

# HOUSE BILL 19-1297 – JAIL CAPACITY DATA COLLECTION

## Background

House Bill 19-1297 enacted in May 31, 2019 requires county jails to collect information regarding their facility and inmates and report this information to the Division of Criminal Justice (DCJ) on a quarterly basis. The statute may be found at : <https://www.colorado.gov/pacific/dcj-ors/jail-capacity-data-collection>

## Due Dates

Submissions are due the third Friday of the first month of each quarter (January, April, July and October), with the first report due January 17, 2020.

If a jail fails to submit a report within thirty days of the due date, the Executive Director of Public Safety is mandated to notify the jail that they are not in compliance ( C.R.S. 17-26-118(4)(c) ).

## Data Submission Format

DCJ has created an Excel Spreadsheet which contains the items mandated by HB19-1297. The spreadsheet can be downloaded at: [https://cdpsdocs.state.co.us/ors/Data/Data\\_Instruments/HB1297/Jail Capacity Template v1.xlsx](https://cdpsdocs.state.co.us/ors/Data/Data_Instruments/HB1297/Jail_Capacity_Template_v1.xlsx)

Please name your submission file **County-Quarter-Year.xlsx**. For example: *Phillips-Q1-2020.xlsx*.

## Where to Send Submissions

Submissions can be emailed to [cdps\\_dcj\\_hb1297@state.co.us](mailto:cdps_dcj_hb1297@state.co.us)

Questions about the reporting requirements or problems reporting may also be sent to this address.

## Data Collection Timeframes

There are three timeframes for data collection:

- 1) As of the first day of the reporting quarter (January 1, April 1, July 1, October 1). These data items are a snapshot count on the first day of the reporting quarter.
- 2) Using the previous 365 days/12 months. These data items use the 365 days or 12 months prior to the 1<sup>st</sup> day of the reporting quarter.
- 3) Since the last report quarter. These data items cover the three-month period prior to the 1<sup>st</sup> day of the reporting quarter. For example, the report due in January would cover the previous October to December for these data items.

See Table 1 below for which data items use each time frame.

## Who Is Considered an Inmate

For the purposes of this reporting requirement an inmate is defined as:

"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.

The following categories of inmates should not be counted:

"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.

### Data Items

Table 1 describes the data items as they appear on the reporting template as well as the timeframe used and whether or not the gender, race, and ethnicity breakout is required. See Appendix A for definitions provided by the statute.

The template includes a column for items 7 through 13 for jails to describe “good faith efforts to collect and submit the data” when that data item is not reported. See C.R.S. 17-26-118(4)(b).

HB19-1297 requires data items 7 through 13 in Table 1 to be broken out by gender, race, and ethnicity.

*Table 1. Variables*

Item	Statute Reference 17-26-118	Description	Timeframe	By Gender, Race, Ethnicity
1	(3)(b)	Operational capacity of the Jail	As of 1 <sup>st</sup> of quarter	No
2		Number of beds facility was designed for	As of 1 <sup>st</sup> of quarter	No
3	(3)(c)	Name of jail management system	Since the last report (quarter)	No
4	(3)(m)	Number of deaths of inmates	Since the last report (quarter)	No
5	(3)(n)	Number of bookings	Since the last report (quarter)	No
6	Optional*	Number of releases	Since the last report (quarter)	No
7	(3)(d)	Number of inmates	As of 1 <sup>st</sup> of quarter	Yes
7a	(3)(e)(I)	Number of sentenced inmates	As of 1 <sup>st</sup> of quarter	Yes
7b	(3)(e)(II)	Number of unsentenced inmates with a hold	As of 1 <sup>st</sup> of quarter	Yes
7c	(3)(e)(III)	Number of unsentenced inmates without a hold	As of 1 <sup>st</sup> of quarter	Yes
7c.1	(3)(f)(I)	Number of <u>felony</u> unsentenced inmates without a hold	As of 1 <sup>st</sup> of quarter	Yes
7c.2	(3)(f)(II)	Number of <u>misdemeanor</u> unsentenced inmates without a hold	As of 1 <sup>st</sup> of quarter	Yes
8	(3)(g)	Number held solely for a municipal offense	As of 1 <sup>st</sup> of quarter	Yes
9	(3)(h)	Number held in administrative segregation	As of 1 <sup>st</sup> of quarter	Yes
10	(3)(i)	Number of inmates awaiting competency evaluation	As of 1 <sup>st</sup> of quarter	Yes
11	(3)(j)	Average daily population	Using past 365 days	Yes
12a	(3)(k)(I)	Average length of stay for felony releases	Released in the past 12 months	Yes

Item	Statute Reference 17-26-118	Description	Timeframe	By Gender, Race, Ethnicity
12b	Needed for State count	Number of felony releases	Released in the past 12 months	Yes
12c	(3)(k)(II)	Average length of stay for misdemeanor releases	Released in the past 12 months	Yes
12d	Needed for state count	Number of misdemeanor releases	Released in the past 12 months	Yes
13	(3)(l)	Number of homeless inmates	As of 1 <sup>st</sup> of quarter	Yes
Column O	(4)(b)	If data not reported, explanation of good faith efforts to collect are described here.	This report	NA

\*This data element is not required by statute

### Inmate Classification Hierarchy for Data Item 7

For counting inmates in item 7 in Table 1, choose one category for each inmate. While inmates may have multiple cases and statuses each inmate should be counted in only one category.

- 1) To count inmates in items 7a, 7b, and 7c choose one status from *Sentenced*, *Un-sentenced with a hold*, or *Un-sentenced without a hold*. Items 7a, 7b, and 7c should add up to the *Number of Inmates* in item 7.

Use the following definitions:

- **Sentenced** - A Sentenced inmate is one who is confined and is actively serving a sentence to your facility. Note that a Sentenced inmate may also have cases in which he/she has not been sentenced and/or cases in which he/she has a hold. The “Sentenced” category takes precedence over *Un-sentenced WITH hold* and *Un-sentenced WITHOUT hold*.
- **Un-sentenced WITH a hold** – An inmate awaiting case disposition but has a hold (see Hold definition below). If your facility is holding Department of Corrections (DOC) inmates, include them in this category.
- **Un-sentenced WITHOUT a hold** – An inmate awaiting case disposition and has no holds (see Hold definition below).

A “hold” is defined as:

“Hold” means a mechanism preventing a confined inmate's release from custody on bail.

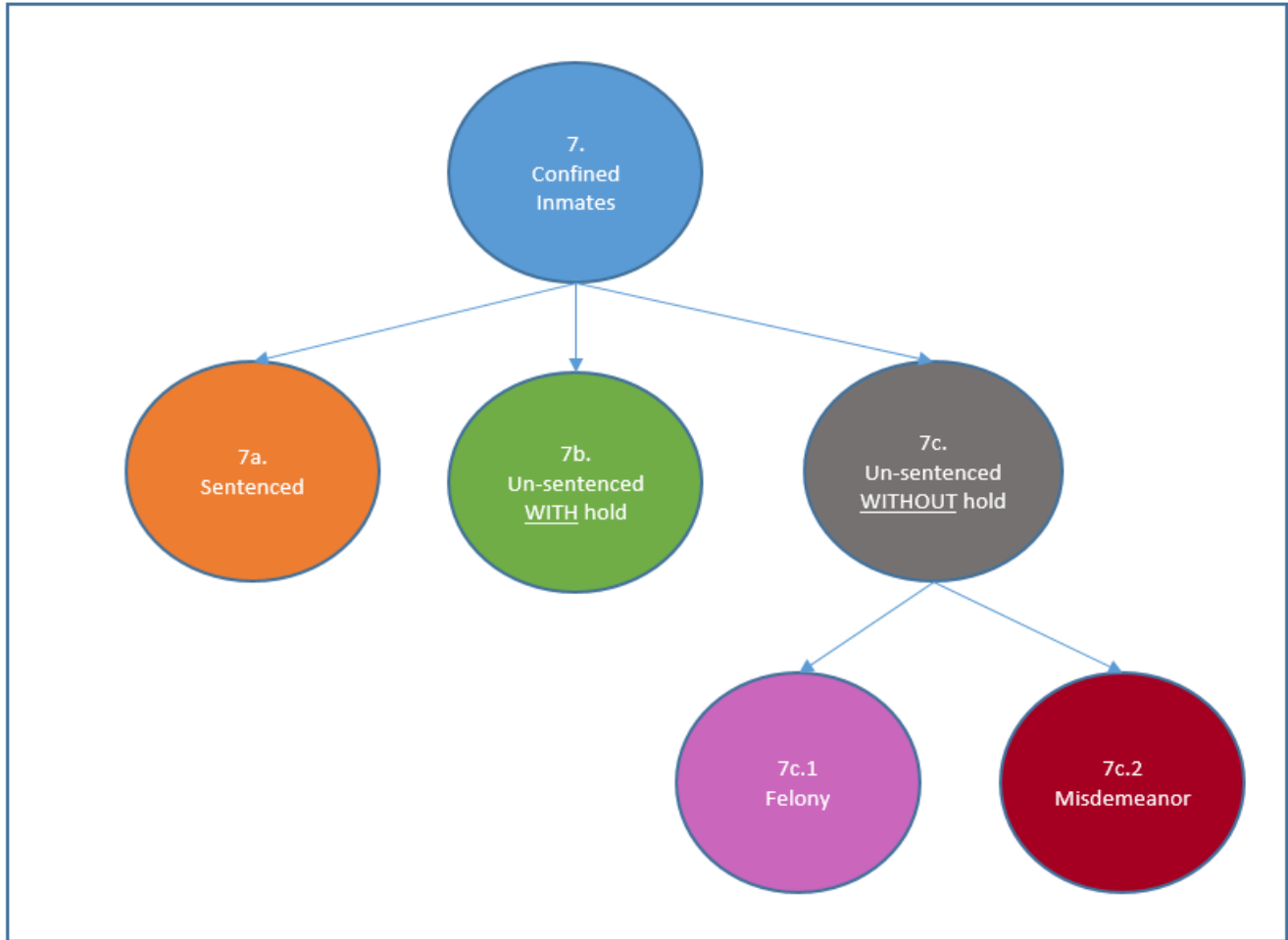
Examples of holds include:

“... a hold on behalf of another criminal justice agency, a parole hold, and a probation hold.”

- 2) Inmates who are *Un-sentenced WITHOUT a hold* are further categorized and counted in 7c.1 and 7c.2 by their most serious charging offense (felony or misdemeanor).

See Figure 1 for a summary of the hierarchy of data items.

Figure 1. Hierarchy for counting inmates in item 7.



### Average Daily Population

Items 12a, 12b, 12c, and 12d concern average daily population and releases in the prior 12 months. For each release use the inmate's status upon release (felony, misdemeanor) to fill in the appropriate item (felony or misdemeanor).

## Appendix A – C.R.S. 17-26-118 Definitions

### Operational Capacity

"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. C.R.S. 17-26-118(1)(j)

### Number of Beds

The number of permanent beds that the facility is designed to hold.

### Jail Management System

"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. C.R.S. 17-26-118(1)(g)

### Confined Inmates

"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. C.R.S. 17-26-118(1)(c)

### Sentenced Inmate

"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 un-sentenced in a separate case, and even if the inmate has a hold. C.R.S. 17-26-118(1)(k)

\*Sentenced to your facility. This excludes inmates who are serving a sentence to the Department of Corrections but are serving it at your facility.

### Unsentenced Inmate

"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. C.R.S. 17-26-118(1)(m)

### Holds

"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. C.R.S. 17-26-118(1)(d)

### Municipal Offense

"Municipal Offense" means a violation of, or conduct defined as unlawful by, any municipal code or ordinance. C.R.S. 17-26-118(1)(i)

### Administrative Segregation

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. C.R.S. 17-26-118(3)(h)

## Competency Evaluation

Inmates awaiting a competency evaluation, as defined in section 16-8.5-101 (1); a competency hearing, as defined in section 16-8.5-101 (3); or a restoration hearing, as defined in section 16-8.5-101 (13). C.R.S. 17-26-118(3)(i)

## Average Daily Population

“Average Daily Population” means the number of confined inmates each day for a year, divided by the number of days in the year. C.R.S. 17-26-118(1)(a)

## Average Length of Stay

"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. C.R.S. 17-26-118(1)(h)

Average Length of stay is the sum of all the days spent in jail for all releases divided by the number of releases:

$$\text{AVERAGE LOS} = \frac{\sum \text{LOS each release}}{\# \text{ releases}}$$

## Homeless

"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:

- Transient;
  
- 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
  
- 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.

C.R.S. 17-26-118(1)(e)