

Colorado Division of Criminal Justice Adult and Juvenile Correctional Populations Forecasts

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

January 2017

Prepared by
Linda Harrison

Office of Research and Statistics
Division of Criminal Justice
Colorado Department of Public Safety

700 Kipling Street, Suite 3000
Denver, CO 80215
Telephone: 303-239-4442
Fax: 303-239-4491
<https://www.colorado.gov/dcj-ors>

Office of Research and Statistics
Kim English, Research Director
Division of Criminal Justice
Jeanne M. Smith, Director
Colorado Department of Public Safety
Stan Hilkey, Executive Director



Table of Contents

1	INTRODUCTION
2	THE COLORADO CRIMINAL JUSTICE FORECASTING MODEL
5	COLORADO ADULT PRISON POPULATION AND PAROLE CASELOAD PROJECTIONS
5	<i>Adult Inmate Population Forecast</i>
15	<i>Factors Affecting The Adult Prison Population Projections</i>
20	<i>Adult Parole Caseload Forecast</i>
23	AVERAGE LENGTH OF STAY ESTIMATES FOR FY 2016 PRISON AND PAROLE ADMISSIONS
35	YOUTH CORRECTIONS JUVENILE COMMITMENT AND PAROLE PROJECTIONS
36	<i>Average Daily Juvenile Commitment Population Forecast</i>
40	<i>Average Daily Juvenile Parole Caseload Forecast</i>
42	<i>Average Daily Juvenile Detention Population Forecast</i>
44	<i>Additional Factors Influencing The Juvenile Commitment, Detention And Parole Population Forecasts</i>

APPENDIX A: Laws Directly Affecting Prison Sentences and Length of Stay in Prison

APPENDIX B: Infographic from the Pew Charitable Trusts: Juvenile Commitment Rates

FIGURES:

6	<i>Figure 1: Actual and projected total prison population FY 2005 through FY 2023: Comparison of DCJ December 2015, Summer 2015 , and December 2016 Prison Population Projections</i>
7	<i>Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2023</i>
8	<i>Figure 3: Actual and projected quarterly female prison population FY 2012 through FY 2023</i>
13	<i>Figure 4: Colorado prison admissions by type: actual and projected FY 2012 through FY 2023</i>
14	<i>Figure 5: Colorado prison releases: actual and projected FY 2012 through FY 2023</i>
14	<i>Figure 6: Colorado prison release detail: actual and projected FY 2012 through FY 2023</i>
16	<i>Figure 7: Correspondence of Colorado criminal court filings FY 2000 through FY 2016 and new court commitments in following years</i>
18	<i>Figure 8: Prison admissions and releases FY 2014 through December 2016</i>
22	<i>Figure 9: Historical and projected end of fiscal year parole caseloads FY 2012 through FY 2023</i>
39	<i>Figure 10: Historical and projected year-end year to date juvenile commitment average daily population FY 2002 through FY 2021</i>
39	<i>Figure 11: Historical and projected annual new juvenile commitments FY 2002 through FY 2021</i>
41	<i>Figure 12: Historical and projected juvenile parole year-end average daily population FY 2002 through FY 2021</i>
44	<i>Figure 13: Historical and projected juvenile detention year-end average daily population FY 2002 through FY 2021</i>

TABLES:

- 9** *Table 1: DCJ December 2016 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2023*
- 10** *Table 2: DCJ December 2016 Quarterly Adult Prison Population Projections June 2016 through June 2023*
- 11** *Table 3: DCJ December 2015 Adult Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2023*
- 12** *Table 4: DCJ December 2016 Adult Prison Population Projections, actual and projected prison releases by type, FY 2005 through FY 2023*
- 20** *Table 5: DCJ December 2016 adult domestic and total parole caseload projections FY 2016 through FY 2023*
- 24** *Table 6: Estimated average lengths of stay for FY 2016 male new commitments*
- 25** *Table 7: Estimated average lengths of stay for FY 2016 female new commitments*
- 26** *Table 8: Estimated average lengths of stay for FY 2016 total new commitments*
- 27** *Table 9: Estimated average lengths of stay for FY 2016 male parole returns with a new crime*
- 28** *Table 10: Estimated average lengths of stay for FY 2016 female parole returns with a new crime*
- 29** *Table 11: Estimated average lengths of stay for FY 2016 total parole returns with a new crime*
- 30** *Table 12: Estimated average lengths of stay for FY 2016 combined new court commitments and parole returns with a new crime*
- 31** *Table 13: Estimated average length of stay for FY 2016 new court commitments and parole returns with a new crime, category totals excluding habitual and sex offender act convictions*
- 31** *Table 14: Estimated average length of stay for FY 2016 new court commitments and parole returns with a new crime, category totals including habitual and sex offender act convictions*
- 33** *Table 15: Estimated average length of stay on parole for FY 2016 new parole intakes*
- 37** *Table 16: DCJ January 2017 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2015 through FY 2021*
- 38** *Table 17: DCJ January 2017 quarterly juvenile commitment average daily population forecast, FY 2016 through FY 2021*
- 41** *Table 18: DCJ January 2017 juvenile parole year-end average daily caseload forecast, FY 2015 through FY 2021*
- 42** *Table 19: DCJ January 2017 juvenile detention fiscal year-end average daily population forecast, FY 2015 through FY 2021*
- 43** *Table 20: DCJ January 2017 quarterly juvenile detention average daily population forecast, FY 2016 through FY 2021*

Executive Summary

After decades of continuous growth, the Colorado adult prison population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013, but reversed sharply beginning in the fourth quarter of FY 2013, with growth continuing through early FY 2015. However, the population began to level mid-year, and resumed a declining trend through the end of the year and into the first half of FY 2016. While the prison population fell by over 1000 beds across FY 2016, this drop mainly occurred in the first 9 months of the year. Renewed growth began in the final quarter of the year and into the first half of FY 2017, which is expected to continue throughout the remainder of the forecast timeframe.

The Colorado prison population is expected to increase by 9.9% between fiscal years 2016 and 2023, from an actual year-end inmate population of 19,619 to a projected population of 21,569. While this may appear to represent much greater growth than that forecast by DCJ in 2015, it is more a reflection of the extent of the reduction in parole returns to prison, which lead to a greater decline in the inmate population by the end of FY 2016 than anticipated. The growth rate presented in the current forecast is slightly higher than that predicted at this time last year.

During FY 2017, the overall inmate population is projected to increase 1.2%. Growth over the subsequent six years is expected to remain below 2.0% per year. The number of men in prison is expected to increase from 17,768 to 19,226 (8.2%) by the end of FY 2023, while the number of women in prison is expected to increase from 1,851 to 2,343 (26.6%) across the same time frame. This large increase in the female prison population is partially an artifact of the steep decline which occurred across FY 2016.

The parole caseload is expected to stabilize in FY 2017 and begin a period of decline through FY 2019. Slow growth is then expected throughout the remainder of the forecast horizon. Overall, the domestic caseload is expected to decrease from 8,402 parolees at the end of FY 2016 to 7,456 by the end of FY 2023, an 11.3% decrease. The total caseload is expected to decrease 7.3%, from 10,603 to 9,826 over the same time frame.

The number of youth committed to the DYC has consistently declined over the past twelve fiscal years.¹ In more recent years, the decline averaged 10.0% per year between FY 2011 and FY 2013, slowing to 6.3% in FY 2014 and continuing over the following two years. However, with the reduction in ADP (average daily population) experienced in early FY 2017, the rate of decline is expected to accelerate.

¹ Colorado Department of Human Services (2006-2014). *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://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

Based on the historical decline in ADP along with trends in juvenile filings, probation revocations, and sentencing practices, the commitment ADP is projected to continue to decrease throughout the projection period. The year-to-date (YTD) ADP is expected to decrease 9.2% by the end of FY 2017, from 692.6 to 628.7. By the end of FY 2021, the ADP is expected to fall to 490.9, a 29.1% reduction.

New commitments are also expected to continue declining. After the 7.1% drop in new commitments observed in FY 2016, a 6.1% decrease is expected across FY 2017. The rate of decline in admissions is expected to remain somewhat consistent between FY 2017 and FY 2021, averaging 5.6% per year. The juvenile parole ADC is expected to decrease 3.1% by the end of FY 2017 and by 20.4% between FY 2016 and FY 2021.

As is the case with the juvenile commitment population, the detention population is expected to continue to decline throughout the forecast period. Based on trends in the monthly detention ADP and admissions through the first half of FY 2017, the YTD ADP is expected to decrease 9.2% by year-end, to 249.7. However, this rate of decline is expected to slow over the following four years resulting in an overall decline of 20.4% by the end of FY 2021.

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 forecasts for the Colorado adult prison and parole populations and for the Colorado juvenile commitment, detention and parole populations based on population trends as of December, 2016.

The adult prison and parole forecasts estimate the size of these populations across the upcoming seven years. Also included are estimates regarding average length of stay for future populations, which are used to calculate cost savings resulting from proposed legislation and policy changes. The juvenile commitment, detention and parole forecasts estimate the average daily populations over the upcoming five years.

Organization of This Report

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM), followed by adult prison population and parole caseload forecasts for fiscal years 2017 through 2023, including a discussion of factors and assumptions applied to the current projections. These are followed by projections for the parole caseload, and by estimates of the average lengths of stay by offender category for the fiscal year 2016 cohort of prison admissions.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2017 through 2021. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide as well as estimated numbers of new commitments. These are followed by statewide year-end and quarterly detention ADP forecasts and year-end average daily caseload (ADC) forecasts for the juvenile parole population statewide.

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 information concerning admissions to and releases from the Colorado Department of Corrections (DOC) and from the Division of Youth Corrections (DYC), as well as the adult and juvenile populations currently incarcerated. 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 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 future admissions cohort estimates the composition and number of future admissions, including offenders who fail probation or community corrections and are subsequently incarcerated due to a technical violation of probation. Projected future admissions are based on historical prison admission trends, taking into account crime trends, criminal case filings, conviction rates and sentencing practices. Trends in probation placements and probation revocation rates are also examined.

A variety of statistical models are generated to develop the future admissions projections, incorporating recent changes in laws or policy. This projected future admissions cohort is disaggregated into approximately 70 offender profile groups according to governing offense type, felony class and sentence length.

While the number of offenders admitted to prison each month of the projection period is tracked, the duration of their stay in prison is estimated and the point at which they are expected to be released from prison is also tracked. The length of 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.

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

³ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services; 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>

Cumulative survival distributions are developed and applied to each of the offender profile/sentence length groups to estimate, on a monthly basis, a rate of release and 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 impacting the future admissions cohort. The release of offenders currently in prison (referred to as the 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.

Assumptions Affecting the Accuracy of the DCJ Projections

The projection figures for the Colorado Department of Corrections' incarcerated and parole populations and for the Division of Youth Corrections' commitment and parole populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time offenders 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 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 model.
- ❑ The data provided by the Colorado Department of Corrections (DOC) accurately describe the number and characteristics of offenders committed to, released from, and retained in DOC facilities.
- ❑ Incarceration times and sentencing data provided by DOC are accurate.
- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming 7 years, except in ways that are accounted for in the current year's projection model.

- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions provided by the Colorado Demographer's Office are accurate.
- ❑ District 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.

Colorado Adult Prison Population and Parole Caseload Projections

ADULT INMATE POPULATION FORECAST

The Colorado prison population is expected to increase by 9.9% between fiscal years 2016 and 2023, from an actual year-end inmate population of 19,619 to a projected population of 21,569. While this may appear to represent much greater growth than that forecast by DCJ in 2015, it is more a reflection of the unexpected extent of the reduction in parole returns to prison, which lead to a greater decline in the inmate population by the end of FY 2016 than anticipated. The growth rate presented in the current forecast is slightly higher than that predicted at this time last year.

During FY 2017, the overall inmate population is projected to increase 1.2%. Growth over the subsequent six years is expected to remain below 2.0% per year. The number of men in prison is expected to increase from 17,768 to 19,226 (8.2%) by the end of FY 2023, while the number of women in prison is expected to increase from 1,851 to 2,343 (26.6%) across the same time frame. This large increase in the female prison population is partially an artifact of the steep decline which occurred across FY 2016.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2016, and compares the current projections to the DCJ December 2015 and Summer 2016 projection figures. 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 figure observed since prior to January 2004. However, the population has increased slowly over the following nine months, through December of 2016.

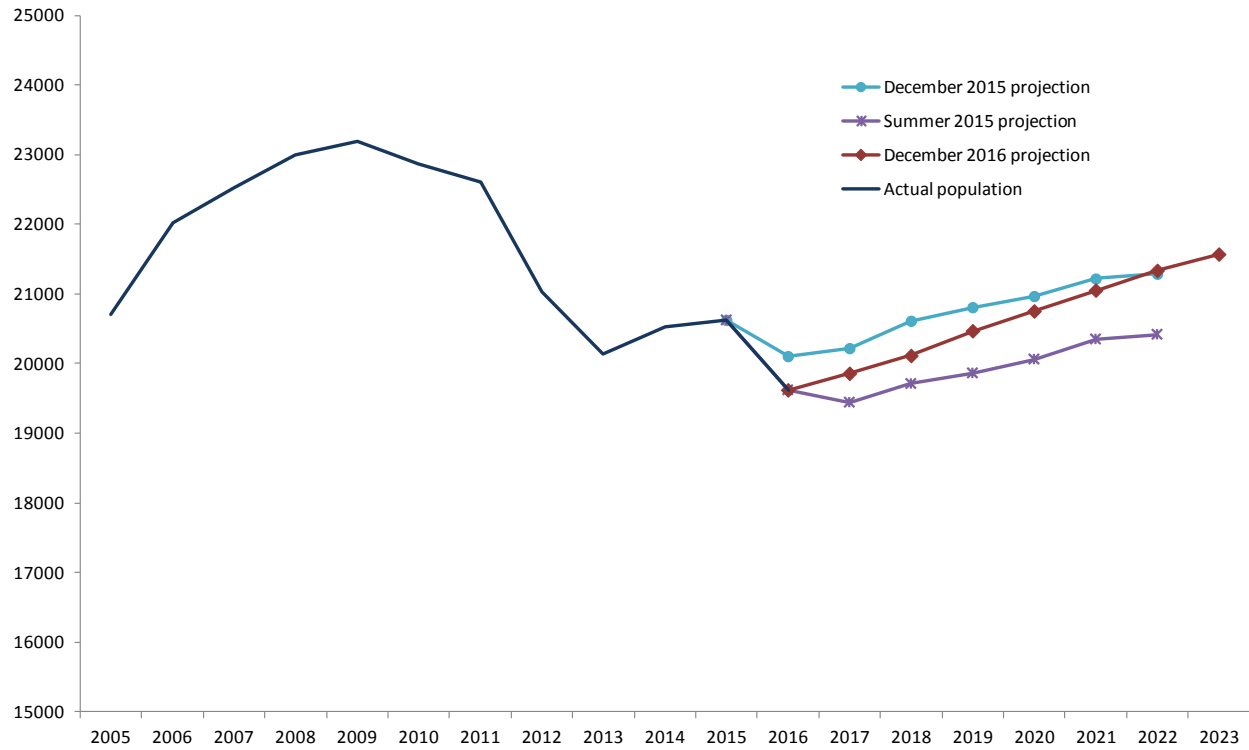
IN BRIEF:

The number of adult inmates in Colorado is expected to increase 9.9% between fiscal years 2016 and 2023, from an actual year-end population of 19,619 to a projected population of 21,569 inmates. The number of men in prison is expected to increase 8.2% by the end of FY 2023, while the number of women in prison is expected to increase 26.6%.

The parole caseload is expected to stabilize in FY 2017 and begin a period of decline through FY 2019. Slow growth is then expected throughout the remainder of the forecast horizon. Overall, the domestic caseload is expected to decrease from 8,402 parolees at the end of FY 2016 to 7,456 by the end of FY 2023, an 11.3% decrease. The total caseload is expected to decrease 7.3%, from 10,603 to 9,826 over the same time frame.

The recent increase in the population is expected to continue throughout the forecast horizon, based on admission and release trends and factors outlined in the following section.

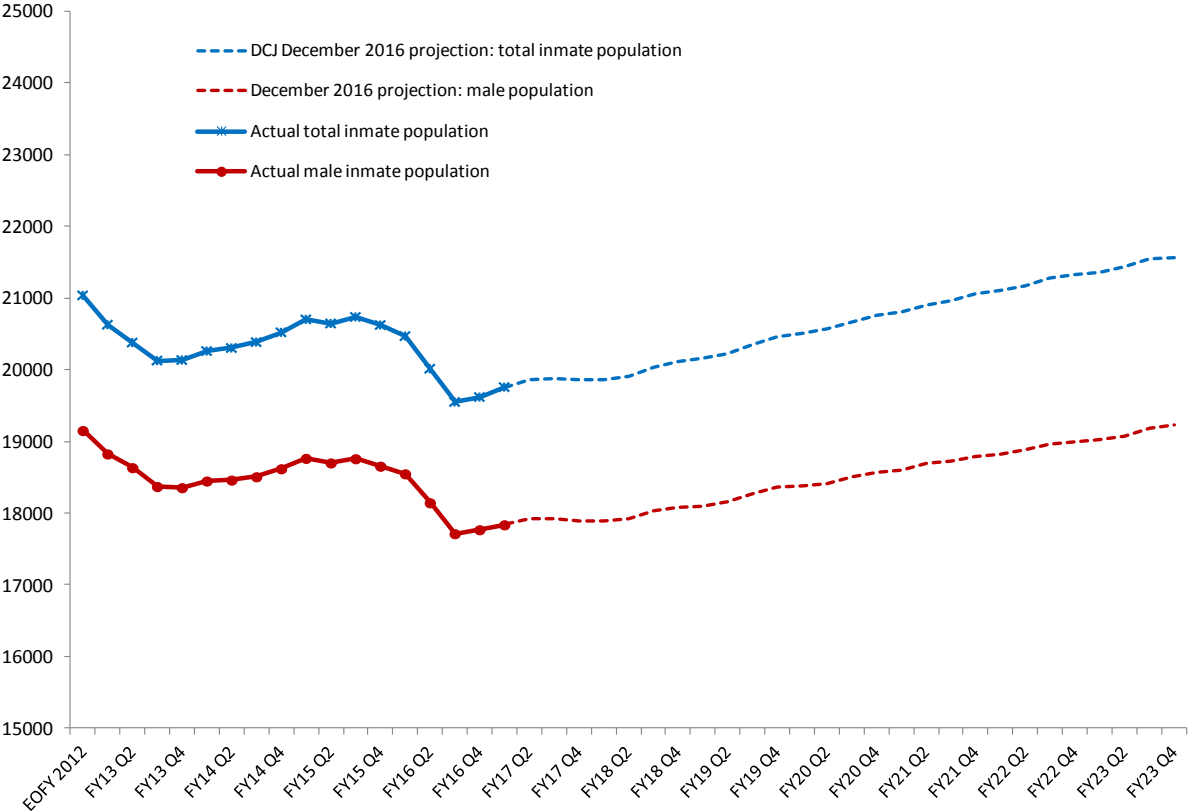
Figure 1: Actual and projected total prison population FY 2005 through FY 2023: Comparison of DCJ December 2015, Summer 2016 and December 2016 Prison Population Projections



Data source: Actual population figures FY 2005 through FY 2016: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

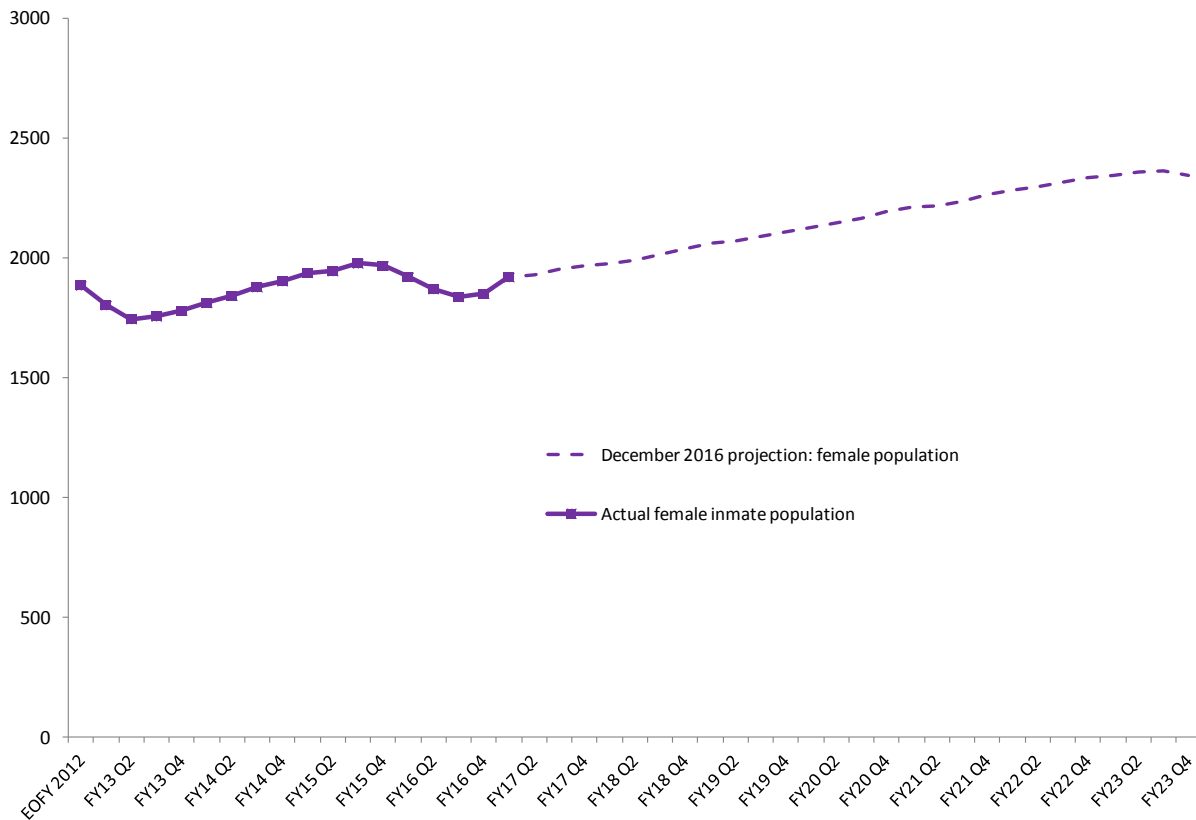
Figure 2, below, displays the quarterly total and male prison populations between the end of FY 2012 through the first quarter of FY 2017 (September, 2016), and the projected population at the end of each quarter through FY 2023. Figure 3 displays the actual and projected trends in the female inmate population over this same time frame.

Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2023



Data source: Actual population figures June 30, 2012 through September 30, 2016 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 2023



Data source: Actual population figures June 30, 2012 through September 30, 2016 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 2016, as well as the projected population through the end of fiscal year 2023. Table 2 displays total and gender-specific projected growth in the prison population by quarter for fiscal years 2017 through 2023. 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 2011 through 2023 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 2015 Adult Prison Population Projections: Actual and projected populations
FY 2005 through FY 2022**

Fiscal Year End	Total Prison		Male Population		Female Population	
	Population	Annual Growth	Population	Annual Growth	Population	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	19,857	1.21%	17,890	0.68%	1,968	6.30%
2018	20,112	1.28%	18,074	1.03%	2,038	3.58%
2019	20,467	1.77%	18,357	1.56%	2,111	3.56%
2020	20,752	1.39%	18,561	1.11%	2,191	3.82%
2021	21,051	1.44%	18,786	1.21%	2,265	3.37%
2022	21,334	1.35%	18,998	1.13%	2,336	3.13%
2023	21,569	1.10%	19,226	1.20%	2,343	0.30%

*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/departmental-reports-and-statistics>

Table 2: DCJ December 2016 Quarterly Adult Prison Population Projections: June 2016 through June 2023

Fiscal Year	End of Month	Total Prison		Male Population		Female Population	
		Population	Growth	Population	Growth	Population	Growth
2016*	<i>June 2016</i>	19,619	0.35%	17,768	0.31%	1,851	0.76%
2017*	<i>September 2016</i>	19,757	0.70%	17,837	0.39%	1,920	3.73%
2017	December 2016	19,853	0.49%	17,924	0.49%	1,929	0.46%
2017	March 2017	19,872	0.09%	17,920	-0.02%	1,952	1.18%
2017	June 2017	19,857	-0.07%	17,890	-0.17%	1,968	0.82%
2018	September 2017	19,862	0.02%	17,886	-0.02%	1,976	0.43%
2018	December 2017	19,913	0.26%	17,924	0.21%	1,989	0.66%
2018	March 2018	20,041	0.64%	18,027	0.58%	2,013	1.22%
2018	June 2018	20,112	0.36%	18,074	0.26%	2,038	1.22%
2019	September 2018	20,159	0.23%	18,099	0.14%	2,059	1.05%
2019	December 2018	20,223	0.32%	18,152	0.29%	2,072	0.59%
2019	March 2019	20,356	0.66%	18,267	0.64%	2,089	0.84%
2019	June 2019	20,467	0.55%	18,357	0.49%	2,111	1.03%
2020	September 2019	20,504	0.18%	18,375	0.10%	2,129	0.87%
2020	December 2019	20,565	0.30%	18,416	0.23%	2,148	0.90%
2020	March 2020	20,664	0.48%	18,497	0.44%	2,167	0.85%
2020	June 2020	20,752	0.43%	18,561	0.34%	2,191	1.14%
2021	September 2020	20,812	0.29%	18,602	0.22%	2,210	0.86%
2021	December 2020	20,909	0.47%	18,693	0.49%	2,216	0.27%
2021	March 2021	20,964	0.27%	18,728	0.19%	2,236	0.90%
2021	June 2021	21,051	0.41%	18,786	0.31%	2,265	1.30%
2022	September 2021	21,101	0.24%	18,816	0.16%	2,285	0.88%
2022	December 2021	21,176	0.36%	18,879	0.34%	2,297	0.53%
2022	March 2022	21,274	0.46%	18,956	0.41%	2,318	0.91%
2022	June 2022	21,334	0.28%	18,998	0.22%	2,336	0.78%
2023	September 2022	21,361	0.13%	19,018	0.10%	2,343	0.30%
2023	December 2022	21,437	0.35%	19,079	0.32%	2,358	0.64%
2023	March 2023	21,546	0.51%	19,184	0.55%	2,362	0.17%
2023	June 2023	21,569	0.11%	19,226	0.22%	2,343	-0.80%

*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 2016 Adult Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2023

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	5,483	790	2,577	50	8,899
2018	5,863	768	2,506	66	9,203
2019	6,008	733	2,393	67	9,201
2020	6,113	717	2,340	68	9,238
2021	6,194	731	2,385	69	9,379
2022	6,282	741	2,419	70	9,513
2023	6,377	755	2,463	71	9,666

*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/departmental-reports-and-statistics>

Table 4: DCJ December 2016 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2023

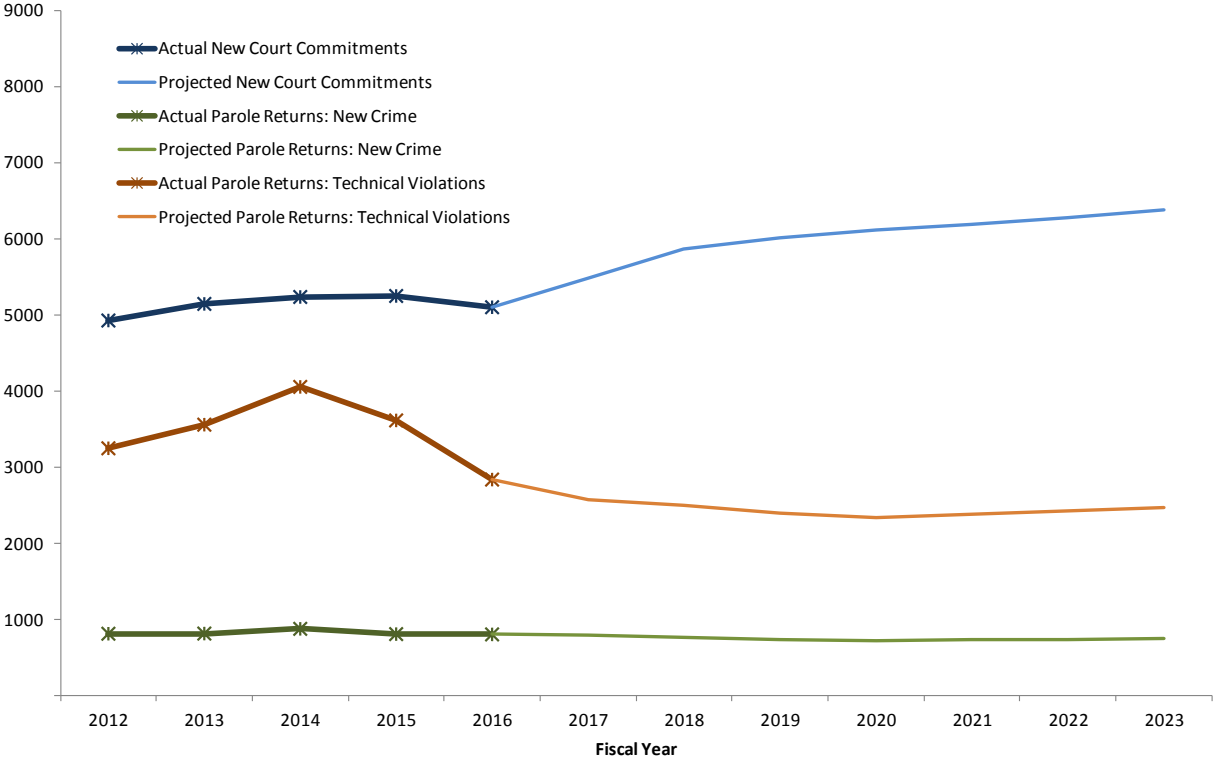
Fiscal Year End	Releases to Parole			Sentence Discharge	Other ²	Total Discharges
	Mandatory	Discretionary ¹	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	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	4,975	3,110	8,085	1,193	168	9,446
2018	4,670	3,049	7,719	1,110	158	8,987
2019	4,599	2,948	7,547	1,051	159	8,757
2020	4,654	3,039	7,693	1,026	164	8,883
2021	4,714	3,090	7,804	1,031	166	9,001
2022	4,798	3,148	7,946	1,217	170	9,333
2023	4,864	3,189	8,052	1,063	172	9,287

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.

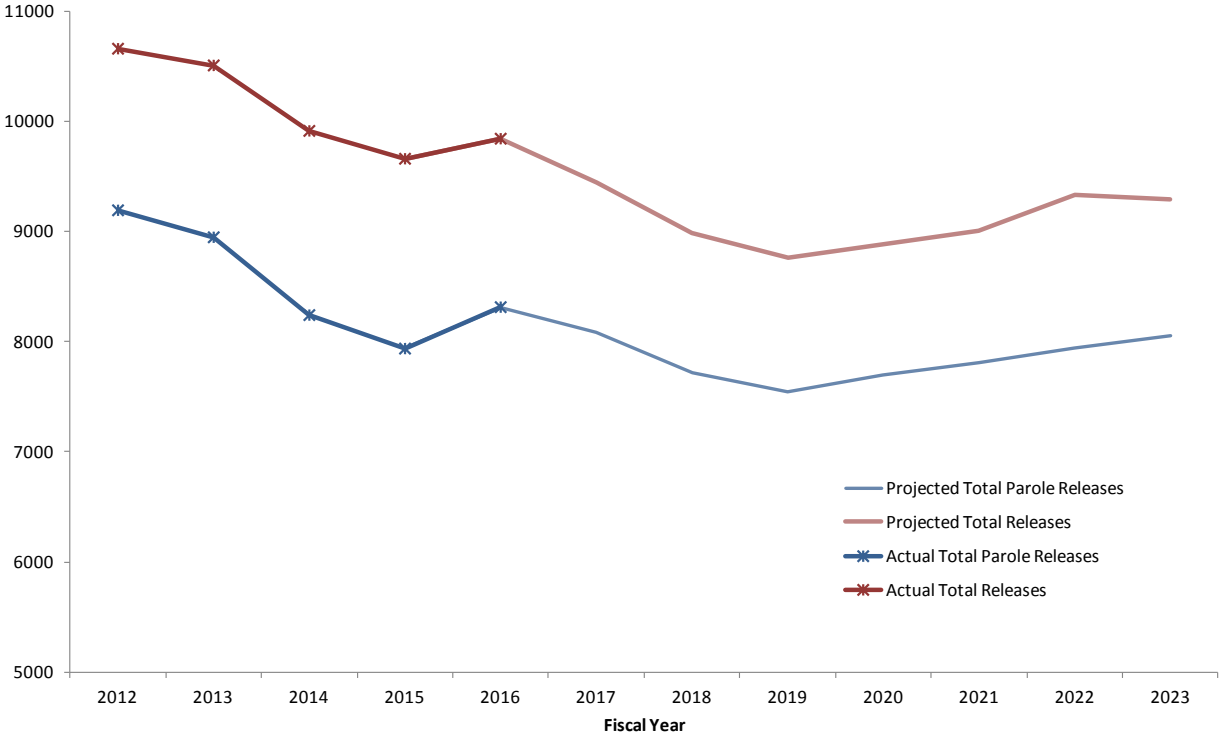
*Actual prison discharge figures. Data Source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 4: Colorado prison admissions by type: Actual and projected FY 2012 through FY 2023



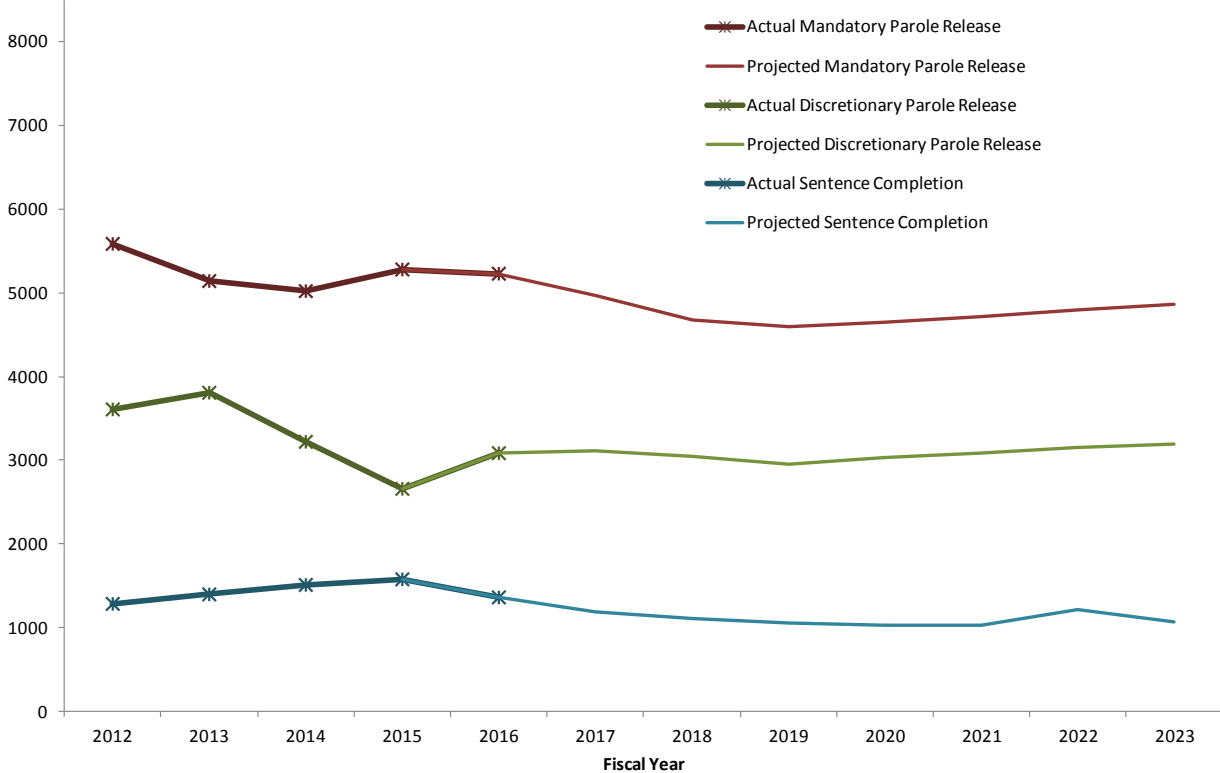
Data source: Actual population figures FY 2011 through FY 2016: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 5: Colorado prison releases: Actual and projected FY 2012 through FY 2023



Data source: Actual population figures FY 2011 through FY 2016: Colorado Department of Corrections Monthly Capacity and Population Reports.

Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2023



Data source: Actual population figures FY 2011 through FY 2016: Colorado Department of Corrections Monthly Capacity and Population Reports.

FACTORS AFFECTING THE ADULT PRISON POPULATION PROJECTIONS

Prison admissions exceeded releases throughout the 2000s, resulting in a continuous growth in the prison population throughout the decade. In early FY 2010, this pattern reversed. In particular, new court commitments began to decline and the prison population began a period of decline which accelerated in fiscal years 2012 and 2013. However, releases were on a downward trend throughout FY 2013, while total admits began trending upward. By the last quarter of FY 2013, admits exceeded releases and the overall prison population began a renewed period of growth. This pattern continued through mid FY 2015.

In the second half of FY 2015, once again the ratio of admits to releases reversed and the inmate population began to decline. While the prison population fell by over 1000 beds across FY 2016, this drop mainly occurred in the first 9 months of the year. Renewed growth began in the final quarter of the year and into the first half of FY 2017.

While this decline was anticipated at the time of the DCJ December 2015 forecast, it occurred much more quickly and precipitously than expected. This was mainly due to a reduction in all categories of admissions. New court commitments fell by 2.8% across FY 2016. However, this decline occurred entirely in the first quarter of the year, with consistent increases during subsequent quarters.

However, the main driver of this pattern was the trend in prison admissions due to technical parole violations. Parole revocations were expected to fall due to recent legislation and initiatives, but the reality far exceeded expectations. During FY 2016 alone, revocations fell by 21.5%. It is probable that HB 14-1355, which directed DOC to provide reentry services to offenders, and particularly SB 15-124, which required the use of alternative sanctions for parole violations prior to revocation, had a far more immediate and powerful impact than expected.⁴

In spite of these trends, the population is projected to begin a period of renewed growth throughout the remainder of the forecast timeframe. Additional trends and factors influencing this year's DCJ inmate population forecast are described in detail below.

Admission trends

As stated above, the main driver of the short-lived decline in the prison population was a reduction in admissions due to technical parole violations. While parole revocations fell by 21.5% in FY 2016, this decline occurred mainly in the second quarter of the year. Revocations increased slightly though steadily

⁴ House Bill 14-1355 provided funding and personnel to develop and provide reentry programs for adult parolees. Senate Bill 15-124 narrowed the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate sanctions as an alternative to returning a parolee to prison (see the appendix for further details); Colorado Legislative Council Staff Fiscal Note (October 13, 2015). Reduce parole violations for technical violations (SB 15-124); Colorado Legislative Council Staff Fiscal Note (July 23, 2014). Reentry programs for adult parolees (HB 14-1355).

in the second half of the year, but have trended downward through the first half of FY 2017. Based on this trend, the expected continuing development and implementation of reentry programs and alternative sanctions for parolees per SB 15-124 and HB-1355,⁵ and the projected reduction in the size of the parole caseload, returns to prison for parole technical violations are expected to continue a downward trend for the next four years.

This reduction in parole revocations contributes to the projected decline in the inmate population through FY 2017 and the first quarter of FY 2018. However, even though returns to prison for technical parole violations may remain significantly reduced, these cases have a minimal impact on the long-term prison forecast in comparison to admissions with new sentences as they will be re-released in approximately six months.

While new court commitments fell slightly across FY 2016, this decline occurred entirely in the first quarter of the year, with consistent increases during subsequent quarters. The proportions of admissions made up of new court commitments and of parolees returning with a new sentence is much larger than observed over the past seven years. This will serve to put significant upward pressure on the population for several years in the future, as these new inmates will remain in prison for an average of 3 years.

Increases in new court commitments are expected to continue in FY 2017 and FY 2018, due to patterns in criminal court filings, probation revocations, growth in the Colorado population, and legislation. Each of these contributes to the expected growth in the overall population throughout the forecast horizon. Further details regarding these factors are outlined below.

There is significant correspondence between the number of cases filed in criminal court and the numbers of new court commitments to prison between one and two years later, as demonstrated in Figure 7. The number of filings increased by 12.5% in FY 2016, the largest increase seen over the past fifteen years. This follows the 7.7% increase observed in FY 2015.⁶ While the discretionary practices of prosecutors and judges significantly influence the level of this correspondence, large increases in filings consistently predict future increases in commitments to prison.

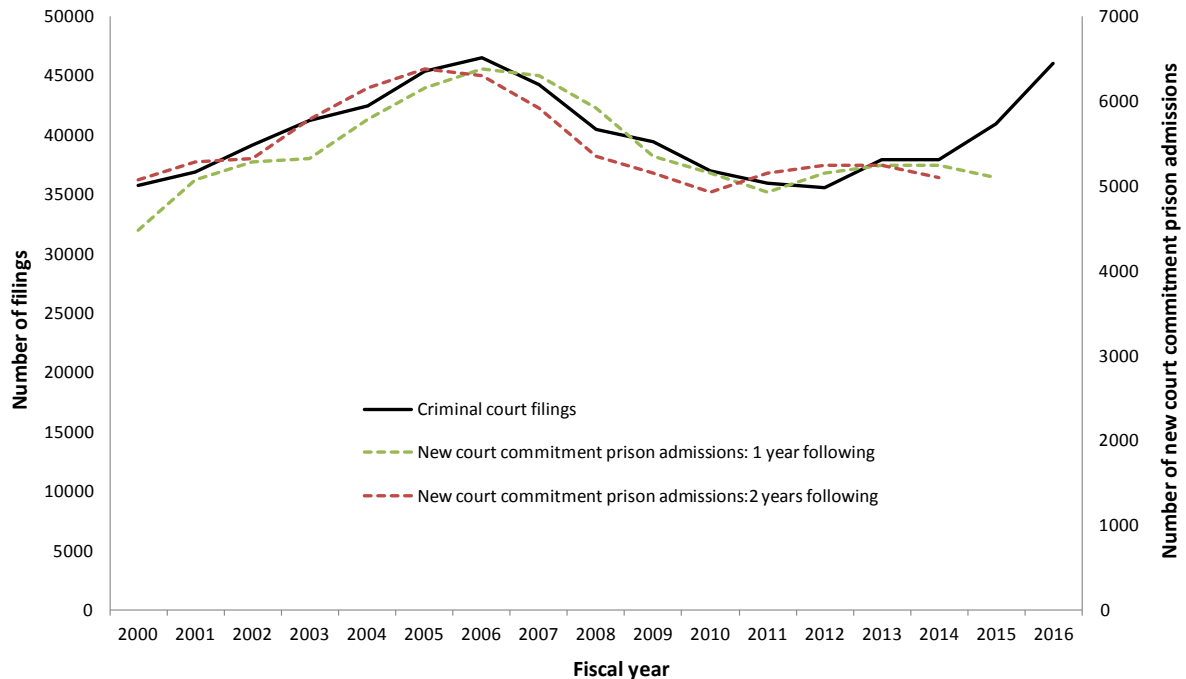
Adult probation revocations also play a role in new court commitments to prison, given that an estimated 38% of DOC sentences are due to probation revocations. While revocations have been increasing each year over the past 5, this has not always corresponded with trends in prison admissions again due to judiciary discretion regarding sanctions for probation violations. However, after many years of reductions in the proportion of those revoked who are sentenced to DOC, a slight upturn occurred among the

⁵ Ibid.

⁶ Colorado State Judicial Branch (2007-2015). *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at: <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep>.

proportion of revocations resulting in a DOC sentence in FY 2015.⁷ This trend, the combination with increasing numbers of revocations, will likely contribute to future increases in new commitments to prison.

Figure 7: Correspondence of Colorado criminal court filings FY 2000 through FY 2016 and new court commitments in following years



Data Sources: Colorado Dept. of Corrections Annual Statistical Reports; Colorado Judicial Branch Annual Statistical Reports, FY 2000-FY 2016.

Demographic trends also influence numbers of new court commitments. Very strong growth in the Colorado adult population is expected in upcoming years, in particular those within the 24-44 year old age range. This growth is expected to accelerate in FY 2017 through FY 2020 in particular.⁸ This may contribute to increases in new court commitments in FY 2017 and throughout the projection timeframe.

The passage of HB 15-1043, which created a class of felony DUI offenders, will serve to contribute to increases in new court commitments in the next few years. While this legislation was expected to begin impacting the population in FY 2017, it appears such admissions may appear in prison much more quickly than expected, with 110 offenders admitted to prison with a felony DUI as their most serious crime during FY 2016 alone. This number can be expected to increase across the upcoming year.⁹

⁷ 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>

⁸ Colorado State Demographer's Office, Department of Labor and Employment. Population forecasts based on the 2010 national census. Available at: http://www.dola.state.co.us/dlg/demog/pop_colo_forecasts.html.

⁹ Colorado Legislative Council Staff Fiscal Note (October 10, 2015). Felony offense for repeat DUI offenders (H.B. 15-1043).

Life sentences will continually exert upward pressure on the overall population. The number of sentences to life without parole is small, but is very consistent at approximately 30 per year. However, even fewer (less than 10) are removed from the population per year. This discrepancy has resulted in a 90.5% increase in the population of such inmates over the past eleven years, from 360 in 2005 to 686 in 2016. This population will continue to increase, continually driving the size of the population upwards in the future.

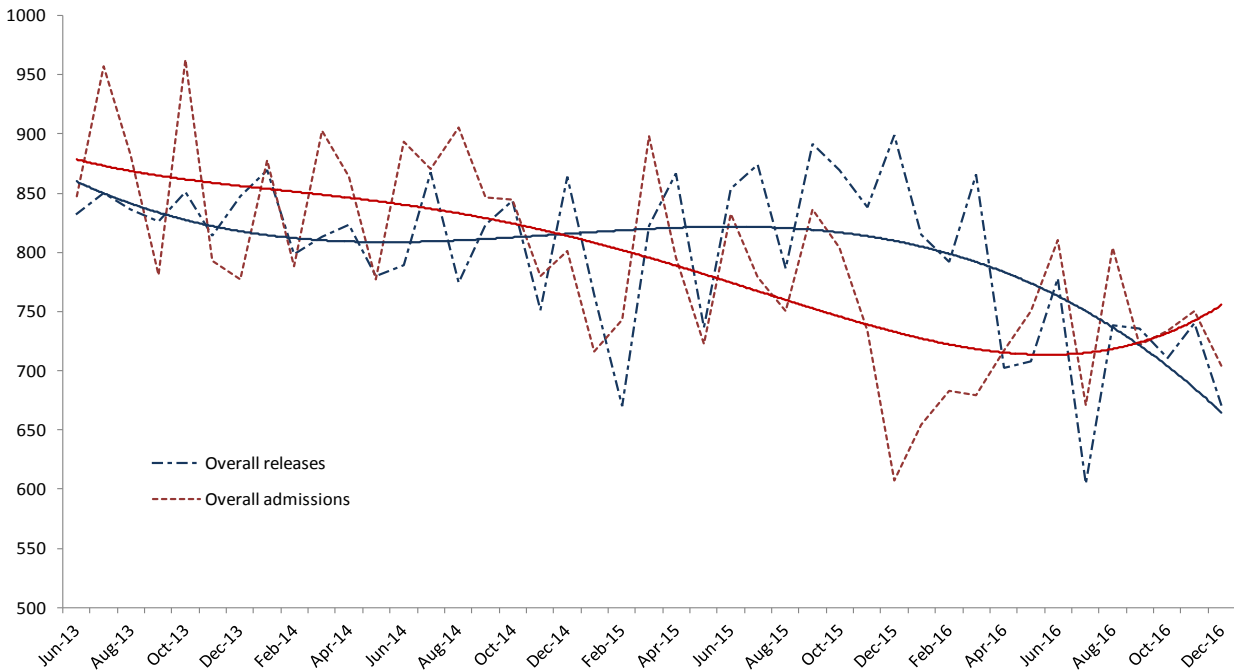
Sexual offenders sentenced under the Lifetime Supervision Act of 1998 have also contributed to the upward trend of the prison population and will continue to do so into the future. These individuals receive indeterminate prison sentences, ranging between one year and life. The first prison admission with an indeterminate sentence for a sexual offense occurred in late 1999. The number of these offenders in prison grew to 1,729 by the end of FY 2016, comprising 8.9% of the inmate population. While the growth of this population has slowed, they have had an increasing impact on the parole caseload. As of the end of FY 2008, only 8 individuals had been released to parole. This number grew to 671 by the end of FY 2016. Of these, only a single offender has discharged their parole sentence. This group is expected to continually contribute to growth in the parole caseload in upcoming years.

Release trends

The number of inmates in prison is determined by the flow of admissions and releases. Prior to FY 2008, admissions to prison consistently exceeded releases, and inevitably the prison population grew by 68.3% between the 10 years between fiscal years 1998 and 2008. This discrepancy equalized beginning in FY 2009, followed by a predictable decline in the inmate population through the end of FY 2013.

Through mid-FY 2014, prison admissions exceeded the number of releases, with corresponding inmate population growth through early FY 2015. In mid-FY 2015, this disparity began to equalize. Throughout the first 9 months of FY 2016 releases far exceeded admissions, as shown in Figure 8. However, at the end of FY 2016 this ratio reversed, with admissions once again exceeding releases through the present. This trend is expected to continue over the next three years, followed by increases in the numbers of releases over the following four years. This increase is expected due to the current and projected increases in new court commitments, who will begin to be released to parole several years out.

The length of stay in prison is a major factor in determining the size of the prison population. The median length of stay for releases (excluding inmates in prison for technical parole violations) declined significantly between FY 2013 and FY 2015, which exerted some downward pressure on the population. However, releases in FY 2016 demonstrated a small increase in their length of stay. This trend may contribute slightly to the projected increase in the population in upcoming years.

Figure 8: Prison admissions and releases FY 2014 through December 2016

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

Parole returns, due to both new sentences and technical violations, increased by 7.8% in FY 2013 and by 12.8% in FY 2014. As those who have received prior revocations are less likely to receive a discretionary release in the future, this trend contributed to decline of discretionary releases observed during that time frame and through mid-FY 2015. However, overall parole returns declined 25.9% over the following two years. This will push the proportion of discretionary to mandatory releases up in the near future. In addition, the increases in new court commitments between FY 2012 and FY 2015, as well as the actual and projected increases in late FY 2016 and beyond are expected to increase discretionary releases throughout the projection timeframe.

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 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 as well as the total caseload through the end of FY 2023. The total caseload includes absconders and out-of-state parolees combined with the domestic caseload. After a year of significant growth in FY 2016, the caseload is expected to stabilize in FY 2017 and begin a period of decline through FY 2019. Slow growth is then expected throughout the remainder of the forecast horizon. Overall, the domestic caseload is expected to decrease from 8,402 parolees at the end of FY 2016 to 7,456 by the end of FY 2023, an 11.3% decrease. The total caseload is expected to decrease 7.3%, from 10,603 to 9,826 over the same time frame.

**Table 5: DCJ December 2016 adult domestic and total parole caseload projections
FY 2016 through FY 2023**

Fiscal Year End	Domestic Parole Caseload	Annual Growth	Total Parole Caseload ¹	Annual Growth
2016*	8402	6.83%	10,603	5.76%
2017	8266	-1.62%	10,485	-1.11%
2018	7725	-6.55%	9,874	-5.83%
2019	7290	-5.62%	9,348	-5.33%
2020	7247	-0.60%	9,378	0.32%
2021	7307	0.83%	9,522	1.53%
2022	7365	0.80%	9,688	1.75%
2023	7456	1.23%	9,826	1.42%

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

¹ Includes the domestic caseload, out-of-state parolees, and absconders.

Figure 11 displays the actual and the projected domestic and total parole caseloads for fiscal years 2012 through 2023. The decline observed across fiscal years 2014 and 2015 was attributable to a decline in discretionary parole releases which fell by 15.4% during FY 2014 and by 17.5% in FY 2015. This situation reversed in FY 2016, leading to an increasing caseload. Discretionary release decisions by the parole board began to increase in the last quarter of FY 2015 and throughout the following year, such that discretionary releases increased by 16.0% by the end of FY 2016. Though mandatory releases remained relatively stable, the overall impact was a 4.7% increase in all parole admissions.

Additionally, while a reduction in parole revocations was expected due to recent legislation, the impact was realized much more quickly and robustly than previously anticipated.¹⁰ Revocations for parole technical violations fell by 21.5% in FY 2016, forcing the caseload up. However, the majority of this drop in revocations was observed between October and December of 2016. Since that time, the number of revocations per month has increased slightly. This stabilization in revocations will contribute to the expected decline in the caseload over the next three years. However, this same legislation will also serve to moderate the decline, by increasing the length of stay on the caseload versus time spent in prison due to a technical return.

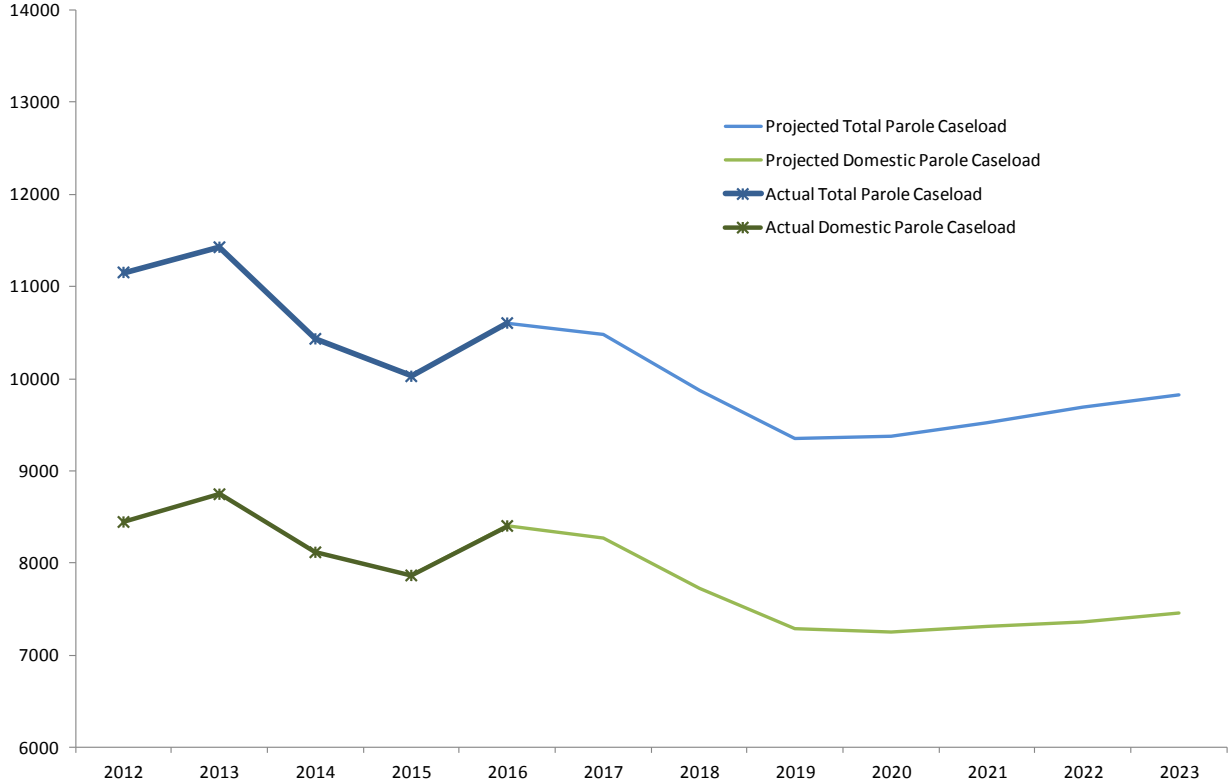
Another factor contributing to the expected fall in the caseload is the decline in parole releases between the last quarter of FY 2016 and continuing into early FY 2017. This decline was initially driven by trends among mandatory releases, but a fall in discretionary releases has been the driving factor to date in FY 2017.

In addition, admissions with governing crimes involving low-level felonies (including felony 6, D3 and D4) have increased in recent years. In fiscal years 2013 and 2014, such cases comprised 16.0% of admissions (excluding parole returns for technical violations). This proportion increased to 19.4% in FY 2015, and further to 20.5% in FY 2016. This trend is expected to continue. With very short prison sentences, these inmates will be released to parole in FY 2017, moderating the expected decline in the caseload. However, with one year parole periods, their sentences will be discharged in a short time, increasing the rate of decline expected in the following two years.

The caseload is expected to experience renewed growth in FY 2020, partially due to the recent increase in new court commitments to prison. These cases will be released to parole in upcoming years, contributing to the expected growth in the caseload. In addition, HB 15-1043 created a class of felony-level DUI offenders, who have begun to appear among prison admissions and are expected in increasing numbers through FY 2017 and FY 2018. With an expected length of stay of 2.5 years, these individuals will begin to be paroled beginning in late FY 2019, additionally driving the caseload up.

¹⁰ House Bill 14-1355 provided funding and personnel to develop and provide reentry programs for adult parolees. Senate Bill 15-124 narrowed the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate sanctions as an alternative to returning a parolee to prison. See the appendix for further details.

Figure 9: Historical and projected end of fiscal year total parole caseloads FY 2012 through FY 2023



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

Average Length Of Stay Estimates For FY 2016 Prison and Parole Admissions

Tables 6 through 12 below display the estimated average length of stay (ALOS) by crime category and felony class for admissions to prison during FY 2016. Parole returns due to technical parole violations are excluded. This information is presented by admission type and gender, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 13 and 14. The average time that these new admissions are expected to actually serve in prison is estimated using data provided by DOC regarding conviction crimes, sentence length and time served for inmates released during the same year.

A series of new drug categories have been introduced to the following tables. These 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 other crime types, nor of drug crimes committed prior to October 1, 2013. Therefore, these drug crimes are presented separately, under the offense categories of DF levels 1 through 4, and extraordinary risk (EXT) DF levels 1 through 4.

An additional change from prior years is the presentation of the category totals. All totals are presented 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.

Estimates for the length of stay on parole have also been included for the first time this year. These figures are presented in Table 15.

Note there were 321 admissions to prison in FY 2016 for drug offenses committed prior to the implementation Senate Bill 13-250. These admissions are excluded from the calculations in the following tables. Therefore, these estimates should not be compared to those contained in prior reports.

Table 6: Estimated average length of stay for FY 2016 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	29	0.51%	2.45
F2 EXT ³	208.18	76	1.34%	2.79
F2 SEX ⁴	-	-	-	-
F2 OTHER ⁵	87.90	15	0.26%	0.23
TOTAL FELONY 2⁶	188.35	91	1.60%	3.02
F3 EXT	107.15	234	4.12%	4.42
F3 SEX	89.50	48	0.85%	0.76
F3 OTHER	58.85	133	2.34%	1.38
TOTAL FELONY 3⁷	90.25	416	7.33%	6.62
F4 EXT	50.18	488	8.60%	4.32
F4 SEX	45.48	35	0.62%	0.28
F4 OTHER	33.70	705	12.43%	4.19
TOTAL FELONY 4⁸	40.72	1218	21.47%	8.74
F5 EXT	27.43	250	4.41%	1.21
F5 SEX	31.68	112	1.97%	0.63
F5 OTHER	19.89	877	15.46%	3.08
TOTAL FELONY 5⁹	22.24	1248	22.00%	4.89
F6 EXT	14.09	121	2.13%	0.30
F6 SEX	10.86	46	0.81%	0.09
F6 OTHER	10.39	488	8.60%	0.89
TOTAL FELONY 6¹⁰	11.10	655	11.55%	1.28
DRUG FELONY (DF) LEVEL 1 ^{11,12}	42.23	1	0.02%	0.01
DF LEVEL 2 ¹²	45.05	6	0.11%	0.05
DF LEVEL 3 ¹²	24.01	5	0.09%	0.02
DF LEVEL 4	6.89	173	3.05%	0.21
EXT DF LEVEL 1 ^{12,13}	103.04	33	0.58%	0.60
EXT DF LEVEL 2	40.84	109	1.92%	0.78
EXT DF LEVEL 3	27.65	121	2.13%	0.59
EXT DF LEVEL 4	8.08	28	0.49%	0.04
TOTAL DRUG FELONY¹⁴	27.41	476	8.39%	2.30
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	40.23	4133	72.85%	29.31
HABITUAL ¹⁵	226.51	32	0.56%	1.28
SEX OFFENDER ACT ¹⁶	301.77	120	2.12%	6.38
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	48.94	4285	75.53%	36.97

Note: See footnotes on page 32.

Table 7: Estimated average length of stay for FY 2016 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	3	0.05%	0.25
F2 EXT ³	211.10	12	0.21%	0.45
F2 SEX ⁴	-	-	-	-
F2 OTHER ⁵	56.21	3	0.05%	0.03
TOTAL FELONY 2⁶	180.12	15	0.26%	0.48
F3 EXT	78.31	36	0.63%	0.50
F3 SEX	43.23	1	0.02%	0.01
F3 OTHER	40.78	24	0.42%	0.17
TOTAL FELONY 3⁷	62.97	61	1.08%	0.68
F4 EXT	41.55	70	1.23%	0.51
F4 SEX	-	-	-	-
F4 OTHER	25.08	176	3.10%	0.78
TOTAL FELONY 4⁸	29.77	246	4.34%	1.29
F5 EXT	25.43	37	0.65%	0.17
F5 SEX	8.87	1	0.02%	0.00
F5 OTHER	15.51	134	2.36%	0.37
TOTAL FELONY 5⁹	17.60	172	3.03%	0.53
F6 EXT	12.27	5	0.09%	0.01
F6 SEX	-	-	-	-
F6 OTHER	11.22	67	1.18%	0.13
TOTAL FELONY 6¹⁰	11.30	72	1.27%	0.14
DRUG FELONY (DF) LEVEL 1 ^{11,12}	-	-	-	-
DF LEVEL 2 ¹²	-	-	-	-
DF LEVEL 3 ¹²	22.67	1	0.02%	0.00
DF LEVEL 4	5.76	49	0.86%	0.05
EXT DF LEVEL 1 ^{12,13}	119.08	4	0.07%	0.08
EXT DF LEVEL 2	43.74	18	0.32%	0.14
EXT DF LEVEL 3	22.97	13	0.23%	0.05
EXT DF LEVEL 4	4.68	4	0.07%	0.00
TOTAL DRUG FELONY¹⁴	21.19	89	1.57%	0.33
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	31.96	658	11.60%	3.71
HABITUAL ¹⁵	264.00	1	0.02%	0.05
SEX OFFENDER ACT ¹⁶	95.16	3	0.05%	0.05
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	32.60	662	11.67%	3.80

Note: See footnotes on page 32.

Table 8: Estimated average length of stay for FY 2016 total 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	32	0.56%	2.71
F2 EXT ³	208.57	88	1.55%	3.24
F2 SEX ⁴	-	-	-	-
F2 OTHER ⁵	82.62	18	0.32%	0.26
TOTAL FELONY 2⁶	187.18	106	1.87%	3.50
F3 EXT	103.30	270	4.76%	4.92
F3 SEX	88.56	49	0.86%	0.76
F3 OTHER	56.09	157	2.77%	1.55
TOTAL FELONY 3⁷	86.76	477	8.41%	7.29
F4 EXT	49.10	558	9.84%	4.83
F4 SEX	45.48	35	0.62%	0.28
F4 OTHER	31.98	881	15.53%	4.97
TOTAL FELONY 4⁸	38.88	1464	25.81%	10.03
F5 EXT	27.17	287	5.06%	1.37
F5 SEX	31.48	113	1.99%	0.63
F5 OTHER	19.31	1011	17.82%	3.44
TOTAL FELONY 5⁹	21.68	1420	25.03%	5.43
F6 EXT	14.01	126	2.22%	0.31
F6 SEX	10.86	46	0.81%	0.09
F6 OTHER	10.49	555	9.78%	1.03
TOTAL FELONY 6¹⁰	11.12	727	12.82%	1.43
DRUG FELONY (DF) LEVEL 1 ^{11,12}	42.23	1	0.02%	0.01
DF LEVEL 2 ¹²	45.05	6	0.11%	0.05
DF LEVEL 3 ¹²	23.79	6	0.11%	0.03
DF LEVEL 4	6.64	222	3.91%	0.26
EXT DF LEVEL 1 ^{12,13}	104.77	37	0.65%	0.68
EXT DF LEVEL 2	41.25	127	2.24%	0.92
EXT DF LEVEL 3	27.19	134	2.36%	0.64
EXT DF LEVEL 4	7.66	32	0.56%	0.04
TOTAL DRUG FELONY¹⁴	26.43	565	9.96%	2.63
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	39.09	4791	84.45%	33.02
HABITUAL ¹⁵	227.64	33	0.58%	1.32
SEX OFFENDER ACT ¹⁶	296.73	123	2.17%	6.43
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	46.76	4947	87.20%	40.77

Note: See footnotes on page 32.

Table 9: Estimated average length of stay for FY 2016 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	480.00	1	0.02%	0.08
F2 EXT ³	120.70	9	0.16%	0.19
F2 SEX ⁴	187.20	1	0.02%	0.03
F2 OTHER ⁵	33.60	1	0.02%	0.01
TOTAL FELONY 2 ⁶	118.83	11	0.19%	0.23
F3 EXT	57.09	85	1.50%	0.86
F3 SEX	119.73	7	0.12%	0.15
F3 OTHER	54.66	49	0.86%	0.47
TOTAL FELONY 3 ⁷	59.35	141	2.49%	1.48
F4 EXT	37.92	121	2.13%	0.81
F4 SEX	25.93	2	0.04%	0.01
F4 OTHER	32.79	167	2.94%	0.97
TOTAL FELONY 4 ⁸	34.88	290	5.11%	1.78
F5 EXT	16.14	52	0.92%	0.15
F5 SEX	24.97	5	0.09%	0.02
F5 OTHER	24.86	78	1.37%	0.34
TOTAL FELONY 5 ⁹	21.51	135	2.38%	0.51
F6 EXT	7.64	4	0.07%	0.01
F6 SEX	-	-	-	-
F6 OTHER	14.25	16	0.28%	0.04
TOTAL FELONY 6 ¹⁰	12.93	20	0.35%	0.05
DRUG FELONY (DF) LEVEL 1 ^{11,12}	-	-	-	-
DF LEVEL 2 ¹²	-	-	-	-
DF LEVEL 3 ¹²	-	-	-	-
DF LEVEL 4	11.12	12	0.21%	0.02
EXT DF LEVEL 1 ^{12,13}	-	-	-	-
EXT DF LEVEL 2	73.93	1	0.02%	0.01
EXT DF LEVEL 3	-	-	-	-
EXT DF LEVEL 4	-	-	-	-
TOTAL DRUG FELONY ¹⁴	15.95	13	0.23%	0.04
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	38.69	611	10.77%	4.17
HABITUAL ¹⁵	57.28	8	0.14%	0.08
SEX OFFENDER ACT ¹⁶	65.72	24	0.42%	0.28
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	39.93	643	11.33%	4.53

Note: See footnotes on page 32.

Table 10: Estimated average length of stay for FY 2016 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	-	-	-	-
F2 EXT ³	-	-	-	-
F2 SEX ⁴	-	-	-	-
F2 OTHER ⁵	23.52	2	0.04%	0.01
TOTAL FELONY 2⁶	23.52	2	0.04%	0.01
F3 EXT	56.00	11	0.19%	0.11
F3 SEX	243.80	1	0.02%	0.04
F3 OTHER	39.97	2	0.04%	0.01
TOTAL FELONY 3⁷	67.12	14	0.25%	0.17
F4 EXT	27.02	20	0.35%	0.10
F4 SEX	-	-	-	-
F4 OTHER	36.13	33	0.58%	0.21
TOTAL FELONY 4⁸	32.70	53	0.93%	0.31
F5 EXT	13.55	8	0.14%	0.02
F5 SEX	-	-	-	-
F5 OTHER	20.26	3	0.05%	0.01
TOTAL FELONY 5⁹	15.38	11	0.19%	0.03
F6 EXT	-	-	-	-
F6 SEX	-	-	-	-
F6 OTHER	12.03	2	0.04%	0.00
TOTAL FELONY 6¹⁰	12.03	2	0.04%	0.00
DRUG FELONY (DF) LEVEL 1 ^{11,12}	-	-	-	-
DF LEVEL 2 ¹²	-	-	-	-
DF LEVEL 3 ¹²	-	-	-	-
DF LEVEL 4	-	-	-	-
EXT DF LEVEL 1 ^{12,13}	-	-	-	-
EXT DF LEVEL 2	-	-	-	-
EXT DF LEVEL 3	-	-	-	-
EXT DF LEVEL 4	9.37	1	0.02%	0.00
TOTAL DRUG FELONY¹⁴	9.37	1	0.02%	0.00
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	35.21	83	1.46%	0.52
HABITUAL ¹⁵	-	-	-	-
SEX OFFENDER ACT ¹⁶	-	-	-	-
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	35.21	83	1.46%	0.52

Note: See footnotes on page 32.

Table 11: Estimated average length of stay for FY 2016 total 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	480.00	1	0.02%	0.08
F2 EXT ³	120.70	9	0.16%	0.19
F2 SEX ⁴	187.20	1	0.02%	0.03
F2 OTHER ⁵	26.88	3	0.05%	0.01
TOTAL FELONY 2 ⁶	104.17	13	0.23%	0.24
F3 EXT	56.96	96	1.69%	0.96
F3 SEX	135.24	8	0.14%	0.19
F3 OTHER	54.08	51	0.90%	0.49
TOTAL FELONY 3 ⁷	60.05	155	2.73%	1.64
F4 EXT	36.37	141	2.49%	0.90
F4 SEX	25.93	2	0.04%	0.01
F4 OTHER	33.34	200	3.53%	1.18
TOTAL FELONY 4 ⁸	34.55	343	6.05%	2.09
F5 EXT	15.79	60	1.06%	0.17
F5 SEX	24.97	5	0.09%	0.02
F5 OTHER	24.69	81	1.43%	0.35
TOTAL FELONY 5 ⁹	21.04	146	2.57%	0.54
F6 EXT	7.64	4	0.07%	0.01
F6 SEX	-	-	-	-
F6 OTHER	14.00	18	0.32%	0.04
TOTAL FELONY 6 ¹⁰	12.85	22	0.39%	0.05
DRUG FELONY (DF) LEVEL 1 ^{11,12}	-	-	-	-
DF LEVEL 2 ¹²	-	-	-	-
DF LEVEL 3 ¹²	-	-	-	-
DF LEVEL 4	11.12	12	0.21%	0.02
EXT DF LEVEL 1 ^{12,13}	-	-	-	-
EXT DF LEVEL 2	73.93	1	0.02%	0.01
EXT DF LEVEL 3	-	-	-	-
EXT DF LEVEL 4	9.37	1	0.02%	0.00
TOTAL DRUG FELONY ¹⁴	15.48	14	0.25%	0.04
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	38.28	694	12.23%	4.68
HABITUAL ¹⁵	57.28	8	0.14%	0.08
SEX OFFENDER ACT ¹⁶	65.72	24	0.42%	0.28
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	39.39	726	12.80%	5.04

Note: See footnotes on page 32.

Table 12: Estimated average length of stay for FY 2016 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	33	0.58%	2.79
F2 EXT ³	200.42	97	1.71%	3.43
F2 SEX ⁴	187.20	1	0.02%	0.03
F2 OTHER ⁵	74.65	21	0.37%	0.28
TOTAL FELONY 2⁶	178.12	119	2.10%	3.74
F3 EXT	91.15	366	6.45%	5.88
F3 SEX	95.11	57	1.00%	0.96
F3 OTHER	55.59	208	3.67%	2.04
TOTAL FELONY 3⁷	80.21	632	11.14%	8.94
F4 EXT	46.53	699	12.32%	5.73
F4 SEX	44.43	37	0.65%	0.29
F4 OTHER	32.23	1081	19.06%	6.14
TOTAL FELONY 4⁸	38.05	1807	31.85%	12.12
F5 EXT	25.20	347	6.12%	1.54
F5 SEX	31.20	118	2.08%	0.65
F5 OTHER	19.71	1092	19.25%	3.79
TOTAL FELONY 5⁹	21.62	1566	27.60%	5.97
F6 EXT	13.82	130	2.29%	0.32
F6 SEX	10.86	46	0.81%	0.09
F6 OTHER	10.60	573	10.10%	1.07
TOTAL FELONY 6¹⁰	11.17	749	13.20%	1.48
DRUG FELONY (DF) LEVEL 1 ^{11,12}	42.23	1	0.02%	0.01
DF LEVEL 2 ¹²	45.05	6	0.11%	0.05
DF LEVEL 3 ¹²	23.79	6	0.11%	0.03
DF LEVEL 4	6.87	234	4.12%	0.28
EXT DF LEVEL 1 ^{12,13}	104.77	37	0.65%	0.68
EXT DF LEVEL 2	41.51	128	2.26%	0.94
EXT DF LEVEL 3	27.19	134	2.36%	0.64
EXT DF LEVEL 4	7.71	33	0.58%	0.04
TOTAL DRUG FELONY¹⁴	26.17	579	10.21%	2.67
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	38.99	5485	96.69%	37.70
HABITUAL ¹⁵	194.40	41	0.72%	1.40
SEX OFFENDER ACT ¹⁶	259.01	147	2.59%	6.71
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	45.82	5673	100%	45.82

Note: See footnotes on page 32.

Table 13: Estimated average length of stay for FY 2016 prison admissions, category totals *excluding* habitual and sex offender act convictions*

Admission category	Average length of stay (months) ¹	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	39.09	4791	84.45%	33.02
Total Parole Returns	38.28	694	12.23%	4.68
Total Male Admissions				
Total Male Admissions	32.33	741	13.06%	4.22
Total Female Admissions				
Total Female Admissions	40.03	4744	83.62%	33.48
Grand Total				
Grand Total	38.99	5485	96.69%	37.70

*Parole returns on a technical violation are excluded.

Note: See footnotes on page 32.

Table 14: Estimated average length of stay for FY 2016 prison admissions, category totals *including* habitual and sex offender act convictions*

Admission category	Average length of stay (months) ¹	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	46.76	4947	87.20%	40.77
Total Parole Returns	39.39	726	12.80%	5.04
Total Male Admissions				
Total Male Admissions	32.89	745	13.13%	4.32
Total Female Admissions				
Total Female Admissions	47.77	4928	86.87%	41.50
Grand Total				
Grand Total	45.82	5673	100%	45.82

*Parole returns on a technical violation are excluded.

Note: See footnotes on page 32.

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 as described under C.R.S. Article 18. 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 2016 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	42.33	48	1.04%	0.44
F2 SEX ⁴	-	-	-	-
F2 OTHER ⁵	38.83	33	0.72%	0.28
TOTAL FELONY 2⁶	40.91	81	1.82%	0.74
F3 EXT	42.83	220	4.78%	2.05
F3 SEX	43.60	30	0.65%	0.28
F3 OTHER	41.97	200	4.34%	1.82
TOTAL FELONY 3⁷	42.50	450	10.11%	4.30
F4 EXT	27.14	490	10.64%	2.89
F4 SEX	27.30	28	0.61%	0.17
F4 OTHER	26.83	973	21.12%	5.67
TOTAL FELONY 4⁸	27.01	1479	33.24%	8.98
F5 EXT	18.13	194	4.21%	0.76
F5 SEX	17.93	141	3.06%	0.55
F5 OTHER	18.10	1042	22.62%	4.09
TOTAL FELONY 5⁹	18.09	1389	31.22%	5.65
F6 EXT	9.53	98	2.13%	0.20
F6 SEX	9.27	50	1.09%	0.10
F6 OTHER	9.47	565	12.27%	1.16
TOTAL FELONY 6¹⁰	9.46	713	16.03%	1.52
DRUG FELONY (DF) LEVEL 1 ¹¹	-	-	-	-
DF LEVEL 2 ¹²	18.47	1	0.02%	0.00
DF LEVEL 3 ¹³	9.47	4	0.09%	0.01
DF LEVEL 4	9.47	210	4.56%	0.43
EXT DF LEVEL 1 ¹⁴	-	-	-	-
EXT DF LEVEL 2 ¹⁵	18.23	14	0.30%	0.06
EXT DF LEVEL 3	9.00	82	1.78%	0.16
EXT DF LEVEL 4	9.83	26	0.56%	0.06
TOTAL DRUG FELONY¹⁶	9.77	337	7.57%	0.74
TOTAL EXCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	21.93	4449	100.00%	21.93
HABITUAL ¹⁷	24.32	23	0.50%	0.12
SEX OFFENDER ACT ¹⁸	53.22	134	2.91%	1.55
TOTAL INCLUDING HABITUAL AND SEX OFFENDER ACT CATEGORIES	22.85	4606	100.00%	22.85

Note: Refer to the following footnotes.

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 to a technical parole revocations 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 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. These are excluded from the overall felony class categories.

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 as described under C.R.S. Article 18. 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, the length of stay on parole for felony 5 drug offenders was applied as the two have comparable statutory parole periods.

¹³ 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, the length of stay on parole for felony 6 drug offenders was applied as the two have comparable statutory parole periods.

¹⁴ 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).

¹⁵ 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, the length of stay on parole for those convicted of felony 5 extraordinary risk drug crimes was applied as the two have comparable statutory parole periods.

¹⁶ Includes parole intakes sentenced under the "Uniform Controlled Substances Act of 2013".

¹⁷ Includes 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.

¹⁸ Includes 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.

Special note regarding the Sex Offender Act category:

The parole term for sex offenders 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 felony, the term is 20 years to life.

To date, 671 of these offenders have been paroled. Of these, only a single offender has discharged their parole sentence. The longest time a lifetime sex offender has been under parole supervision is 10.6 years. However, approximately 90% of those on the parole caseload have been paroled only in the last 5 years, and have been on parole for an average of 28 months to date. These factors significantly impede the ability to make a factual approximation of how long these offenders will remain on parole. Therefore, estimates are provided both including and excluding parolees in this crime category.

Division of Youth Corrections Juvenile Commitment, Detention and Parole Projections

IN BRIEF:

All populations served by the Colorado Division of Youth Corrections are expected to continue to decline over the upcoming five years.

The average daily population (ADP) of committed juveniles is projected to decrease 9.2%, from 692.6 at the end of FY 2016 to 628.7 by the end of FY 2017. By the end of FY 2021, the ADP expected to drop to 490.1, or by 29.1%. New commitments are also expected to continue declining. There are expected to be 6.1% fewer youth committed in FY 2017 than in FY 2016. Annual admissions are expected to continue to fall at approximately 5.5% per year over the following four years. Likewise, the juvenile parole average daily caseload (ADC) is anticipated to decrease by 3.1% over the course of FY 2017 and by 20.4% between the ends of FY 2016 and FY 2021.

The detention ADP is expected to decrease 9.2% by the end of FY 2017, to 249.7. However, this rate of decline is expected to slow over the following four years resulting in an overall decline of 20.4% by the end of FY 2021.

Organization of this Section

The year-to-date average daily populations (ADP) of the juvenile commitment, parole, and detention estimates of the average daily populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include annual and quarterly 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 DYC population is included.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The projection process utilizes data regarding historical monthly trends in detention, commitment and parole populations. Time series analysis was 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 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.

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.

DYC AVERAGE DAILY COMMITMENT POPULATION FORECAST

Depending on age and offense history, a juvenile may be committed to the custody of the Colorado Division of Youth (DYC) for a period of between one and seven years by the court as a result of an adjudication for delinquent acts or offenses committed by the youth.

The two factors driving the size of the population committed to the Corrections (DYC) are the number of youth sentenced to DYC, and the length of their incarceration. The number of youth committed to the DYC has consistently declined over the past twelve fiscal years.¹² While the average length of stay for those discharged increased in FY 2013 and remained slightly longer than the length of stay over previous years, the average daily population (ADP) has declined steadily over the same time frame. The decline in the year-to-date (YTD) ADP averaged 4.6% per year between FY 2007 and FY 2010, and accelerated to an average of 10.0% over the following three years. In FY 2014, the rate of decline slowed to 6.3% and has remained fairly consistent since. If the reduction in ADP experienced in early FY 2017 continues, the rate of decline can be expected to accelerate.

Trends in the profile of sentence types for new commitments contribute to the current forecast of the ADP in upcoming years. Juveniles committed to DYC can be sentenced as a special offender, which includes repeat, violent, and aggravated offenders, or may be given a non-mandatory sentence. Mandatory sentences require that a youth spend a specified minimum amount of time of up to seven years in out-of-home placement and can include repeat and violent offenders. Non-mandatory sentences involve no minimum sentence length, while the maximum cannot exceed 24 months.

Non-mandatory sentences accounted for approximately 69% of all commitments between FY 2011 and FY 2013. This proportion increased to approximately 76% in the following two years, and further to 80.4% in FY 2016. This is consistent with the increase in the proportion of juveniles committed due to a probation revocation who more often receive non-mandatory sentences. As these sentences are generally shorter than those of other commitment types, this serves to drive the commitment population down in upcoming years.

Based on the above factors, the DYC commitment ADP is projected to continue to decrease throughout the projection period. The YTD ADP is expected to decrease 9.2% by the end of FY 2017, from 692.6 to 628.7. By the end of FY 2021, the ADP is expected to fall to 490.9, a 29.1% reduction.

¹² Colorado Department of Human Services (2006-2014). *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://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

New commitments are also expected to continue declining, though at a slightly slower rate than in the past. After the 7.1% drop in new commitments observed in FY 2016, a 6.1% decrease is expected across FY 2017. The rate of decline in admissions is expected to remain somewhat consistent between FY 2017 and FY 2021, averaging 5.6% per year.

Table 16 summarizes the year-end ADP and new commitment forecasts, while Table 17 presents the projected quarterly YTD ADP. The historical ADP from FY 2002 through FY 2016 and the projected ADP through 2021 are depicted in Figure 10. Figure 11 displays historical new commitments since FY 2002, and projected new commitments through FY 2021.

Table 16: DCJ January 2017 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2015 through FY 2021

Fiscal Year End	YTD ADP¹ Forecast	Annual Growth	Annual DYC Admissions	Annual Growth
2015*	740.0	-7.2%	410	-13.5%
2016*	692.6	-6.4%	381	-7.1%
2017	628.7	-9.2%	358	-6.1%
2018	594.4	-5.5%	339	-5.2%
2019	558.9	-6.0%	316	-6.8%
2020	524.8	-6.1%	299	-5.4%
2021	490.9	-6.5%	286	-4.3%

¹ Year to date average daily population.

* Actual average daily population. Data source: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report. Available at <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

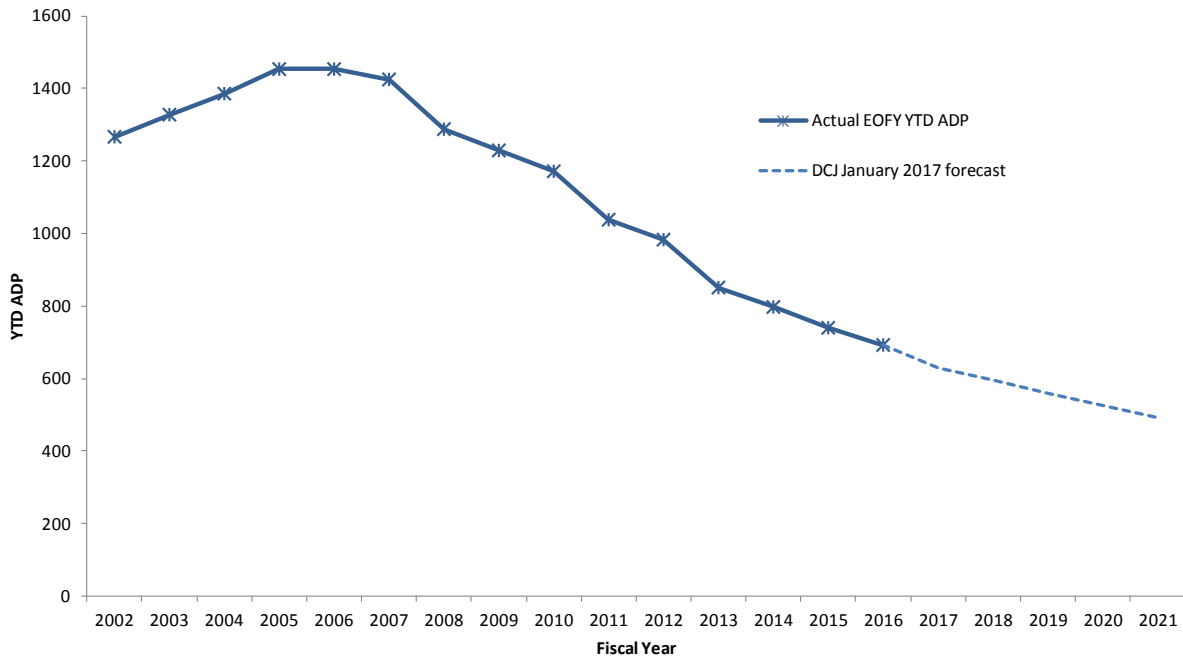
Table 17: DCJ January 2017 quarterly juvenile commitment average daily population forecast, FY 2016 through FY 2021

Fiscal Year	Quarter Ending	YTD ADP ¹ Forecast	Quarterly Growth
2016*	June, 2016*	692.6	-1.3%
2017*	September, 2016*	654.7	-5.5%
2017	December, 2016	644.8	-1.5%
2017	March, 2017	632.8	-1.9%
2017	June, 2017	628.7	-0.6%
2018	September, 2017	615.5	-2.1%
2018	December, 2017	609.2	-1.0%
2018	March, 2018	598.9	-1.7%
2018	June, 2018	594.4	-0.8%
2019	September, 2018	579.8	-2.5%
2019	December, 2018	573.5	-1.1%
2019	March, 2019	563.3	-1.8%
2019	June, 2019	558.9	-0.8%
2020	September, 2019	546.0	-2.3%
2020	December, 2019	539.9	-1.1%
2020	March, 2020	530.9	-1.7%
2020	June, 2020	524.8	-1.1%
2021	September, 2020	508.7	-3.1%
2021	December, 2020	503.4	-1.0%
2021	March, 2021	494.2	-1.8%
2021	June, 2021	490.9	-0.7%

¹Year to date average daily population.

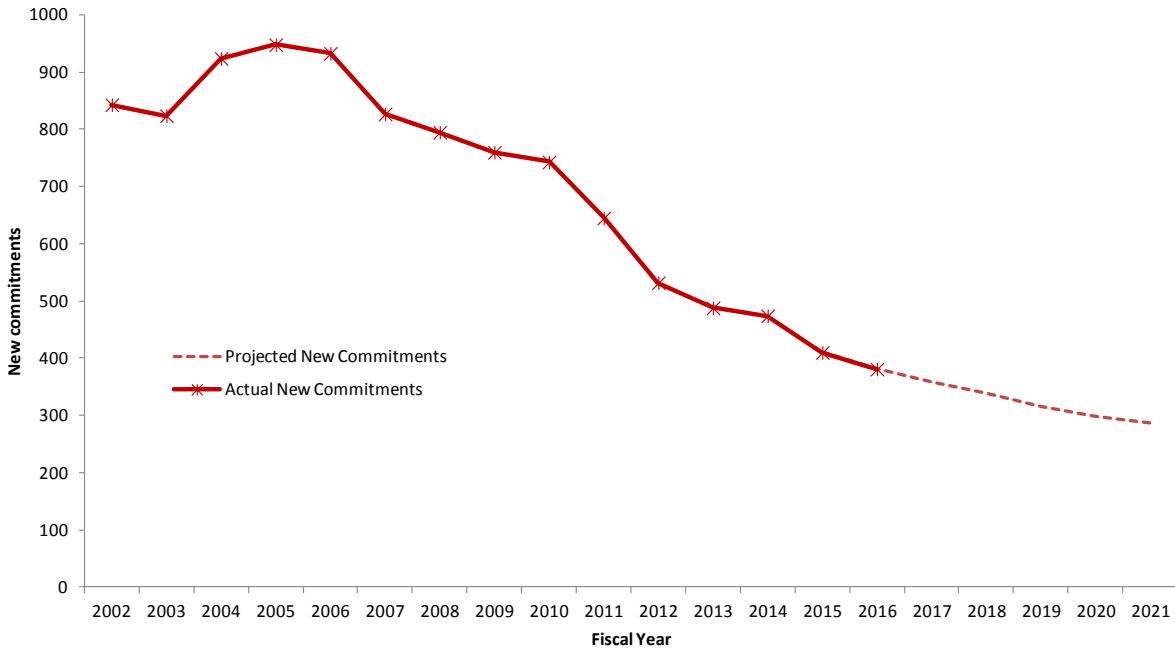
* Actual average daily population figures. Data source: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

Figure 10: Historical and projected year-end year to date juvenile commitment average daily population FY 2002 through FY 2021



Note: FY 2000-2016 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Corrections Management Reference Manuals and Monthly Population Reports. Available at <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

Figure 11: Historical and projected annual new juvenile commitments FY 2002 through FY 2021



Note: FY 2002-2016 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report and Management Reference Manuals. Available at <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

AVERAGE DAILY JUVENILE PAROLE CASELOAD FORECAST

The juvenile parole caseload experienced widely varied growth in the past due to multiple factors, particularly changes in mandatory parole terms. In 1997 mandatory one-year parole terms were implemented. Subsequently, the ADC grew sharply through July 2001. In 2001 the mandatory parole term was lowered to nine months,¹³ after which the ADC fell rapidly. However, after two years steep growth resumed. In 2003 the mandatory parole term was further lowered to six months,¹⁴ resulting in a significant decline in the ADC for a period of time. The ADC dropped significantly until April of 2004, at which point it began to grow again at a significant rate before leveling off in mid-FY 2005.

The parole caseload remained relatively stable over the following three years, with short-term increases corresponding with decreases in the commitment population. Beginning in January 2008, the size of the caseload began a period of significant decline corresponding with the overall decline in the commitment population. A short-lived increase was observed in FY 2010, followed by declines each year since. In fiscal years 2014 and 2015, the parole ADC fell by 15.2% and 12.7%, respectively.¹⁵ However, the significant decline observed in FY 2015 occurred strictly in the first month of the year, with the caseload remaining very stable throughout the remainder of FY 2015 and through FY 2016.

For the past nine years, discharges from parole have exceeded intakes. This discrepancy was particularly notable in fiscal years 2013 and 2014. In FY 2013, discharges exceeded intakes by 18.7% and by 13.5% in FY 2014. However, this difference decreased in the most recent two years, to 4.4% in FY 2016. Trends in early FY 2017 indicate this discrepancy may again increase.¹⁶

In spite of the leveling in the parole caseload, the combination of decreasing commitment ADP and the ratio of parole intakes to discharges will continue to force the parole population down. The juvenile parole ADC is expected to decrease 3.1% by the end of FY 2017 and by 20.4% between FY 2016 and FY 2021. Table 18 summarizes these estimates, while Figure 12 depicts the historical fluctuations in parole ADC between FY 2002 and FY 2016, along with the projected ADC through FY 2021.

¹³ Senate Bill 2001-77, effective July 1, 2001.

¹⁴ Senate Bill 2003-284, effective May 1, 2003.

¹⁵ Colorado Department of Human Services (2006-2015). *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://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

¹⁶ Ibid.

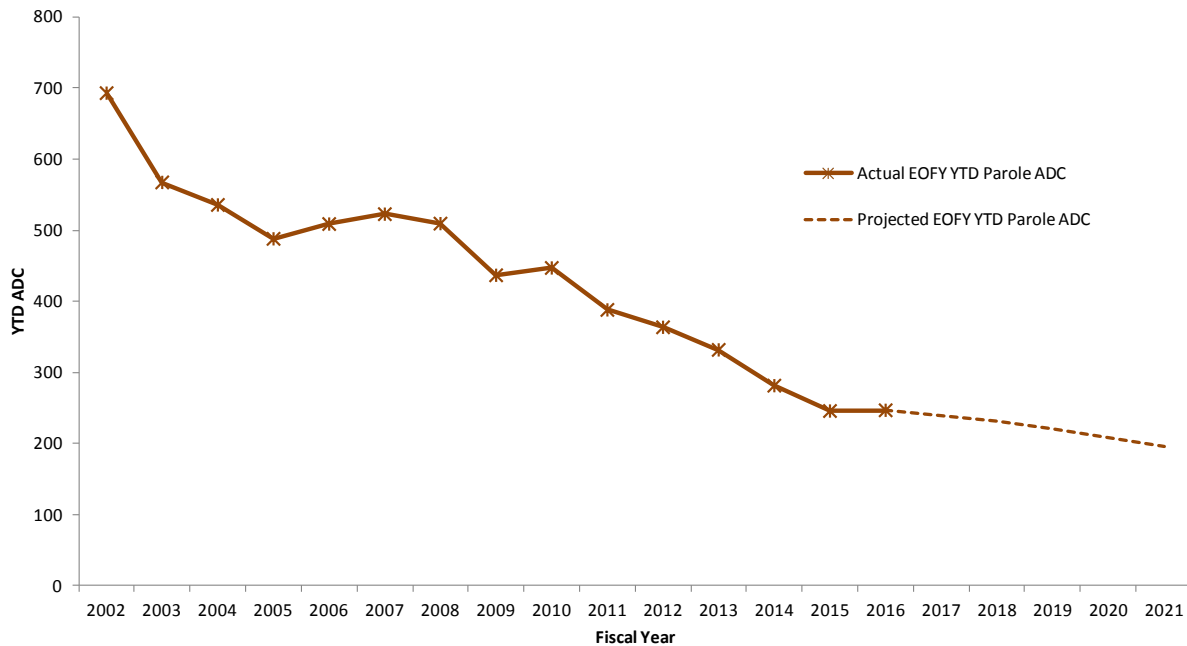
Table 18: : DCJ January 2017 juvenile parole year-end average daily caseload forecast, FY 2015 through FY 2021

Fiscal Year End	YTD ADC ¹ Forecast	Annual Growth
2015*	245.6	-12.7%
2016*	246.6	0.4%
2017	238.9	-3.1%
2018	231.8	-3.0%
2019	220.8	-4.8%
2020	208.3	-5.6%
2021	196.4	-5.8%

¹ Year to date average daily caseload.

* Actual ADC figures. Data source: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

Figure 12: Historical and projected juvenile parole year-end average daily caseload FY 2002 through FY 2021



Note: FY 2002-FY 2016 data points represent actual average daily caseload figures.

Data Sources: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report and Management Reference Manuals. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

AVERAGE DAILY JUVENILE DETENTION POPULATION FORECAST

Youth may be placed into detention after arrest or while awaiting the completion of judicial proceedings. Additionally, the court may sentence a juvenile to a detention facility if he or she is found guilty of an offense that would constitute a class 3, 4, 5, or 6 felony or a misdemeanor if committed by an adult. Such sentences may not exceed 45 days and are managed by the DYC.

Prior to 2004, juvenile detention projections were included in the annual DCJ correctional population forecasts. The passage of S.B. 03-286 placed a limit of 479 beds for detention placements, so the development of these projections was suspended. In 2011, this bed limit was further lowered to 422 beds in 2011 and to 382 in 2013. However, the detention population has remained well below these caps and has continued to decline each year. Therefore, juvenile detention forecasts were re-introduced to the DCJ projections in 2012.

As is the case with the juvenile commitment population, the detention population is expected to continue to decline throughout the forecast period. Based on trends in the monthly detention ADP and admissions through the first half of FY 2017, the YTD ADP is expected to decrease 9.2% by year-end, to 249.7. However, this rate of decline is expected to slow over the following four years resulting in an overall decline of 20.4% by the end of FY 2021.

Table 19 summarizes the year-end detention ADP, while Table 20 presents the projected quarterly detention YTD ADP. The historical detention year-end ADP from FY 2002 through FY 2016 and the projected ADP through 2021 are depicted in Figure 13.

Table 19: DCJ January 2017 juvenile detention fiscal year-end average daily population, FY 2015 through FY 2021

Fiscal Year End	YTD ADP ¹ Forecast	Annual Growth
2015*	281.8	-5.5%
2016*	275.0	-2.4%
2017	249.7	-9.2%
2018	241.2	-3.4%
2019	231.2	-4.1%
2020	224.4	-3.0%
2021	218.8	-2.5%

¹ Year to date average daily population.

* Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

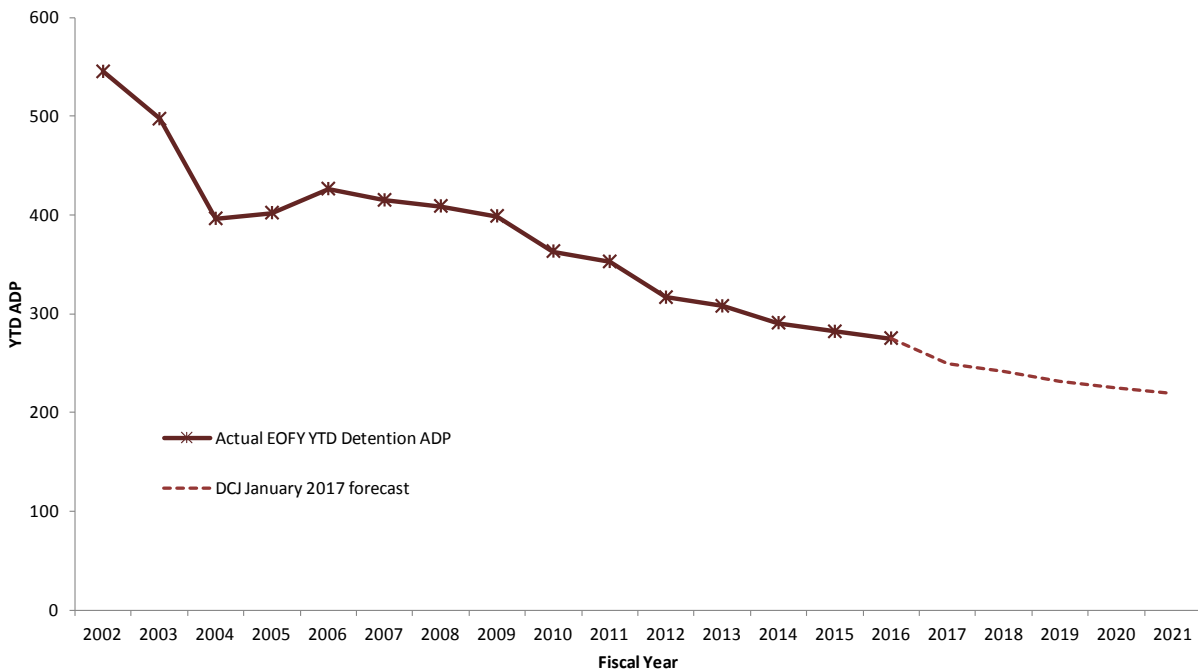
Table 20: DCJ January 2017 quarterly juvenile detention average daily population forecast, FY 2015 through FY 2020

Fiscal Year	Quarter Ending	YTD ADP ¹ Forecast	Quarterly Growth
2016*	June, 2016*	275.0	1.0%
2017*	September, 2016*	249.7	-9.2%
2017	December, 2016	252.8	1.2%
2017	March, 2017	248.7	-1.6%
2017	June, 2017	249.7	0.4%
2018	September, 2017	244.3	-2.2%
2018	December, 2017	243.4	-0.4%
2018	March, 2018	239.8	-1.5%
2018	June, 2018	241.2	0.6%
2019	September, 2018	234.2	-2.9%
2019	December, 2018	233.3	-0.4%
2019	March, 2019	229.7	-1.5%
2019	June, 2019	231.2	0.6%
2020	September, 2019	227.0	-1.8%
2020	December, 2019	226.3	-0.3%
2020	March, 2020	222.8	-1.5%
2020	June, 2020	224.4	0.7%
2021	September, 2020	221.1	-1.4%
2021	December, 2020	220.4	-0.3%
2021	March, 2021	217.1	-1.5%
2021	June, 2021	218.8	0.8%

¹ Year to date average daily population.

* Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

Figure 13: Historical and projected juvenile detention year-end average daily population FY 2002 through FY 2021



Note: FY 2002-2016 data points reflect actual year-end average daily population figures.

Data Sources: Colorado Department of Human Services Division of Youth Corrections Monthly Population Report and Management Reference Manuals. Available at: <https://sites.google.com/a/state.co.us/cdhs-dyc/home/resources-publications/reports-and-evaluations>

FACTORS INFLUENCING THE JUVENILE COMMITMENT, DETENTION AND PAROLE POPULATION FORECASTS

The following bullets outline additional factors not addressed in the above discussion which influence this year's forecasts of the juvenile commitment and detention populations, new admissions to NYC and the parole caseload in the upcoming five years:

- The number of juvenile delinquency court filings has halved over the past 15 years. This influences both the commitment and detention populations, as juveniles may be sentenced to either if adjudicated. However, the decline in filings has somewhat stabilized, varying by less than 2 percent over the past three years.¹⁷ This may moderate the decline in the committed and detained populations as well as the parole caseload in future years.

¹⁷ Colorado State Judicial Branch (2007-2016). *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep>

- ❑ Juvenile probation revocations have continued to fall each year since FY 2010. The number of revocations fell by 13.0% in FY 2016.¹⁸ Since the majority of new commitments are the result of a probation revocation, and as detention may be used as a sanction for probation violations, this exerts a significant downward influence on all populations managed by the DYC.
- ❑ Forecasts of the size of the Colorado juvenile population indicate very strong growth throughout the projection timeframe.¹⁹ Increases in the juvenile population exert some upward pressure on the juvenile justice system as a whole.
- ❑ The commitment rate has fallen each year for the past decade, from 180.2 new commitments per 100,000 Colorado juveniles in 2006 to 64.4 in 2016.
- ❑ The ratio of new commitments to juvenile delinquency filings has fallen from 6.3 commitments out of every 100 filings to 4.4.
- ❑ Legislation passed in recent years is expected to reduce the size of the DYC population, particularly those in detention.
 - House Bill 13-1254 created a restorative justice pilot project, which allows a juvenile who is charged with a class 3, 4, 5, or 6 felony and has no prior charges to participate in a restorative justice program as an alternative to adjudication.²⁰
 - Senate Bill 13-177 reduced the bed cap for detention facilities from 422 to 382. Note, however, the population has been substantially below 382 since July of 2009 and has continued to fall in the interim. Reducing the bed cap appears to have negligible influence on the size of the detention population.²¹
 - House Bill 13-1021 limits detention for truants to a maximum of 5 days. Approximately 4% of detention admissions are for truancy charges. In FY 2013, 41% were held for longer than 5 days. In FY 2014, the percentage of those held longer than 5 days dropped to 22%. This trend could serve to slightly reduce the average length of stay in detention.²²

¹⁸ Ibid.

¹⁹ Colorado State Demographer's Office, Department of Labor and Employment. Available at: <https://www.colorado.gov/pacific/dola/cedis>

²⁰ Colorado Legislative Council Staff Fiscal Note (July 9, 2013). Concerning restorative justice, and, in connection therewith, making an appropriation (H.B.13-1254).

²¹ Colorado Legislative Council Staff Fiscal Note (May 23, 2013). Concerning changes to juvenile corrections programs resulting in cost reductions, and, in connection therewith, reducing the juvenile detention bed cap, reducing the appropriation for Commitment beds and assessment services, and making an appropriation for transportation (SB13-177).

²² Colorado Legislative Council Staff Fiscal Note (June 25, 2013). Concerning measures to ensure that students comply with compulsory school attendance requirements, and, in connection therewith, limiting the length of detention that a court may impose to enforce compulsory school attendance, allowing students who are under juvenile court jurisdiction to obtain a GED, and specifying minimum requirements for education services provided in juvenile detention facilities (H.B. 13-1021).

- House Bill 14-1023 requires the Office of the State Public Defender to hire social workers to assist in juvenile defense cases. This could lead to fewer juveniles receiving commitment or detention sentences.²³
 - House Bill 14-1032 requires that a juvenile detained for a delinquent act be represented by counsel at the detention hearing and provided state representation when private counsel is not retained.²⁴
 - Senate Bill 15-184 directed chief judges of each judicial district to create a policy for addressing truancy cases through means other than NYC detention. Beginning in FY 2016, this bill is expected to very slightly reduce the NYC average daily detention population.²⁵
- The trends in admissions to NYC and the committed population in Colorado reflect those seen on a national scale. Data from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and reported by the Pew Charitable Trusts indicate that the national juvenile commitment rate dropped 53% from 2001 to 2013.²⁶ Rates fell in 49 states during this period. The nationwide reduction reflects a 42 percent drop in juvenile violent-crime arrest rates from 2001 to 2012 and comes as a growing number of states are adopting policies that prioritize costly space in residential facilities for higher-risk youth adjudicated for serious crimes.²⁷

²³ Colorado Legislative Council Staff Fiscal Note (June 17, 2014). Social workers for juveniles (H.B. 14-1023).

²⁴ Colorado Legislative Council Staff Fiscal Note (June 12, 2014). Defense counsel for juvenile offenders (H.B. 14-1032).

²⁵ Colorado Legislative Council Staff Fiscal Note (August 10, 2015). No detention for failure to attend school (SB15-184).

²⁶ See Appendix B. Also available at: <http://www.pewtrusts.org/en/multimedia/data-visualizations/2015/juvenile-commitment-rate-drops-53-percent>

²⁷ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (December 2014).

Juvenile Offenders and Victims National Report Series: Juvenile Arrests 2012. See <http://www.ojjdp.gov/pubs/248513.pdf>

Appendix A

Laws Affecting Prison Sentences and Length of Stay in Prison

LEGISLATION AFFECTING PRISON POPULATION GROWTH

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.²⁸

- ❑ 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

²⁸ Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4-22). Colorado Springs, CO: Department of Corrections.

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.

- ❑ 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.²⁹
- ❑ 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.

²⁹ Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- ❑ 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.
- ❑ 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,³⁰ 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,³¹ 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.

³⁰ 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.

³¹ Defined by CRS § 18-1.3-406.

- o 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.
 - 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.³² 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

³² As defined by CRS § 18-1.3-406.

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.
- ❑ 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 re-entry 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.

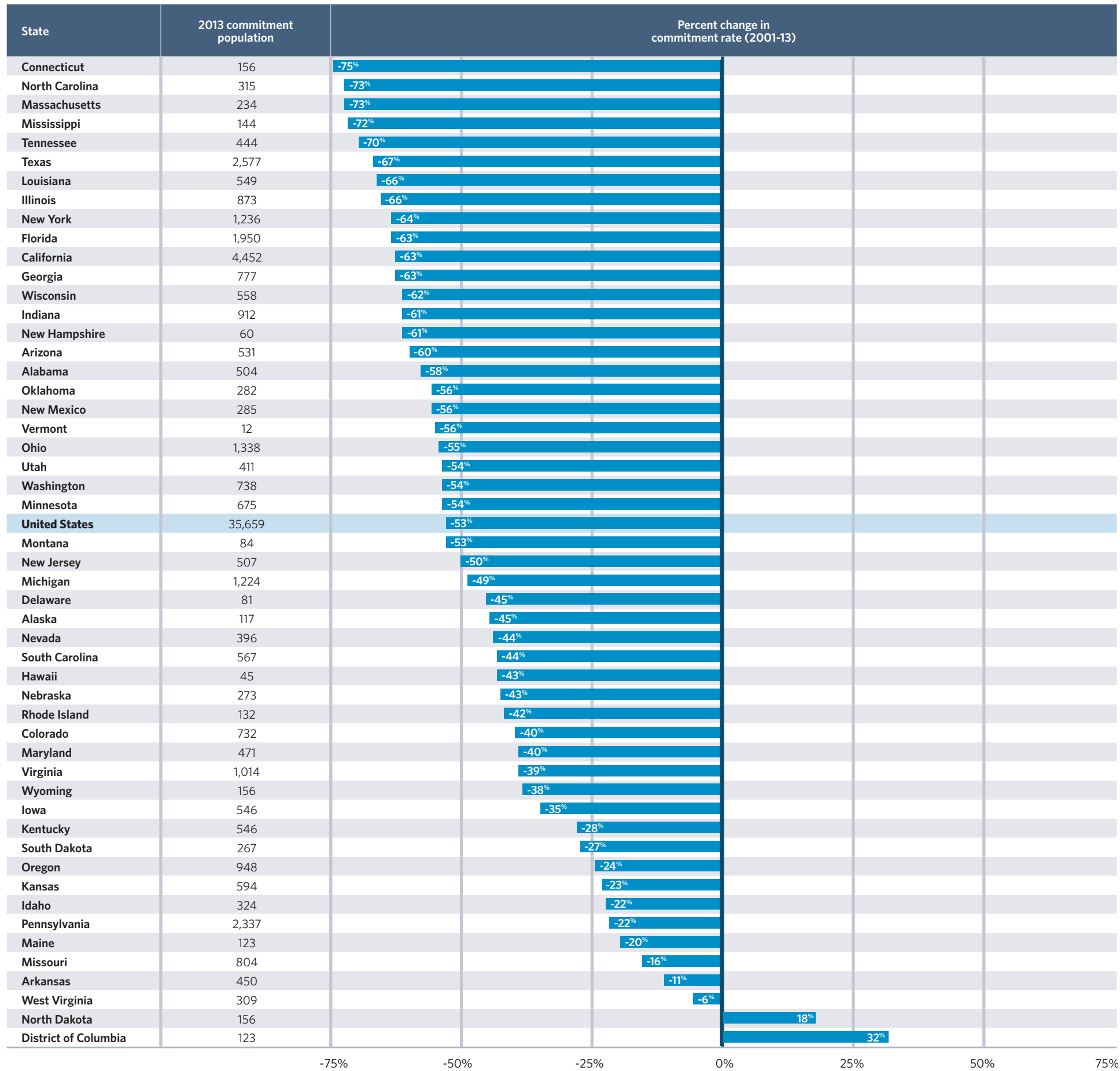
- ❑ Senate Bill 15-124 narrows the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate and alternative sanctions to address noncompliance with conditions of parole. Such sanctions can include a short term period of jail confinement and referral to treatment or other support services.

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.

Appendix B
Infographic from the Pew Charitable Trusts:
Juvenile Commitment Rates

Juvenile Commitment Rate Drops 53%

From 2001 to 2013, the U.S. juvenile commitment rate declined 53 percent, according to data recently released by the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.¹ Rates fell in 49 states during this period, including decreases of over 50 percent in more than half of the states. The nationwide reduction reflects a 42 percent drop in juvenile violent-crime arrest rates from 2001 to 2012 and comes as a growing number of states are adopting policies that prioritize costly space in residential facilities for higher-risk youth adjudicated for serious crimes.²



Source: Office of Juvenile Justice and Delinquency Prevention

© 2015 The Pew Charitable Trusts

Endnotes

- 1 Data come from the Census of Juveniles in Residential Placement, <http://www.ojjdp.gov/ojstatbb/ezacjrp/>. The census was first administered in 1997, and the most recently published results are from 2013. Pew's analysis includes only youth committed to a facility as part of a court-ordered disposition. The commitment rate is the number of committed juvenile offenders in residential placement per 100,000 youth in the population (ages 10 through the upper age of original juvenile court jurisdiction in each state).
- 2 Charles Puzzanchera, "Juvenile Arrests 2012" (2014), Office of Juvenile Justice and Delinquency Prevention, <http://www.ojjdp.gov/pubs/248513.pdf>; Howard N. Snyder, "Juvenile Arrests 2001" (2003), Office of Juvenile Justice and Delinquency Prevention, <https://www.ncjrs.gov/pdffiles1/ojjdp/201370.pdf>.

Project website: pewstates.org/publicsafety

The Pew Charitable Trusts is driven by the power of knowledge to solve today's most challenging problems. Pew applies a rigorous, analytical approach to improve public policy, inform the public, and invigorate civic life.