of birth; age; race; ethnicity; gender; any criminal charges against the inmate, organized by code section, and the jurisdiction charging each offense; term of sentence, if sentenced; bond amount, if bond has been set; and release date;

(b) The operational capacity of the jail facility;

(c) The name of the jail management system used by the facility;

(d) The number of confined inmates in the jail facility;

(e) Counting each confined inmate only once, the following information concerning confined inmates:

(I) The number of sentenced inmates;

(II) The number of unsentenced inmates with a hold; and

(III) The number of unsentenced inmates without a hold;

(f) Counting each unsentenced inmate without a hold only once, the following information concerning unsentenced inmates:

(I) The number whose most serious charged offense is a felony; and

(II) The number whose most serious charged offense is a misdemeanor;

(g) The number of confined inmates held solely for a municipal offense;

(h) The number of confined inmates held in administrative segregation or other custody level in which the inmate is allowed outside of his or her cell for two or fewer hours per day;

(i) The number of confined inmates awaiting a competency evaluation, as defined in section 16-8.5-101 (2); a competency hearing, as defined in section 16-8.5-101 (4); or a restoration hearing, as defined in section 16-8.5-101 (17);

(j) The average daily population of the jail facility;

(k) The average length of stay for each of the following:

(I) Confined inmates who were released within the prior twelve months whose most serious offense is a felony; and

(II) Confined inmates who were released within the prior twelve months whose most serious offense is a misdemeanor;

(l) The number of confined inmates identified as homeless;

(m) The number of deaths of confined inmates; and

(n) The number of bookings into the jail facility.

(4)

(a) On or before the third Friday of each January, April, July, and October, each jail facility shall submit a quarterly report of the data collected pursuant to subsection (3) of this section as of the first day of the month in which the report is submitted to the division of criminal justice within the department of public safety via an electronic survey designed by the division for that purpose. Each quarterly report must include:

(I) A snapshot of the data required by subsections (3)(b) and (3)(c) of this section;

(II) A snapshot of the data required by subsections (3)(d) to (3)(l) of this section organized by race, ethnicity, and gender;

(III) Data concerning the number of deaths of confined inmates, collected pursuant to subsection (3)(m) of this section, as the total of all deaths of confined inmates that occurred since the previous reporting date; and

(IV) Data concerning the number of bookings into the jail facility, collected pursuant to subsection (3)(n) of this section, as the total of all bookings into the jail facility that occurred since the previous reporting date.

(b) If a jail facility is unable to provide any of the data that it is required to report pursuant to this subsection (4), the jail facility shall include in its report an explanation of all good faith efforts to collect and submit the data not included in the report.

(c) If a jail facility fails to submit a quarterly report pursuant to this subsection (4) within thirty days after a reporting date, the jail facility is considered noncompliant for the quarterly reporting period. The executive director of the department of public safety shall send notice of the failure to the noncompliant jail facility.

(d) Repealed.

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(e) In addition to the information described in subsection (4)(a) of this section, the report must include information from the prior quarter regarding the number of inmates in the jail whose medicaid was suspended while incarcerated and the number of inmates who were enrolled, or whose medicaid was reinstated, prior to release.

(5) On or before January 1, 2022, and on or before the third Friday of each January, April, July, and October thereafter, the keeper of each local jail shall submit a quarterly report of the data specified in this subsection (5) to the division of criminal justice in the department of public safety through an electronic form designed by the division. Each quarterly report must include:

(a) For each individual placed in restrictive housing as defined in section 17-26-302 (4), anonymized data by month that includes:

- (I) The individual's self-identified race or ethnicity, gender, and age;
- (II) Whether the individual has one of the conditions identified in section 17-26-303 (1) and the specific condition;
- (III) The placement classification of the individual before being placed in restrictive housing;
- (IV) The length of time the individual was in restrictive housing;
- (V) If the individual was placed in restrictive housing for a disciplinary reason;
- (VI) Whether the individual suffered injury or death while placed in restrictive housing and the manner and cause of the injury or death;
- (VII) Whether the individual was charged with a new criminal offense while in restrictive housing and, if so, the offense; and
- (VIII) How many times the local jail sought a written order to hold someone beyond fifteen days in restrictive housing and the outcome;

(b) How many individuals in the local jail population have:

- (I) An identified mental illness;
- (II) An identified substance use disorder;
- (III) Both an identified mental illness and substance use disorder;
- (IV) Identified neurocognitive issues such as dementia or traumatic brain injury; and
- (V) Engaged in self-harming behavior while in the local jail.

History

Source: L. 77:Entire title R&RE, p. 938, § 10, effective August 1.L. 2019:Entire section R&RE,(HB 19-1297), ch. 394, p. 3505, § 1, effective August 2.L. 2020:(3)(i) amended,(HB 20-1402), ch. 216, p. 1047, § 31, effective June 30.L. 2021:(5) added,(HB 21-1211), ch. 322, p. 1981, § 2, effective January 1, 2022.L. 2022:(4)(e) added,(SB 22-196), ch. 193, p. 1293, § 9, effective May 19; (3)(a) and IP(4)(a) amended and (4)(d) repealed,(HB 22-1208), ch. 125, p. 885, § 1, effective August 10.

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 17
C.R.S. Title 17, Art. 26

Notes

Editor's note:

This section is similar to former §27-26-118 as it existed prior to 1977.

Research References & Practice Aids

Cross references:

For the legislative declaration in SB 22-196, see section 1 of chapter 193, Session Laws of Colorado 2022.