Colorado Division of Criminal Justice

Adult Prison and Parole Population Projections

Community Corrections Projections

Juvenile Commitment and Parole Population Projections

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

December 2006

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Preface

> **The Colorado adult prison population is expected to grow over 31.8 percent between November 2006 and June 2013, from an actual population of 22,332 to a projected population of 29,443 offenders. The Division of Youth Corrections average daily population is expected to grow by 15.1 percent by June 2013; DYC's parole average daily caseload is expected to jump 41.24 percent by the same date.**

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 Director of Legislative Council and the General Assembly. This report presents the Fall 2006 projections of the Colorado Department of Corrections' (DOC) incarcerated and parole populations, the commitment and parole populations for the Department of Human Services (DHS), Community Corrections population projections, and Division of Youth Corrections (DYC). An additional discussion regarding the measurement of the detention population is included.

Section One begins with a description of the project model and reports the DOC prison and parole population. **Section Two** presents, for the first time, scenarios developed to reflect the capacity of DCJ's new projection model to evaluate significant changes in the criminal justice environment. Changes can be incorporated into the model to determine the impact on the size of the prison population. **Section Three** presents, also for the first time, projections of the community corrections population. **Section Four** presents the DYC commitment and parole populations. DYC detention populations are no longer included in these projections since the 2003 capitation of this population by the General Assembly results in below-capacity use of detention beds.

Community corrections projections were developed following a recommendation of the Office of the State Auditor, and a request by the Joint Budget Committee in 2006 that the DCJ develop a five-year supply/demand analysis so that future budget requests could be based on planned projected growth. Since historical data are used in all forecasting models, the community corrections projections presented here will reflect past funding constraints.

We are grateful for the invaluable assistance provided by Kristi Rosten at the Colorado Department of Corrections and Edward Wensuc at the Division of Youth Corrections. The DCJ population projections project would not be possible without the hard work and collaborative spirit of these professionals. We also thank the Justice Assistance Grant board members whose grant funds have supported this project and other work of the Office of Research and Statistics.

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December 2006

Adult Prison Population and Parole Caseload Projections

INTRODUCTION

The DCJ prison population projection model has undergone significant revision in the past several years. In the past, data provided by the Department of Corrections (DOC) and by the Department of Local Affairs (DOLA) solely were utilized. While the current method continues to employ these data sources, additional data from community corrections, the Judicial Department, and the Colorado Bureau of Investigation are incorporated. The presentation of the projections in this report differs from previous reports due to the use of this new methodology. Additionally, at the request of the DOC, the current report expands on the information presented in the 2006 report. In addition to the inclusion of quarterly projections, annual admission and release projections are presented, as are annual projections for domestic parole, out-of-state and absconder populations.

The model configures the prison population in terms of a "future admissions" cohort and an "in-prison" cohort. The admissions cohort consists of those cases entering prison because of a "new" criminal sentence from court, including those cases that fail probation or community corrections and are sent to prison on a technical violation, and those cases which were on parole but are returning to prison on a revocation. The "in-prison" cohort consists of those who are currently serving a prison sentence. The model estimates a release date for the "in-prison" cohort, so this group is analyzed by crime type and, for facility planning purposes, by gender. Estimates of the numbers of admissions, along with the size and release date of the in-prison group, are combined to forecast the size of the prison population in the future.

DESCRIPTION OF THE PROJECTION MODEL

DCJ estimates the adult DOC population using a mathematical model that simulates the flow of cases through the criminal justice system. This "system flow model" is based on identifying the probability of an offender advancing to the next decision point in the criminal justice system. The model starts with the state population and takes into account arrest, filing, conviction, and incarceration probabilities. It also includes revocation probabilities of probationers, community corrections offenders, and parolees, as well as the probability of early release from any of these placements.

> **DCJ estimates the adult DOC population using a mathematical model that simulates the flow of cases through the criminal justice system.**

The flow of the Colorado criminal justice system as it relates to the DCJ prison population projection is presented in Figure 1. Case processing decisions in one part of the system affect other parts of the system. There is a certain probability that individuals in each stage of the flow, represented by the boxes in Figure 1, will move to the next one. This system can be envisioned as a funnel, starting with a large population-based group and ending with a very small group that reaches the final stage of incarceration and sentence completion, including those who recycle through the system via revocation.

Figure 1:

Colorado Adult Felony Criminal Justice System

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                              │    Arrests   │
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                              │    Felony    │
                              │ Convictions  │
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   │ Probation/ISP│     │  Community   │     │    Direct    │
   │  Placements/ │     │  Corrections │     │   Sentences  │
   │   Deferrals  │     │  Placements  │     │   to Prison  │
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   │   Probation  │     │  Community   │     │    Total     │
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   │  Population  │     │  Populations │     │    Admits    │
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   ┌──────▼───────┐     ┌──────▼───────┐
   │   Probation  │     │  Community   │
   │  Revocations │     │  Corrections │
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                              ┌──────────────┐          ┌──────────────┐
                              │    Prison    │          │    Parole    │
                              │  Population  │          │   Releases   │
   ┌──────────────┐           └──────────────┘          └──────────────┘
   │    Prison    │
   │   Sentence   │                                     ┌──────────────┐
   │ Completions  │                                     │    Parole    │
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   ┌──────────────┐     ┌──────────────┐   ┌──────────────┐
   │Other Releases│     │  Transition  │   │  Transition  │
   │(35B, appeals,│     │  Community   │   │  Community   │
   │  death, etc) │     │  Corrections │   │  Corrections │
   └──────────────┘     │  Placements  │   │  Regressions │
                        └──────────────┘   └──────────────┘
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State Population Projection
The Department of Local Affairs' state population projections are the starting point for forecasting future prison populations. Each year the Demographer's Office of the Department of Local Affairs (DOLA) updates population forecasts for the state, taking into account new developments impacting the state population. For example, the current population estimates are higher than those developed during 2005, due to events that will impact migration rates into Colorado.

Figure 2 below displays the estimated actual and projected state population growth for years 1995 through 2015. Between 1995 and 2005, the total state population grew at the average rate of 2.14 percent annually. However, the growth rate began declining in 2001 and continued this decline thru 2004. Growth has picked up again in 2004 and 2005 and is expected to continue to increase through 2009, after which it is expected to stabilize at just under 2 percent per year over the next five years. Between the end of 2006 and 2015, an average growth rate of 1.98 percent per year has been predicted by the Demographer's Office (see Figure 3).

While the overall state growth rate is instrumental in projecting future prison populations, a basic assumption of the prison population projection model is that certain age groups are more crime-prone than others. The population currently found to be most strongly correlated with increases in felony filings in district courts is the 16 through 29 year old age group. The estimated and predicted growth of this population is displayed in Figure 2 along with the overall population growth. The estimated actual and predicted growth rates for the 16 to 29 year old and the overall populations are displayed in Figure 3.

As can be seen, the growth rate for the 16 through 29 year old age group was well below that of the general population, but has increased to match the overall growth. This increase is expected to continue and to well exceed the growth of the overall population through 2011. After 2011, the growth of the 16 to 29 population is expected to drop below that of the overall population. These fluctuations are taken into account when projecting future prison populations.

Figure 2: Colorado Population Growth and Forecast, 1995 - 2015
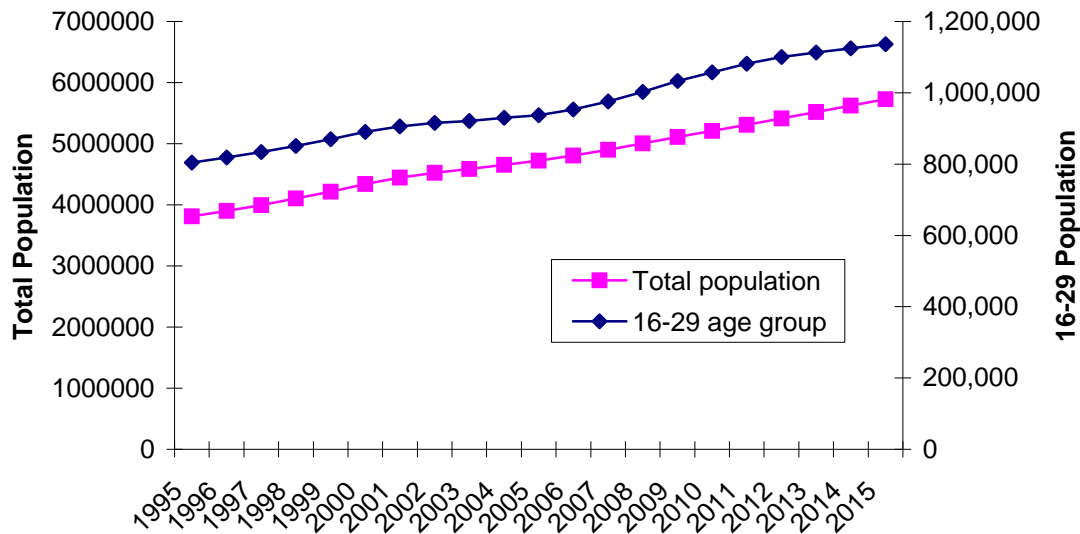
Source: Colorado State Demographer's Office, Department of Labor and Employment. Statewide projections based on 2000 census, estimates updated in 2006.

The Demographer's Office incorporates the economic forecast prepared by the Center for Business and Economic Forecasting (CBEF)[1] when developing population projections. The underlying assumptions for the population projections are that the level of economic activity creates a labor force demand, and that the population will expand or shrink to accommodate the labor need. The demographic forecasting model uses data on the existing population, plus births, deaths and levels of net migrations to create population projections by age, gender and region.

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[1] CBEF is a private research firm specializing in Colorado economic forecasting. For more information, see http://www.cbef-colorado.com.

Figure 3: Colorado Population: Percent Actual and Predicted Growth 2000 through 2013
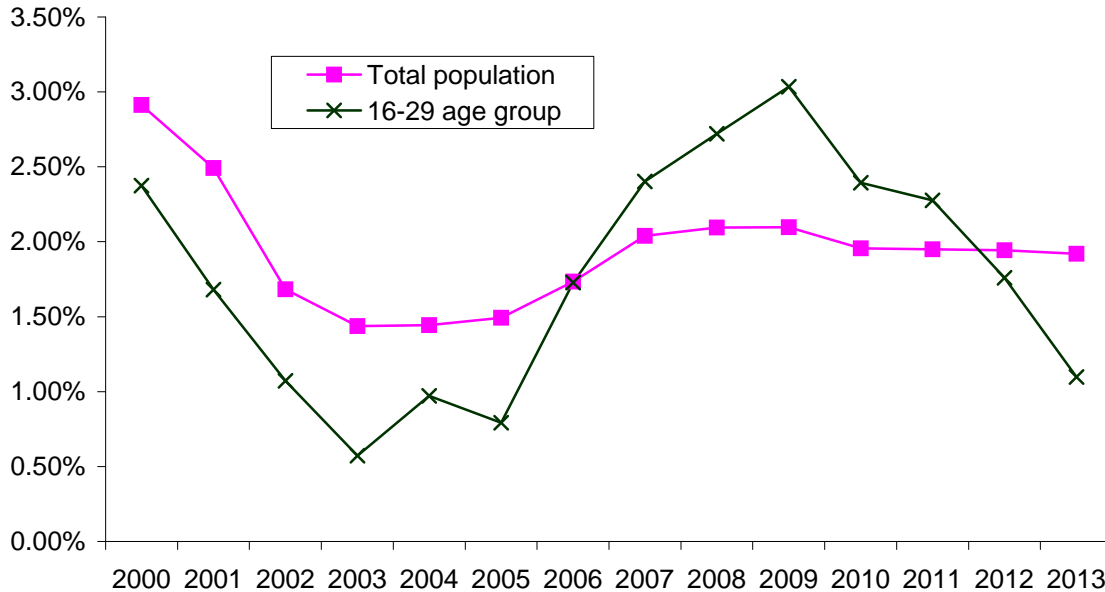
Source: Colorado State Demographer's Office, Department of Labor and Employment. Statewide projections based on 2000 census, estimates updated in 2006.

> *By incorporating the Department of Local Affairs' population projections, the DCJ prison projections incorporate the numerous economic and demographic trends associated with those projections.*

By incorporating the Department of Local Affairs' population projections, the DCJ prison projections incorporate the numerous economic and demographic trends associated with those projections. Any strengths and weaknesses associated with the DOLA model will also be reflected in the DCJ prison projection model.

Projecting Populations at System Decision Points

A key component of projecting the prison population is estimating the number of individuals who will receive direct sentences to DOC. The calculation of direct court commitments requires projections of arrests for serious offenses, new felony convictions, and sentencing outcomes of these convictions. These aspects of the DCJ projection model are described below.

Projecting Arrest Rates

Arrest data were obtained from the Colorado Criminal Information Center (CCIC) maintained by the Colorado Bureau of Investigation.[2] Overall, arrests and arrest rates have declined significantly in the past decade. However, this trend has had little to no impact on the size of prison populations. This issue is discussed in greater detail in the final section of this report.

Projecting Case Filings and New Convictions

While arrest trends are taken into account when viewing future court and prison activities, court filing data are more useful in the current model. Information regarding the number of cases filed in

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[2] Data obtained from the Colorado Crime Information Center and the Colorado Justice Analytics Support System.

district courts each year was obtained from the Colorado Judicial Department's annual statistical reports.[3]

The relationship between historical and projected new court commitments and felony filings is exhibited in Figure 4. As shown in Figure 4, filings increased greatly through 1998, then declined for two years. In 2001, moderate growth was seen which continued through FY 2004. Data regarding FY 2005 filings were not yet available at the time of publication of this report.

As stated above, the age group found to be most strongly correlated with the occurrence of felony filings is the 16 to 34 year old population. The growth projected for this population was used to estimate future felony filings.

For the purpose of the projection model, new felony convictions were defined as the total number of individuals (not cases) who were found guilty by the courts and who were not already under probation or parole supervision at the time of the new conviction. Felony conviction rates were estimated using the number of direct court commitments to prison[4,5] and the number of felony probation placements.[6] As can be seen in Figure 4, felony filings in district court can be used to predict this aspect of the population flow in the state's criminal justice system.

> *As can be seen in Figure 4, felony filings in district court can be used to predict direct court commitments to prison.*

Figure 4: Colorado District Court Filings and New Court Commitments to Prison
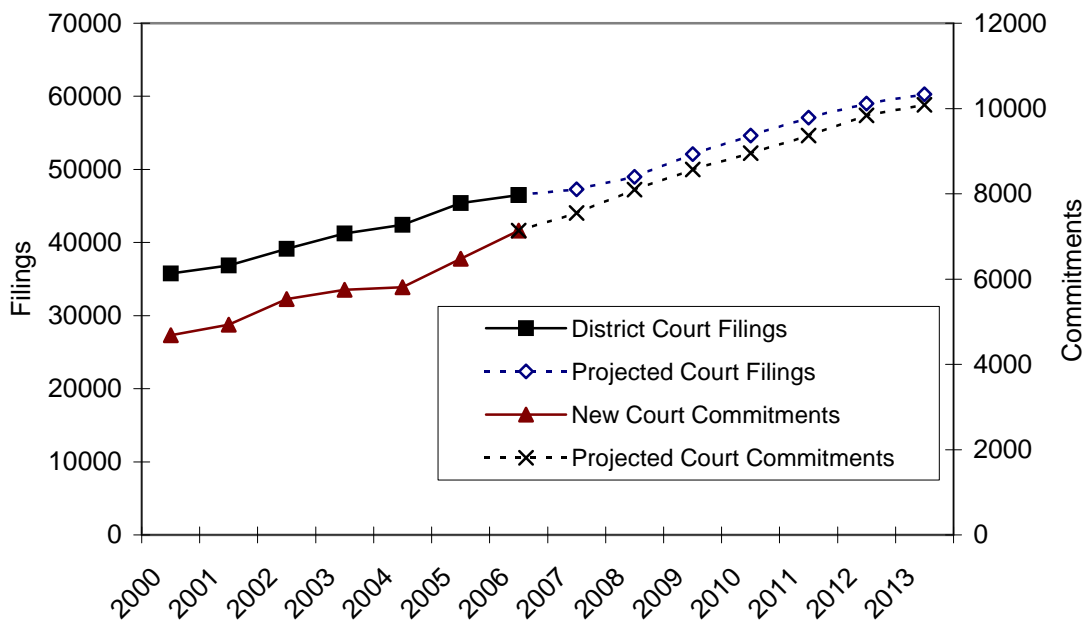
Sources: Colorado Judicial Branch Annual Statistical Reports, 1998 through 2006.
Colorado Department of Corrections, Admission and Release Trends Statistical Bulletins, 2000 through 2006.

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[3] Colorado Judicial Branch Annual Statistical Reports, 1993 through 2006.
[4] Rosten, Kristi. Statistical Report, Fiscal Years 1997-2004, Department of Corrections.
[5] Rosten, K. (2006). Statistical Bulletin OPA 07-07, October 25, 2006, Department of Corrections, Office of Planning and Analysis.
[6] Colorado Judicial Branch Annual Statistical Reports, 1993 through 2006.

Projecting Revocations
This model assumes that direct court commitments to prison are driven by the size of the statewide population and accompanying sentencing legislation and policies, while probation and parole revocations are driven by jurisdictional policy decisions and practices. The total probation and parole failure rates are built into the projection model.

Probation Revocations
Failure rates were estimated using historical annual probation placement and revocation information.[7] The resulting failure rate was used to forecast the number of offenders placed on community supervision who may be revoked to prison after a certain amount of time in the community. Individuals revoked from a direct sentence to community corrections are included in this count.

Parole Revocations
The number of parole releases is a function of the size of the parole-eligible population (and the type of parole law governing their sentence) in combination with decisions of Parole Board members. Available information about the population released to and revoked from parole was incorporated into the model.[8] Offenders revoked from transitional community corrections placements are also included in this part of the model. A cohort propagation method is used to project future parole populations and revocations back to prison. This method follows cohorts of individuals (in this case, individuals paroled each year) and calculates the rate of reduction in the size of each cohort according to certain assumptions. In this case, these assumptions include revocation rates and parole board decisions to parole offenders. These estimates are 'propagated' across years to derive annualized population estimates.

Projecting Total Prison Admissions
Total admissions are projected by combining the projected estimates of direct prison sentences from court, probation revocations to prison, and parole revocations.

PROJECTING PRISON RELEASES

Information regarding prisoners released during the previous year was obtained from the Department of Corrections. This information includes the number of prisoners incarcerated, crime types, the amount of time served by this group, and the length of their governing sentences. The release information was used to develop survival distributions by offense category to apply to the population remaining in prison, also known as the in-prison or 'stock' population, as well as to the projected population of future prison admissions to estimate when individuals are expected to cycle out of prison.[9]

These estimates include the proportion of inmates released to mandatory parole, discretionary parole, and sentence discharges.

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[7] Colorado Judicial Branch Annual Statistical Reports, 1999 through 2006.
[8] Rosten, K. (2006). Statistical Bulletin OPA 07-07, October 25, 2006, Department of Corrections, Office of Planning and Analysis.
[9] Male release data from FY06 used, Females releases from FY04-06 used for current projections.

This information includes the number of prisoners incarcerated, crime types, the amount of time served by this group, and the amount of time remaining on their sentence. The release information was used to develop survival distributions by offense category to apply to the population remaining in prison, also known as the in-prison or 'stock' population, to estimate when individuals are expected to cycle out of prison. These estimates include the proportion of inmates released to mandatory parole, discretionary parole, and sentence discharges.

PROJECTING PRISON POPULATIONS

The DCJ system flow model uses data from multiple decision points in the criminal justice system to project the prison population through 2013. It forecasts admissions into the prison system and releases out of the system to calculate the numbers presented in this report. This approach has the capacity to simulate the impact of potential law and policy changes targeting each of the decision points described earlier.

ASSUMPTIONS AFFECTING THE ACCURACY OF THE DCJ PRISON POPULATION PROJECTIONS

The prison population projection figures are based on multiple assumptions outlined below.

❑ The Colorado General Assembly will not pass any new legislation that impacts the length of time offenders are sentenced to DOC facilities.

❑ The Colorado General Assembly will not pass any new legislation that impacts the way crimes are defined for offenders sentenced to DOC facilities.

❑ Increased capacity of DOC beds will not reduce the number of offenders placed in community supervision programs.

❑ The General Assembly will not expand community supervision programs in ways that reduce prison commitments.

❑ Decision makers in the adult criminal 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 Department of Corrections accurately describe the number, characteristics, and trends of offenders committed to, released from, and retained in DOC facilities during state fiscal years 1996 through 2006.

❑ Incarceration times and governing sentence data provided by the Department of Corrections are accurate.

❑ Release patterns will not change dramatically from the prior year thru the upcoming 7 years.

❑ Admission and sentencing patterns will not change dramatically. The model assumes that past admission & sentencing data are representative of future admissions and sentencing practices.

❑ Parole LOS and revocation rates will remain constant.

❑ Seasonal variations observed in the past will continue into the future.

❑ The data provided by the Colorado Department of Local Affairs Demographer's Office accurately describes the historical and projected trends for age and gender of Colorado's citizens between the years 1990 and 2013.

❑ District court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.

❑ No catastrophic event such as war or disease will occur during the projection period.

HISTORICAL OVERVIEW

Prisoners in Colorado are subject to many sentencing laws dating back to 1979. Most of these laws affected the size of the prison population, particularly House Bill 1320 passed in 1985. Changes to parole laws in the 1990s have significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. These laws are outlined below.[10]

❑ In 1979, H.B. 1589 changed sentences from indeterminate to determinate terms and made parole mandatory at one-half (the mid-point) the sentence served.

❑ In 1981, H.B. 1156 required that the courts sentence offenders above the maximum of the presumptive range for "crimes of violence" as well as those crimes committed with aggravating circumstances.

❑ In 1985, H.B. 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 and the inmate population more than doubled between 1985 and 1990.)

❑ In 1988, S.B. 148 changed the previous requirement of the courts to sentence above the maximum of the presumptive range to sentencing at least the mid-point of the presumptive range for "crimes of violence" and crimes associated with aggravating circumstances. (An analysis of the DCJ Criminal Justice Database indicated that judges continued to sentence well above the mid-point of the range for these crimes).

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[10] Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report*, Fiscal Year 2002, Department of Corrections, pages 4-11.

❑ 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.

❑ In 1990, H.B. 1327 doubled the maximum amount of earned time that an offender is allowed to earn while in prison from five to ten days per month. In addition, parolees were allowed "earned time" awards that reduced time spent on parole. This legislation also applied earned time to the sentence discharge date as well as the parole eligibility date. (The effect of this law was that it shortened the length of stay for those offenders who did not parole but rather discharged their sentences from prison).

❑ In 1990, S.B. 117 modified life sentences for first-degree felony convictions to "life without parole." The previous parole eligibility occurred after 40 calendar years were served. A court decision later clarified the effective date of the life without parole sentences to be September 20, 1991.

❑ In 1993, H.B. 1302 reduced the presumptive ranges for certain felony class three through class six non-violent crimes. This legislation also 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. House Bill 1302 revised the sentence for offenders who are convicted of a felony class 1, 2, 3, 4, or 5 and have been twice previously convicted of a felony to a term of three times the maximum of the presumptive range of the felony conviction. Habitual offenders who have been three times previously convicted of any felony will be sentenced to four times the maximum of the presumptive range of the felony conviction.

❑ In 1993, S.B. 9 established the Youthful Offender System (YOS) with 96 beds within the Department of Corrections. The legislation created a new adult sentencing provision for offenders between the ages of 14 and 18 years.

❑ In 1993, the Legislature appropriated a new 300-bed facility in Pueblo. Subsequently, an additional 180 beds were approved.

❑ In 1994, S.B. 196 created a new provision for 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 were convicted of these same offenses twice earlier. This "three strikes" legislation requires these offenders be sentenced to a term of life imprisonment with parole eligibility in forty years.

❑ In 1994, the Legislature approved the construction of nearly 1,200 adult prison beds and 300 Youthful Offender System beds. Contract authority for 386 private pre-parole beds was authorized in addition to contracts or construction of minimum-security beds.

❑ In 1995, H.B. 1087 allowed "earned time" for certain non-violent offenders. This legislation was enacted in part as a response to the projected parole population growth as part of H.B. 93-1302. This act was retroactive and resulted in offenders discharging their parole sentences earlier with earned time credits.

❑ In 1996, H.B. 1005 broadened the criminal charges eligible for direct filings of juveniles as adults and possible sentencing to the Youthful Offender System.

❑ In 1996, the Legislature appropriated funding for 480 beds at the Trinidad Correctional Facility and the reconstruction and expansion of two existing facilities.

❑ 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:

    o 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 incarcerated. In such a case, one year of parole supervision must follow.

    o 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.

    o 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 concerns the lifetime supervision of certain sex offenders. A number of provisions in the bill address sentencing, parole terms, and conditions. Some of these provisions are summarized below:

    o For certain crimes (except those in the following two bullets), 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.

    o For crimes of violence (defined in 16-11-309, C.R.S.), 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.

    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.

❑ Three bills specifically related to methamphetamine activity were passed during the 2003 legislative session. House Bills 03-1004 and 03-1169 are intended to protect children subjected to exposure to the manufacture of controlled substances by adding the charge of child abuse to existing drug charges. House Bill 03-1317 made it a crime to sell or distribute chemicals or supplies to individuals who wish to use them to manufacture a controlled substance.

❑ Senate Bill 03-252 allows 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 allows CDOC to contract with community corrections programs for the placement of such parolees. Additionally, the bill limits 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 repeals parts of Section 17-22.5-403 (9), C.R.S., requiring an additional year of parole if a parolee is revoked to prison for the remainder of the parole period.

❑ Senate Bill 03-318 reduces from a felony 3, 4 and 5 to a class 6 felony for offenders convicted of drug possession crimes involving one gram or less. The legislation is set for review and revocation in 2005.

❑ A number of bills were adopted during the 2004 legislative session dealing with the parole process and the parole board. H.B. 1395 and S.B. 191 impact the operations of the parole board, but are unlikely to influence prison or parole populations. A third bill, H.B. 1189, lengthens the amount time that must be served prior to parole eligibility for certain violent offenders.

❑ H.B. 04-1074 requires the DOC to administer rehabilitation and life management skills programs in the Division of Adult Parole and the Youthful Offender System for inmates prior to and after release from prison.

❑ H.B. 06-1011 created two new felonies concerning the use of the internet for the enticement or sexual exploitation of a child. These crimes are subject to indeterminate sentences up to a lifetime maximum, and will impact future prison admissions.

Projections: Adult Prison and Parole Populations

PRISON

> **The number of women in prison is expected to increase an extraordinary 80.47 percent between November 2006 and June 2013, from 2,314 to 4,176.**

The Colorado adult prison population is expected to grow 31.80 percent between November 2006 and June 2013, from an actual population of 22,332 to a projected population of 29,443 offenders. This growth rate is substantially higher than the 6-year projection of 23.76 percent in 2004[11] but somewhat lower than the 38 percent growth projected by DCJ last year. The number of men in prison is expected to increase 26.22 percent between November 2006 and June 2013, from 20,018 to 25,267. The number of women in prison is expected to increase an extraordinary 80.47 percent between November 2006 and June 2013, from 2,314 to 4,176. While the overall prison population *growth rate* is expected to decline, the proportion of the total prison population represented by females is expected to continue to grow.

Figure 5 compares the historical fiscal year end adult inmate prison population and the current projections. Figure 6 displays the same for the male and female prison populations separately.

Figure 5: Actual and Projected Total Prison Population FY 1996 through FY 2013
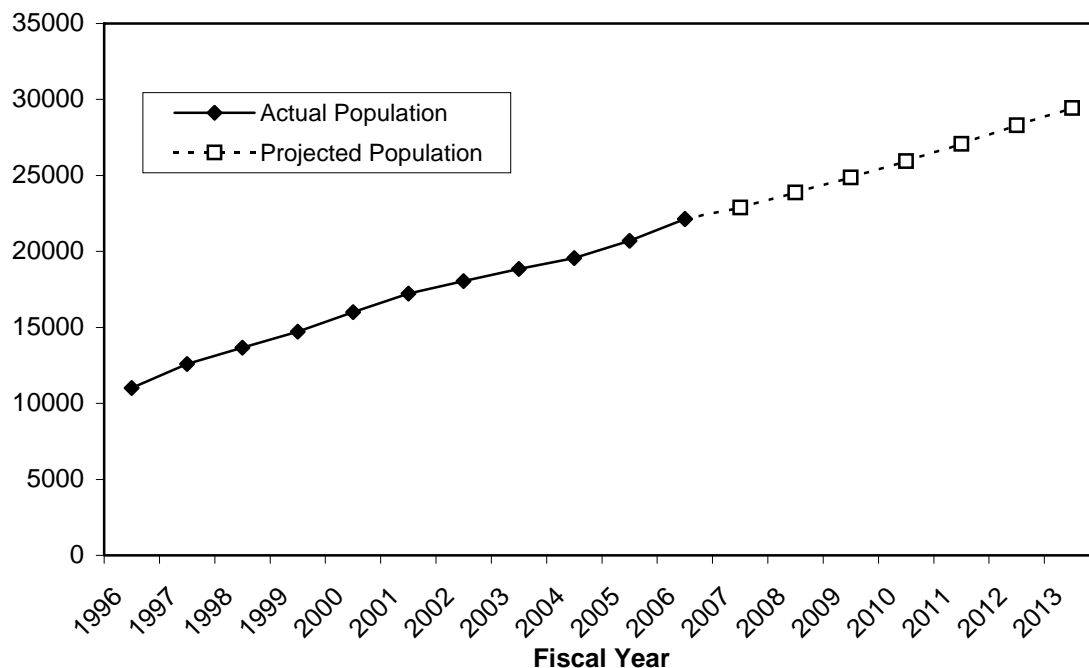
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports

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[11] Division of Criminal Justice, *Adult Prison and Parole Population Projections Juvenile Commitment and Parole Population Projections*, December 2005, available at http://dcj.state.co.us/ors

Figure 6: Male and Female Actual and Projected Prison Population Growth
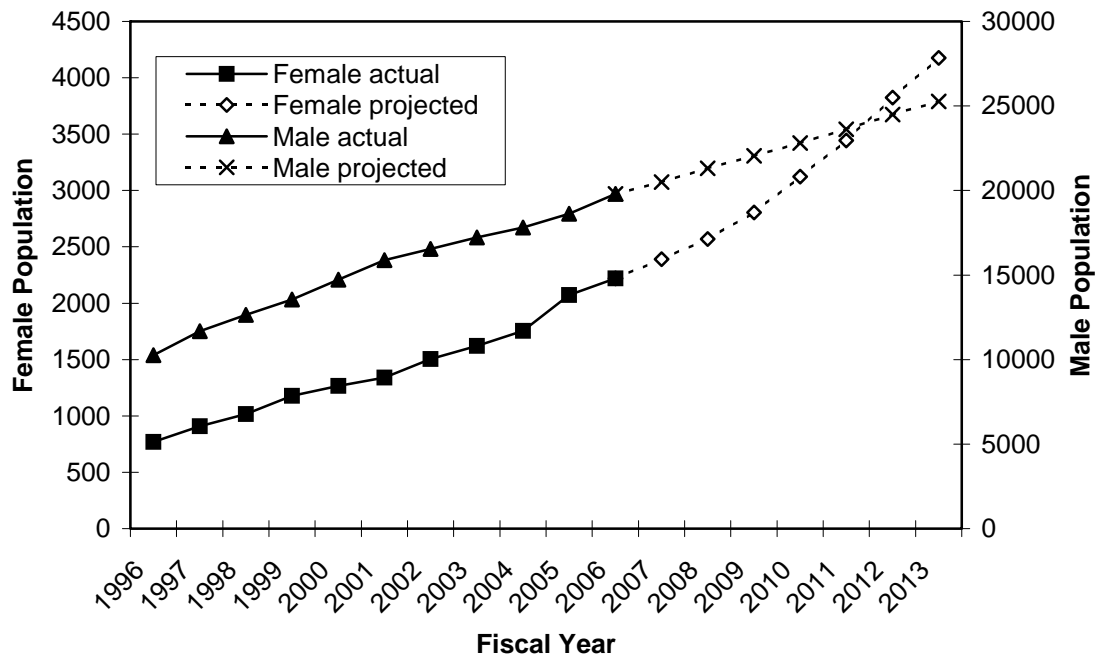
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.

DCJ's 2005 projection underestimated the July 2005 population by 232 inmates. Some of the trends indicating slowing growth in 2005 have reversed, while others have continued. Growth is expected to remain relatively stable over the next few years, remaining well below that observed between 1997 and 2001.

The following is a brief summary of factors affecting the forecast:

- **Size of state population expected to grow more slowly.** Between 1995 and 2001, the total state population grew at the average rate of 2.61 percent annually. The growth rate began declining in 2002 and continued this decline thru 2004. The growth rate picked up slightly in 2005 and 2006 and is expected to continue to increase through 2009, after which it is expected to stabilize at just under 2 percent per year over the next five years.

- **Admissions increased almost 9 percent.** Between FY 2005 and FY 2006, admissions to DOC increased 8.8 percent.[12] This is half the rate of the prior period: FY 2005 was a period of unexpected growth, however, when admissions increased by 15.31 percent.[13] This followed moderate growth of 4.69 percent in FY 2004.[14] Admissions remained fairly stable between FY 2002 and FY 2003, but it jumped 12.23 percent the following year after a period of decline between FY97 and FY 2002.[15]

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[12] Rosten, K. (2006) Admission and Release Trends Statistical Bulletin OPA 07-07, October 25, 2006, Colorado Department of Corrections.
[13] Ibid, note 12.
[14] Ibid, note 12.
[15] Ibid, note 12.

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❑ **Female admissions increased 4 percent.** In FY 2006, female admissions increased only 4.34 percent after two years of double-digit increases: in FY 2005 the growth was 28.7, in FY 2004 it was 13.76, and in FY 2003 it was only 3.09.[16]

❑ **Releases increased 8.5 percent.** Releases in FY 2006 increased 6.43 percent for men over FY 2005, and 24.89 percent for women. This large increase in female releases corresponds with the large increase in women admitted to prison in FY 2004 and FY 2005, mentioned above. Many of those admitted in FY 2004 and FY 2005 left prison in FY 2006. Likewise, releases of women increased 11.45 percent in FY 2005 compared to FY 2004, 13.53 percent in FY 2004 compared to FY 2003, and 12.69 percent in FY 2003 compared to FY 2002.[17]

❑ **Definitions/procedures change for discretionary parole.[18]** Because of a technical change in DOC release procedures, it is not possible to compare discretionary and mandatory release patterns with prior years. Overall, releases increases 8.5 percent in FY 2006, as stated above.

❑ **New court commitments increased 7.7 percent in FY 2006.** This increase is slightly lower than the prior period, between FY 2004 and FY 2005, when the increase in new court commitments was 8.7 percent.[19] New court commitments are often erratic. They declined 3.07 percent between FY99 and FY 2000, then increased dramatically during the following two years, by 18.06 percent. This was followed by relatively small increases in FY 2003 and 2004 (4.3 and 1.10 percent respectively).[20]

❑ **Parolees returning with a new felony increased 24.5%.[21]** While the increase in the new court commitments and parole returns with a new crime have varied in the past, most of the variation in total admissions is due to fluctuations in the number of parole technical violation returns. In FY 2005, the number of parolees returned on a technical violation increased 15.2 percent,[22] following an increase of 14.91 percent in FY 2004.[23] In FY 2003, there was an 8.9 percent *decline*, and in FY 2002 DOC recorded a 12.5 percent increase.[24]

❑ **Prison growth rate slows slightly at 5.28 percent.** Between November 2005 and November 2006, Colorado's prison population grew by 1,120 inmates, or 5.28 percent. The following displays the fluctuation in growth, extracted from DOC's *Monthly Population and Capacity* reports:

  o FY 2005-06   5.28 percent
  o FY 2004-05   5.65 percent
  o FY 2003-04   3.84 percent

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[16] Ibid, note 12.
[17] Ibid, note 12.
[18] Due to a decrease in community transportation services, the DOC implemented a change in December 2005 regarding the release of inmates on weekends. Consequently, discretionary releases increased and mandatory releases decreased, according to Rosten (October 25, 2006, at note 12).
[19] Rosten, K. (2005) Admission and Release Trends Statistical Bulletin OPA 06-3, October 25, 2005, Colorado Department of Corrections
[20] Ibid, notes 11 and 19. Rosten, Kristi. Statistical Reports, Fiscal Years 2002 and 2003, Department of Corrections.
[21] Ibid, note 12.
[22] Ibid, note 11.
[23] Ibid, note 11.
[24] Rosten, Kristi. Statistical Reports, Fiscal Years 2002 and 2003, Department of Corrections.

     o   FY 2002-03   4.44 percent
     o   FY 1997-02   7.47 percent[25]

The prison population growth rate is expected to average 5.29 percent per year between FY 2006 and FY 2013. The growth rate is predicted to be relatively modest in the first year, FY 2007, increasing a bit in the following years. The slightly longer length of stay estimated for all FY 2006 admissions (40.03 months) will affect the out-years, while decreasing sentences for felony class 4, 5 and 6 offenders are slowing growth in 2007 due to the expected releases of these offenders.

❑ **Estimated length of stay (LOS) for admissions increased.** The estimated LOS for FY 2006 admissions increased to 40.03 months, up from 34.91 months estimated in FY 2005 and 37.29 estimated in FY 2004. The impact of this will not be realized until FY 2009, approximately two years from now. Estimated LOS decreased, however, the two years prior to FY 2004, and the FY 2006 estimate is similar to that of FY 2001.[26] The following section discusses length of stay estimates in more detail.

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[25] Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.
[26] These numbers reflect an analytic cap of 480 months on length of stay.

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for 1995 through June 2006, and the fiscal year end population projections through June 2013.

Table 1: Fall 2006 Adult Prison Population, Actual and Projected, Total and by Gender

Fiscal Year End (FYE)	Total Prison		Male Population		Female Population	
	Count	Percent Growth	Count	Percent Growth	Count	Percent Growth
1995*	10669	-	10000	-	669	-
1996*	11019	3.28%	10250	2.50%	769	14.95%
1997*	12590	14.26%	11681	13.96%	909	18.21%
1998*	13663	8.52%	12647	8.27%	1016	11.77%
1999*	14726	7.78%	13547	7.12%	1179	16.04%
2000*	15999	8.64%	14733	8.75%	1266	7.38%
2001*	17222	7.64%	15882	7.80%	1340	5.85%
2002*	18045	4.78%	16539	4.14%	1506	12.39%
2003*	18846	4.44%	17226	4.15%	1620	7.57%
2004*	19569	3.84%	17814	3.41%	1755	8.33%
2005*	20704	5.80%	18631	4.59%	2073	18.12%
2006*	22012	6.32%	19792	6.23%	2220	7.09%
2007	22889	3.98%	20497	3.56%	2391	7.70%
2008	23880	4.32%	21309	3.96%	2571	7.52%
2009	24865	4.12%	22059	3.52%	2806	9.14%
2010	25937	4.31%	22813	3.42%	3124	11.33%
2011	27072	4.38%	23629	3.58%	3443	10.21%
2012	28309	4.57%	24484	3.62%	3825	11.09%
2013	29443	4.01%	25267	3.20%	4176	9.18%

*Historical Data.
Note: All projections are rounded to the next whole number.

Table 2 displays total and gender-specific projected growth in the prison population by quarter for fiscal years 2006 thru 2013. Annual projected numbers of admissions and releases by type for fiscal years 2006 thru 2013 follow in Tables 3 and 4.

Table 2: Fall 2006 Adult Quarterly Prison Population Projections, Total and by Gender

	End of Month		Quarterly Growth	Males		Females	
2006	June*	22012	1.95%	19792	1.83%	2220	3.06%
	September*	22203	0.87%	19928	0.69%	2275	2.48%
	December	22443	1.08%	20102	0.87%	2341	2.92%
	March*	22697	1.13%	20318	1.07%	2379	1.60%
2007	June	22889	0.85%	20497	0.88%	2391	0.52%
	September	23102	0.93%	20681	0.90%	2420	1.21%
	December	23296	0.84%	20831	0.72%	2465	1.85%
	March	23562	1.14%	21067	1.13%	2496	1.25%
2008	June	23880	1.35%	21309	1.15%	2571	3.00%
	September	24077	0.83%	21463	0.72%	2614	1.71%
	December	24291	0.89%	21616	0.71%	2675	2.33%
	March	24573	1.16%	21837	1.02%	2736	2.28%
2009	June	24865	1.19%	22059	1.02%	2806	2.56%
	September	25094	0.92%	22247	0.86%	2846	1.42%
	December	25315	0.88%	22375	0.57%	2940	3.30%
	March	25602	1.13%	22560	0.83%	3042	3.47%
2010	June	25937	1.31%	22813	1.12%	3124	2.70%
	September	26157	0.85%	23000	0.82%	3157	1.06%
	December	26396	0.91%	23152	0.66%	3244	2.76%
	March	26761	1.38%	23411	1.12%	3350	3.27%
2011	June	27072	1.16%	23629	0.93%	3443	2.78%
	September	27384	1.15%	23877	1.05%	3507	1.86%
	December	27588	0.74%	23980	0.43%	3608	2.88%
	March	27982	1.43%	24265	1.19%	3717	3.02%
2012	June	28309	1.17%	24484	0.90%	3825	2.91%
	September	28555	0.87%	24687	0.83%	3868	1.12%
	December	28753	0.69%	24758	0.29%	3995	3.28%
	March	29141	1.35%	25050	1.18%	4091	2.40%
2013	June	29443	1.04%	25267	0.87%	4176	2.08%

*Historical Data.   Note: All projections are rounded to the next whole number.

Table 3: Projected Prison Admissions by Type*

	Admissions		Total Admissions
	New Court Commitments	*Technical Parole Violations*	
FY 2006*	7134	2895	10029
FY 2007	7550	3287	10837
FY 2008	8096	3720	11816
FY 2009	8568	4092	12661
FY 2010	8954	4428	13382
FY 2011	9368	4717	14085
FY 2012	9840	4991	14832
FY 2013	10084	5290	15374

*Based on data provided by DOC. Data is considered preliminary, and may vary from that published by DOC.

Table 4: Projected Prison Releases by Type

	Parole			Sentence Discharge	Other*	Total Discharges
	Mandatory	*Discretionary*	*Total*			
FY 2006**	4370	2813	7183	1397	374	8954
FY 2007	3330	4743	8073	1315	321	9709
FY 2008	3481	4958	8440	1374	336	10150
FY 2009	3721	5300	9021	1469	359	10849
FY 2010	3923	5587	9510	1549	379	11437
FY 2011	4147	5906	10053	1637	400	12090
FY 2012	4407	6276	10682	1739	425	12847
FY 2013	4639	6607	11246	1831	448	13525

*This category includes, among other things death, releases on appeal, bond release, and court ordered discharges.
**Based on data provided by DOC. Data is considered preliminary, and may vary from that published by DOC.

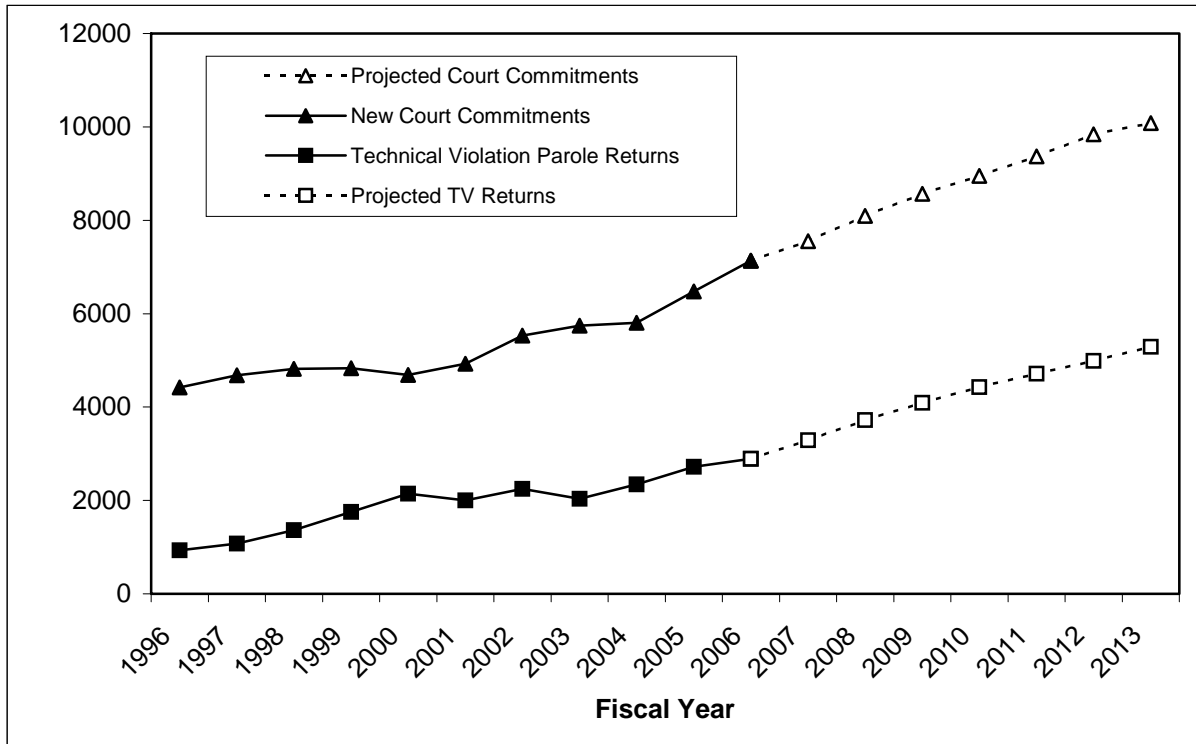Historical and projected trends in admission types, from fiscal years 1996 through 2013 are graphically displayed in Figure 7. Release type trends for the same time frame can be found in Figures 8 and 9.

Figure 7: Admissions to Prison: Actual and Projected 1996 to 2013

Source: Historical data obtained from Colorado Department of Corrections Annual Statistical Reports and data extracts provided by DOC.

Figure 8: Prison Release: Actual and Projected 1996 to 2013
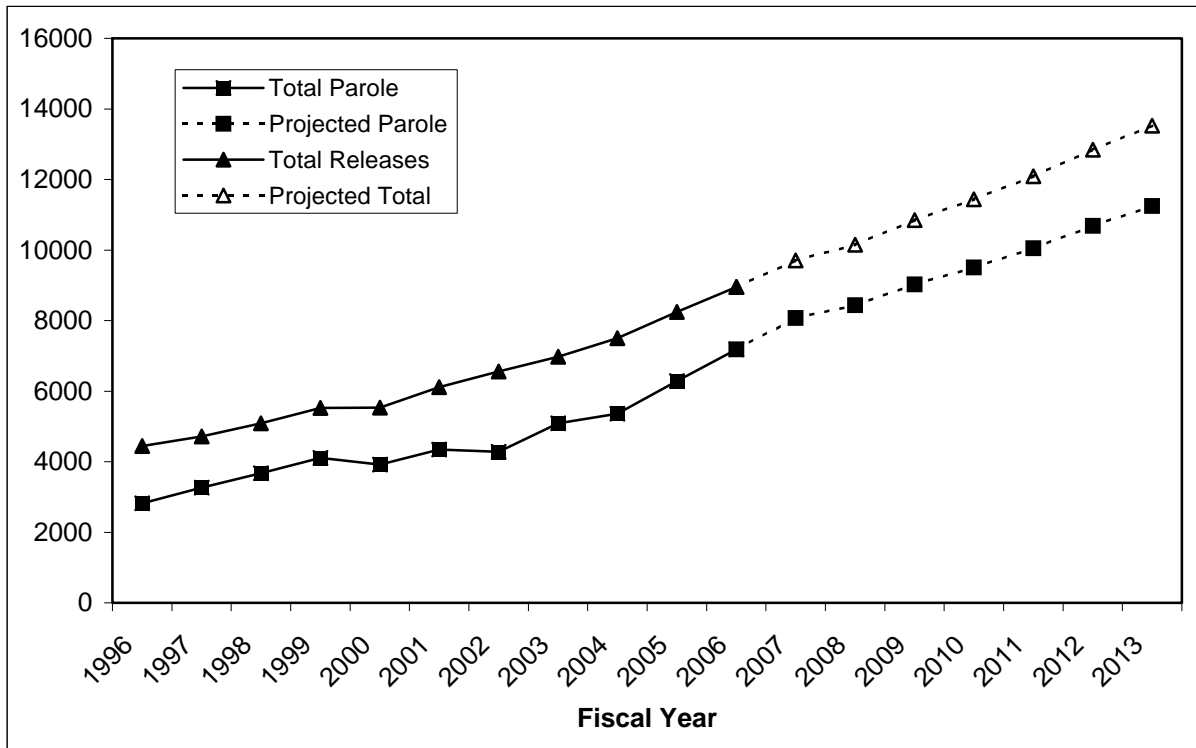
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 9: Prison Release Detail: Actual and Projected 1996 to 2013
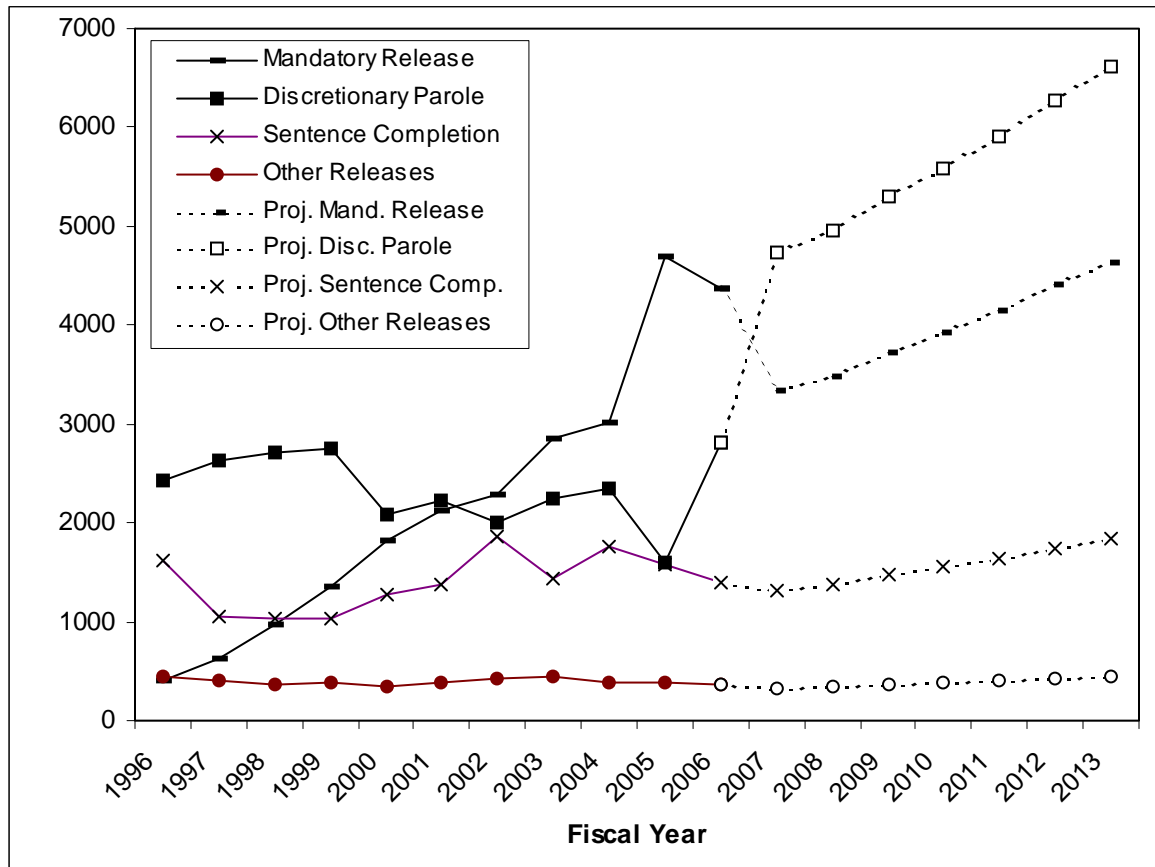
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.
Note: In December 2006, DOC changed release policies regarding releasing inmates on weekends. This modification resulted in an increase in discretionary releases and a decrease in mandatory releases.

ESTIMATED LENGTH OF STAY IN PRISON

The average time new commitments are expected to actually serve in prison is estimated using DOC data regarding the sentences and time served for the prior year's releases. These estimates are calculated by gender, admission status, and offense category. The offense categories are grouped by crime type within each felony class. The crime types identified include those identified by statute as offenses with extraordinary risk of harm, drug crimes, sexual offenses, and all other crimes.

The average lengths of stay for male new commitments and parole returns with a new crime estimated by offense category are displayed in Tables 5 and 6. Average lengths of stay for females by offense category are displayed in Tables 7 and 8, and total averages for each group are contained in Table 9.

Any changes in the decision-making process of criminal justice professionals will impact the accuracy of these estimates. Indeterminate, life, and death sentences are assumed to be forty years. Interstate compact offenders serving time in Colorado, on which no sentencing data are available, are excluded from this analysis.

Table 5: Estimated Length of Stay for Male FY 2006 New Commitments

Offense Category	Average Length of Stay (Months)*	Number of Commitments	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	29	0.41%	1.96
F2 Ext**	269.47	81	1.14%	3.07
F2 Sex***	126.00	3	0.04%	0.05
F2 Drug***	76.92	17	0.24%	0.18
F2 Other****	61.97	13	0.18%	0.11
F3 Ext	118.89	173	2.43%	2.89
F3 Sex	124.89	91	1.28%	1.60
F3 Drug	63.65	373	5.24%	3.34
F3 Other	66.32	178	2.50%	1.66
F4 Ext	51.18	340	4.78%	2.45
F4 Sex	51.22	111	1.56%	0.80
F4 Drug	31.45	586	8.23%	2.59
F4 Other	35.59	932	13.10%	4.66
F5 Ext	15.81	235	3.30%	0.52
F5 Sex	31.48	139	1.95%	0.61
F5 Drug	20.56	142	2.00%	0.41
F5 Other	21.51	961	13.50%	2.90
F6 Ext	16.20	24	0.34%	0.05
F6 Sex	12.86	46	0.65%	0.08
F6 Drug	12.53	215	3.02%	0.38
F6 Other	12.85	497	6.98%	0.90
Total Male New Court Commitments	42.84	5186	72.88%	31.22

*For the purposes of calculating these estimates, length of stay is capped at 40 years.

**The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

***Convicted sexual offenders typically serve more time, and drug offenders typically serve less time, though some crimes in each of these groups are considered extraordinary risk crimes. Therefore, these two groups are identified separately.

****"Other" includes all crimes except sex, drug, and extraordinary crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

Table 6: Estimated Length of Stay for Male Parole Violators with a New Crime Returning in FY 2006

Offense Category	Average Length of Stay (Months)*	Number of Commitments	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	3	0.04%	0.20
F2 Ext**	386.61	4	0.06%	0.22
F2 Sex***	-	-	-	-
F2 Drug***	82.58	3	0.04%	0.03
F2 Other****	43.20	1	0.01%	0.01
F3 Ext	82.75	45	0.63%	0.52
F3 Sex	85.01	8	0.11%	0.10
F3 Drug	81.27	36	0.51%	0.41
F3 Other	68.99	18	0.25%	0.17
F4 Ext	32.78	106	1.49%	0.49
F4 Sex	27.00	2	0.03%	0.01
F4 Drug	38.20	114	1.60%	0.61
F4 Other	31.10	249	3.50%	1.09
F5 Ext	11.68	157	2.21%	0.26
F5 Sex	32.87	8	0.11%	0.04
F5 Drug	21.74	26	0.37%	0.08
F5 Other	22.78	122	1.71%	0.39
F6 Ext	8.15	9	0.13%	0.01
F6 Sex	12.19	5	0.07%	0.01
F6 Drug	12.78	33	0.46%	0.06
F6 Other	14.93	42	0.59%	0.09
Total Male Parole Violations with a New Crime	34.41	991	13.93%	4.79

*For the purposes of calculating these estimates, length of stay is capped at 40 years.

**The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

***Convicted sexual offenders typically serve more time, and drug offenders typically serve less time, though some crimes in each of these groups are considered extraordinary risk crimes. Therefore, these two groups are identified separately.

****"Other" includes all crimes except sex, drug, and extraordinary crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

Table 7: Estimated Length of Stay for Female FY 2006 New Commitments

Offense Category	Average Length of Stay (Months)*	Number of Commitments	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	5	0.07%	0.34
F2 Ext**	215.76	4	0.06%	0.12
F2 Sex***	-	-	-	-
F2 Drug***	55.07	1	0.01%	0.01
F2 Other****	40.28	3	0.04%	0.02
F3 Ext	78.26	24	0.34%	0.26
F3 Sex	145.80	5	0.07%	0.10
F3 Drug	40.61	63	0.89%	0.36
F3 Other	46.02	34	0.48%	0.22
F4 Ext	35.56	46	0.65%	0.23
F4 Sex	54.00	1	0.01%	0.01
F4 Drug	28.56	119	1.67%	0.48
F4 Other	31.04	183	2.57%	0.80
F5 Ext	12.73	39	0.55%	0.07
F5 Sex	17.01	4	0.06%	0.01
F5 Drug	17.37	36	0.51%	0.09
F5 Other	21.21	135	1.90%	0.40
F6 Ext	16.80	2	0.03%	0.00
F6 Sex	9.83	1	0.01%	0.00
F6 Drug	11.93	48	0.67%	0.08
F6 Other	12.04	70	0.98%	0.12
Total Female New Court Commitments	32.14	823	11.57%	3.72

*For the purposes of calculating these estimates, length of stay is capped at 40 years.
**The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."
***Convicted sexual offenders typically serve more time, and drug offenders typically serve less time, though some crimes in each of these groups are considered extraordinary risk crimes. Therefore, these two groups are identified separately.
****"Other" includes all crimes except sex, drug, and extraordinary crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

Table 8: Estimated Length of Stay for FY 2006 Female Parole Violators with a New Crime

Offense Category	Average Length of Stay (Months)*	Number of Commitments	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	-	-	-	-
F2 Ext**	-	-	-	-
F2 Sex***	-	-	-	-
F2 Drug***	-	-	-	-
F2 Other****	-	-	-	-
F3 Ext	58.65	4	0.06%	0.03
F3 Sex	-	-	-	-
F3 Drug	-	-	-	-
F3 Other	-	-	-	-
F4 Ext	-	-	-	-
F4 Sex	-	-	-	-
F4 Drug	31.00	20	0.28%	0.09
F4 Other	21.63	26	0.37%	0.08
F5 Ext	11.13	33	0.46%	0.05
F5 Sex	29.17	1	0.01%	0.00
F5 Drug	19.52	3	0.04%	0.01
F5 Other	16.40	14	0.20%	0.03
F6 Ext	-	-	-	-
F6 Sex	-	-	-	-
F6 Drug	8.30	1	0.01%	0.00
F6 Other	10.21	6	0.08%	0.01
Total Female Parole Violations with a New Crime	20.10	108	1.52%	0.31

*For the purposes of calculating these estimates, length of stay is capped at 40 years.
**The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."
***Convicted sexual offenders typically serve more time, and drug offenders typically serve less time, though some crimes in each of these groups are considered extraordinary risk crimes. Therefore, these two groups are identified separately.
****"Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, fraud.

Table 9: Category Totals, Estimated Length of Stay for FY 2006 Prison Admissions

	Average Length of Stay (Months)	Number of Commitments	Percent of all Commitments	Average Length of Stay Effect
Total Males	41.44	6183	86.89%	36.01
Total Females	30.68	933	13.11%	4.02
Total New Commits	41.32	6017	84.56%	34.93
Total Parole Violations (New Crime)	33.01	1099	15.44%	5.10
Grand Total	40.03	7116	100.00%	40.03

*For the purposes of calculating these estimates, length of stay is capped at 40 years.

The overall estimated stay of 40.03 months for new commitments in FY 2006 is slightly longer than the length of stay estimated for admissions over the past several years. Note that these numbers are intended to be a reflection of time actually served and do not reflect actual sentencing patterns. The current upswing is not likely to be the result of increased sentence lengths, as this figure is almost identical to that of FY 2005 admissions and remains lower than those observed over the prior five years (see Figure 11). However, the percentage of the sentence actually served seems to have increased, as can be seen in Figure 12. Offenders in most crime categories other than sexual offenders are expected to serve increasing proportions of their governing sentences.[27] These analysis are preliminary, and much more detailed examination must be undertaken to determine the reasons for the increase in the expected length of stay.
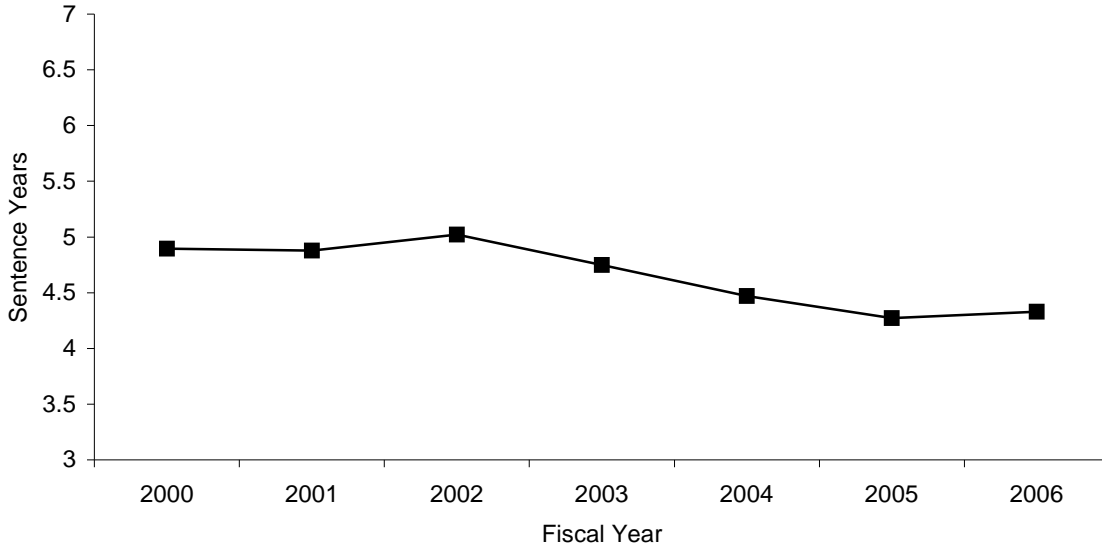
Figure 10: Average Length of Stay Estimates for New Commitments FY 2000 – FY 2006
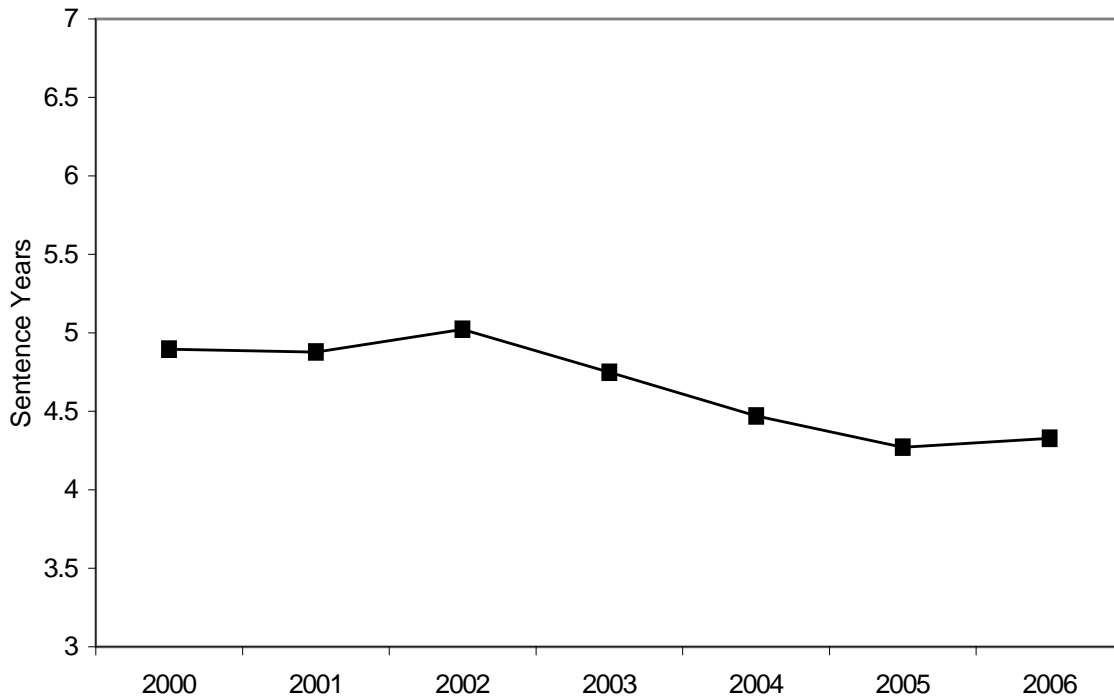
Source: Data provided by DOC, October 27, 2006. Parole Returns on a Technical Violation are excluded.

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[27] Based upon analysis conducted by DCJ of preliminary sentencing data provided by the Colorado Dept. of Corrections.

Figure 11: Average Sentence Lengths New Admissions FY 2000 – FY 2006

Source: Data provided by DOC, October 27, 2006. Parole Returns on a Technical Violation are excluded.

Figure 12: Estimated Percentage of Governing Sentence to be Served: New Admissions FY 2000 – FY 2006

Source: Data provided by DOC, October 27, 2006. Parole Returns on a Technical Violation are excluded.

PAROLE

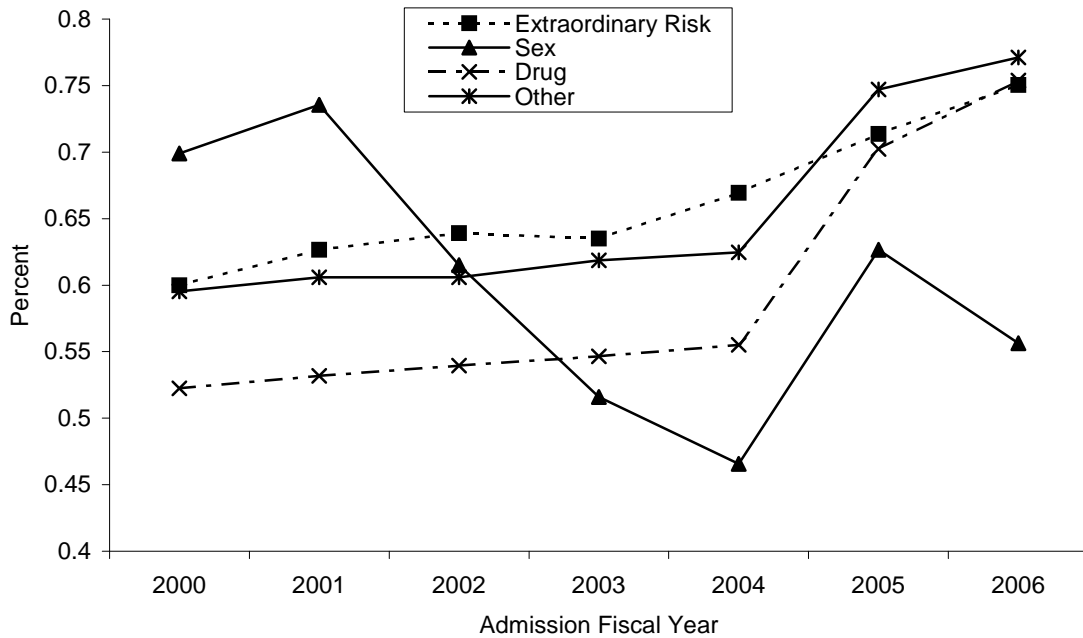Between 1991 and 2003, the average length of stay (ALOS) on parole steadily increased from 13.4 months in FY 1999 to 15.8 months in FY 2003.[28] However, the parole ALOS began to decline over the past three years, to 15.2 months in FY 2004, to 15.08 months in FY 2005 and to 14.39 in FY 2006 (see Figure 13).[29] Many legislative changes enacted in the past 20 years contributed to the increase in the average parole length of stay, but in 2003 Senate Bill 252 repealed the requirement of an additional year of parole when a parolee was revoked to prison. It is possible that this decrease reflects the early impact of this piece of legislation, which is expected to continue to contribute to a decline in length of stay on parole.

Figure 13: Parole Length of Stay for Releases FY 1999 – FY 2006
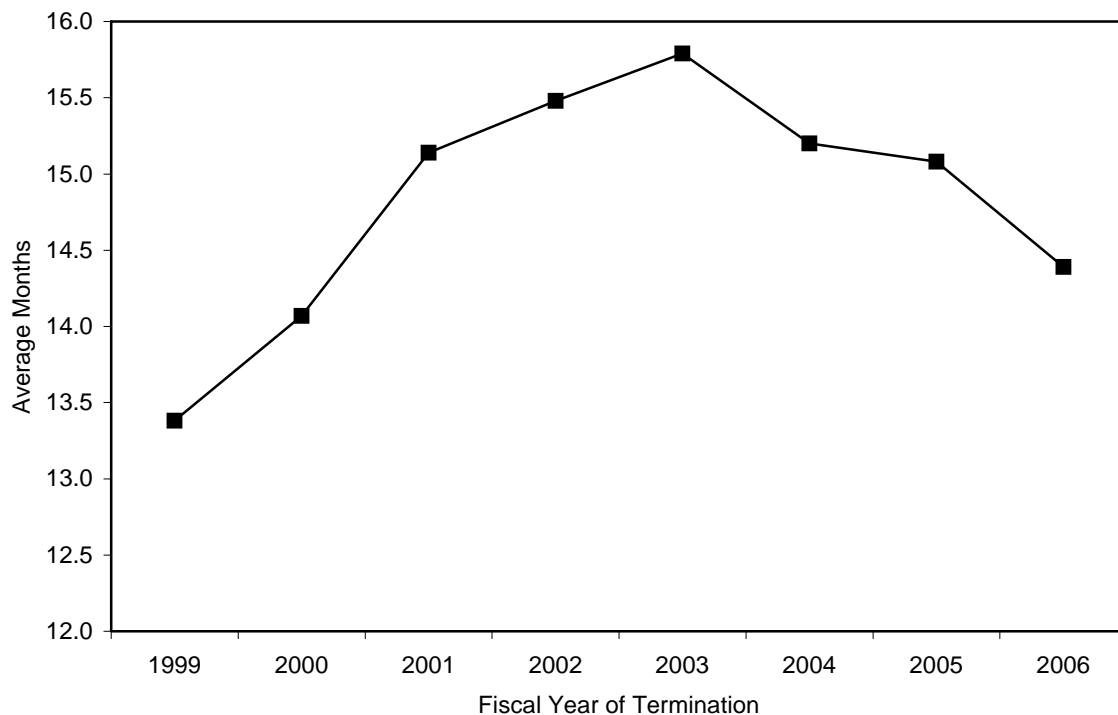
Source: Department of Corrections Office of Planning and Analysis, October 22, 2004; November 12, 2005; October 27, 2006

At the request of the Department of Corrections, the parole population projections have been expanded to include out-of-state and absconder populations. Table 10 displays forecasts for each of these populations at the end of fiscal years 2006 thru 2013. As shown, the domestic parole caseload is expected to increase 61.66 percent, from 6,551 in July 2006 to 10,590 in July 2013.

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[28] Data provided by Office of Planning and Analysis, October 29, 2003, Colorado Department of Corrections.
[29] Data provided by Office of Planning and Analysis, October 27, 2006, Colorado Department of Corrections.

Table 10: Parole Population Projections

	Domestic	Percent Growth	Out of State	Percent Growth	Absconder	Percent Growth
FY 2006	6551	14.65%	1669	10.82%	622	5.25%
FY 2007	7467	13.99%	1830	9.62%	702	12.87%
FY 2008	7842	5.01%	1882	2.87%	753	7.25%
FY 2009	8419	7.36%	1979	5.13%	803	6.63%
FY 2010	8955	6.36%	2082	5.23%	852	6.09%
FY 2011	9466	5.71%	2196	5.48%	900	5.62%
FY 2012	10059	6.26%	2325	5.85%	946	5.21%
FY 2013	10590	5.28%	2436	4.77%	992	4.84%

*Historical Data.

Figure 14 displays the historical and projected domestic and out-of-state parole caseloads for fiscal years 2000 through 2013, while Figure 15 exhibits the historical and projected annual growth rates for these populations. As can be seen, the historical growth rate has significantly varied. A decline of 3.70 percent was observed in FY 2002, followed by a massive increase of 62.27 percent over the next four years.

The percentage of the total parole population made up of out of state parolees has been slowly but steadily declining for the past seven years, and is expected to continue this trend through FY 2013. Even though this percentage is decreasing, the out of state population is expected to continue slow growth over the next seven years.

Figure 14: Historic and Projected Parole Populations FY 2000 – FY 2013
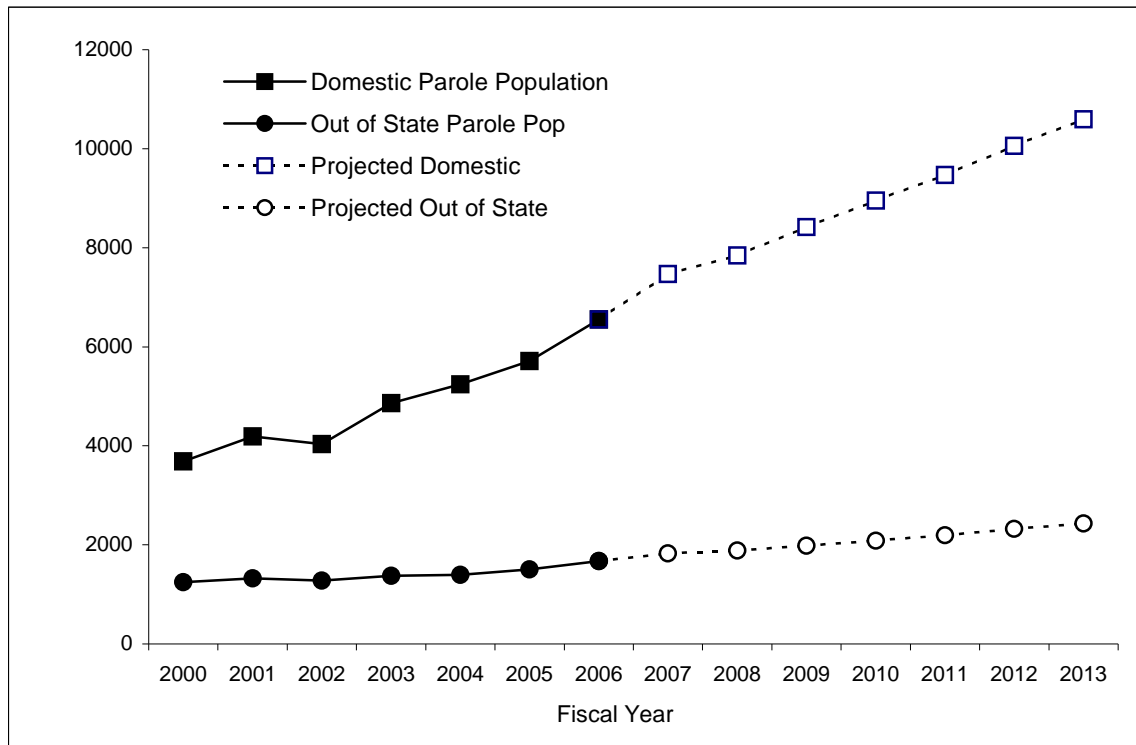
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 15: Parole Actual and Projected Growth Rates FY 2000 - FY 2013
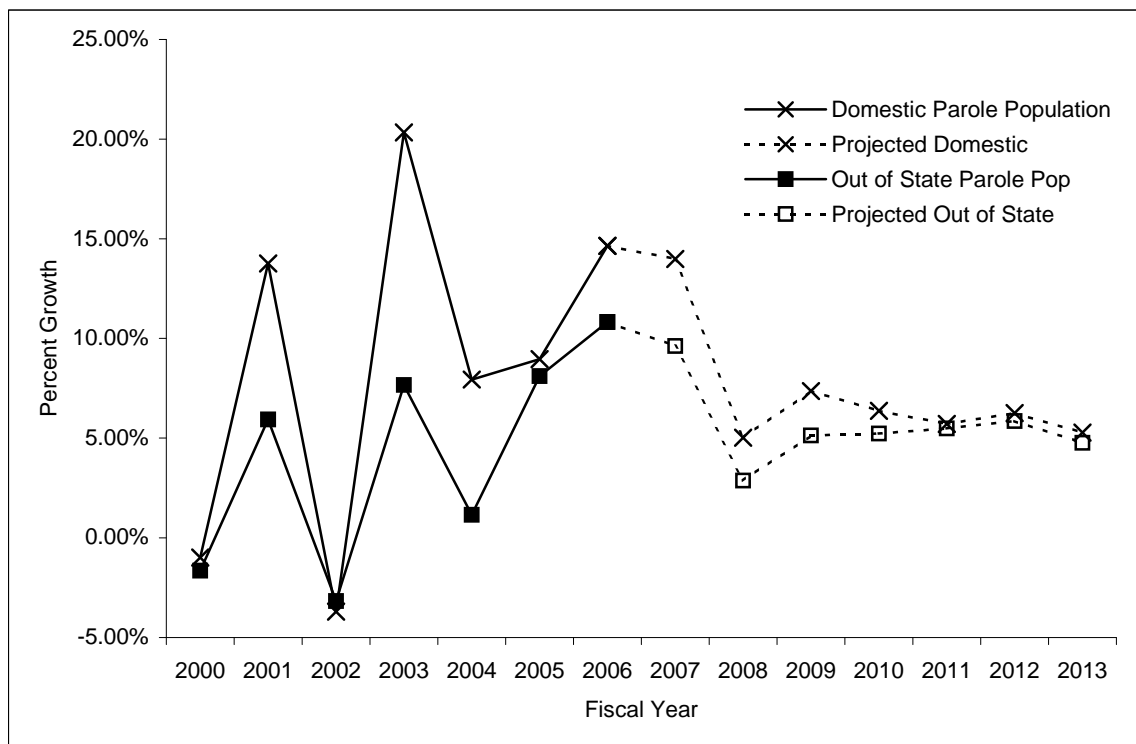
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.

The growth of the absconder population has varied considerably in the past seven years, from a 3.65 decline in FY 2000, followed by an increase of 107.24 percent over the next four years. The last two years have had much more moderate growth, totaling 3.49 percent. However, since the linear model applied during the 2005 projection period predicted much higher growth than was realized, a more conservative polynomial model was applied. This model indicates significant growth over the next year, followed by more moderate growth through FY 2013. The projected population and expected annual growth are displayed in Table 10. Historical and projected numbers are graphically displayed in Figure 16.

Figure 16: Historical and Projected Absconder Population FY 2000 – FY 2013
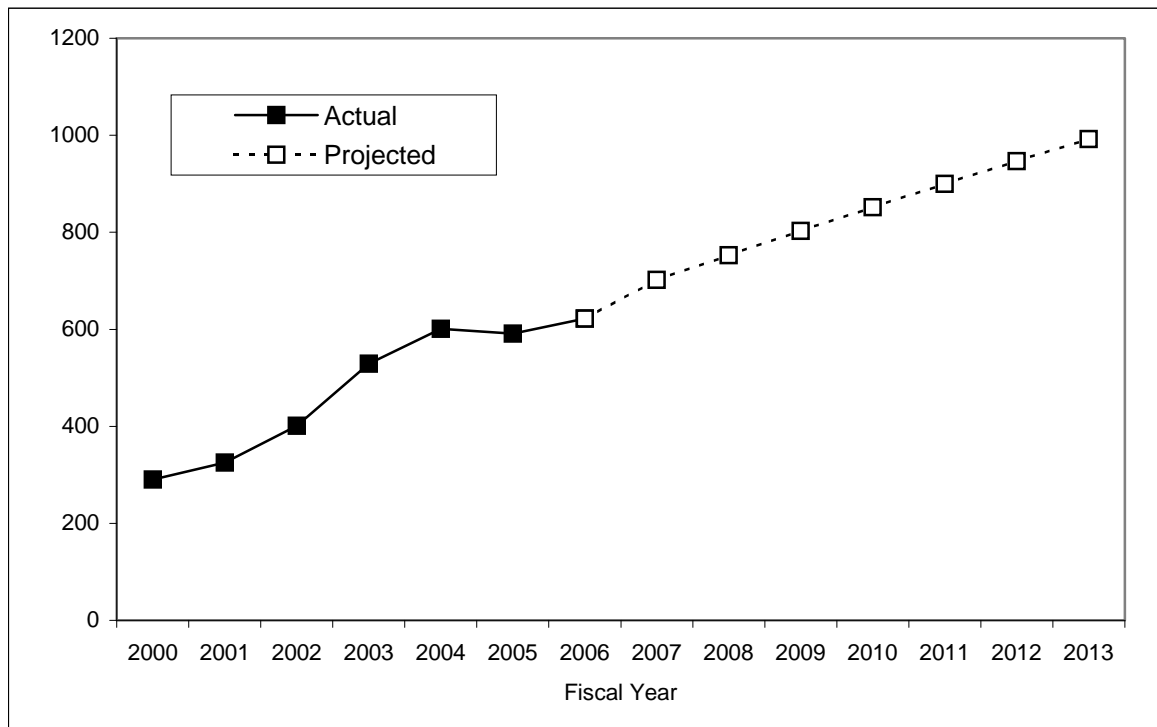
Source: Historical data obtained from Colorado Department of Corrections Monthly Population and Capacity Reports.

DCJ ADULT PRISON PROJECTION ACCURACY

Last year, the DCJ adult prison population projections underestimated the population by 1.05 percent in the first year. In the last ten years, the error has averaged 1.48 percent. In the last 20 years, this error has averaged 1.99 percent. Legislation and other policy changes, including changes in discretion exercised by decision makers, often impact accuracy rates after the first year. Table 11 below shows a comparison of projected populations for the first projection year to actual populations over the last 20 years.

Table 11: Colorado Adult Prison Populations, Projection Compared to Actual, 1986 to 2006

Fiscal Year End (FYE)	Projected Population	Actual Population	Percent Difference
1986	3,446	3,517	-2.02%
1987	4,603	4,702	-2.11%
1988	5,830	5,766	1.11%
1989	6,471	6,763	-4.32%
1990	7,789	7,663	1.64%
1991	8,572	8,043	6.58%
1992	8,745	8,774	-0.33%
1993	9,382	9,242	1.51%
1994	9,930	10,005	-0.75%
1995	11,003	10,669	3.13%
1996	11,171	11,577	-3.51%
1997	12,610	12,590	0.16%
1998	13,803	13,663	1.02%
1999	14,746	14,726	0.14%
2000	15,875	15,999	-0.78%
2001	16,833	17,222	-2.26%
2002	17,569	18,045	-2.64%
2003	19,295	18,846	2.38%
2004	19,961	19,569	2.00%
2005	20,221	20,704	-2.33%
2006	21,901	22,133	-1.05%

Source: DCJ Prison Population Projections, 1985-2005.

Forecast Scenarios

Over the past two years, the DCJ's Office of Research and Statistics (ORS) has been working to build a new projection model that has the capacity to develop forecasts based on very specific policy scenarios. The following are examples of how DCJ's new forecasting model can estimate changes in the system. Based on DOC's FY 2006 figures, the average annual bed cost to incarcerate one inmate is $27,588. This figure is based on staffing and operations costs. Therefore, these scenarios calculate dollars saved using this average annual bed cost.

The six scenarios assume that the average annual bed cost to incarcerate one inmate is $27,588. Costs to construct the bed are not included in the calculations, nor are the community-based supervision and services costs when offenders are diverted from prison.

The individual scenarios are derived from empirical analyses that included a review of a variety of drivers and potential mediators of

the increasing prison population. In all six scenarios that follow, the cost calculations do *not* include the cost of new prison construction. This cost is considerable: House Bill 03-1256 approved funding for $101.1 million to build Colorado State Penitentiary II, a 948-bed prison. CSP II, then, is estimated to cost over $106,000 per bed in construction costs. It will cost another $26 million each year in operational costs to hold and manage 948 prisoners. Because construction costs are not included in the scenario calculations, the cost findings presented below are conservative.

It should be noted that diverting offenders from prison does not eliminate costs entirely. Indeed, there is the need for community placement options for these offenders and the associated costs of supervision and services. However, community placements such as probation, parole and community corrections are less costly than prison construction and operations. The costs associated with these options are not included in the calculations below. Rather, only the annual $27,588 operational cost of prison is included below, and obtained simply by multiplying that annual cost by the number of beds *not occupied* as forcast by DCJ's projection model. For an accurate, long-term cost savings, the costs of community corrections, probation, parole and related services should be subtracted out of the savings presented below, and prison construction costs (based on building estimates that include the security level of proposed institutions) would need to be added.

Scenario 1: ESCAPE
Reducing the number of prisoners serving time for escape (from community supervision) by 10 percent saves 423 beds and $11,669,724 in operating costs in the 5th year alone.

This scenario, and Scenario 3 below, targets offenders in the community who abscond from supervision while on probation or parole and are consequently charged with felony 3, 4 or 5 escape charges. Between FY99 and FY 2005, 1,947 offenders were admitted to prison with the crime of escape as the driving sentence. This does *not* necessarily mean escape from prison; in fact, very, very few offenders escape from confinement. But absconding from probation, community corrections, or parole is considered an escape from custody, and is a relatively common crime. Felony escape (including attempted escape) can be charged as a Felony 3, 4, 5 or 6.

In 2005, 25 percent of parole returns to prison for a new crime were charged with escape and these offenders usually have a sentence of just over two years. Offenders on probation who abscond from supervision and are consequently to prison with an escape conviction receive a sentence averaging 3.5 years.

Figure 15 shows the increase in escape convictions. The reasons for this recent increase are unknown; understanding this issue would require a study of the circumstances related to the escape charge in a large sample of cases on probation, parole and community corrections.

However, it is reasonable to assume that a 10 percent reduction in offenders entering prison due to escape charges could occur should

> *The cost savings presented here reflects ONLY the savings in Year five following implementation. However, savings will accrue in prior years. The full savings can be calculated upon request.*

certain evidence-based practices be expanded. There is empirical evidence to suggest that offender outcomes can be improved, including reducing escapes, by increasing services to offenders, reducing fees required of them until they are stabilized in the community, ensuring vocational training in the community, expanding vocational and educational programming for those in prison, and expanding the use of therapeutic community half-way houses (for drug offenders and those with mental illness). It is estimated that reducing Felony 4, 5 and 6 escape admissions to prison by 10 percent would save a minimum of 423 beds by Year 5 of implementation. At an annual cost of $27,588 (in FY 2007) per offender confined, this is a cost savings in the 5th year alone of $11,669,724 in annual confinement costs.

Figure 17: Prison Admissions by Type of Escape/Abscond
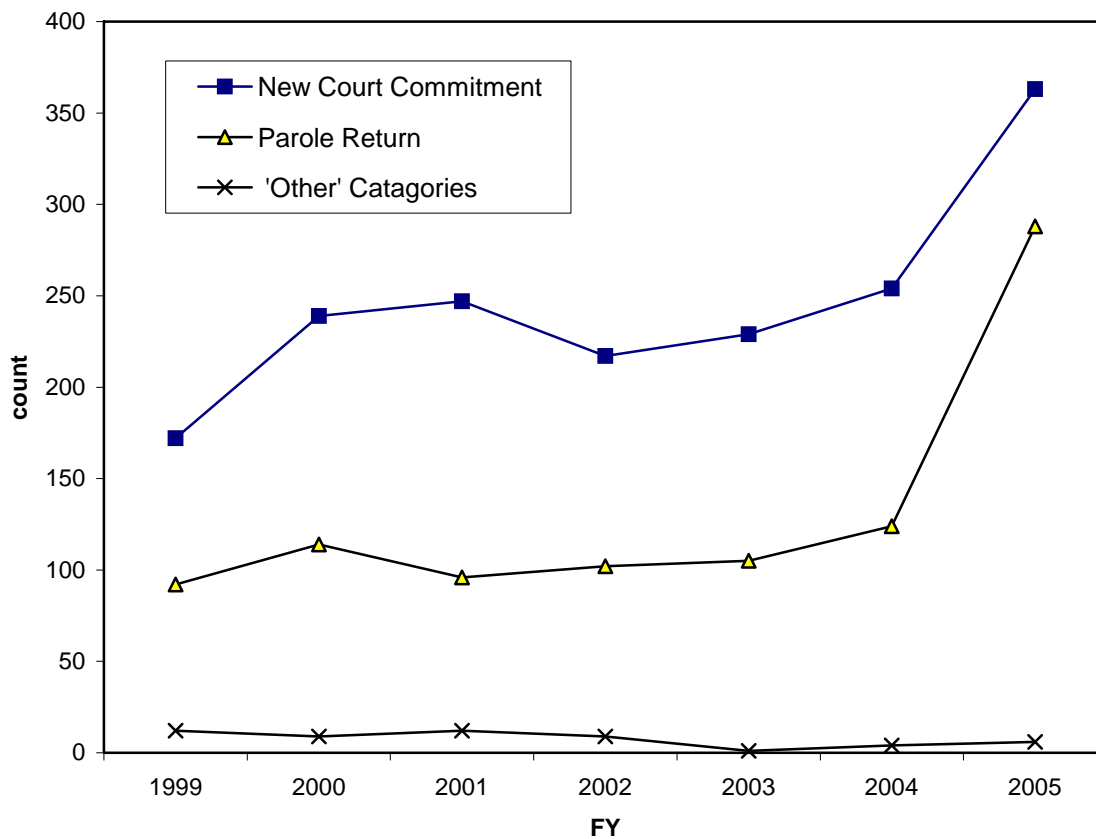
Discussion.

A May 2006 study published by the ORS examined the outcomes of 21,796 offenders who terminated from the community corrections system in Colorado between July 1, 2000 and June 30, 2004 (FY 2000 through FY 2004).[30] The study found decline in the success rates in the community corrections population in 2004, the first decline since 1989. Escapes and technical

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[30] Hetz-Burrell, N. and K. English. (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY04.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf

violations increased between 2003 and 2004. This increase coincided with a 25 percent increase in the daily rate offenders are required to pay in subsistence fees, a decrease in the reimbursement rate paid by the state to halfway house providers, and a decrease in services available in the community. In FY 2000, the DCJ's Office of Community Corrections (OCC) collaborated with *Peer 1*and *The Haven*, two community corrections halfway house programs that provide therapeutic community services to high-level drug offenders to improve offender outcomes. The DCJ OCC agreed to use Drug Offender Surcharge Funds to provide an enhanced per diem rate to *Peer 1* and *The Haven* to address the needs of this population. The programs used the enhanced rate to offset costs that would otherwise be levied against offenders via the subsistence fees. In particular, program administrators reasoned that allowing offenders delays in seeking employment and paying subsistence—and therefore avoiding trips into the community to job-seek early in their placement and focusing on treatment instead—would improve program outcomes. The programs found that using Drug Offender Surcharge Funds for this purpose enhanced services and increased treatment completion rates. Further, annual escape rates declined during this special funding enhancement period, from 25.4 percent 15.3 percent.

Prior studies by the DCJ of Community Corrections on offender outcomes have found that participation in services (such as drug treatment, mental health counseling, employment counseling, etc) is statistically linked to successfully completing the program. Other studies of Colorado correctional populations have found that participation in in-prison programming reduces negative outcomes, including escapes. Many studies outside Colorado have found intensive supervision programs that include treatment-oriented programs save over $11,500 in victim/taxpayer benefits per program participant. Additional information is available upon request.[31]

Scenario 2: ESCAPE

Lowering the felony class for escape by 1 felony classification level saves 447 beds and $12,331,836 in the 5th year alone.

As discussed in Scenario 1, escape convictions are a driving factor in the growing size of the prison population; between FY99 and FY 2005, 1,947 offenders were admitted to prison with the crime of escape as the driving sentence. As stated above, many of these are class 3 felony offenses. As stated previously, offenders are serving time escapes charged as Felony 3, 4, 5 or 6 crime classifications.

The projection model was set to estimate the prison population over the next several years if the felony class was reduced by one step for each offender serving time on an escape conviction. While the retroactive reduction of a felony class is extremely unlikely, it is included here to reflect how such a change would affect the size of the prison population in the future since escapes are, in fact, a driver of population size. This change would reduce the amount of time on

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[31] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.

the governing sentence and save 447 beds and $12,331,836 in annual confinement costs in the 5th year alone.

Escape from custody is a crime against the criminal justice system and the sentencing authority. It may involve moving and never informing the community supervisor, walking away from a halfway-house and not returning, and generally refusing to participate in legally-ordered supervision by staying in contact with authorities When it does not involve another concurrent crime, it is a crime because of the person's criminal justice status. Because it is a violation of the explicit agreement between the individual and the state, it should be considered a serious behavior. However, it may not be otherwise associated with a public safety risk, and in some cases it may be more cost effective to provide another response rather than incarceration. Smaller caseloads may help increase the contact and service provisions to those offenders most likely to abscond. Sixteen studies have found employment and job training in the community to reduce negative outcomes. Benefits in crime reduction after subtracting out program costs are estimated to be $4,359 (benefits minus program costs per participant).[32] The DCJ study of community corrections published in May 2006 determined that those who escaped from community corrections **tended to be younger, unemployed offenders.[33]**

Scenario 3: TECHNICAL VIOLATIONS
Reducing parole technical violations by 10 percent saves 581 beds over 5 years, in the 5th year alone saving $16,028,628 in annual operating costs.

More than 2,000 offenders are returned to prison annually due to technical violations committed while under parole supervision.[34] To be returned to prison, these violations represent serious circumstances of noncompliance with parole requirements. Approximately 70 percent of parole returns are offenders with Felony 4,5 and 6 crime classifications. Any reduction in behaviors that result in noncompliance with supervision requirements will generate a cost savings to taxpayers by preventing further incarceration.

DCJ's May 2006 study of community corrections, as described above, found an increase in escapes and technical violations to be linked to reduced participation in services in the community.[35] It also coincided with a 25 percent increase in the daily rate offenders are required to pay in subsistence fees, a decrease in the reimbursement rate paid by the state to halfway house providers, and a decrease in services available in the community.

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[32] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.
[33] Hetz-Burrell, N. and K. English (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf
[34] In FY05, 2,649 parolees returned to prison on technical violations, and in FY06 2,793 returned (Kristi Rosten, Colorado Department of Corrections, Statistical Bulletin, *Admission and Release Trends,* October 25, 2006).
[35] Hetz-Burrell, N. and K. English. (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf

As mentioned above, there is empirical evidence that offender outcomes can be significantly improved, including reducing technical violations, by increasing services to offenders, reducing fees required of them until they are stabilized in the community, and expanding the use of therapeutic community half-way houses (for drug offenders and those with mental illness). It is estimated that reducing technical returns to prison by 10 percent would save a minimum of 581 beds in Year Five. At an annual cost of $27,588 (in FY 2007 dollars) per offender confined, this is a cost savings in the fifth year alone of $16,028,628 in annual confinement costs.

Note that some technical violations will likely be based on parole noncompliance associated with absconding/escape, so the hypothetical groups in the escape scenario above and this scenario may overlap.

Discussion.

See Discussion for Scenario 1.

Scenario 4: DRUGS

Reducing by 25% the length of prison sentences for felony 3, 4, 5 and 6 drug offenders for the current and incoming population saves 1,284 beds and $35,422,992 in Year 5 alone.

Services for drug treatment in the community have been reduced in recent years as the General Assembly has struggled to manage a budget constrained by TABOR and significant revenue reductions. Drug treatment services in prison have been reduced by approximately half due to budget cuts, despite program evaluations that reflect improved parole outcomes by participants.[36]

Yet, drug convictions represent the largest group of incoming crimes, at approximately 22 percent.[37] One-third of the women in prison in Colorado are serving time on a drug conviction. DOC officials report that many offenders are serving time for crimes related to methamphetamine.

Long-term residential programming using the therapeutic community modality is necessary to serve many individuals in this population, but the Denver area has only two programs for drug-addicted offenders, *Peer 1* (for men) and *The Haven* (for women). Therapeutic communities involve complete lifestyle change, emphasize the lifetime nature of recovery, and promote pro-social behavior and long-term emotional support among addicts to remain drug-free. *The Haven* allows children to live with their mothers at the facility. Dozens of research studies over the past 20 years have documented the effectiveness of the therapeutic community modality. Over many years, recidivism studies conducted by DCJ have consistently found excellent program completion rates and reduced recidivism rates among offenders involved in *Peer 1* and *The*

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[36] Maureen O'Keefe (2003). *Effectiveness of Arrowhead and Peer I Therapeutic Communities*. Presentation to Executive Staff, May 19, 2003. Available at https://exdoc.state.co.us/userfiles/Treatment/pdf/peeri.pdf

[37] Kristi Rosten, Colorado Department of Corrections, Statistical Report FY04, Table 29, available at http://www.doc.state.co.us/Statistics/pdfs/OPAReports/STATReports/2004Complete.pdf

Haven. Any serious effort to manage costs associated with the incarceration of drug offenders will likely require the replication of these two programs to additional sites across the state.

Scenario 5: PROPERTY OFFENDERS

Diverting from prison 10 percent of felony class 4, 5 and 6 property offenders (excluding auto theft) to a non-prison alternative (mandatory drug/mental health treatment, community corrections, or new residential service placement) saves 1,104 beds and $30,457,152 in Year 5 alone.

One of the most common incoming crime types to prison is theft, representing about seven percent of the commitment population.[38] This group has been increasing in size. In recent years, men and women convicted of theft and sentenced to prison have become one of the drivers of the prison population, as is shown in Figures 16 and 17. Additionally, offenders committed to prison for burglary represent about five percent of the incoming population, while forgery, fraud and trespassing, combined, account for about nine percent of commitments. These five crimes account for about 21 percent of the incoming prison population. Depending on the elements of the crime, these property crimes are charged as a felony 3, 4, 5 or 6.

This scenario involves diverting ten percent of felony 4, 5 and 6 property offenders to non-prison alternatives. It should be noted that many property offenders in prison are there because they violated an earlier probation or community corrections (or both) sentence, and their community sentence was consequently revoked, resulting in the prison term.[39] To address this scenario, then, it will be important to design and implement new programs or expand the community corrections system to implement additional alternatives to incarceration.

Significant evidence exists regarding "what works" to improve offender outcomes and reduce the costs and risks of crime. Studies have shown that treatment-focused intense supervision by officers with small caseloads (20-25) reduces recidivism, on average, by 16.7 percent for program participants in comparison to non-participants.[40]

According to a recently published review and cost-benefit analysis of over 500 correctional treatment programs for adult and juvenile offenders, examples of evidence-based programs for adult offenders, include:[41]

- Cognitive-behavior therapy (saves $10,000 per participant after subtracting the cost of the program)

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[38] Kristi Rosten, Colorado Department of Corrections, Statistical Report FY04, Table 29, available at http://www.doc.state.co.us/Statistics/pdfs/OPAReports/STATReports/2004Complete.pdf

[39] However, a study by Legislative Council using data collected by DCJ in 1995 found that 17.6 percent of property offenders were, in fact, non-violent, first-time offenders (CLC Publication No. 452, December 1998)

[40] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.

[41] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.

- Drug treatment (saves $10,000 per participant)
- Therapeutic community drug treatment (intense residential-based intervention) (saves $7,800 per participant)
- Employment and job training (saves $4,300 per participant)

There is considerable evidence that programming reduces recidivism in Colorado as well. The DCJ 2006 Colorado Community Corrections study found significant program benefits to offenders on both transition (returning to the community from prison) and diversion (offenders sent from the court). Failure in community corrections usually results in a prison sentence for court-ordered offenders, or a return to prison for transition offenders. Thus, successful completion saves dollars. Since the average length of stay in community corrections is approximately six months, many of the savings occur in the same or next fiscal year.

Overall, participation in programming while in community corrections increased success rates by, on average, 8 to 10 percentage points. The following summarizes some of the empirical findings about Colorado community corrections offenders reported in the May 2006 study:[42]

- Employed offenders were over three times more likely to succeed in community corrections compared to those who were unemployed (72 percent compared to 20 percent).
- Transition offenders participating in education programs had significantly higher program success rates.
- Offenders participating in budgeting programs improved success rates by an average of nearly ten percentage points.
- Transition offenders participating in mental heath programs improved success rates by an average of eight percentage points.
- Diversion offenders particularly benefited from cognitive programming, with men improving their outcomes by an average of 15.8 percentage points and women by 12.7 percentage points.
- Alcohol and drug treatment was found to be extremely important to this population.
  - Men in diversion who received drug and alcohol treatment cut their program failure rate in half; men in transition cut their failure rate by about one-quarter.
  - Women in diversion cut their failure rate nearly in half while transition women cut theirs by about 10 percent.

Many of the property offenders diverted under Scenario 5 would benefit from intense drug treatment in therapeutic communities or treatment in mental-health therapeutic communities. As stated previously, a recent study of community corrections in Colorado found the overall recidivism rate to be approximately half of the prison recidivism rate and, among the halfway

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[42] Hetz-Burrell, N. and K. English (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism FY00-04.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf

house programs, those that were in therapeutic communities had significantly lower recidivism rates than those overall. See Table 12 below.[43]

Table 12: Outcomes for Colorado Community Corrections Therapeutic Community Program Discharges FY 2000-FY 2004, Compared to Non-TC Programs: Percent Recidivism (N=21,796)

Type of Therapeutic Community in Community Corrections	%Recidivism TC Programs 24 Months	Recidivism Non-TC Programs: 24 months
Drug TC for men (*Peer One*)	22%	25%
Drug TC for women (*The Haven*)	10%	25%
Mental Health TCs	15%	25%

NOTE: Recidivism was measured by any new misdemeanor or felony court filing.
Source: Burrell, N. and K. English (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-04.* Colorado Division of Criminal Justice, Denver, Colorado.

Colorado has few community-based therapeutic communities for offenders. Expanding therapeutic communities for drug offenders and those with mental illness is necessary to control crime associated with drug addiction and to assist in the management of the prison population. According to the Director for the Colorado Alcohol and Drug Division, expanding substance abuse treatment would "have an immediate savings in crime."[44] Further, drug treatment in prison in other states, in the community, and in conjunction with drug courts has shown significant cost savings, between $5,000 and 10,000 per participant for each of these interventions.[45] Controlling crime and prison growth will very likely require the expansion of empirically-based interventions in the community. Medical research has shown that drug addiction and mental illness are diseases of the brain, and relapse is common. Combining treatment with a criminal justice intervention is a cost effective approach.

Young offenders, many of whom end up serving time in the adult criminal justice system, have been found to benefit significantly from certain programs. Many adolescent offenders are only a few years from becoming part of the adult corrections budget, meaning that cost benefits to the state will accrue relatively quickly. Early interventions result in excellent savings to taxpayers in victimization and criminal justice costs, and are important to consider in terms of solutions to the costs of incarceration. Three studies have found Multidimensional Treatment Foster Care (as opposed to regular group care) to save an average of $77,798 per participant after subtracting out about $7,000 in program cost; six studies found an adolescent diversion project for low risk offenders to save more than $40,000 per participant after subtracting the $2,000 program costs; Functional Family Therapy for probationers saved $31,000; aggression replacement training

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[43] Burrell, N. and K. English. (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY04.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf

[44] Janet Wood, December 15, 2006, speaking to the General Assembly's Joint Budget Committee, Legislative Services Building, Denver, Colorado.

[45] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.

saves $18,000; juvenile sex offender treatment saves $8,600; juvenile drug courts save $4,600, and the list goes on.[46]

Figure 18: Theft commitments to prison since 1999, by ethnicity: Women

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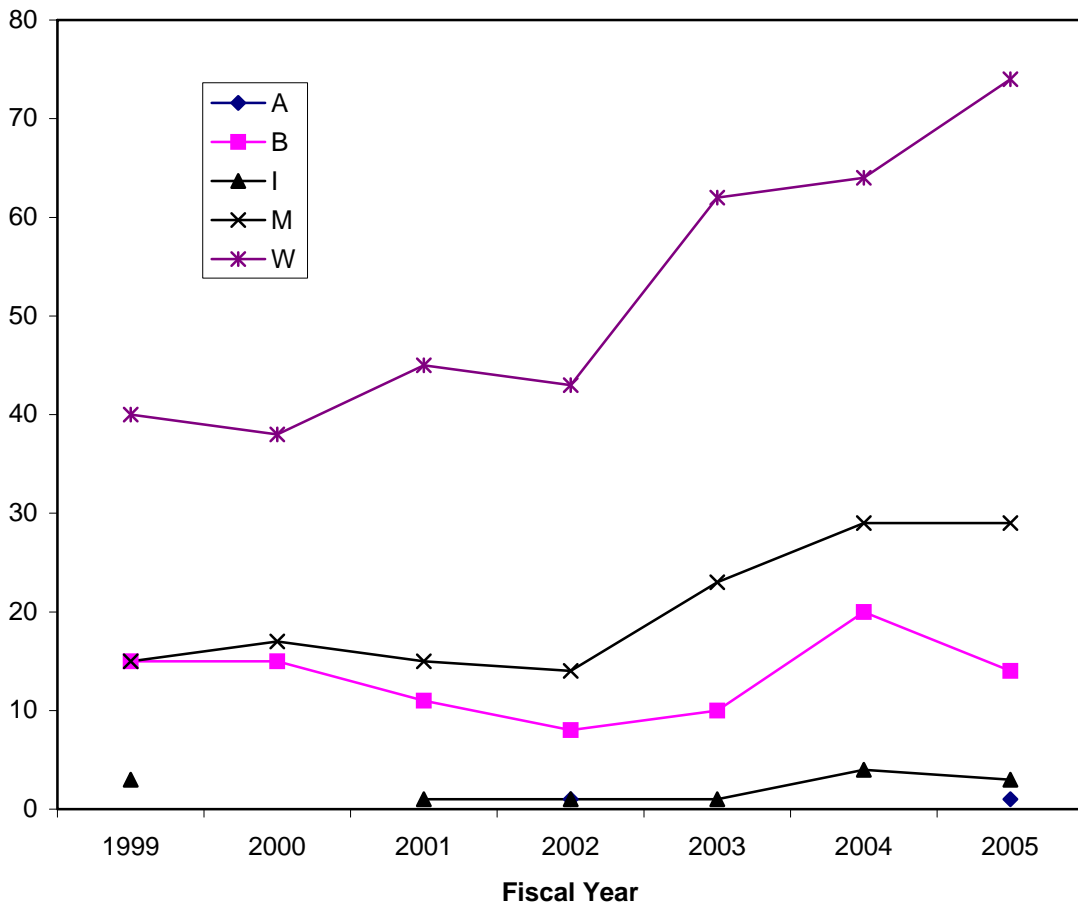
[46] Aos, S., M. Miller, and E. Drake (2006). *Evidence-Based Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates.* Washington State Institute for Public Policy. Olympia, Washington.

Figure 19: Theft commitments to prison since 1999, by ethnicity: Men
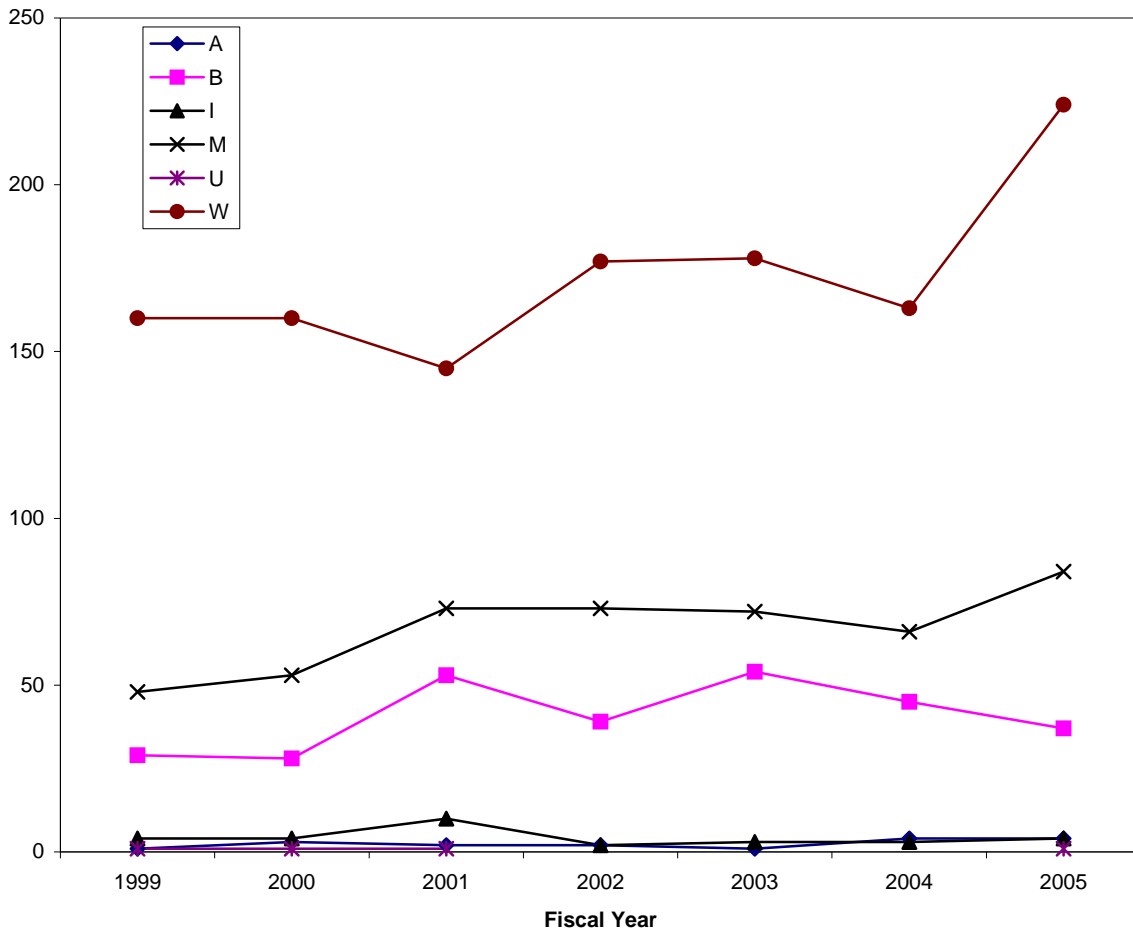
Scenario 6: LENGTH OF STAY

Reducing the average length of stay for all intakes and current prisoners (except those serving time on technical violations and felony 1 or 2 crimes) by one month saves 1,325 beds in Year 5 and $36,554,100 in annual costs; a three-month reduction saves 1,964 beds in Year 5 and $54,182,832 in annual costs.

Four factors drive prison populations: the size of the state's age18-44 population, the number of cases filed by prosecutors, the number of offenders admitted to prison, and the length of stay in prison. Among these, the strongest drivers of the size of the prison population are (1) the size of the admissions cohort, and (2) the length of time they stay incarcerated.

The scenarios presented thus far have addressed admissions. It is difficult to conceptualize the impact of length of stay. Scenario 6 is provided to assist with understanding how even small modifications in the length of prison terms can substantially affect the state budget.

Table 13: Average Sentence (Admissions) and Time Served (Releases), FY 2004

Felony Classification	Average Sentence, 2004 Prison Admissions (Months)	Average Stay in Prison For Those Sentenced Since 1993 (HB03-1302) (Months)	Average Stay for those sentenced 1985-1993 (Months)
Felony 2	336.0	175.1	92.0
Felony 3	120.0	84.5	35.0
Felony 4	56.2	52.1	22.8
Felony 5	31.2	28.6	15.1
Felony 6	18.0	8.2	8.7

Source: Rosten, K. (2005) Colorado Department of Corrections, Statistical Report FY04. Note: The length of stay figures do not include those sentenced under the habitual criminal statutes.

Sentences are longer than the actual length of time served. This difference is necessary for the safety of prison staff and inmates. Prisoners are given incentives to behave safely while incarcerated, and to participate in positive activities such as recommended programming and work. These incentives can reduce the time inmates serve in prison by as much as ten days per month. Time spent in jail prior to sentencing is also applied toward their sentence, further reducing their actual time spent in prison. Felony 6 offenders sent to prison actually may spend little time there, but the first few weeks are the most expensive as they are processed through the diagnostic center which is a maximum security facility. In 2004, those prisoners released for the first time averaged a length of stay (LOS) in prison of 22.4 months for those released under the mandatory parole provisions compared to 33.4 for discretionary parolees.[47]

Summary

The presentation of these scenarios serves to reflect how the DCJ's new population projection model can now forecast various changes in the criminal justice environment. To place the scenarios in context, local and national research was included to identify empirically-based programming that reduces recidivism and crime. Further information is available upon request.

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[47] Note that the difference in LOS can be attributed to shorter sentences in the mandatory parole group. This information is from Rosten, K. (2005), Colorado Department of Corrections, Statistical Report FY04, Table 53.

Community Corrections Forecast

INTRODUCTION

These community corrections projections were developed following a recommendation of the Office of the State Auditor, and a request by the Joint Budget Committee in 2006 that the DCJ develop a five-year supply/demand analysis so that future budget requests could be based on planned projected growth. As described in the first section of this report, the projection model developed by DCJ analyzes historical trends in the state population, arrest, filing, convictions and placements, by felony class. It prioritizes prior placement data that, in the case of community corrections, will artificially deflate the numbers for the diversion (direct sentences from the court) component of the program. DOC's transition (post-prison) component of community corrections is mandated by the Joint Budget Committee to achieve a residential transition population of 6.75 percent of the DOC population in FY 2007, increasing by .025 annually thereafter.

In FY 2007 the DCJ is funded for 1,231 Diversion Beds and for 1,614 Transition beds. The Colorado Association of Community Corrections Boards (CACCB) annually reports the physical capacity of each residential program. In FY 2007, the CACCB reported that 3,012 total beds are available to serve community corrections clients.

These projections were developed utilizing community corrrections termination data collected by the DCJ. From this termination data, historical numbers of admissions and terminations, length of stay, and both intake and termination status could be determined. These inputs, in addition to the other justice system inputs utilized in the development of the prison population projections (such as numbers of criminal filings and convictions, probation placements and revocations, prison releases and parole revocations), enabled the development of a cohort propagation model. This method follows cohorts of individuals (in this case, annual estimated admissions to community corrections programs) and calculates the rate of reduction in the size of each cohort according to certain assumptions. These assumptions include rates of direct sentences to community corrrections, the use of community corrrections as a sanction for probation revocations, and the rates at which community corrrections programs are utilized to assist offenders in transitioning from prison to the community.

Since historical data are used in all forecasting models, the community corrections projections presented here will reflect past funding constraints but assume that the role of the community corrrections programs in the overall Colorado justice system will remain constant. This implies that community corrrections programs will continue to provide services to the *same proportions* of offenders placed in probation and released from prison as it has in the past, and will be able to grow along with these components of the Colorado justice system.

Table 14 presents the projected year-end populations for the diversion and transition community corrrections programs separately, as well as projected new placements. Diversion placements are expected to increase to 2509 by the end of FY 2007, and increase by 30.88 percent by the end of

FY 2013. The year-end diversion population is expected to reach 1463 by the end of FY 2007, and grow by 31.85 percent by the end of FY 2013.

Transition placements are expected to reach 3010 by the end of the current fiscal year, and increase 39.30 percent by the end of FY 2013. The population at the end of FY 2007 is expected to be 1530, increasing 39.28 percent to 2131 over the following six years. Table 15 displays the annual expected growth rates for the diversion, transition and total year-end populations.

Table 14: 2006 Community Corrections Projections FY 2007 to FY 2013

	Year-End Population			Placements		
	Diversion	**Transition**	**Total**	**Diversion**	**Transition**	**Total**
FY 2007	1463	1530	2993	2509	3010	5518
FY 2008	1570	1599	3170	2673	3147	5819
FY 2009	1670	1710	3379	2842	3363	6205
FY 2010	1751	1802	3553	2980	3545	6526
FY 2011	1830	1905	3735	3115	3748	6863
FY 2012	1890	2024	3914	3216	3983	7199
FY 2013	1929	2131	4061	3284	4193	7477

Table 15: Projected Growth: Community Corrections Projections FY 2007 to FY 2013

	Diversion	**Transition**	**Total**
FY 2007	1.62%	8.82%	5.18%
FY 2008	7.30%	4.54%	5.89%
FY 2009	6.35%	6.88%	6.62%
FY 2010	4.86%	5.42%	5.14%
FY 2011	4.51%	5.71%	5.12%
FY 2012	3.27%	6.26%	4.79%
FY 2013	2.09%	5.28%	3.74%

BACKGROUND INFORMATION ON COMMUNITY CORRECTIONS

Community Corrections in Colorado is a system of specific halfway house facilities that provide residential and non-residential services to convicted offenders. Colorado currently has 35 residential and 24 non-residential operations. These facilities, often referred to as programs, receive state funds but are based and operated in local communities. These programs provide an intermediate sanction at the front end of the system between probation and prison, or reintegration services at the tail end of the system between prison and parole. Community

corrections placements allow offenders access to community resources, including treatment and employment opportunities, while living in a staff secure correctional setting.[48]

Offenders can be referred to community corrections by the sentencing judge or by officials at the Department of Corrections (DOC). The judicial placement is considered a diversion from prison, and these cases are called "diversion clients." The DOC placement of offenders in halfway houses serves as a method of transitioning prisoners back into the community and these cases are referred to as "transition clients." Diversion clients are responsible to the probation department while transition clients are under the jurisdiction of the DOC's Division of Adult Parole and Community Corrections. Both diversion and transition clients are housed together and participate in programming together. While the two types of clients are subject to a few differences in policies from their "host agency," they are required to abide by the same sets of house rules and are subject to similar consequences when rules are broken.

Per statute, each jurisdiction has a community corrections board, appointed by the county commissioners, to screen offender referrals and to oversee the operation of the facilities. Board members typically consist of both criminal justice professionals and citizens. In some locales, county governments operate their own community corrections facilities; in others, the local boards contract with private corporations that own and operate the programs. Regardless of restitution, and learning the local transportation system while having the structure of a controlled living environment, curfew requirements, electronic monitoring, random urinalysis testing, and treatment intervention provides offenders with an experience that may increase opportunities for success.

Since 1985, the Office of Research and Statistics (ORS) in the Division of Criminal Justice has conducted four studies of the community corrections halfway house system in Colorado. The most recent study, published in May 2006, was referred to many times in the scenario section.[49] This study examined the outcomes of 21,796 offenders who terminated from the community corrections system in Colorado between July 1, 2000 to June 30, 2004 (Fiscal Year 2000 through Fiscal Year 2004). Program outcomes include successful termination or unsuccessful termination due to behaviors that resulted in technical violations, escaping/absconding or committing a new crime while living in the halfway house. Recidivism was measured as a new misdemeanor or felony filing at 12 and 24 months.

Because offenders are expected to pay for room and board and be employed, the 2006 study found that between FY 2000 and FY 2004, offenders in halfway houses across the state paid more than $2.6 million in state taxes and approximately $6.7 million in federal taxes. They earned more than $115 million and paid over $36 million in room and board during that period.

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[48] The facilities are non-secure, however, each provides 24-hour staffing. Each offender must sign out and in as they leave and return to the facility, and staff monitor the location of off-site offenders by field visits and telephone calls. Several facilities use electronic monitoring and a few programs use geographic satellite surveillance to track offenders when they are away from the halfway house.

[49] Hetz-Burrell, N. and K. English. (2006). *Community Corrections in Colorado: A Study of Program Outcomes and Recidivism, FY00-FY04.* Colorado Division of Criminal Justice, Denver, Colorado. Available at http://dcj.state.co.us/ors/pdf/docs/Comm_Corr_05_06.pdf

The study highlighted that success rates for community corrections clients increased consistently between 1989 and 2003, a period during which programs managed increasingly more serious offenders, as measured by the criminal history score, a 6-item index created by the Office of Research and Statistics in the early 1980s to track an offender's criminal history. The 2006 study found that between FY 2000 and FY 2003, approximately 62-63 percent of offenders successfully completed their stay in community corrections. However, in FY 2004, the successful completion rate dropped from 63.1 percent to 56.1 percent. State budget cuts in FY 2003 that directly affected offenders likely played a significant role in the reduction in the success rate. These cuts included an eight percent reduction in the reimbursement rate paid to community corrections programs and, to offset this cut to providers, a 25 percent increase in the subsistence fees required of offenders participating in community corrections. Further, state funding to local services and programs used by offenders were also reduced in the FY 2003 Legislative Session.

Of all offenders who successfully completed community corrections in the five-year period, 85 percent remained crime-free after being at-risk for 12 months, as measured by a new felony or misdemeanor court filing. After two-years, 75 percent of community corrections offenders remained crime-free.

Juvenile Commitment and Parole Forecast

This section presents the findings of the 2006 DCJ juvenile commitment and parole forecasts. Projected new commitments have been added to the DCJ model this year, and will be presented first. Following the new commitment data, projections of commitment average daily population (ADP) and parole average daily caseload (ADC) will be presented, followed by regional breakouts of each of these.

The method used to project the youth population is similar to that used in the adult prison population projections discussed in a previous section. State population growth, incarceration rates, and lengths of stay are the main determinates of future commitment and parole population growth. Data extracts obtained from the Division of Youth Corrections Research and Evaluation Unit, along with current population estimates from the Demographer's Office of the Colorado Department of Local Affairs, are utilized in the development of these projections.

This forecast assumes that future laws and policies pertaining to DYC juvenile commitments and parolees do not vary from those that have occurred in the past or that can be foreseen. Changes in commitment or parole length of stay, sentencing practices, the formulation of new sentencing options, as well as severe economic or catastrophic events affecting Colorado will impact the accuracy of these forecasts.

New Commitments

At the request of the Division of Youth Corrections, a component was added to the DCJ juvenile commitment model to obtain estimates of future new commitments. Annual projected new commitments are displayed in Table16 for the four DYC management regions and statewide.

Table 16
Annualized Estimated New Commitments Statewide and by Region
FY 2007 through FY 2013

	Fiscal Year						
	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**
Central Region	404	427	433	432	438	469	501
Northeast Region	277	275	279	286	303	306	307
Southern Region	182	182	185	187	193	191	187
Western Region	88	88	93	95	98	97	96
Statewide	951	971	990	1,001	1,032	1,063	1,091

New commitments were estimated on a monthly basis for each year from FY 2007 through FY 2013. Statewide monthly estimates are found in Table 17. Regional monthly estimates are found the following tables.

Table 17: Estimated New Commitments per Month: Statewide

	Fiscal Year						
	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**
July	*62**	73	74	75	77	80	82
Aug	*90**	82	83	84	87	90	92
Sept	*75**	78	80	81	83	86	88
Oct	*59**	86	87	88	91	94	96
Nov	90	89	90	91	94	97	99
Dec	73	71	73	74	76	78	80
Jan	81	80	81	82	85	87	90
Feb	78	77	78	79	81	84	86
Mar	84	82	84	85	87	90	92
April	88	86	88	89	92	95	97
May	85	83	85	86	89	91	94
June	86	84	86	87	89	92	94

* Actual population.

Table 18: Projected New Commitments per Month: Central Region

Fiscal Year							
	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**
July	*25**	28	28	28	29	31	33
Aug	*26**	31	32	32	32	34	37
Sept	*30**	30	31	30	31	33	35
Oct	*11**	33	33	33	34	36	38
Nov	42	34	34	34	35	37	40
Dec	33	27	28	28	28	30	32
Jan	38	40	40	40	41	44	47
Feb	32	38	38	38	39	41	44
Mar	39	38	39	39	39	42	45
April	46	45	45	45	46	49	52
May	39	42	42	42	43	46	49
June	43	42	42	42	43	46	49

* Actual population.

Table 19: Projected New Commitments per Month: Northeast Region

Fiscal Year							
	2007	2008	2009	2010	2011	2012	2013
July	23*	21	22	22	24	24	24
Aug	27*	23	24	24	26	26	26
Sept	23*	26	27	28	29	29	29
Oct	19*	21	21	21	23	23	23
Nov	26	25	26	26	28	28	28
Dec	23	23	23	24	25	25	25
Jan	22	22	22	23	24	24	24
Feb	22	22	23	23	24	25	25
Mar	24	23	24	24	26	26	26
April	24	23	24	24	26	26	26
May	24	23	24	24	26	26	26
June	22	21	22	22	24	24	24

Actual population.

Table 20: Projected New Commitments per Month: Southern Region

Fiscal Year							
	2007	2008	2009	2010	2011	2012	2013
July	9*	13	13	13	14	14	13
Aug	29*	19	19	19	20	20	19
Sept	13*	13	14	14	14	14	14
Oct	24*	16	16	16	17	17	16
Nov	15	18	18	18	19	18	18
Dec	11	13	13	13	13	13	13
Jan	14	16	16	17	17	17	17
Feb	14	16	16	16	17	17	16
Mar	12	13	14	14	14	14	14
April	12	13	14	14	14	14	14
May	16	18	18	19	19	19	19
June	12	14	14	14	15	14	14

Actual population.

Table 21: Projected New Commitments per Month: Western Region

Fiscal Year							
	2007	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**
July	5*	6	7	7	7	7	7
Aug	8*	6	6	6	7	6	6
Sept	9*	9	9	10	10	10	10
Oct	5*	9	10	10	10	10	10
Nov	8	7	8	8	8	8	8
Dec	6	6	6	6	6	6	6
Jan	7	6	7	7	7	7	7
Feb	9	8	9	9	10	9	9
Mar	10	9	10	10	10	10	10
April	8	7	8	8	8	8	8
May	6	6	6	6	6	6	6
June	9	8	8	9	9	9	9

Actual population.

Commitment Average Daily Population

Growth in the juvenile commitment year to date (YTD) average daily population (ADP) is expected to grow at a much slower rate than the 2005 DCJ forecast indicated. Last year's forecast estimated growth between four and seven percent annually from fiscal year end 2006 to fiscal year end 2012. However, possibly due to the recent implementation of the Continuum of Care Initiative, growth in FY 2006 barely exceeded zero percent. This initiative, approved by the General Assembly and implemented in FY 2006, allows the Division of Youth Corrections to apply a portion of funds appropriated for residential placements to provide non-residential treatment, transition and wraparound services to committed youth and youth on parole.[50]

Due to the slow growth observed in the past 18 months and the expected impact of the Continuum of Care Initiative, the current year's projections predict very slow or negative growth in the commitment ADP between fiscal years 2007 and 2010, ranging from –0.55 percent in the current year to a maximum of 2.08 percent in FY 2009. An upswing in the growth of the Colorado 10-17 year old population is expected in 2010, resulting in an increase in the projected growth of the commitment population. The population growth is expected to increase to 2.97 percent in FY 2011, 3.70 percent in FY 2012, and 2.97 in FY 2013. Table 22 summarizes these findings.

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[50] For more information concerning the Continuum of Care Initiative, contact the Colorado Division of Youth Corrections at (303) 866-5700.

Table 22: Juvenile Commitment Average Daily Population (ADP) Forecast, FY 2006 through FY 2013

Fiscal Year (FY)	YTD ADP Forecast	Percent Annual Growth
2006*	*1453.43*	*0.00%*
2007	1445.44	-0.55%
2008	1470.76	1.75%
2009	1501.36	2.08%
2010	1521.45	1.34%
2011	1566.68	2.97%
2012	1624.70	3.70%
2013	1672.89	2.97%

* Actual population.

Figure 20: Historical and Projected Commitment Average Daily Population FY 1995 through FY 2013
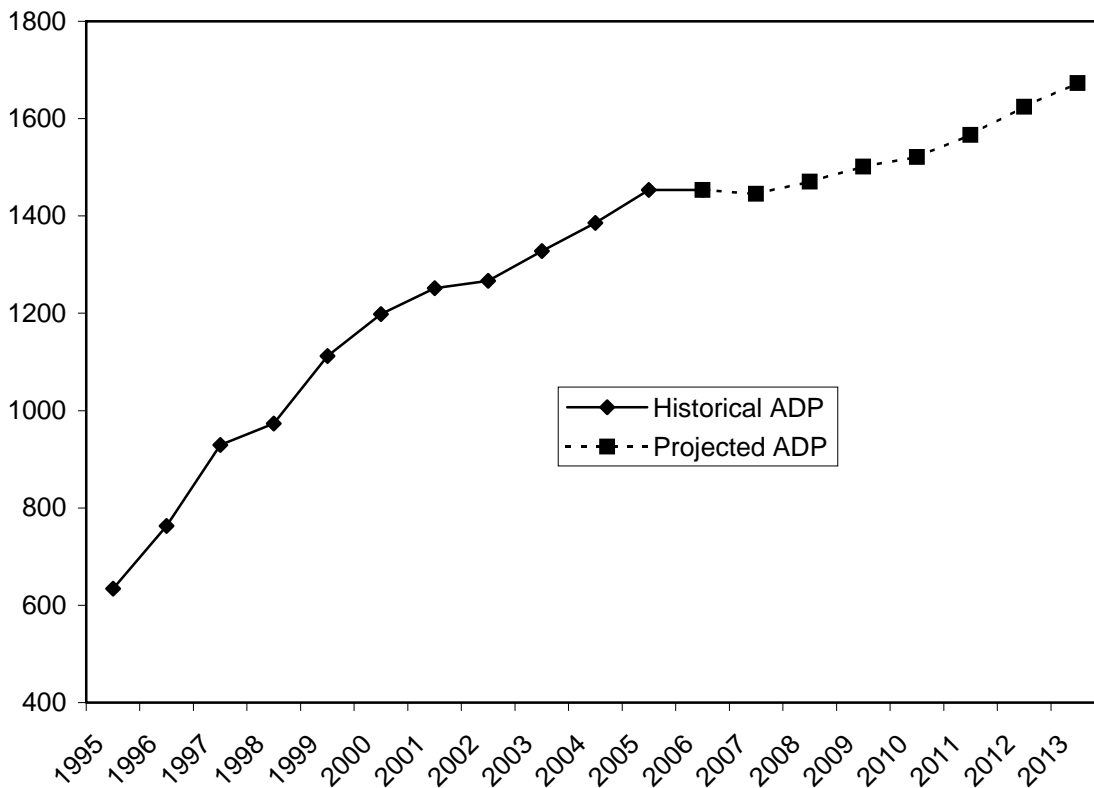
Source: Data provided by the Division of Youth Corrections, Dept of Human Services October 2006.

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Parole Average Daily Caseload

In contrast to the commitment population, the Continuum of Care Initiative is expected to result in an increase of the juvenile parole average daily caseload (ADC). While the 2005 DCJ projections reported expected growth between two and six percent annually between fiscal years 2006 and 2012, the current forecast estimates growth between two and nine percent over the next seven fiscal years. Year to date (YTD) monthly ADC is expected to increase by 9.76 percent by the end of the current year (FY 2007). Growth is expected to drop to 6.12 percent in FY 2008, and to stabilize at 2.05 percent to 5.54 percent over the following five years. Table 23 summarizes this forecast.

Table 23: Juvenile Parole Average Daily Caseload (ADC) Forecast, FY 2006 through FY 2013

| Fiscal Year (FY)	YTD ADC Forecast	Percent Annual Growth
2006*	*507.40*	*4.00%*
2007	556.95	9.76%
2008	591.03	6.12%
2009	610.05	3.22%
2010	622.53	2.05%
2011	650.64	4.52%
2012	686.69	5.54%
2013	716.64	4.36%

* Actual Data

The juvenile parole population has experienced widely varied growth over the past ten years due to multiple factors. Prior to 1997, parole ADC was relatively stable with a slight decline. In 1997 mandatory one-year parole terms were implemented. Subsequently, ADC grew at a rapid rate from July 1994 to July 2001. In 2001, the mandatory parole term was lowered to nine months,[51] after which ADC declined rapidly through August 2002. In 2003 the mandatory parole term was further lowered to six months,[52] resulting in a continuing decline. The ADC dropped significantly until May 2004, then began growing again at a very moderate rate. The implementation of the Continuum of Care Initiative is expected to result in increasing growth in the future. Figure 19 displays the historical year-end ADC fluctuations from FY 1996 through FY 2006 and the projected growth through FY 2013.

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[51] Senate Bill 2001-77, effective July 1, 2001
[52] Senate Bill 2003-284, effective May 1, 2003

Figure 21: Historical and Projected YTD Parole ADC, FY 1995 through FY 2013
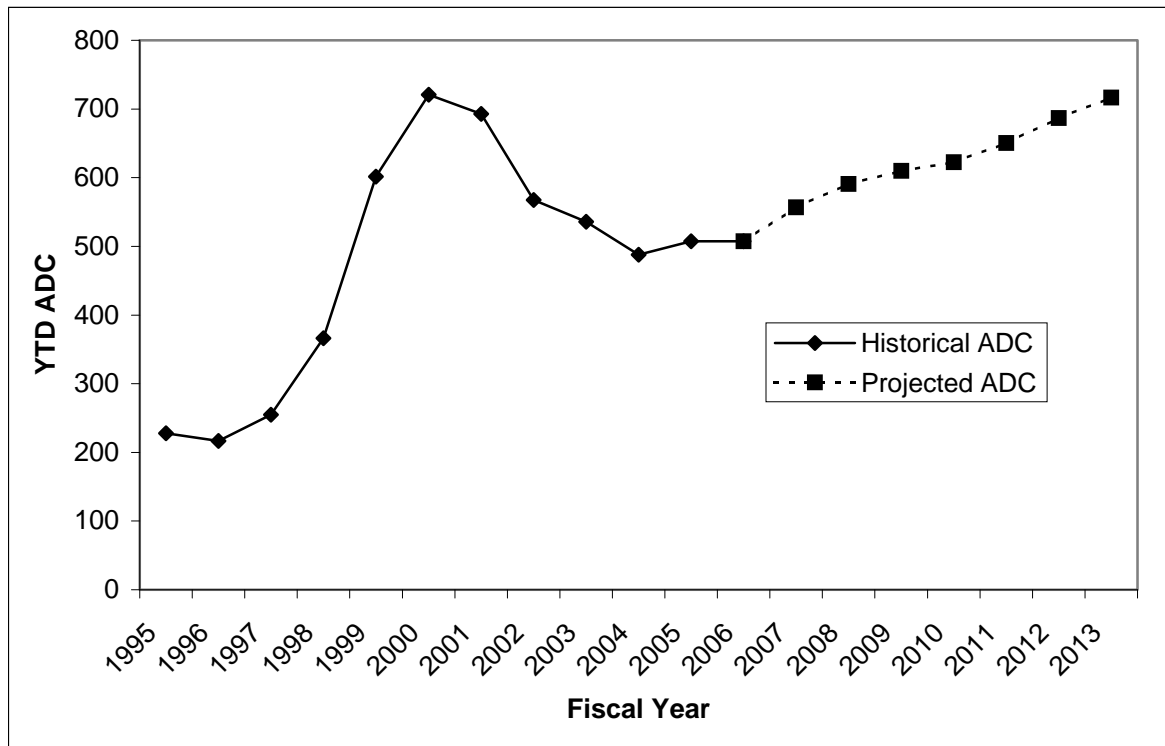
Source: Data provided by the Division of Youth Corrections, Dept of Human Services October 2006.

Regional Commitment and Parole Forecasts

The commitment and parole forecasts are presented by DYC management region in Tables 15 and 16, respectively. Growth in the regions may vary according to projected trends in the 10 to 17 year old overall population, which are subject to birth, death and migration rates, labor force demand, and other economic and demographic trends. Growth in the various regions can vary widely, as demonstrated in Figures 20 and 21 below.

Table 24: 2007 Juvenile Commitment Forecast by Region, FY 2006-FY 2013

| Fiscal Year	CENTRAL		NORTHEAST		SOUTHERN		WESTERN	
	ADP	Percent growth	ADP	Percent growth	ADP	Percent growth	ADP	Percent growth
2006*	*652.67*	*2.09%*	*363.60*	*4.21%*	*290.91*	*-3.58%*	*146.25*	*-10.60%*
2007	646.33	-0.97%	351.51	-3.33%	300.30	3.23%	147.31	0.72%
2008	655.73	1.45%	356.93	1.54%	308.51	2.74%	149.59	1.55%
2009	663.99	1.26%	364.02	1.99%	313.77	1.70%	159.59	6.68%
2010	664.49	0.08%	374.95	3.00%	318.42	1.48%	163.60	2.51%
2011	698.43	5.11%	385.85	2.91%	318.51	0.03%	163.89	0.18%
2012	720.54	3.17%	407.10	5.51%	329.39	3.42%	167.67	2.30%
2013	750.59	4.17%	419.65	3.08%	330.87	0.45%	171.79	2.46%

 * Actual data, source CDHS DYC Monthly Population Report, June 2006

**Table 25: 2007 Juvenile Parole Forecast by Region,
FY 2006-FY 2013**

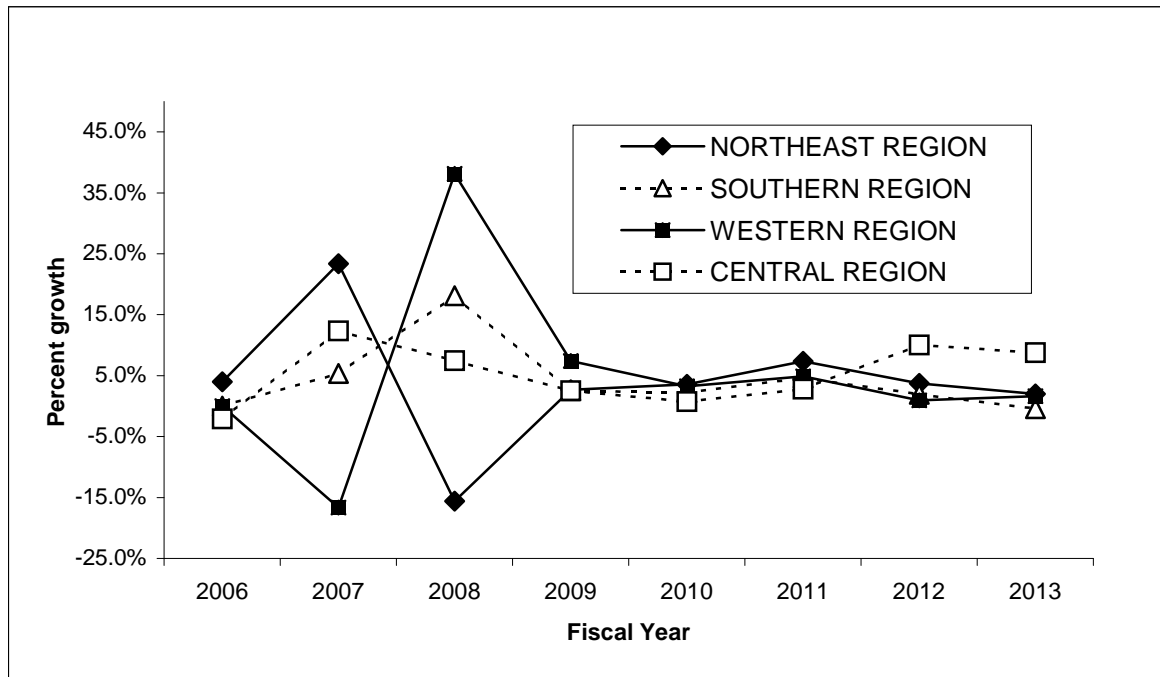| Fiscal Year | CENTRAL | | NORTHEAST | | SOUTHERN | | WESTERN | |
	ADC	Percent growth	ADC	Percent growth	ADC	Percent growth	ADC	Percent growth
*2006**	*208.90*	*-2.1%*	*128.6*	*4.0%*	*100*	*0.0%*	*69.9*	*0.0%*
2007	234.63	12.3%	158.66	23.4%	105.38	5.4%	58.27	-16.6%
2008	252.12	7.5%	133.95	-15.6%	124.48	18.1%	80.47	38.1%
2009	258.48	2.5%	137.53	2.7%	127.60	2.5%	86.44	7.4%
2010	260.39	0.7%	142.46	3.6%	130.42	2.2%	89.26	3.3%
2011	267.64	2.8%	152.95	7.4%	136.44	4.6%	93.61	4.9%
2012	294.48	10.0%	158.65	3.7%	139.09	1.9%	94.47	0.9%
2013	320.38	8.8%	161.79	2.0%	138.49	-0.4%	95.99	1.6%

* Actual data, source CDHS DYC Monthly Population Report, June 2006

**Figure 22: 2007 Regional Juvenile Commitment ADP Growth Forecast
FY 2006-FY 2013**
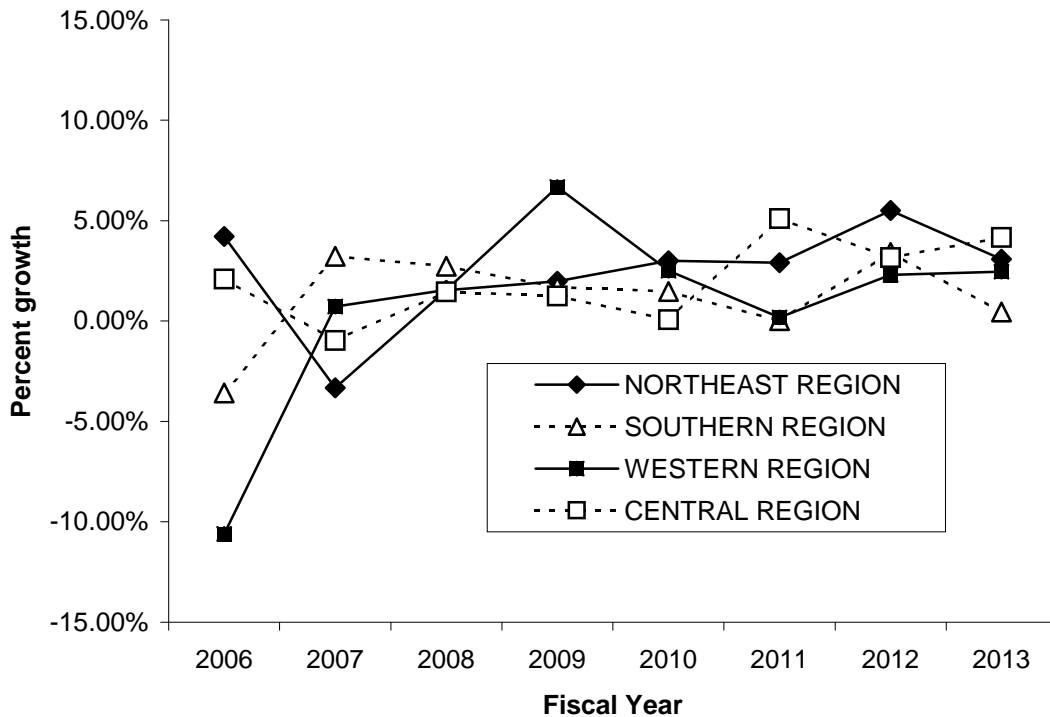
Note: 2006 figure based on actual data. Source: CDHS DYC Monthly Population Report, June 2006.

**Figure 21: 2007 Regional Juvenile Parole ADC Growth Forecast
FY 2006-FY 2013**

Note: 2006 figure based on actual data. Source: CDHS DYC Monthly Population Report, June 2006.