

Colorado Division of Criminal Justice Correctional Population Forecasts

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

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Executive Summary

Colorado correctional populations, both adult and juvenile, are expected to continue to decrease in the upcoming years. These projections are based on historical trends in these populations, as well as the shifts in all aspects of the criminal and juvenile justice systems, including declines in arrests, criminal and juvenile delinquency court filings and probation revocations. Recent legislation and parole practice reforms also significantly influence these forecasts.

The Colorado adult prison population is expected to continue to decline 7.6 percent between the ends of fiscal years 2012 and 2019, from an actual population of 21,037 to a projected population of 19,437 inmates. The number of men in prison is expected to decrease 6.6 percent during this time frame, from 19,152 to 17,886, while the number of women in prison is expected to decrease 17.7 percent, from 1,885 to 1,551.

The prison population decreased by 9.3 percent between the ends of FY 2009 and FY 2012. Admissions to prison decreased during each of the past four years. In FY 2012 alone, the population declined 7.5 percent and admissions by 8.2 percent. This trend follows that observed nationally. The Bureau of Justice Statistics reported that state prison populations decreased in twenty-six states during 2011. Nationally, the number of prisoners under state authority declined by 1.5 percent in 2011.

The prison population is projected to decline 4.6 percent by the end of the current fiscal year, slightly less than the 6.9 percent decline observed in FY 2012. The rate of decline is expected to decrease over the following two years, after which the population is expected to remain fairly level.

While the domestic parole caseload is projected to increase 3.4 percent by the end of FY 2013, a reduction is expected over the following six years. This decrease is projected to average 2.2 percent per year, and is based on the expected decline in the prison population. Overall, the parole caseload is expected to decrease from 8,445 to 7,619, or 9.8 percent, by the end of FY 2019.

The Division of Youth Corrections commitment average daily population is projected to decrease 43.1 percent by the end of FY 2017, from 983.1 to 558.9. Corresponding to the decline in the commitment ADP, the juvenile parole average daily caseload is expected to fall throughout the projection period, from 363.4 at the end of FY 2012 to 227.2 at the end of FY 2017.

This projection is based on the consistent declines in the commitment average daily population and new admissions to DYC observed over the past six years. Additional factors include declines in juvenile arrests, juvenile delinquency court filings, and probation revocations.

These same factors impact the juvenile detention population. As with the commitment population, the juvenile detention ADP is expected to continue the decline observed over the past six years, falling from 316.1 to 227.4 (28.1 percent) between FY 2012 and FY 2017.

INTRODUCTION

Background

The Colorado Division of Criminal Justice (DCJ), pursuant to 24-33.5-503(m), C.R.S., is mandated to prepare correctional population projections for the Director of the Legislative Council and the General Assembly. Per statute, DCJ has prepared projections of these populations since the mid-1980s. This report presents the December 2012 forecasts for the Colorado adult incarcerated and parole populations and for the Colorado juvenile commitment, detention and parole populations.

The adult prison and parole forecasts estimate the size of these populations across the upcoming seven years. Additionally, they are utilized to simulate alternative future populations based on specific changes in laws, policies, or practices. Also included are estimates regarding average length of stay for future populations, which are used to calculate cost savings resulting from proposed legislation and policy changes.

The juvenile commitment, detention and parole forecasts estimate the average daily populations over the upcoming five years. The inclusion of detention population forecasts is a new addition, as these forecasts were suspended with the enactment of legislation in 2003 which established a limit on the number of detention beds. However, with the recent declines in all juvenile corrections populations including detention, the reintroduction of juvenile detention projections was requested by the Colorado Joint Budget Committee.

Organization of This Report

The first section of this report describes the Colorado Justice Forecasting Model (CJFM) and the assumptions applied to the current year's projections. Following this discussion, the adult prison and parole population projections for fiscal years 2013 through 2019 are presented, including quarterly inmate population projections and annual admission and release projections. These are followed by annual projections for domestic parole, out-of-state and absconder populations. Also included are estimates of the average lengths of stay by offender category for the fiscal year 2012 cohort of prison admissions.

The last section of the report presents the juvenile commitment, detention and parole projections for fiscal years 2013 through 2017. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, along with the projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end and quarterly detention ADP forecasts and year-end average daily caseload (ADC) forecasts for the juvenile parole population statewide. Finally, the projected year-end commitment ADP and year-end parole ADC by the Division of Youth Corrections (DYC) management region are presented.

THE COLORADO CRIMINAL JUSTICE FORECASTING MODEL

Justice and Demographic Information

Data from multiple sources are incorporated into the forecasting model to simulate the flow of individuals into the system, as well as the movement of those already in the system. These data include information concerning admissions to and releases from the Colorado Department of Corrections (DOC) and from DYC, as well as the adult and juvenile populations currently incarcerated. Colorado population forecasts are provided by the Demographer's office of the Department of Local Affairs. Criminal and juvenile case prosecution, conviction, and sentencing trend data are obtained from the Colorado Judicial Branch's information management system (ICON) and from the annual reports issued by the Judicial Department.^{1,2} Trends in probation revocation rates are also examined.³

Adult Prison Population Forecasting Methodology

Future prison populations are modeled in terms of three cohorts: new court commitments to prison, parole returns to prison, and the population currently incarcerated. The future admissions cohort estimates the composition and number of future admissions, including offenders who fail probation or community corrections and are subsequently incarcerated due to a technical violation of probation. Projected future admissions are based on historical prison admission trends, taking into account crime trends, observed criminal case filings, conviction rates and sentencing practices. Trends in probation placements and probation revocation rates are also examined.

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

Parole revocations are estimated using a cohort propagation method, which tracks cohorts of individuals paroled each year and calculates the rate of reduction in the size of each cohort according to assumptions regarding length of stay on parole and revocation rates. The estimated number of future parole revocations is then included in the future admissions cohort.

¹ Data concerning criminal court filings are extracted from the Judicial Branch's information management system (ICON) and analyzed by DCJ's Office of Research and Statistics.

² *Judicial Branch Annual Statistical Reports*, available at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>.

³ *Colorado Judicial Branch Annual Recidivism Reports*, available at http://www.courts.state.co.us/Administration/Custom.cfm/Unit/eval/Page_ID/189.

While the number of offenders admitted to prison each month of the projection period is tracked, the duration of their stay in prison is estimated and the point at which they are expected to be released from prison is also tracked. The length of stay in prison is estimated using data concerning the length of stay for offenders with similar profiles released in prior years, adjusted to reflect recent changes in law or policy. Cumulative survival distributions are developed and applied to each of the offender profile/sentence length groups to estimate a rate of release and the remaining population on a monthly basis.

The cohort of offenders that are currently incarcerated is treated in a similar manner. This cohort is also disaggregated into approximately 70 offender profile and sentence length groups, with cumulative survival distributions calculated to estimate their rate of release. These survival distributions are adjusted to reflect changes in law or policy that may impact those currently incarcerated, which may differ from those impacting the future admissions cohort. The release of offenders currently in prison (referred to as the stock population), the estimates of future admissions, and the anticipated release of those admissions are combined to forecast the size of incarcerated populations in the future.

A different approach is used to forecast parole populations. The number of releases to parole each year is estimated in the process of developing the prison population forecast. An average length of stay is applied to determine the number that will remain on parole at the end of each year and the number that will carry over into the following year. These figures are summed to estimate the number of parolees at the end of each fiscal year.

Assumptions Affecting the Accuracy of the DCJ Projections

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

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time offenders are incarcerated or the number of individuals receiving such a sentence.
- ❑ The General Assembly will not expand or reduce community supervision programs in ways that affect commitments.
- ❑ Decision makers in the justice system will not change the way they use their discretion, except in explicitly stated ways that are accounted for in the model.
- ❑ The data provided by the Colorado Departments of Corrections and Human Services accurately describe the number and characteristics of offenders committed to, released from, and retained in DOC and DYC facilities.
- ❑ Incarceration times and sentencing data are accurate.

- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming 7 years, except in ways that are accounted for in the current year's projection model.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions provided by the Colorado Demographer's Office are accurate.
- ❑ District court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.
- ❑ No catastrophic event such as war, disease or economic collapse will occur during the projection period.

Colorado Adult Prison Population and Parole Caseload Projections

The Colorado prison population is expected to decline by 7.6 percent between the ends of fiscal years 2012 and 2019, from an actual population of 21,037 to a projected population of 19,437 inmates. The number of men in prison is expected to decrease 6.6 percent during this time frame, from 19,152 to 17,886, while the number of women in prison is expected to decrease 17.7 percent, from 1,885 to 1,551.

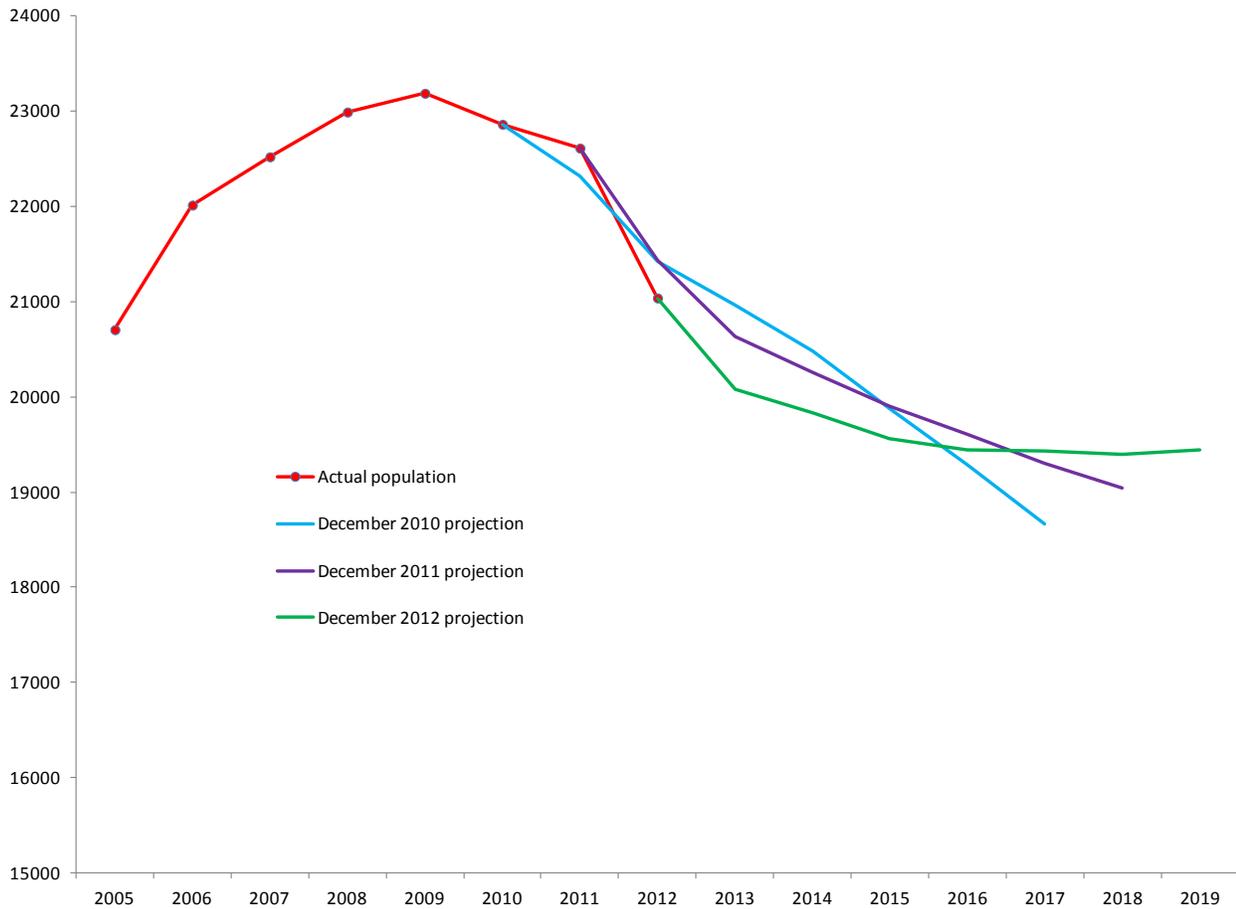
The domestic parole caseload is projected to increase by 3.4 percent by the end of FY 2013, followed by a decline averaging 2.2 percent per year over the following six years. Overall, the parole caseload is expected to decrease from 8,445 to 7,619, or 9.8 percent, by the end of FY 2019.

ADULT INMATE POPULATION FORECAST

The Colorado prison population is expected to decline by 7.6 percent between the ends of fiscal years 2012 and 2019, from an actual population of 21,037 to a projected population of 19,437 inmates. The number of men in prison is expected to decrease 6.6 percent during this time frame, from 19,152 to 17,886, while the number of women in prison is expected to decrease 17.7 percent, from 1,885 to 1,551.

Figure 1 compares the adult inmate prison population to the current projections to the DCJ December 2010 and December 2011 projection figures. As shown, after decades of continuous growth, the population began to decrease in FY 2010 and is expected to continue to decline throughout the current projection period. While the decrease forecast in December 2010 was not attained in the first year, the actual rate of decline accelerated and exceeded the decrease forecast in both 2010 and 2011. However, the rate of decrease is expected to moderate over the upcoming years, slowing to a very small rate of decline beginning in FY 2016 and even increasing slightly in FY 2019. This projection is based on trends observed in the years and months prior to forecast period, and the multiple factors discussed in the next section.

Figure 1: Actual and projected total prison population FY 2005 through FY 2019: Comparison of DCJ December 2010 through December 2012 Prison Population Projections



Data source: Actual population figures FY 2005 through FY 2012: DOC Monthly Capacity and Population Reports.

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 1995 through FY 2012, as well as the projected population through the end of fiscal year 2019. Table 2 displays total and gender-specific projected growth in the prison population by quarter for fiscal years 2013 through 2019. Annual projected numbers of admissions by type are given in Table 3, followed by the projected number of releases in Table 4.

Historical and projected trends in admission types for fiscal years 2005 through 2019 are graphically displayed in Figure 2. Release trends for the same time frame can be found in Figures 3 and 4.

Table 1: DCJ December 2012 Adult Prison Population Projections: Actual and projected populations FY 1995 through FY 2019

Fiscal Year End	Total Prison		Male Population		Female Population	
	Population	Annual Growth	Population	Annual Growth	Population	Annual Growth
1995*	10,669	-	10,000	-	669	-
1996*	11,019	3.28%	10,250	2.50%	769	14.95%
1997*	12,590	14.26%	11,681	13.96%	909	18.21%
1998*	13,663	8.52%	12,647	8.27%	1,016	11.77%
1999*	14,726	7.78%	13,547	7.12%	1,179	16.04%
2000*	15,999	8.64%	14,733	8.75%	1,266	7.38%
2001*	16,833	5.21%	15,498	5.19%	1,340	5.85%
2002*	18,045	7.20%	16,539	6.72%	1,506	12.39%
2003*	18,846	4.44%	17,226	4.15%	1,620	7.57%
2004*	19,569	3.84%	17,814	3.41%	1,755	8.33%
2005*	20,704	5.80%	18,631	4.59%	2,073	18.12%
2006*	22,012	6.32%	19,792	6.23%	2,220	7.09%
2007*	22,519	2.30%	20,178	1.95%	2,341	5.45%
2008*	22,989	2.09%	20,684	2.51%	2,305	-1.54%
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010*	22,860	-1.41%	20,766	-0.62%	2,094	-8.56%
2011*	22,610	-1.09%	20,512	-1.22%	2,098	0.19%
2012*	21,037	-6.96%	19,152	-6.63%	1,885	-10.15%
2013	20,079	-4.55%	18,408	-3.88%	1,671	-11.37%
2014	19,825	-1.26%	18,214	-1.05%	1,611	-3.58%
2015	19,556	-1.36%	17,942	-1.50%	1,615	0.23%
2016	19,437	-0.61%	17,833	-0.61%	1,604	-0.64%
2017	19,426	-0.06%	17,827	-0.03%	1,598	-0.37%
2018	19,396	-0.16%	17,818	-0.05%	1,577	-1.31%
2019	19,437	0.22%	17,886	0.38%	1,551	-1.65%

*Actual population figures. Data sources: FY 1995 through FY 2011; DOC Annual Statistical Reports. FY 2012; DOC Monthly Capacity and Population Reports.

Table 2: DCJ December 2012 Quarterly Adult Prison Population Projections June 2012 through June 2019

Fiscal Year	End of Month	Total Prison		Male Population		Female Population	
		Population	Growth	Population	Growth	Population	Growth
2012	June*	21,037	-1.36%	19,152	-1.22%	1,885	-2.68%
	September*	20,628	-1.94%	18,825	-1.71%	1,803	-4.35%
	December	20,448	-0.87%	18,690	-0.72%	1,759	-2.46%
	March	20,357	-0.45%	18,646	-0.24%	1,711	-2.71%
2013	June	20,079	-1.36%	18,408	-1.27%	1,671	-2.35%
	September	19,987	-0.46%	18,357	-0.28%	1,629	-2.48%
	December	19,939	-0.24%	18,330	-0.15%	1,609	-1.25%
	March	19,908	-0.16%	18,296	-0.18%	1,612	0.15%
2014	June	19,825	-0.42%	18,214	-0.45%	1,611	-0.04%
	September	19,658	-0.84%	18,038	-0.97%	1,620	0.56%
	December	19,569	-0.45%	17,951	-0.48%	1,617	-0.15%
	March	19,608	0.20%	17,993	0.23%	1,615	-0.14%
2015	June	19,556	-0.26%	17,942	-0.29%	1,615	-0.04%
	September	19,488	-0.35%	17,863	-0.44%	1,625	0.67%
	December	19,477	-0.06%	17,868	0.03%	1,608	-1.05%
	March	19,486	0.05%	17,898	0.17%	1,587	-1.31%
2016	June	19,437	-0.25%	17,833	-0.37%	1,604	1.07%
	September	19,409	-0.15%	17,801	-0.18%	1,608	0.25%
	December	19,424	0.08%	17,820	0.11%	1,604	-0.25%
	March	19,503	0.41%	17,917	0.54%	1,586	-1.12%
2017	June	19,426	-0.40%	17,827	-0.50%	1,598	0.76%
	September	19,360	-0.34%	17,766	-0.34%	1,593	-0.31%
	December	19,427	0.35%	17,849	0.47%	1,577	-1.00%
	March	19,438	0.06%	17,863	0.08%	1,574	-0.19%
2018	June	19,396	-0.22%	17,818	-0.25%	1,577	0.19%
	September	19,406	0.06%	17,823	0.03%	1,583	0.38%
	December	19,449	0.22%	17,902	0.44%	1,547	-2.27%
	March	19,486	0.19%	17,940	0.21%	1,546	-0.06%
2019	June	19,437	-0.25%	17,886	-0.30%	1,551	0.32%

*Actual population figures. Data source: DOC Monthly Capacity and Population Reports.

Table 3: DCJ December 2012 Adult Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2019

Fiscal Year End	Prison Admissions				Total Admissions
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	
2005*	5,789	835	2,649	160	9,433
2006*	6,149	1,034	2,792	193	10,168
2007*	6,380	1,014	3,047	188	10,629
2008*	6,296	1,221	3,353	168	11,038
2009*	5,922	1,131	3,776	163	10,992
2010*	5,345	1,039	4,164	156	10,704
2011*	5,153	962	3,678	142	9,935
2012*	4,926	813	3,248	129	9,116
2013	4,831	653	3,778	96	9,357
2014	4,794	647	3,883	92	9,415
2015	4,751	564	3,304	87	8,705
2016	4,743	527	3,084	86	8,440
2017	4,700	510	2,985	81	8,276
2018	4,652	502	2,940	76	8,170
2019	4,640	501	2,936	75	8,152

*Actual prison admission figures. Data source: DOC Annual Statistical Reports; Admission and Release Trends Statistical Bulletins.

Table 4: DCJ December 2012 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2019

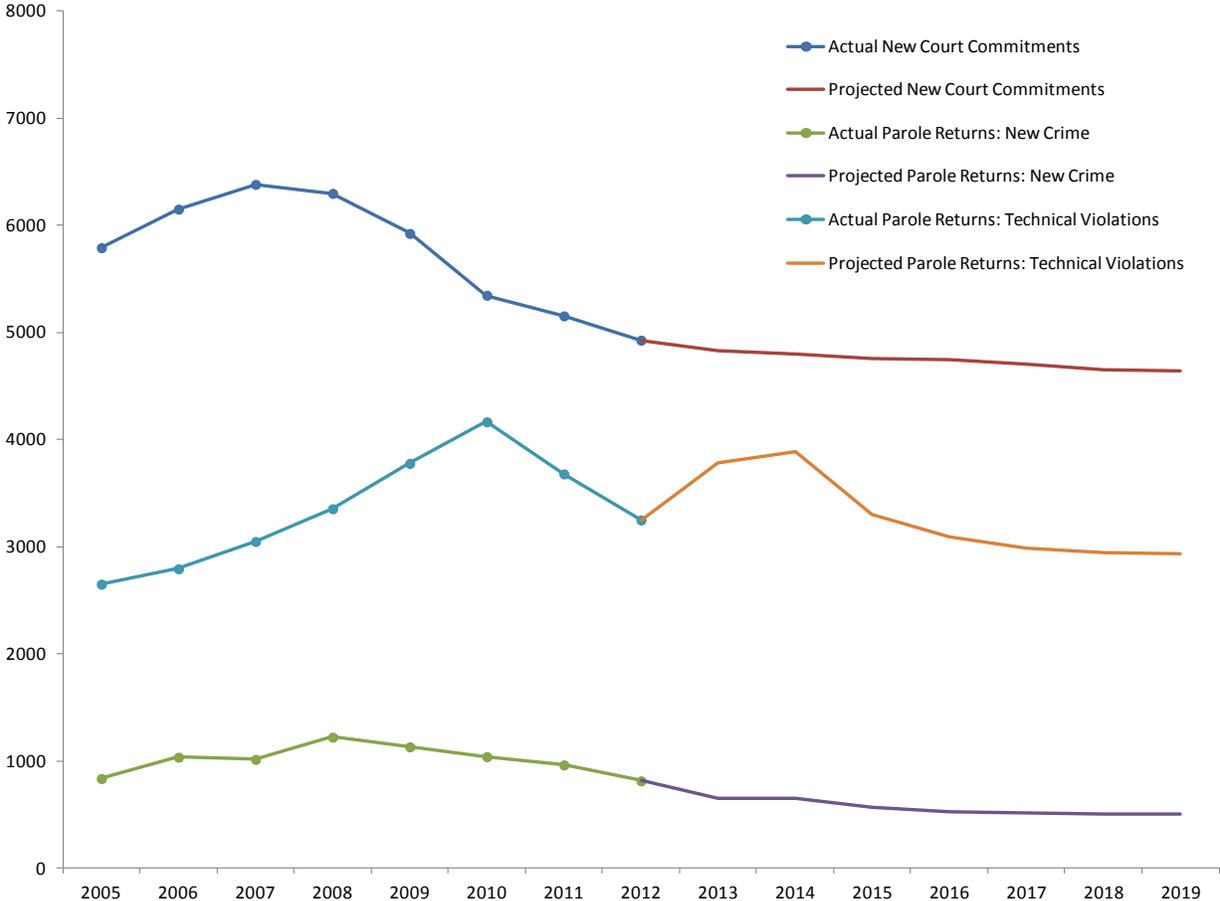
Fiscal Year End	Releases to Parole			Sentence Discharge	Other ²	Total Discharges
	Mandatory	Discretionary ¹	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	1,452	315	10,803
2010*	6,466	2,868	9,334	1,415	284	11,033
2011*	6,413	2,095	8,508	1,427	225	10,160
2012*	5,584	3,607	9,191	1,284	183	10,658
2013	5,446	3,798	9,244	1,416	187	10,847
2014	4,801	3,257	8,058	1,335	162	9,555
2015	4,482	3,041	7,523	1,246	152	8,920
2016	4,304	2,977	7,280	1,139	145	8,565
2017	4,223	2,949	7,172	1,090	143	8,404
2018	4,216	2,944	7,160	1,088	143	8,390
2019	4,175	2,916	7,091	1,078	141	8,310

1. Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase in discretionary releases between 2005 and 2008, and the decrease between 2008 and 2010 is an artifact of this change in coding.

2. This category includes, among other things death, releases on appeal, bond release, and court ordered discharges.

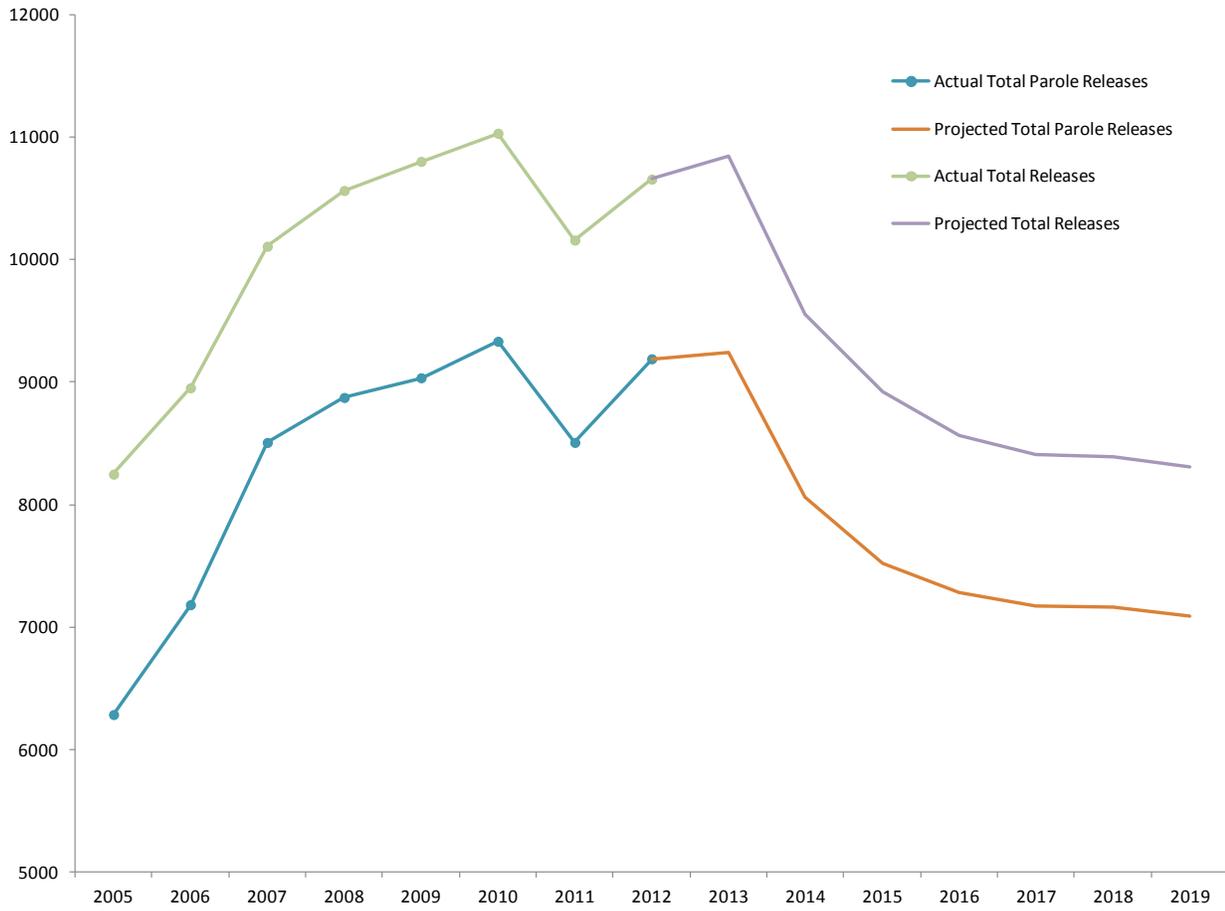
*Actual prison discharge figures. Data Source: DOC Annual Statistical Reports; Admission and Release Trends Statistical Bulletins.

Figure 2: Colorado prison admissions by type: Actual and projected FY 2005 through FY 2019



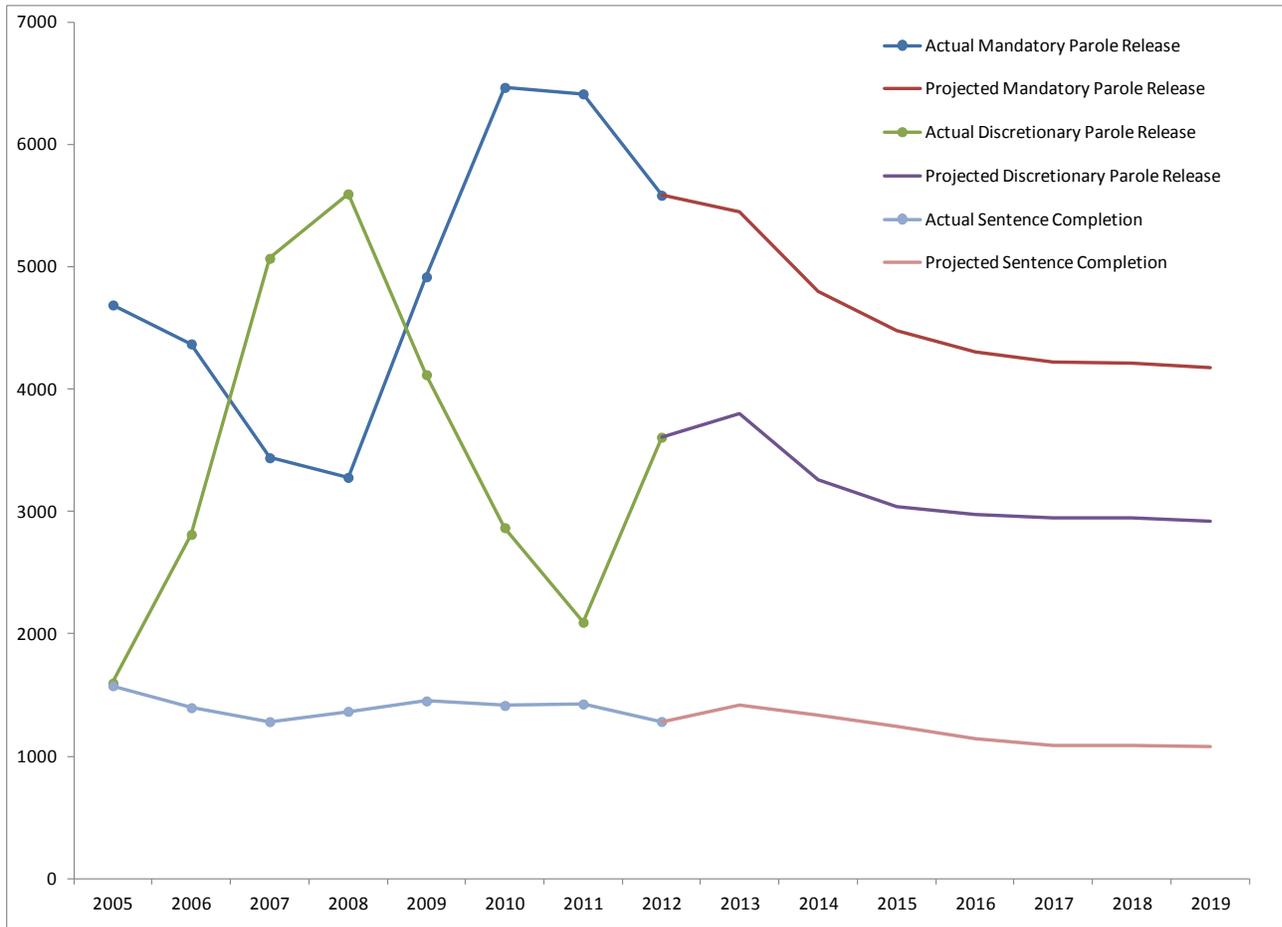
Data Source: Historical data obtained from the Colorado Department of Corrections Admission and Release Trends Statistical Bulletins and data provided by DOC.

Figure 3: Colorado prison releases: Actual and projected FY 2005 through FY 2019



Data Source: Historical data obtained from the Colorado Department of Corrections Admission and Release Trends Statistical Bulletins and data provided by DOC.

Figure 4: Colorado prison release detail: Actual and projected FY 2005 through FY 2019



Data Source: Historical data obtained from Admission and Release Trends Statistical Bulletins and data provided by DOC.

Note: Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase in discretionary releases between 2005 and 2008, and the decrease between 2008 and 2011 is an artifact of this change in coding.

Factors Affecting the Adult Prison Population Projections

The size of the Colorado state prison population has decreased over the past three years. The population fell by 1.4 percent in FY 2010, by 1.1 percent in FY 2011. The decline accelerated to 7.5 percent in FY 2012. These decreases represent 2,149 fewer inmates between June 30, 2009 and July 1, 2012.⁴ In the first five months of FY 2013 alone, the population has decreased by another 561 inmates.

This trend of decline in the Colorado prison population follows that observed nationally. The Bureau of Justice Statistics reports that state prison populations decreased in twenty-six states during 2011. Overall, the number of prisoners under state authority declined by 1.5 percent in 2011, which was the second consecutive year of negative growth. The incarceration **rate**, which is the number of prisoners per every 100,000 U.S. residents, fell from 500 to 492 in 2011.⁵

The following bullets summarize factors influencing the current reduction in the growth of the Colorado prison population as well as the projected figures over the next seven years.

- ❑ **Growth of the Colorado population between the ages of 24 and 44⁶** is expected to remain below 1 percent per year through 2015. However, growth in this population is expected to accelerate beginning in 2016, increasing to 2.0% by 2019.⁷ These trends serve to influence the downward movement in prison growth projected during the early years, but moderate the decline beginning in FY 2016 and continuing through 2019.
- ❑ Following a six-year period of growth, **felony filings in district courts statewide declined over the past six years**. Between the end of FY 2006 and FY 2012, there was a 23.7 percent reduction in the number of criminal filings.⁸ However, the annual rate of decline has fallen to the lowest level observed during this six-year period, to 1.3 percent in 2012.
- ❑ **The state incarceration rate has decreased each year since 2009**, most notably in 2012 when the number of people in prison per 100,000 Colorado residents decreased by 8.2 percent. The

⁴ Historical data obtained from the Colorado Department of Corrections Monthly Population and Capacity Reports. Available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>.

⁵ Carson, E. and Sabol, W. (2012). *Prisoners in 2011*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁶ The 24 to 44 age group is representative of the majority of admissions to prison. Data provided by the Colorado Department of Corrections, Office of Planning and Analysis.

⁷ Colorado State Demographer's Office, Department of Labor and Employment. Population forecasts based on the 2010 national census. Available at: http://www.dola.state.co.us/dlg/demog/pop_colo_forecasts.html.

⁸ Colorado Judicial Branch Annual Statistical Reports, FY 2005-FY 2012. Available at: <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep>.

incarceration rate throughout the projection period is predicted to continue to decline, though at an increasingly slower rate.⁹

- ❑ **Admissions to prison decreased over the past four years. In FY 2009, admissions fell by 0.4 percent, with the rate of decline increasing each year to 8.2 percent in FY 2012.** Prior to FY 2009, the number of admissions to prison increased every year, though the rate of this increase declined each year since FY 2005 during which admissions increased by 15.5 percent. This growth rate was halved the following year, and continued to decline attaining negative growth beginning in FY 2009.¹⁰
- ❑ **The majority of this decline was attributable to new court commitments**, including revocations from probation to prison which have declined steadily each year since FY 2008. In contrast, parole returns (due to either technical violations or convictions for new crimes) increased every year since 2003, until the most recent two years. In FY 2011 parole returns dropped by 10.8 percent, followed by a decline of 12.6 percent in FY 2012.¹¹
- ❑ **New court commitments are expected to remain low**, and continue to decline, as criminal court filings continue to decline. However, as discussed above, the rate of decline in criminal court filings appears to be slowing, possibly moderating the rate of decline in future new court commitments.
- ❑ **The decline in new court commitments is partially due to decreases in probation revocations to prison.** The number of probationers revoked to DOC fell from 2,338 in FY 2006 to 1,305 in FY 2011, a 44.2 percent drop.¹² During this same time frame, the probation census grew by 35.6%.¹³ Given the efforts on the part of the Division of Probation Services to reduce technical probation violations and implement evidence-based practices,¹⁴ this trend is expected to continue into upcoming years.

⁹ Colorado State Demographer's Office, Department of Labor and Employment. Available at: http://www.dola.state.co.us/dlg/demog/pop_colo_forecasts.html. Colorado Department of Corrections Monthly Population and Capacity Reports.

¹⁰ Colorado Department of Corrections. (2006 – 2011). *Admission and Release Trends Statistical Bulletins*. Colorado Springs, CO; Colorado Department of Corrections. Colorado Department of Corrections Monthly Population and Capacity Reports.

¹¹ Colorado Department of Corrections. (2006 – 2011). *Admission and Release Trends Statistical Bulletins*. Colorado Springs, CO; Colorado Department of Corrections; 2012 data provided by the Colorado Department of Corrections Office of Planning and Analysis; Colorado Department of Corrections Monthly Population and Capacity Reports.

¹² Colorado State Judicial Branch. (2007-2012). *Pre-Release Termination and Post-Release Recidivism Rates of Colorado's Probationers*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at: <http://www.courts.state.co.us/Administration/Division.cfm?Division=Prob>.

¹³ Colorado Judicial Branch Annual Statistical Reports, FY 2005-FY 2011. Available at: <http://www.courts.state.co.us/Administration/Division.cfm?Division=Prob>.

¹⁴ For further information regarding evidence-based practices, see: Aos, S., Miller, M., & Drake, E. (2006). *Evidence-based adult corrections programs: What works and what does not*. Olympia, WA: Washington State Institute for Public Policy; Crime and Justice Institute. (2004). *Implementing evidence-based practice in community corrections: The principles of effective intervention*. Department of Justice: National Institute of Corrections; Office of Research and Statistics (2007). *Evidence based correctional practices*. Colorado Division of Criminal Justice, Office of Research and Statistics.

- ❑ **The types of offenders sentenced to prison have changed across time.** The numbers of offenders admitted to prison with new sentences, including both new court commitments and parole violators returned to prison with a new conviction, fell by 10.5 percent between FY 2010 and FY 2012. While this decline was evident across all crime categories, admissions of violent offenders fell by less than 1 percent between FY 2010 and FY 2012. Admissions for drug crimes, on the other hand, declined by 23.4 percent during the same time frame.¹⁵
- ❑ **The reduction in admissions for drug crimes occurred primarily among those convicted of crimes involving more serious felony classes.** Admissions for felony class 2 and 3 drug crimes fell by 31.8 percent between FY 2010 and FY 2012. Admissions for felony 6 drug crimes, however, actually increased by 0.8 percent.¹⁶
- ❑ **Sentence lengths for new admissions have increased.** Among those admitted to prison with a new sentence, including both new court commitments and parole violators returned to prison with a new conviction, governing sentences have increased by 6.1 percent over the past 3 years. This is particularly pronounced among violent offenders, whose average governing sentence increased by 7.3 percent. Sentences for drug offenders, however, were reduced by 10.4 percent, or almost six months. This overall increase in sentence lengths is expected to eventually moderate the decline in the prison population.¹⁷
- ❑ **The parole population increased during the past year,** after a two-year period of decline.¹⁸ This is attributable to multiple factors, including increasing releases to parole and legislation passed in 2010 allows the Colorado State Board of Parole to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation.
- ❑ **The number of discretionary parole releases exhibited an increasing trend** throughout FY 2012. During the first half of FY 2013, this trend has stabilized, though at a higher incidence than previously observed in prior years.¹⁹ This has increased the overall number of releases to parole, coinciding with the appointment of four new members to the Colorado Parole Board.
- ❑ **The number of overall releases, including those to parole, is expected to eventually decline** coinciding with the projected decline in the prison population, shrinking the pool of potential

¹⁵ Data provided by the Department of Corrections Office of Planning and Analysis.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Colorado Department of Corrections Monthly Population and Capacity Reports. Available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>.

¹⁹ Ibid.

parolees. This in turn will reduce the size of the parole population and the proportion of new admissions due to parole revocations.

- ❑ **While the proportion of total admissions attributable to parole returns due to technical violations decreased during the first half of FY 2012, an increasing trend has been observed during the first half of FY 2013** which is expected to continue through FY 2014.²⁰ This population has a much shorter length of stay in prison than new court commitments or parole returns with a new crime. Shorter lengths of stay in prison contribute to an overall reduction in the size of the population.
- ❑ However, **the expected decline in the size of the parole caseload as discussed above will lead to a decrease in returns to prison due to technical violations**, increasing the proportion of admits made up of new court commitments. Such inmates have much longer lengths of stay in prison, which is expect to exert upward pressure on the prison population beginning in FY 2016.
- ❑ **Releases from Colorado prisons have exceeded admissions every year since FY 2010.**²¹ This reversal in the prison admission-to-release ratio was first observed on a national scale in 2009, for the first time since jurisdictional data began to be collected in 1977.²² This trend is expected to continue throughout the projection period.
- ❑ **Significant legislation** was passed in recent years that will affect the numbers of new commitments in the future. This legislation is expected to result in a decrease in the number of individuals sentenced to DOC, or the length of their prison sentences. Several key pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations:
 - House Bill 10-1338 allows individuals with two or more prior felony convictions to receive probation rather than a mandatory prison sentence. This legislation is expected to divert approximately 90 offenders per year from prison into probation.²³
 - House Bill 10-1352 greatly modified penalties for crimes involving controlled substances and reduced several former felony crimes to misdemeanors. Almost 200 individuals per year could be diverted from prison due to this legislation.²⁴ Additionally, sentence lengths for those still sentenced to prison may be significantly reduced.

²⁰ Colorado Department of Corrections. (2005 – 2011). *Admission and Release Trends Statistical Bulletins*. Colorado Springs, CO: Colorado Department of Corrections; Colorado Department of Corrections Monthly Population and Capacity Reports.

²¹ Ibid.

²² Carson, E.A. and Sabol, W.J. (2012). *Prisoners in 2011*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

²³ Colorado Legislative Council Staff Fiscal Note. (July 9, 2010). Concerning the eligibility for probation of a person who has two or more felony convictions, and making appropriations in connection therewith (H.B. 10-1338).

²⁴ Colorado Legislative Council Staff Fiscal Note. (April 27, 2010). Concerning changes to crimes involving controlled substances, and making an appropriation in connection therewith (H.B. 10-1352).

- House Bill 10-1413 modified the eligibility criteria for the direct filing of juvenile offenders in criminal court. This is expected to divert a small number of youth from prison into the Youthful Offender System (YOS).²⁵
 - House Bill 10-1373 removed the requirement that a consecutive sentence be imposed for an escape conviction for certain offenders. This will shorten the length of stay in prison for offenders convicted of an escape crime.²⁶
- ❑ **The initial diversion of offenders from DOC to probation**, based on House Bills 10-1338 and 10-1352 as discussed above, may drive up probation revocations to prison in the future. The average time between a probation sentence and a revocation to prison is approximately 20 months.²⁷ Individuals initially diverted from prison and sentenced to probation may appear in the prison population years after their initial probation sentence.
- ❑ **The composition of the prison population has changed.** The proportion of inmates in prison whose most serious offense is considered a violent crime has increased from 47 percent in FY 2009 to 54 percent in FY 2012.²⁸ On the other hand, the proportion of inmates whose most serious offense is a drug crime has gone down from 20 percent to 16 percent since FY 2009. Since violent offenders have much longer average lengths of stay in prison than non-violent offenders, this trend may serve to slow the decline in the population in the future.²⁹

In addition to laws influencing sentences to prison, prisoners in Colorado are subject to many laws that impact their length of stay in prison, and consequently the size of the prison population. In recent years, additional legislation affecting earned time and parole eligibility was introduced. A summary of this legislation is provided in Appendix A.

²⁵ Colorado Legislative Council Staff Fiscal Note. (May 4, 2010). Concerning juveniles who are tried as adults, and making an appropriation in connection therewith (H.B. 10-1413).

²⁶ Colorado Legislative Council Staff Fiscal Note. (June 28, 2010). Concerning changes to sentencing provisions for escape crimes (H.B. 10-1373).

²⁷ Based on analysis of court filing data extracted from the Colorado Judicial Branch's Integrated Colorado Online Network (ICON) information management system in combination with data concerning prison admissions provided by the Department of Corrections, Office of Planning and Analysis. Analysis conducted by the Division of Criminal Justice Office of Research and Statistics.

²⁸ In this context 'violent crime' is not limited to the statutory definition of violent crimes, but includes homicide, manslaughter, robbery, kidnapping, assault, menacing, sexual assault, arson, weapons and child abuse crimes.

²⁹ Colorado Department of Corrections. (2010 – 2012). *Annual Statistical Reports*. Colorado Springs, CO: Colorado. Available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>. FY 2012 data based on preliminary draft provided by Department of Corrections Office of Planning and Analysis.

AVERAGE LENGTH OF STAY ESTIMATES FOR FY 2012 PRISON ADMISSIONS

Tables 5 through 12, below, display the estimated average length of stay (ALOS) by crime category and felony class for admissions to prison during FY 2012. Parole returns due to technical parole violations are excluded. This information is presented by admission type and gender, and for combined populations. Totals by admission type, gender and overall are presented in Table 12. The average time that these new admissions are expected to actually serve in prison is estimated using data provided by DOC regarding conviction crimes, sentence length and time served for inmates released during the same year.

The methodology applied to derive these estimates has been modified from that used in prior years. In the past, the estimates of these lengths of stay were based on maximum governing sentences, whereas the estimates presented below take into account minimum governing sentences in cases where the minimum and maximum differ. This particularly affects (but not exclusively) admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998 with indeterminate prison terms and usually a maximum of life.

One reason for this change in methodology is that in the past, very few offenders sentenced under the sex offender act had been released from prison. Therefore, an inadequate sample of releases on which to base an estimated length of stay was available. Over time, an increasing number of these offenders have been released, enabling more accurate estimates of future lengths of stay.

Due to the change in the methods as described above, the estimated average lengths of stay for FY 2012 admissions cannot be compared to the estimates reported during prior years.

For the purposes of these forecasts, all sentences are capped at forty years. Cases in which crime class, status, or sentencing data are incomplete are excluded from this analysis. Any changes in the decision-making process of criminal justice professionals will impact the accuracy of these estimates.

Table 5: Estimated average length of stay for FY 2012 male new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	24	0.42%	1.99
F2 EXT ³	236.42	74	1.28%	3.03
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	90.10	22	0.38%	0.34
TOTAL FELONY 2 ⁷	193.57	110	1.90%	3.68
F3 EXT	93.53	444	7.68%	7.18
F3 SEX	91.93	25	0.43%	0.40
F3 DRUG	64.75	27	0.47%	0.30
F3 OTHER	79.97	150	2.59%	2.08
TOTAL FELONY 3 ⁸	91.38	740	12.80%	11.70
F4 EXT	54.19	468	8.10%	4.39
F4 SEX	45.63	21	0.36%	0.17
F4 DRUG	29.36	191	3.30%	0.97
F4 OTHER	39.18	760	13.15%	5.15
TOTAL FELONY 4 ⁹	44.41	1496	25.88%	11.49
F5 EXT	24.35	183	3.17%	0.77
F5 SEX	28.19	165	2.85%	0.80
F5 DRUG	20.15	56	0.97%	0.20
F5 OTHER	22.19	740	12.80%	2.84
TOTAL FELONY 5 ¹⁰	23.50	1157	20.01%	4.70
F6 EXT	14.75	94	1.63%	0.24
F6 SEX	13.94	55	0.95%	0.13
F6 DRUG	11.93	199	3.44%	0.41
F6 OTHER	12.64	448	7.75%	0.98
TOTAL FELONY 6 ¹¹	12.82	797	13.79%	1.77
HABITUAL ¹²	193.85	28	0.48%	0.94
SEX OFFENDER ACT ¹³	78.23	150	2.59%	2.03
TOTAL	47.25	4324	74.80%	35.34

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere.

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.

⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 6: Estimated average length of stay for FY 2012 female new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	1	0.02%	0.08
F2 EXT ³	215.99	8	0.14%	0.30
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	75.83	4	0.07%	0.05
TOTAL FELONY 2 ⁷	169.27	12	0.21%	0.35
F3 EXT	62.85	68	1.18%	0.74
F3 SEX	127.87	1	0.02%	0.02
F3 DRUG	58.83	6	0.10%	0.06
F3 OTHER	58.84	31	0.54%	0.32
TOTAL FELONY 3 ⁸	63.36	108	1.87%	1.18
F4 EXT	41.31	63	1.09%	0.45
F4 SEX	19.67	1	0.02%	0.00
F4 DRUG	31.02	42	0.73%	0.23
F4 OTHER	38.29	159	2.75%	1.05
TOTAL FELONY 4 ⁹	37.79	265	4.58%	1.73
F5 EXT	20.23	36	0.62%	0.13
F5 SEX	31.53	1	0.02%	0.01
F5 DRUG	25.15	8	0.14%	0.03
F5 OTHER	19.20	88	1.52%	0.29
TOTAL FELONY 5 ¹⁰	19.93	133	2.30%	0.46
F6 EXT	8.60	2	0.03%	0.00
F6 SEX	12.30	1	0.02%	0.00
F6 DRUG	14.28	50	0.86%	0.12
F6 OTHER	13.00	38	0.66%	0.09
TOTAL FELONY 6 ¹¹	13.60	91	1.57%	0.21
HABITUAL ¹²	216.00	1	0.02%	0.04
SEX OFFENDER ACT ¹³	48.80	1	0.02%	0.01
TOTAL	38.13	610	10.55%	4.02

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere.

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.

⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 7: Estimated average length of stay for FY 2012 total new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	25	0.43%	2.08
F2 EXT ³	234.43	82	1.42%	3.33
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	87.91	26	0.45%	0.40
TOTAL FELONY 2 ⁷	191.18	122	2.11%	4.03
F3 EXT	89.45	512	8.86%	7.92
F3 SEX	93.31	26	0.45%	0.42
F3 DRUG	63.67	33	0.57%	0.36
F3 OTHER	76.35	181	3.13%	2.39
TOTAL FELONY 3 ⁸	87.81	848	14.67%	12.88
F4 EXT	52.66	531	9.19%	4.84
F4 SEX	44.45	22	0.38%	0.17
F4 DRUG	29.66	233	4.03%	1.20
F4 OTHER	39.03	919	15.90%	6.20
TOTAL FELONY 4 ⁹	43.42	1761	30.46%	13.23
F5 EXT	23.67	219	3.79%	0.90
F5 SEX	28.21	166	2.87%	0.81
F5 DRUG	20.77	64	1.11%	0.23
F5 OTHER	21.88	828	14.32%	3.13
TOTAL FELONY 5 ¹⁰	23.14	1290	22.31%	5.16
F6 EXT	14.62	96	1.66%	0.24
F6 SEX	13.91	56	0.97%	0.13
F6 DRUG	12.41	249	4.31%	0.53
F6 OTHER	12.67	486	8.41%	1.07
TOTAL FELONY 6 ¹¹	12.90	888	15.36%	1.98
HABITUAL ¹²	194.61	29	0.50%	0.98
SEX OFFENDER ACT ¹³	78.03	151	2.61%	2.04
TOTAL	46.12	4934	85.35%	39.36

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere.

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the "EXT" category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.

⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 8: Estimated average length of stay for FY 2012 male parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	5	0.09%	0.42
F2 EXT ³	200.76	9	0.16%	0.31
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	16.27	1	0.02%	0.00
F2 OTHER ⁶	135.56	4	0.07%	0.09
TOTAL FELONY 2 ⁷	168.95	14	0.24%	0.41
F3 EXT	55.65	117	2.02%	1.13
F3 SEX	104.73	4	0.07%	0.07
F3 DRUG	24.58	6	0.10%	0.03
F3 OTHER	59.94	44	0.76%	0.46
TOTAL FELONY 3 ⁸	63.25	177	3.06%	1.94
F4 EXT	37.75	161	2.78%	1.05
F4 SEX	29.93	1	0.02%	0.01
F4 DRUG	30.87	49	0.85%	0.26
F4 OTHER	36.87	157	2.72%	1.00
TOTAL FELONY 4 ⁹	37.21	371	6.42%	2.39
F5 EXT	18.86	77	1.33%	0.25
F5 SEX	25.94	17	0.29%	0.08
F5 DRUG	21.33	5	0.09%	0.02
F5 OTHER	22.23	60	1.04%	0.23
TOTAL FELONY 5 ¹⁰	20.97	160	2.77%	0.58
F6 EXT	11.07	3	0.05%	0.01
F6 SEX	12.77	3	0.05%	0.01
F6 DRUG	17.80	7	0.12%	0.02
F6 OTHER	17.23	14	0.24%	0.04
TOTAL FELONY 6 ¹¹	16.20	27	0.47%	0.08
HABITUAL ¹²	233.83	7	0.12%	0.28
SEX OFFENDER ACT ¹³	86.84	3	0.05%	0.05
TOTAL	44.51	754	13.04%	5.81

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.² The number of new sentences indicated may differ from those reported elsewhere.³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.¹² Includes all admissions with habitual criminal sentence enhancers.¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 9: Estimated average length of stay for FY 2012 female parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	-	-	-	-
F2 EXT ³	-	-	-	-
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	14.50	1	0.02%	0.00
F2 OTHER ⁶	-	-	-	-
TOTAL FELONY 2 ⁷	14.50	1	0.02%	0.00
F3 EXT	45.61	20	0.35%	0.16
F3 SEX	-	-	-	-
F3 DRUG	-	-	-	-
F3 OTHER	51.93	4	0.07%	0.04
TOTAL FELONY 3 ⁸	46.67	24	0.42%	0.19
F4 EXT	27.06	21	0.36%	0.10
F4 SEX	-	-	-	-
F4 DRUG	15.03	8	0.14%	0.02
F4 OTHER	35.40	16	0.28%	0.10
TOTAL FELONY 4 ⁹	27.91	46	0.80%	0.22
F5 EXT	15.19	13	0.22%	0.03
F5 SEX	-	-	-	-
F5 DRUG	18.10	1	0.02%	0.00
F5 OTHER	20.21	4	0.07%	0.01
TOTAL FELONY 5 ¹⁰	16.47	18	0.31%	0.05
F6 EXT	-	-	-	-
F6 SEX	16.47	18	0.31%	0.05
F6 DRUG	20.03	3	0.05%	0.01
F6 OTHER	9.80	1	0.02%	0.00
TOTAL FELONY 6 ¹¹	17.48	4	0.07%	0.01
HABITUAL ¹²	28.80	1	0.02%	0.00
SEX OFFENDER ACT ¹³	-	-	-	-
TOTAL	29.94	93	1.61%	0.48

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere.

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.

⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 10: Estimated average length of stay for FY 2012 total parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	5	0.09%	0.42
F2 EXT ³	200.76	9	0.16%	0.31
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	15.38	2	0.03%	0.01
F2 OTHER ⁶	135.56	4	0.07%	0.09
TOTAL FELONY 2 ⁷	158.66	15	0.26%	0.41
F3 EXT	54.19	137	2.37%	1.28
F3 SEX	104.73	4	0.07%	0.07
F3 DRUG	24.58	6	0.10%	0.03
F3 OTHER	59.27	48	0.83%	0.49
TOTAL FELONY 3 ⁸	61.27	201	3.48%	2.13
F4 EXT	36.52	182	3.15%	1.15
F4 SEX	29.93	1	0.02%	0.01
F4 DRUG	28.64	57	0.99%	0.28
F4 OTHER	36.74	173	2.99%	1.10
TOTAL FELONY 4 ⁹	36.19	417	7.21%	2.61
F5 EXT	18.33	90	1.56%	0.29
F5 SEX	25.94	17	0.29%	0.08
F5 DRUG	20.79	6	0.10%	0.02
F5 OTHER	22.11	64	1.11%	0.24
TOTAL FELONY 5 ¹⁰	20.51	178	3.08%	0.63
F6 EXT	11.07	3	0.05%	0.01
F6 SEX	12.77	3	0.05%	0.01
F6 DRUG	18.47	10	0.17%	0.03
F6 OTHER	16.73	15	0.26%	0.04
TOTAL FELONY 6 ¹¹	16.36	31	0.54%	0.09
HABITUAL ¹²	208.20	8	0.14%	0.29
SEX OFFENDER ACT ¹³	86.84	3	0.05%	0.05
TOTAL	42.91	847	14.65%	6.29

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.² The number of new sentences indicated may differ from those reported elsewhere.³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.¹² Includes all admissions with habitual criminal sentence enhancers.¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 11: Estimated average length of stay for FY 2012 combined new court commitments and parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	30	0.52%	2.49
F2 EXT ³	231.10	91	1.57%	3.64
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	15.38	2	0.03%	0.01
F2 OTHER ⁶	94.26	30	0.52%	0.49
TOTAL FELONY 2 ⁷	187.62	137	2.37%	4.45
F3 EXT	82.01	649	11.23%	9.21
F3 SEX	94.84	30	0.52%	0.49
F3 DRUG	57.66	39	0.67%	0.39
F3 OTHER	72.77	229	3.96%	2.88
TOTAL FELONY 3 ⁸	82.73	1049	18.15%	15.01
F4 EXT	48.54	713	12.33%	5.99
F4 SEX	43.82	23	0.40%	0.17
F4 DRUG	29.46	290	5.02%	1.48
F4 OTHER	38.67	1092	18.89%	7.30
TOTAL FELONY 4 ⁹	42.03	2178	37.68%	15.84
F5 EXT	22.12	309	5.35%	1.18
F5 SEX	28.00	183	3.17%	0.89
F5 DRUG	20.77	70	1.21%	0.25
F5 OTHER	21.89	892	15.43%	3.38
TOTAL FELONY 5 ¹⁰	22.82	1468	25.39%	5.79
F6 EXT	14.51	99	1.71%	0.25
F6 SEX	13.85	59	1.02%	0.14
F6 DRUG	12.64	259	4.48%	0.57
F6 OTHER	12.79	501	8.67%	1.11
TOTAL FELONY 6 ¹¹	13.02	919	15.90%	2.07
HABITUAL ¹²	197.55	37	0.64%	1.26
SEX OFFENDER ACT ¹³	78.20	154	2.66%	2.08
TOTAL	45.65	5781	100%	45.65

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere.

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ While sexual offenders typically serve more time, some sexual crimes are considered extraordinary risk crimes so are identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, and fraud.

⁷ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁸ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

⁹ Includes all admissions convicted of felony 2 crimes, including habitual offenders and those convicted under the sex offender act.

¹⁰ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹¹ Includes all admissions convicted of felony 2 crimes, including habitual offenders.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 12: Estimated average length of stay for FY 2012 new court commitments and parole returns with a new crime, category totals*

	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
Total new court commitments	46.12	4934	85.35%	39.36
Total parole returns with a new crime	42.91	847	14.65%	6.29
Total female admissions with a new sentence³				
Total female admissions with a new sentence ³	37.04	703	12.16%	4.50
Total male admissions with a new sentence³				
Total male admissions with a new sentence ³	46.84	5078	87.84%	41.14
Grand Total				
Grand Total	45.65	5781	100%	45.65

*Parole returns on a technical violation are excluded.

¹ For the purposes of calculating these estimates, length of stay is capped at 40 years.

² The number of new sentences indicated may differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or sentence length are excluded.

³ Includes new court commitments and parole returns with a new crime combined.

ADULT PAROLE CASELOAD FORECAST

The two components used when forecasting future parole caseloads are the number of releases to parole, and the length of stay on parole. These may vary according to a number of factors, such as individual offender characteristics, community resources and parole success or failure rates.

Table 13 displays the DCJ projections for the total domestic parole caseload as well as the total caseload including absconders and out-of-state parolees at the end of fiscal years 2012 through 2019.

**Table 13: DCJ December 2012 adult domestic and total parole caseload projections
FY 2012 through FY 2019**

Fiscal Year End	Domestic Parole Caseload	Annual Growth	Total Parole Caseload ²	Annual Growth
2012 ¹	8,445	3.23%	11,153	4.27%
2013	8,734	3.43%	11,542	3.49%
2014	8,426	-3.53%	11,140	-3.49%
2015	8,018	-4.84%	10,209	-8.36%
2016	7,872	-1.82%	9,788	-4.12%
2017	7,770	-1.29%	9,599	-1.93%
2018	7,719	-0.65%	9,551	-0.50%
2019	7,619	-1.29%	9,478	-0.76%

¹ Actual parole caseload figures. Data source: DOC monthly Population and Capacity Reports.

² Includes absconders and out-of-state parolees

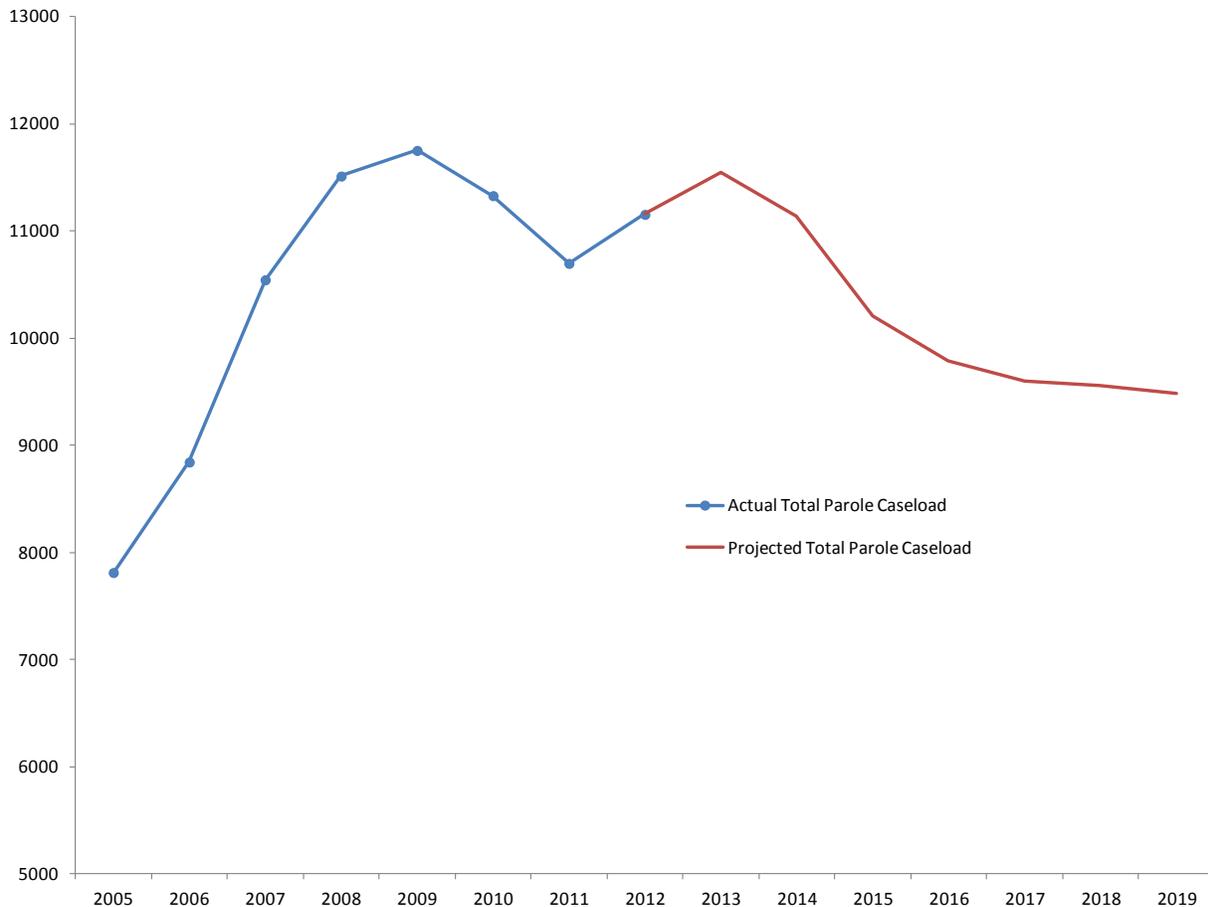
Figure 5, below, displays the projected domestic and total parole caseloads for fiscal years 2013 through 2019. The size of the parole caseload grew 107.8 percent over the seven years between FY 2003 and FY 2009. Across FY 2010 and FY 2011 combined, the caseload declined by 9.3 percent, followed by a 4.3 percent increase in FY 2012.

The parole caseload is expected to continue to increase throughout FY 2013, followed by a decline across each of the following 6 years. The predicted increase throughout FY 2013 is based partially on the continuing impact of House Bills 09-1351 and H.B. 10-1374, which are expected to increase the movement of inmates out of prison onto parole, along with the implementation of the Colorado Violations Decision Making Process (CVDMP). The CVDMP was initiated as an effort to improve consistency among parole officers in responding to violations and as a method of supporting an officer's ability to use intermediate sanctions in lieu of seeking regression or revocation.³⁰

³⁰ For further information concerning the Colorado Violation Decision Making Process, see: Hochevar, K.E., Wells, H.D., Sturm, K., Rhoades, C.S. (2011). *Colorado Violation Decision Making Process (CBDMP) Pilot Study*. Colorado Springs, CO: Colorado Department of Corrections. Available at: <http://www.doc.state.co.us/sites/default/files/opa/CVDMP%20Dec%202011.pdf>.

Between FY 2014 and FY 2019, the projected decline in the prison population will lead to a corresponding reduction in the number of releases from prison, including releases to parole. Beginning in FY 2014, the domestic parole caseload is expected to decrease by an average of 2.2 percent per year to 7,619 by the end of FY 2019. The total parole caseload, including parole absconders and out-of-state parolees, is expected to follow a similar trend, decreasing by an average of 3.2 percent per year to 9,479 in FY 2019.

Figure 5: Historical and projected end of fiscal year total parole caseloads FY 2005 through FY 2019*



Data Source: Historical data obtained from the Colorado Department of Corrections Monthly Population and Capacity Reports.
 Note: Due to a change in the method of reporting monthly caseloads implemented in 2012, only the total parole population can be compared to prior years. Therefore the domestic parole population is not included in this figure.

Division of Youth Corrections Juvenile Commitment, Detention and Parole Projections

The Division of Youth Corrections average daily population (ADP) is projected to decrease by 14.0 percent by the end of FY 2013, and 43.1 percent by the end of FY 2017.

Corresponding to the decline in the commitment ADP, the parole average daily caseload is also expected to fall throughout the projection period.

The juvenile detention ADP is expected to continue the decline observed over the past six years, falling by 28.1 percent between FY 2012 and FY 2017.

Organization of this Section

The juvenile commitment, detention and parole estimates of the average daily populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, along with the projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end and quarterly detention ADP forecasts and year-end average daily caseload (ADC) forecasts for the juvenile parole population statewide. Finally, the projected year-end commitment ADP and year-end parole ADC by DYC management region are presented.

The inclusion of detention population forecasts is a new addition, as these forecasts were suspended with the enactment of legislation in 2003 which established a limit on the number of detention beds. However, with the recent declines in all juvenile corrections populations including detention, the reintroduction of juvenile detention projections was requested by the Colorado Joint Budget Committee.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The projection process utilizes data regarding historical monthly trends in detention, commitment and parole populations. Additionally, annual trends court filings and probation revocations are analyzed and incorporated into the projection process. Time series analysis was applied to data derived from these historical trends, producing a variety of scenarios.³¹ The model displaying both the best fit to the actual

³¹ Box, G. E. P., G. M. Jenkins, and G. C. Reinsel. 1994. *Time series analysis: Forecasting and control*, 3rd ed. Englewood Cliffs, N.J.: Prentice Hall.

data and the most reasonable outcomes given recent changes in laws and policies was selected for the development of these forecasts.

DYC AVERAGE DAILY COMMITMENT POPULATION FORECAST

Factors contributing to the DCJ 2012 juvenile commitment forecast include:

- ❑ The ADP of youth committed to the Colorado Division of Youth Corrections (DYC) has consistently declined over the past six fiscal years, coinciding with the implementation of the Continuum of Care Initiative and the Colorado Juvenile Risk Assessment (CJRA).³² The year-to-date ADP dropped by an average of 4.6 percent per year between FY 2007 and FY 2010. This decline accelerated to 11.3 percent by the end of FY 2011, but fell to 5.3 percent in FY 2012. However, the ADP fell by 11.0 percent during the first half of FY 2013 alone. This recent trend prompted the projected continuing decay in the commitment ADP.³³
- ❑ The number of juvenile delinquency filings has fallen consistently over the past eight years. In FY 2012 alone, delinquency filings decreased by 11.2 percent.³⁴ The assumption that fewer delinquency filings will lead to fewer new commitments influences the projected downward trend in the commitment ADP.
- ❑ Juvenile probation revocations have fallen each year since FY 2010. Revocations declined by 6.4 percent in FY 2012 alone, and by 20.1 percent over the past five years.³⁵ Since many new commitments are the result of a probation revocation, this exerts a significant downward influence on the forecast.
- ❑ New commitments to DYC began to fall in FY 2006. The most significant declines occurred in the past two fiscal years – 13.2 percent in FY 2011 and 17.2 percent in FY 2012. Admissions during the first half of FY 2013 alone were 17.7 percent below the number of admissions reported during the first half of the prior year.³⁶

³² TriWest Group. (2010). *Continuum of Care Youth Transitions and Non-Residential Services Annual Report: Fiscal Year 2009-2010*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.

³³ Colorado Department of Human Services. (2007-2011). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; Colorado Department of Human Services. (2011). *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <http://www.cdhs.state.co.us/dyc/Research.htm>.

³⁴ Colorado State Judicial Branch. (2007-2012). *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

³⁵ Ibid.

³⁶ Colorado Department of Human Services. (2006-2011). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <http://www.cdhs.state.co.us/dyc/Research.htm>.

- H.B. 10-1413 increased the minimum age for direct filing from 14 to 16 and will lead to a small increase in juveniles diverted from the Youthful Offender System to NYC.
- H.B. 10-1352 greatly modified penalties for crimes involving controlled substances and reduced several former felony crimes to misdemeanors, leading to a reduction in juvenile offenders eligible for commitment to NYC.

Based on these factors, the NYC commitment ADP is projected to continue to decrease throughout the projection period. The ADP is expected to decrease 14.0 percent by the end of FY 2013, and 43.1 percent by the end of FY 2017. Table 14 summarizes the year-end ADP and new commitment forecasts, while Table 15 presents the projected quarterly year-to-date (YTD) ADP. The historical YTD ADP from FY 2000 through FY 2012, and the projected ADP through 2017 are depicted in Figure 6. Figure 7 displays historical new commitments since FY 2000, and projected new commitments through FY 2017.

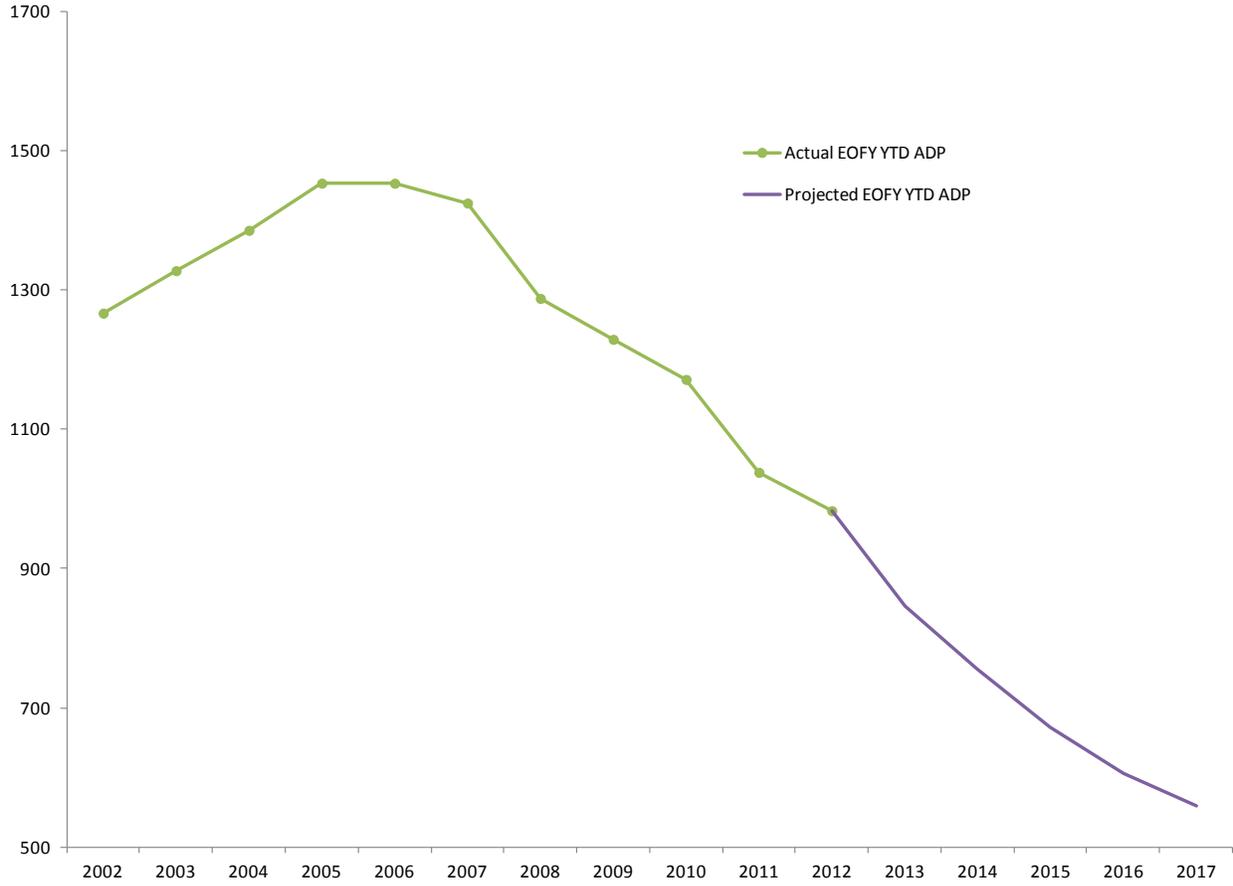
Table 14: DCJ December 2012 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2012 through FY 2017

Fiscal Year End	YTD ADP ¹ Forecast	Annual Growth	Annual NYC Admissions	Annual Growth
2012 ²	983.1	-5.6%	532	-17.5%
2013	845.6	-14.0%	485	-8.8%
2014	754.9	-10.7%	442	-8.8%
2015	672.0	-11.0%	409	-7.4%
2016	606.5	-9.7%	385	-5.9%
2017	558.9	-7.9%	370	-3.9%

¹ Year to date average daily population.

² Actual average daily population: Data source CDHS NYC Monthly Population Report, June 2012. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

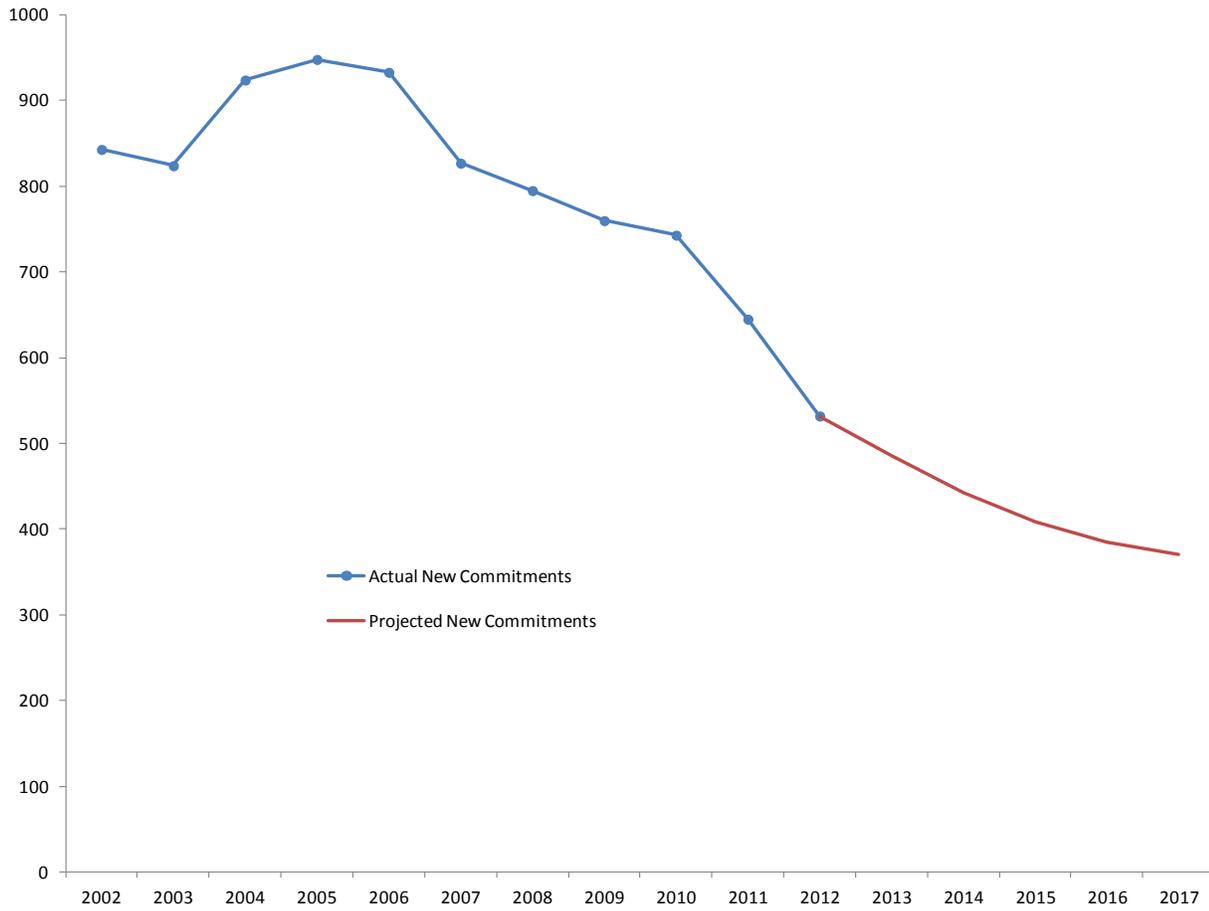
Figure 6: Fiscal year-end year to date juvenile commitment average daily population FY 2002 through FY 2012 and DCJ forecast through FY 2017



Note: FY 2000-2012 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals. FY 2012 data source: June 2012 Monthly Population Report. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

Figure 7: Annual new juvenile commitments FY 2002 through FY 2011 and DCJ forecast through FY 2016



Note: FY 2002-2012 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals. FY 2012 data source: June 2012 Monthly Population Report. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

Table 15: Quarterly juvenile commitment average daily population forecast, FY 2012 through FY 2017

Fiscal Year	Quarter Ending	YTD ADP¹ Forecast	Quarterly Growth
FY 2012	June ²	983.1	-1.9%
FY 2013	September ²	892.5	-9.2%
	December	872.8	-2.2%
	March	857.2	-1.8%
	June	845.6	-1.4%
FY 2014	September	782.4	-7.5%
	December	776.7	-0.7%
	March	764.8	-1.5%
	June	754.9	-1.3%
FY 2015	September	702.2	-7.0%
	December	694.9	-1.0%
	March	680.9	-2.0%
	June	672.0	-1.3%
FY 2016	September	624.7	-7.0%
	December	620.7	-0.6%
	March	612.3	-1.4%
	June	606.5	-0.9%
FY 2017	September	572.9	-5.5%
	December	569.1	-0.7%
	March	564.6	-0.8%
	June	558.9	-1.0%

¹Year to date average daily population.

²Actual average daily population figures. Data source: Division of Youth Corrections Monthly Population Reports. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

AVERAGE DAILY JUVENILE DETENTION POPULATION FORECAST

Prior to 2004, juvenile detention projections were included in the annual DCJ correctional population forecasts. The passage of S.B. 03-286 placed a limit of 479 beds for detention placements, so the development of these projections was suspended. In 2011, this bed limit was further lowered to 422 beds by S.B. 11-217. However, the re-introduction of juvenile detention forecasts was made at the request of the Colorado Joint Budget Committee in 2012.

The recent declines in all juvenile corrections populations influenced the projected continued decline in the juvenile detention ADP, which is expected to decrease 28.1 percent by the end of FY 2017. Table 16 summarizes the year-end detention ADP, while Table 17 presents the projected quarterly detention YTD ADP. The historical detention YTD ADP from FY 2000 through FY 2012, and the projected ADP through 2017 are depicted in Figure 8.

Table 16: DCJ December 2012 juvenile detention fiscal year-end average daily population and new admissions forecast, FY 2012 through FY 2017

Fiscal Year End	YTD ADP ¹ Forecast	Annual Growth
2012 ²	316.4	-10.3%
2013	305.9	-3.3%
2014	286.6	-6.3%
2015	268.8	-6.2%
2016	248.9	-7.4%
2017	227.4	-8.7%

¹ Year to date average daily population.

² Actual ADP figures. Data source: CDHS DYC Monthly Population Report, June 2012. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

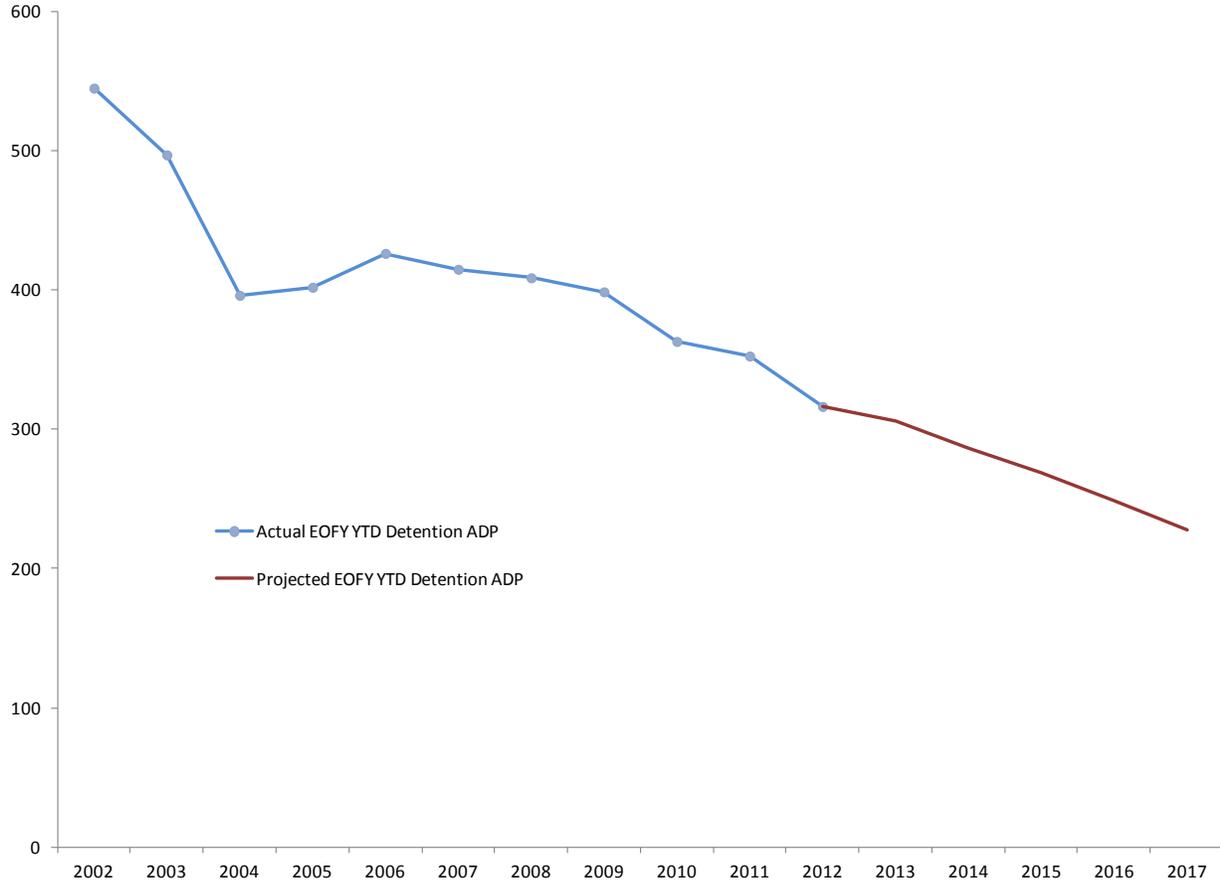
Table 17: Quarterly juvenile detention average daily population forecast, FY 2012 through FY 2017

Fiscal Year	Quarter Ending	YTD ADP ¹ Forecast	Quarterly Growth
FY 2012	June ²	316.4	-1.9%
FY 2013	September ²	314.3	-0.7%
	December	305.2	-2.9%
	March	304.8	-0.1%
	June	305.9	0.4%
FY 2014	September	287.9	-5.9%
	December	282.7	-1.8%
	March	284.5	0.7%
	June	286.6	0.7%
FY 2015	September	271.7	-5.2%
	December	269.1	-0.9%
	March	269.1	0.0%
	June	268.8	-0.1%
FY 2016	September	253.4	-5.7%
	December	248.1	-2.1%
	March	249.2	0.5%
	June	248.9	-0.1%
FY 2017	September	233.3	-6.3%
	December	227.9	-2.3%
	March	227.6	-0.1%
	June	227.4	-0.1%

¹ Year to date average daily population.

² Actual ADP figures. Data source: CDHS DYC Monthly Population Report, June 2012. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

**Figure 8: Historical and projected juvenile detention year-end average daily population
FY 2002 through FY 2017**



Note: FY 2002-2012 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals. FY 2012 data source: June 2012 Monthly Population Report. Available at :

<http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

AVERAGE DAILY JUVENILE PAROLE CASELOAD FORECAST

The juvenile parole population experienced widely varied growth over the past fifteen years due to multiple factors, particularly due to changes in mandatory parole terms. In 1997, mandatory one-year parole terms were implemented. Subsequently, the ADC grew sharply through July 2001. In 2001 the mandatory parole term was lowered to nine months,³⁷ after which the ADC fell rapidly. However, after two years, steep growth resumed. In 2003 the mandatory parole term was further lowered to six months,³⁸ resulting in a

³⁷ Senate Bill 2001-77, effective July 1, 2001.

³⁸ Senate Bill 2003-284, effective May 1, 2003.

significant decline in the ADC for a period of time. The ADC dropped significantly until April of 2004, at which point it began to grow again at a significant rate before leveling off in mid-FY 2005.

The parole population remained relatively stable through mid-FY 2008, with short-term increases corresponding with decreases in the commitment population. Beginning in January 2008, the parole population began a period of significant decline corresponding with the overall decline in the commitment population. A short-lived increase was observed in FY 2010, followed by declines of 6.5 percent in FY 2011 and 13.1 percent in FY 2012.³⁹

The parole YTD ADC is expected to continue to fall throughout the projection period, corresponding to the expected reduction in the commitment ADP. While short-term fluctuations in the ADC are inversely correlated with fluctuations in ADP, the long-term trend is positively correlated. The parole ADC is expected to decrease by 5.4 percent over the course of FY 2013 and by 37.5 percent between FY 2012 and FY 2017. Table 16 summarizes these estimates, while Figure 8 depicts the historical fluctuations in parole ADC between FY 2000 and FY 2012, along with the projected ADC through FY 2017.

Table 18: Juvenile parole year-end average daily caseload forecast, FY 2012 through FY 2017

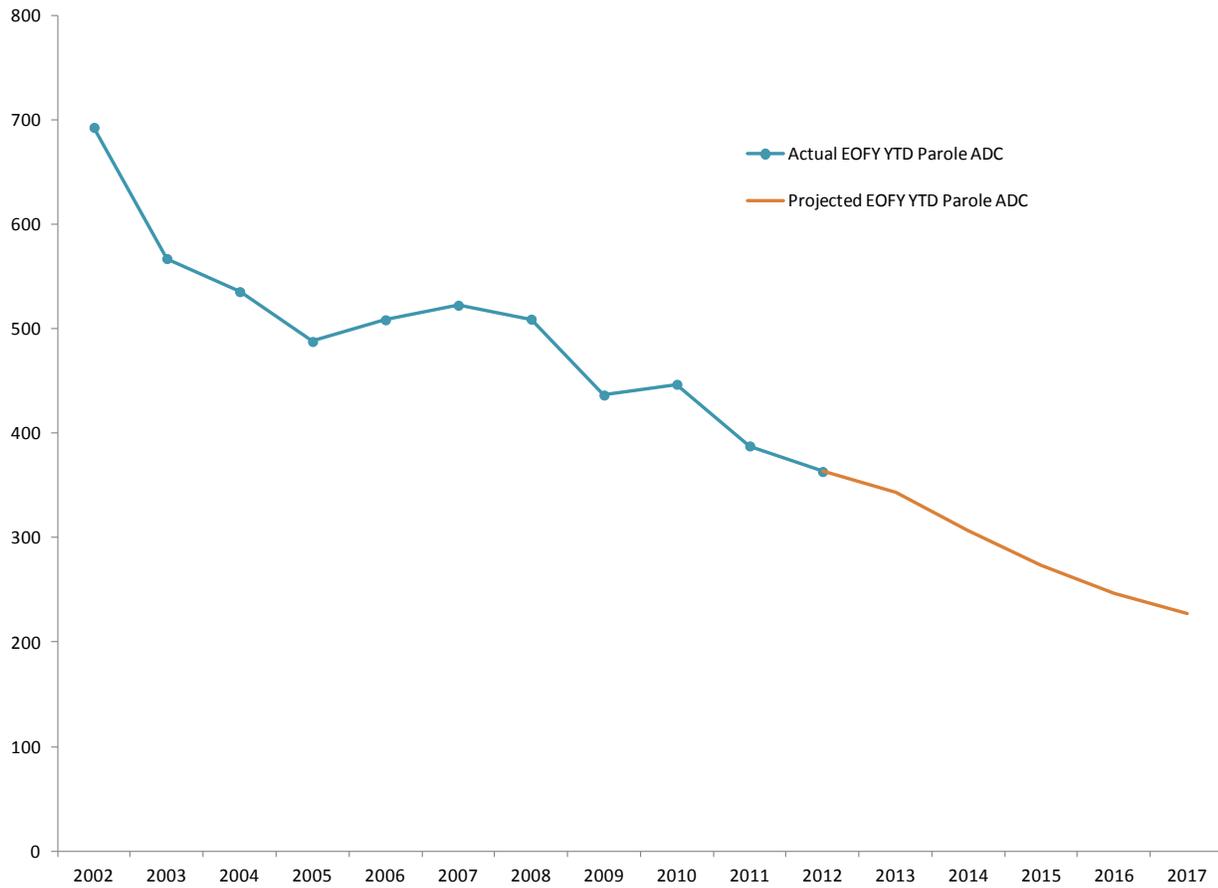
Fiscal Year End	YTD ADC ¹ Forecast	Annual Growth
2012 ²	363.4	-13.1%
2013	343.8	-5.4%
2014	306.9	-10.7%
2015	273.2	-11.0%
2016	246.6	-9.7%
2017	227.2	-7.9%

¹ Year to date average daily caseload.

² Actual ADC figures. Data source: CDHS DYC Monthly Population Report, June 2012. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

³⁹ Colorado Department of Human Services. (2006-2011). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

**Figure 9: Historical and projected juvenile parole year-end average daily caseload
FY 2002 through FY 2017**



Note: FY 2002-FY 2012 data points represent actual average daily caseload figures.

Data Sources: CDHS DYC Management Reference Manuals. FY 2012 data source: June 2012 Monthly Population Report. Available at:

<http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

REGIONAL FORECASTS

The Division of Youth Corrections' decentralized management structure is comprised of four geographic regions in the state. The map in Appendix B displays the boundaries of each management region. The YTD commitment ADP forecasts by DYC management region for fiscal years 2013 through 2017 are presented in Table 19, below. Table 20 contains the regional parole YTD ADC projections for the same time period.

**Table 19: Juvenile commitment year-end average daily population forecast by region
FY 2012 through FY 2017**

Fiscal Year	REGION							
	Central		Northeast		Southern		Western	
	ADP ¹	Growth						
2012 ²	411.1	-13.2%	262.3	3.4%	206.9	2.2%	102.8	-8.1%
2013	360.1	-12.4%	219.2	-16.4%	168.2	-18.7%	98.1	-4.6%
2014	318.1	-11.7%	195.6	-10.7%	149.8	-11.0%	91.3	-6.9%
2015	281.2	-11.6%	174.2	-11.0%	133.4	-11.0%	83.3	-8.8%
2016	252.5	-10.2%	157.5	-9.6%	120.1	-10.0%	76.4	-8.3%
2017	232.7	-7.9%	144.6	-8.2%	110.9	-7.6%	70.4	-7.9%

¹ Year to date average daily population.

² Actual ADP figures. Data source: CDHS DYC Monthly Population Report, June 2012. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

**Table 20: Juvenile parole year-end average daily caseload forecast by region
FY 2012 through FY 2017**

Fiscal Year	REGION							
	Central		Northeast		Southern		Western	
	ADC ¹	Growth						
2012 ²	164.0	-12.3%	97.4	-12.6%	67.5	-16.5%	34.5	11.9%
2013	142.5	-13.1%	102.8	5.6%	69.1	2.3%	29.4	-25.6%
2014	125.7	-11.8%	93.3	-9.2%	64.1	-7.2%	23.8	-19.1%
2015	110.5	-12.1%	84.4	-9.5%	57.1	-11.0%	21.2	-11.0%
2016	97.3	-12.0%	78.7	-6.8%	51.5	-9.7%	19.1	-9.7%
2017	88.5	-9.0%	74.8	-5.0%	47.5	-7.9%	16.5	-13.8%

¹ Year to date average daily caseload.

² Actual ADC figures. Data source: CDHS DYC Monthly Population Report, June 2012. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

Appendix A

Legislation Affecting Prison Population Growth

LEGISLATION AFFECTING PRISON POPULATION GROWTH

Prisoners in Colorado are subject to many different sentencing laws, the most significant of which dates back to 1979 with H.B. 1589. Many of the ensuing changes in legislation have affected the size of the prison population, particularly House Bill 1320, passed in 1985. Changes to parole laws in the 1990s significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. Several pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations. These sentencing laws are outlined below.⁴⁰

- ❑ In 1979, House Bill 1589 changed sentences from indeterminate to determinate terms and made parole mandatory at one-half (the mid-point) the sentence served.
- ❑ In 1981, House Bill 1156 required that the courts sentence offenders above the maximum of the presumptive range for “crimes of violence” as well as for crimes committed with aggravating circumstances.
- ❑ In 1985, House Bill 1320 doubled the maximum penalties of the presumptive ranges for all felony classes and mandated that parole be granted at the discretion of the Parole Board. As a result of this legislation, the average length of stay projected for new commitments nearly tripled from 20 months in 1980 to 57 months in 1989. In addition, parole became discretionary which contributed to increased lengths of stay. After the enactment of H.B. 1320, the inmate population more than doubled over the next five years.
- ❑ In 1988, Senate Bill 148 changed the previous requirement of the courts to sentence above the maximum of the presumptive range to sentencing at a minimum the mid-point of the presumptive range for “crimes of violence” and crimes associated with aggravating circumstances.
- ❑ In 1989, several class five felonies were lowered to a newly created felony class six with a presumptive penalty range of one to two years through the passage of Senate Bill 246.
- ❑ In 1990, House Bill 1327 doubled the maximum amount of earned time that an offender is allowed to earn while in prison from five to ten days per month. In addition, parolees were allowed to accumulate earned time while on parole. This legislation reduced time spent on parole as well as reduced the length of stay for offenders who discharged their sentence.

⁴⁰ Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4 – 22). Colorado Springs, CO: Department of Corrections.

- ❑ In 1990, Senate Bill 117 modified life sentences for first-degree felony convictions to “life without parole.” The previous parole eligibility occurred after 40 calendar years were served. This affected sentences for crimes committed after September 20, 1991.
- ❑ In 1993, House Bill 1302 reduced the presumptive ranges for certain non-violent class 3 through class 6 felonies and added a split sentence mandating a period of parole for all crimes following a prison sentence. This legislation also eliminated earned time awards while on parole.
- ❑ Sentencing for habitual offenders was also changed in 1993 with House Bill 1302. This bill revised the sentence for repeat offenders convicted of class 1 through class 5 felonies. Offenders who have twice been convicted of a previous felony are subject to a term of three times the maximum of the presumptive range of the current felony conviction. Those who have received three prior felony convictions are sentenced to four times the maximum of the presumptive range of the current felony conviction. Additionally, any offender previously sentenced as a habitual offender with three prior convictions, and thereafter convicted of a crime of violence, is subject to a life sentence with parole eligibility after 40 calendar years.⁴¹
- ❑ In 1993, Senate Bill 9 created the provision for certain juvenile offenders to be prosecuted and sentenced as adults, and established the Youthful Offender System (YOS) within the Department of Corrections (DOC). Initially, 96 beds were authorized, with the construction of a YOS facility with a capacity of 480 beds approved.
- ❑ In 1994, Senate Bill 196 created a new provision for habitual offenders with a current conviction of any class one or two felony, or any class three felony that is defined as a crime of violence, and who have been previously convicted of these same offenses twice. This “three strikes” legislation requires that these offenders be sentenced to a term of life imprisonment with parole eligibility in forty calendar years.
- ❑ In 1995, House Bill 1087 reinstated earned time provisions for certain non-violent offenders while on parole. This legislation was enacted in part as a response to the projected parole population growth resulting from the mandatory parole periods established by H.B. 93-1302.
- ❑ In 1996, House Bill 1005 broadened the criminal charges eligible for direct filings of juveniles in adult court and possible sentencing to the YOS. This legislation also lowered the age limit of juveniles eligible for direct filing and sentencing to YOS from 14 to 12 years of age.

⁴¹ Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- House Bill 98-1160 applied to offenses occurring on or after July 1, 1998, mandating that every offender must complete a period of parole supervision after incarceration. A summary of the major provisions that apply to mandatory parole follows:
 - Offenders committing class 2, 3, 4 or 5 felonies or second or subsequent class 6 felonies, and who are revoked during the period of their mandatory parole, may serve a period up to the end of the mandatory parole period while incarcerated. In such a case, one year of parole supervision must follow.
 - If revoked during the last six months of mandatory parole, intermediate sanctions including community corrections, home detention, community service or restitution programs are permitted, as is a re-incarceration period of up to twelve months.
 - If revoked during the one year of parole supervision, the offender may be re-incarcerated for a period not to exceed one year.

- House Bill 98-1156 concerned the lifetime supervision of certain sex offenders, and is referred to as the 'Colorado Sex Offender Lifetime Supervision Act of 1998'. A number of provisions in the bill addressing sentencing, parole terms, and parole conditions are summarized below:
 - For certain crimes,⁴² a sex offender shall receive an indeterminate term of at least the minimum of the presumptive range specified in 18-1-105, C.R.S. for the level of offense committed and a maximum of the sex offender's natural life.
 - For crimes of violence,⁴³ 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.
 - 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

⁴² Such crimes are defined in CRS § 18-1.3-10, and include the following: Sexual assault, as described in section 18-3-402; sexual assault in the first degree, as described in section 18-3-402 as it existed prior to July 1, 2000; Sexual assault in the second degree, as described in section 18-3-403 as it existed prior to July 1, 2000; Felony unlawful sexual contact as described in section 18-3-404; Felony sexual assault in the third degree, as described in section 18-3-404 (2) as it existed prior to July 1, 2000; Sexual assault on a child, as described in section 18-3-405; Sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; Aggravated sexual assault on a client by a psychotherapist, as described in section 18-3-405.5(1); Enticement of a child, as described in section 18-3-305; Incest, as described in section 18-6-301; Aggravated incest, as described in 18-6-302; Patronizing a prostituted child, as described in section 18-7-406; Class 4 felony internet luring of a child, in violation of section 18-3-306(3); Internet sexual exploitation of a child in violation of section 18-3-405/4/; Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

⁴³ Defined by CRS § 18-1.3-406.

least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

- o The period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life.
 - o The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least 20 years and a maximum of the sex offender's natural life.
- ❑ In 2003, Senate Bill 252 allowed the Parole Board to revoke an individual who was on parole for a nonviolent class 5 or class 6 felony, except in cases of menacing and unlawful sexual behavior, to a community corrections program or to a pre-parole release and revocation center for up to 180 days. This bill also allowed DOC to contract with community corrections programs for the placement of such parolees. Additionally, the bill limited the time a parolee can be revoked to the DOC to 180 days for a technical revocation, provided that the parolee was serving parole for a nonviolent offense. Finally, this bill repealed the requirement of an additional year of parole if a parolee is revoked to prison for the remainder of the parole period (originally effected by H.B. 98-1160).
 - ❑ House Bill 04-1189 lengthened the amount of time that must be served prior to parole eligibility for violent offenders.⁴⁴ First time offenders convicted of a violent offense must serve 75 percent of their sentence less any earned time awarded. If convicted of a second or subsequent violent offense, the full 75 percent of their sentence must be served.
 - ❑ Also in 2004, Senate Bill 04-123 recognized the YOS as a permanent program by eliminating the repeal date.
 - ❑ In 2008, House Bill 1352 modified the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants, and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities.
 - ❑ Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders

⁴⁴ As defined by CRS § 18-1.3-406.

who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.

- ❑ House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25 percent to 30 percent of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.
- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).

- House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, cost savings are to be reinvested into vocational/educational programming inside prison and re-entry support services for people on parolee.

In addition to legislation specifically impacting sentencing laws and parole requirements, new laws affecting prison admissions and sentence lengths are introduced every year. Many of these may result in an increase or a decrease in the number of individuals sentenced to DOC, or the length of their prison sentences. Collectively they may have a significant impact on the size of future prison populations. These changes in legislation are taken into account in the development of prison population forecasts.

Appendix B
Division of Youth Corrections Management Regions:
Counties and Judicial Districts

Division of Youth Corrections

Regional Management Structure

Central Region

Northeast Region

Southern Region

Western Region

