

Colorado Division of Criminal Justice

Adult and Juvenile

Correctional Populations Forecasts

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

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Introduction

Background

The Colorado Division of Criminal Justice (DCJ), pursuant to 24-33.5-503(m), C.R.S., is mandated to prepare correctional population projections for the Legislative Council and the General Assembly. Per statute, DCJ has prepared projections of these populations since the mid-1980s. This report presents current forecasts for the Colorado adult prison and parole populations across the upcoming seven fiscal years and, for the Colorado juvenile commitment, detention and parole populations through five fiscal years. Also included are estimates regarding average length of stay for inmates admitted to prison during the previous fiscal year. These are used to calculate cost savings resulting from proposed legislation and policy changes.

The DCJ produces this comprehensive analysis of the adult prison population forecast annually each winter. These figures are revised the following summer to accommodate policy and legislative changes.

Organization of this Report

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM). The adult prison population forecasts for fiscal years 2021 through 2027, including estimates of prison admissions and releases by type are then presented, followed by a discussion of factors and assumptions applied to the current projections. The next section presents the parole caseload forecasts for fiscal years 2021 through 2027.

Following the adult population forecasts, estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2020 are presented, as well as estimates for the average length of stay on parole for new releases to parole.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2021 through 2025. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, estimated numbers of new commitments, and year-end average daily caseload (ADC) forecasts for the juvenile parole population. These are followed by year-end and quarterly detention ADP forecasts.

Assumptions Affecting the Accuracy of the DCJ Projections

Forecasting future prison populations is not an exact science, as factors which can affect growth are often unpredictable and somewhat speculative. The projection figures for the Colorado Department of Corrections' incarcerated and paroled populations and for the Division of Youth Services' committed, detained, and paroled populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time individuals 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 prison sentences or 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 models.
- ❑ The data provided by the Colorado Department of Corrections (DOC) and the Division of Youth Services (DYS) accurately describe the number and characteristics of individuals committed to, released from, and retained in DOC and DYS facilities.
- ❑ Incarceration times and sentencing data provided by DOC and DYS are accurate.
- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming seven years, except in ways that are accounted for in the current year's projection models.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions generated by the Colorado Demographer's Office are accurate.
- ❑ District and Juvenile 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. Note this final factor has been particularly relevant during the current year.

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 offender-based information concerning admissions to and releases from the Colorado Department of Corrections (DOC), as well as the population currently incarcerated.¹ Colorado population forecasts are provided by the Demographer's Office of the Department of Local Affairs. Criminal and juvenile case prosecution, conviction, sentencing and probation revocation data are obtained from the Colorado Judicial Branch's information management system, from the Division of Court Services, and from annual reports issued by the Judicial Department.^{2,3}

Adult Prison Population Forecasting Methodology

Future prison populations are modeled for three cohorts: new court commitments to prison, parole returns to prison, and the population currently incarcerated. The cohort of new commitments is comprised of estimates of the composition and number of future admissions, including not only those newly sentenced to prison but also offenders who fail probation or community corrections and are subsequently incarcerated. These estimates are based on historical trends of prison admissions, crime rates, criminal case filings, conviction rates, sentencing practices, probation placements and probation revocation rates. Recent changes in laws or policies are also taken into account.

This projected future admissions cohort is disaggregated into approximately 70 offender profile groups according to governing offense type, felony class and sentence length. The duration of each offender group's 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 determine a rate of release and the size of the remaining population.

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

¹ Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

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

³ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

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.

Colorado Adult Prison Population and Parole Caseload Projections

ADULT INMATE POPULATION FORECAST

During FY 2021, the Colorado inmate population is projected to decrease by 12.4%, continuing the decline observed in FY 2020. However, growth is expected to return in early FY 2022 and increase throughout the year, such that the population is expected to grow by 7.2% by year-end, and by 5.7% the following year. This growth rate is expected to moderate over ensuing years. Overall, the population is expected to increase 9.7% between the ends of fiscal years 2020 and 2027, from an actual year-end inmate population of 17,441 to a projected population of 19,136.

The rate of growth expected in FY 2022 and throughout the projection horizon is greater than that expected at this time last year, as well as that expected at the time of the June 2020 forecast. However, these figures must be viewed in light of the 23.5% decrease expected between the ends of fiscal years 2019 and 2021. The population is expected to reach 19,136 by the end of FY 2027, which is still 4.1% LOWER than the size of the population seen at any point in the 16 years prior to March, 2020, when the initial directives were issued in response to the advent of the COVID-19 pandemic.

The Colorado prison population is expected to increase 9.7% between the ends of fiscal years 2020 and 2027, from an actual year-end inmate population of 17,441 to a projected population of 19,136. During FY 2021, however, the overall inmate population is projected to decrease by 12.4%. Growth is expected to return in early FY 2022, such that the population is expected to grow by 7.2% by year-end, and by 5.7% the following year. This growth rate is expected to moderate over ensuing years.

The number of men in prison is expected to increase 9.2%, from 15,886 to 17,366 by the end of FY 2027, while the number of women in prison is expected to increase 13.8%, from 1,555 to 1,770 across the same time frame.

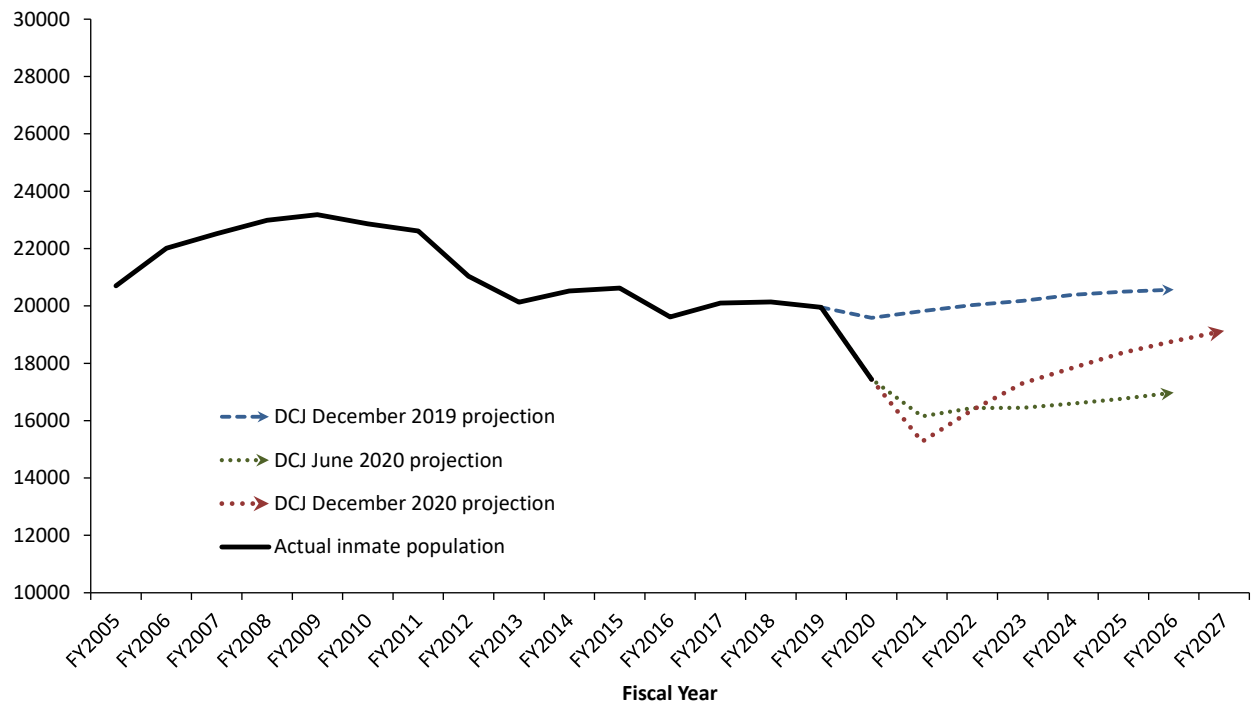
By the end of FY 2021 the domestic parole caseload is expected to decline 13.3%, from 10,315 to 8,944 parolees. A pattern of decline is predicted through FY 2023, followed by a return to slow growth.

The number of men in prison is expected to increase 9.2%, from 15,886 to 17,366 by the end of FY 2027, while the number of women in prison is expected to increase 13.8%, from 1,555 to 1,770 across the same time frame.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2020, and the current projection figures through FY 2027. As shown, after decades of continuous growth, the population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013. However, this decline stabilized in the fourth quarter of FY 2013, and was followed by a period of growth across FY 2014

into early FY 2015. Once again, this trend reversed, with the population declining at an accelerating rate through March of 2016 when the population reached 19,550. This had previously been the lowest month-end figure observed since 2003. However, the population began increasing through the remainder of FY 2016 and throughout FY 2017. The population declined during the first quarter of FY 2018, in the wake of Senate Bill 15-124 which limited technical parole violation revocations. This decrease was short-lived, and was soon followed by a pattern of growth through mid-FY 2019. Since that time, the population has demonstrated a downward trend, most significantly across the final quarter of FY 2020 and early FY 2021 with the advent of the COVID-19 pandemic. In the six months between the ends of March and September of 2020, the population fell by 13.9%, to 16,673 individuals. By the end of December, the population has fallen further, to 16,090. This is the lowest figure seen in the past 20 years.

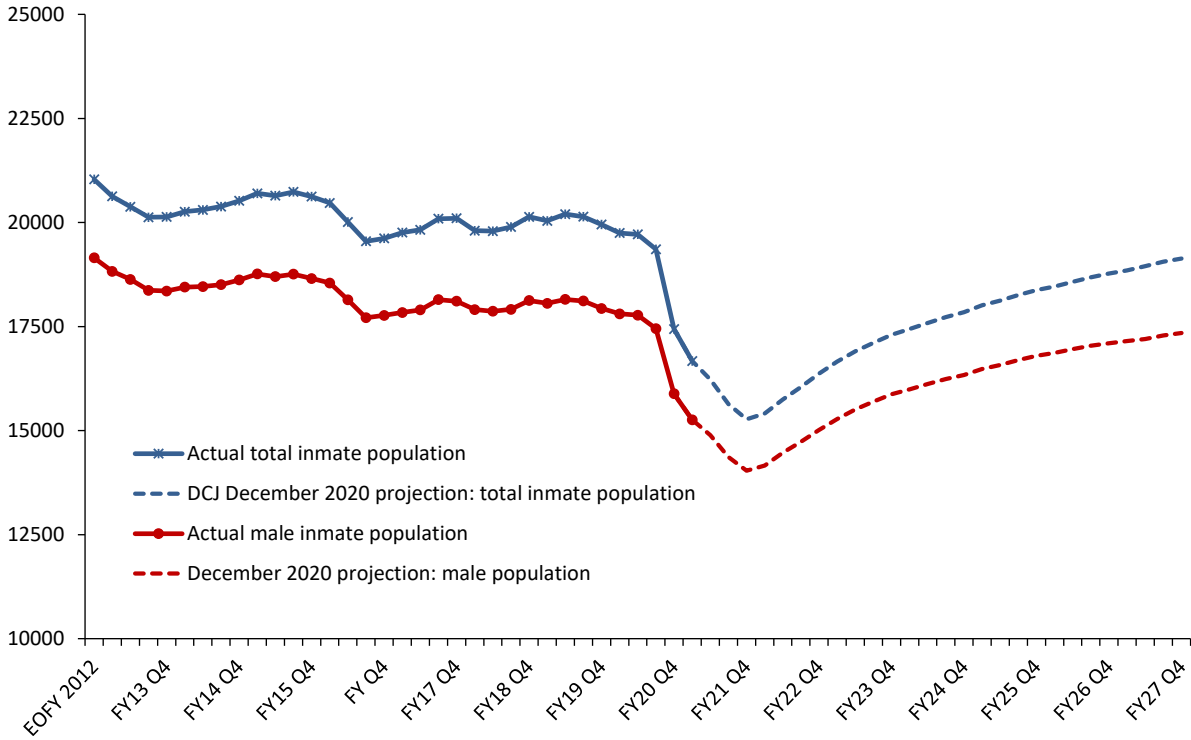
Figure 1: Actual prison population FY 2005 through FY 2020, and comparison of DCJ prison population projections from December 2019, June 2020, and December 2020.



Data source: Actual population figures FY 2005 through December 2019: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

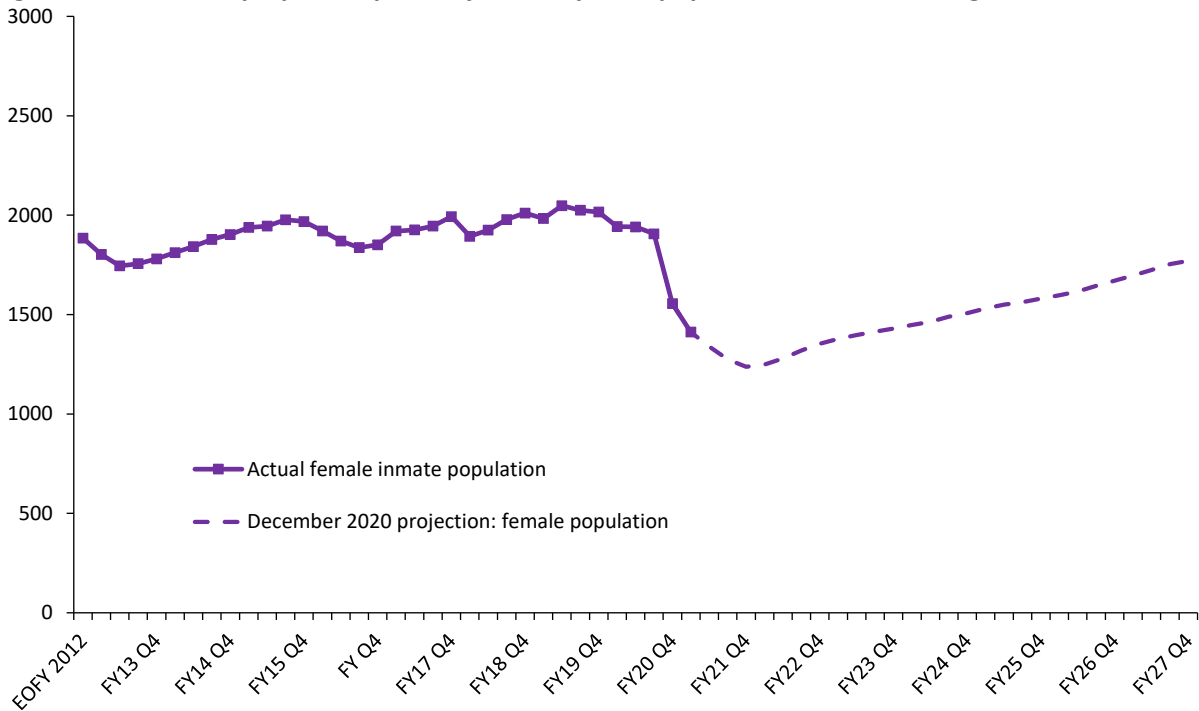
Figure 2 displays the quarterly total and male prison populations between the end of FY 2012 through the first half of FY 2021 (December, 2020), and the projected population at the end of each quarter through FY 2027. Figure 3 displays the actual and projected trends in the female inmate population over this same time frame.

Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2027



Data source: Actual population figures FY 2012 through December 2020 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 3: Actual and projected quarterly female prison population FY 2012 through FY 2027



Data source: Actual population figures FY 2012 through December 2019 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2020, as well as the projected population through the end of fiscal year 2027. Table 2 displays total and gender-specific projected growth in the prison population by quarter across fiscal years 2021 through 2027. 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 2012 through 2027 are graphically displayed in Figure 4. Release trends for the same time frame can be found in Figures 5 and 6.

Table 1: DCJ December 2019 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2026

Fiscal Year End	Total Inmate Population		Male Population		Female Population	
	Count	Annual Growth	Count	Annual Growth	Count	Annual Growth
2005*	20,704	5.80%	18,631	4.59%	2,073	18.12%
2006*	22,012	6.32%	19,792	6.23%	2,220	7.09%
2007*	22,519	2.30%	20,178	1.95%	2,341	5.45%
2008*	22,989	2.09%	20,684	2.51%	2,305	-1.54%
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010*	22,860	-1.41%	20,766	-0.62%	2,094	-8.56%
2011*	22,610	-1.09%	20,512	-1.22%	2,098	0.19%
2012*	21,037	-6.96%	19,152	-6.63%	1,885	-10.15%
2013*	20,135	-4.29%	18,355	-4.16%	1,780	-5.57%
2014*	20,522	1.92%	18,619	1.44%	1,903	6.91%
2015*	20,623	0.49%	18,655	0.19%	1,968	3.42%
2016*	19,619	-4.87%	17,768	-4.75%	1,851	-5.95%
2017*	20,101	2.46%	18,108	1.91%	1,993	7.67%
2018*	20,136	0.17%	18,125	0.09%	2,011	0.90%
2019*	19,951	-0.92%	17,935	-1.05%	2,016	0.25%
2020*	17,441	-12.58%	15,886	-11.42%	1,555	-22.87%
2021	15,272	-12.44%	14,035	-11.65%	1,237	-20.45%
2022	16,366	7.17%	15,013	6.97%	1,353	9.42%
2023	17,303	5.73%	15,873	5.73%	1,430	5.66%
2024	17,843	3.12%	16,336	2.91%	1,508	5.43%
2025	18,375	2.98%	16,795	2.81%	1,580	4.81%
2026	18,771	2.16%	17,101	1.82%	1,671	5.72%
2027	19,136	1.94%	17,366	1.55%	1,770	5.95%

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

Table 2: DCJ December 2020 Quarterly Adult Prison Population Projections: June 2019 through June 2027

Fiscal Year	End of Month	Total Inmate Population		Male Population		Female Population	
		Count	% change	Count	% change	Count	% change
2020	June 2020	17,441	-9.90%	15,886	-8.97%	1,555	-18.42%
2021	September 2020	16,672	-4.41%	15,261	-3.93%	1,412	-9.20%
	December 2020	16,227	-2.67%	14,888	-2.44%	1,339	-5.19%
	March 2021	15,639	-3.62%	14,364	-3.52%	1,275	-4.79%
	June 2021	15,272	-2.35%	14,035	-2.30%	1,237	-2.95%
2022	September 2021	15,410	0.90%	14,162	0.90%	1,248	0.90%
	December 2021	15,745	2.17%	14,466	2.15%	1,278	2.43%
	March 2022	16,046	1.91%	14,727	1.80%	1,319	3.17%
	June 2022	16,366	1.99%	15,013	1.94%	1,353	2.62%
2023	September 2022	16,658	1.78%	15,280	1.78%	1,378	1.78%
	December 2022	16,907	1.50%	15,510	1.51%	1,397	1.44%
	March 2023	17,111	1.21%	15,698	1.21%	1,413	1.15%
	June 2023	17,303	1.12%	15,873	1.12%	1,430	1.18%
2024	September 2023	17,440	0.79%	15,992	0.75%	1,448	1.22%
	December 2023	17,587	0.84%	16,123	0.82%	1,463	1.08%
	March 2024	17,725	0.79%	16,236	0.70%	1,489	1.76%
	June 2024	17,843	0.67%	16,336	0.61%	1,508	1.27%
2025	September 2024	18,013	0.95%	16,482	0.90%	1,531	1.55%
	December 2024	18,125	0.62%	16,575	0.56%	1,550	1.21%
	March 2025	18,258	0.74%	16,695	0.73%	1,563	0.86%
	June 2025	18,375	0.64%	16,795	0.60%	1,580	1.11%
2026	September 2025	18,463	0.48%	16,866	0.42%	1,597	1.06%
	December 2025	18,577	0.62%	16,961	0.56%	1,616	1.20%
	March 2026	18,681	0.56%	17,037	0.45%	1,644	1.71%
	June 2026	18,771	0.48%	17,101	0.37%	1,671	1.63%
2027	September 2026	18,849	0.41%	17,153	0.30%	1,696	1.54%
	December 2026	18,954	0.56%	17,201	0.28%	1,725	1.67%
	March 2027	19,056	0.54%	17,284	0.49%	1,753	1.65%
	June 2027	19,136	0.42%	17,347	0.36%	1,770	0.96%

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

Table 3: DCJ December 2020 Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2027

Fiscal Year End	Prison Admissions				Total Admissions
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	
2005*	5,789	835	2,649	160	9,433
2006*	6,149	1,034	2,792	193	10,168
2007*	6,380	1,014	3,047	188	10,629
2008*	6,296	1,221	3,353	168	11,038
2009*	5,922	1,131	3,776	163	10,992
2010*	5,345	1,039	4,164	156	10,704
2011*	5,153	962	3,678	142	9,935
2012*	4,926	813	3,248	129	9,116
2013*	5,144	815	3,558	103	9,620
2014*	5,235	877	4,054	103	10,269
2015*	5,248	808	3,614	86	9,756
2016*	5,100	804	2,837	62	8,803
2017*	5,698	930	2,455	66	9,149
2018*	6,172	1,072	2,660	68	9,972
2019*	6,217	2,214	1,245	50	9,726
2020*	5,324	1,577	1,040	44	7,985
2021	3,704	720	580	35	5,039
2022	5,518	1,263	856	32	7,669
2023	5,955	1,243	768	54	8,020
2024	6,031	1,201	781	34	8,047
2025	6,031	1,281	833	55	8,200
2026	6,103	1,244	851	35	8,233
2027	6,117	1,272	870	56	8,316

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

Table 4: DCJ December 2020 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2027

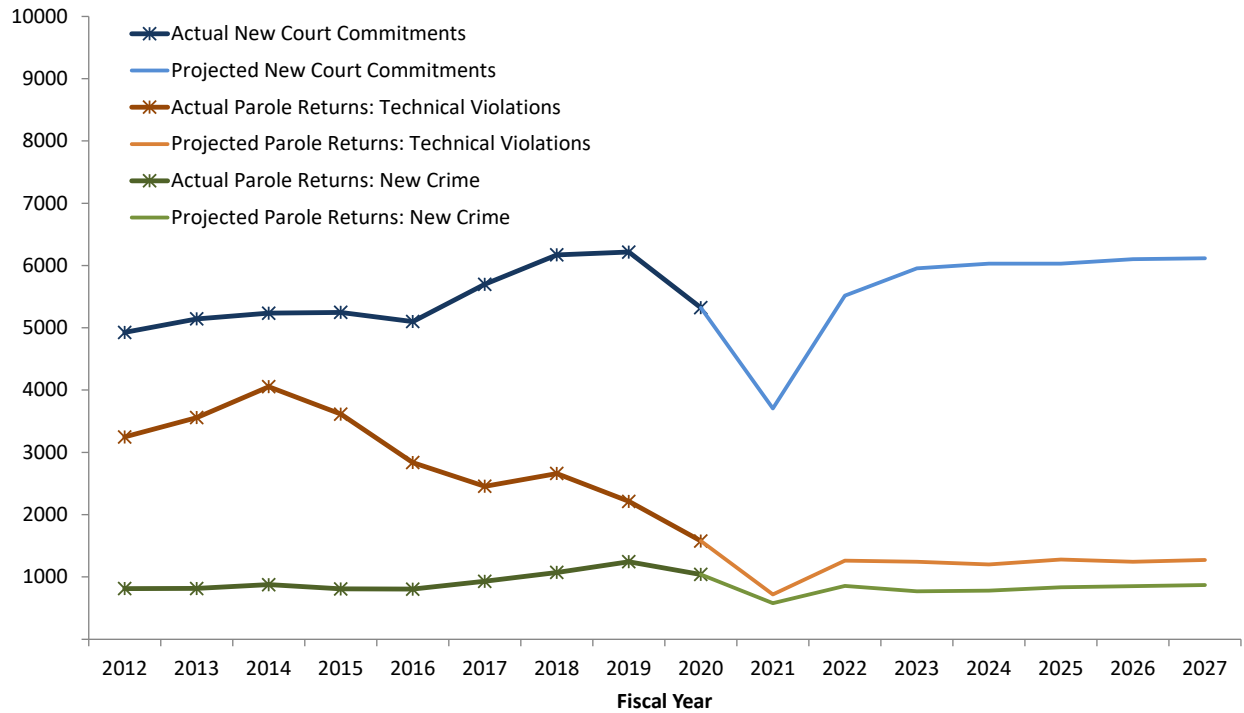
Fiscal Year End	Releases to Parole			Sentence Discharge	Other ²	Total Discharges
	Mandatory	Discretionary ¹	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	1,452	315	10,803
2010*	6,466	2,868	9,334	1,415	284	11,033
2011*	6,413	2,095	8,508	1,427	225	10,160
2012*	5,584	3,607	9,191	1,284	183	10,658
2013*	5,140	3,806	8,946	1,397	163	10,506
2014*	5,020	3,220	8,240	1,510	162	9,912
2015*	5,278	2,658	7,936	1,577	146	9,659
2016*	5,228	3,084	8,312	1,361	168	9,841
2017*	4,793	2,557	7,350	1,191	146	8,687
2018*	5,333	3,436	8,769	1,052	123	9,944
2019*	4,278	4,291	8,569	1,191	132	9,892
2020*	3,400	5,710	9,110	1,280	131	10,521
2021	2,169	4,153	6,323	768	117	7,208
2022	2,158	3,449	5,607	878	90	6,575
2023	2,303	3,668	5,971	1,016	96	7,083
2024	2,455	3,917	6,371	1,034	102	7,506
2025	2,523	3,988	6,513	1,052	104	7,669
2026	2,586	4,078	6,664	1,066	107	7,836
2027	2,640	4,132	6,772	1,071	109	7,952

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

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

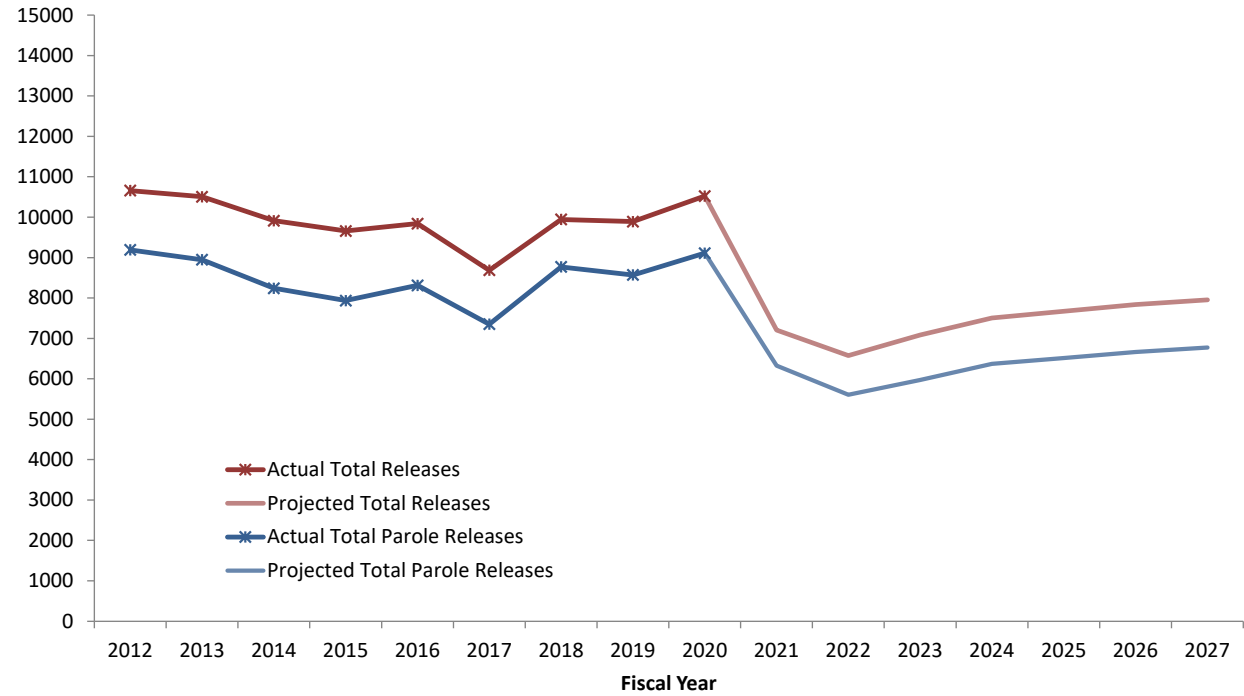
*Actual prison discharge figures. Data Source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 4: Colorado prison admissions by type: Actual and projected FY 2012 through FY 2027



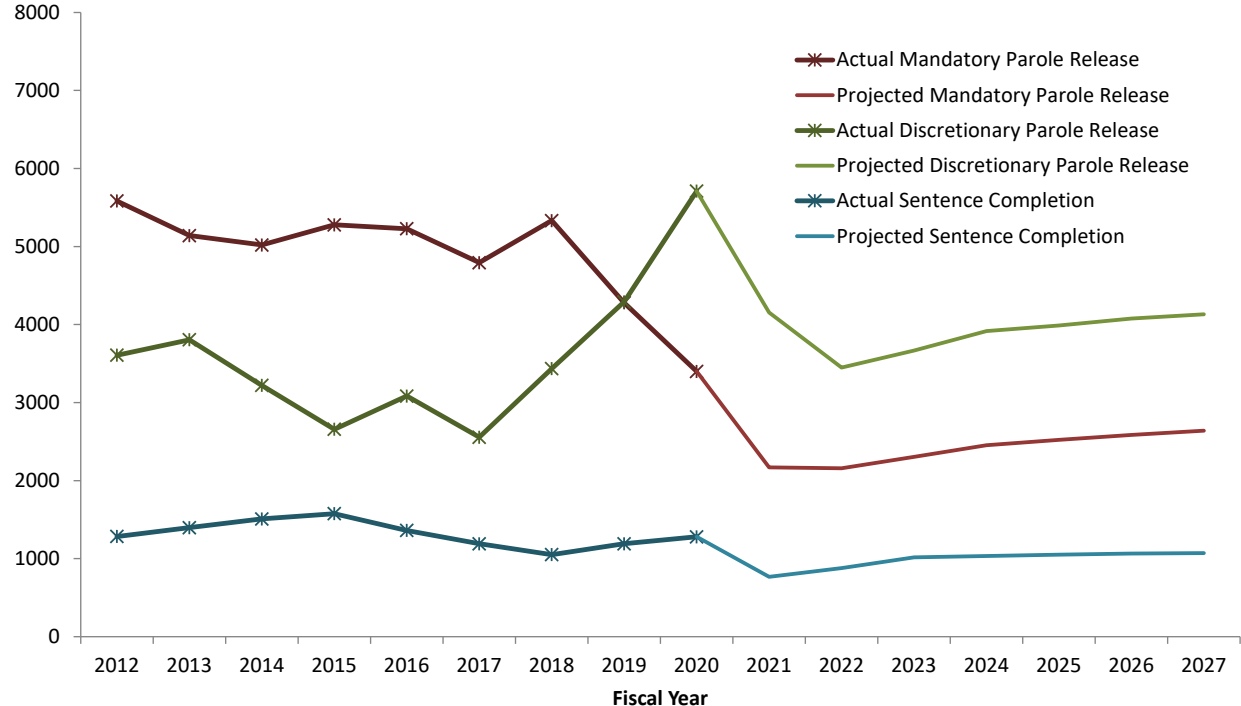
Data source: Actual prison admission figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 5: Colorado prison releases: Actual and projected FY 2012 through FY 2027



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

Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2027



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

FACTORS INFLUENCING THE DCJ DECEMBER 2020 PRISON POPULATION FORECASTS

The DCJ 2019 prison population forecast, prepared in December of 2019, indicated that the Colorado adult prison population would experience a reduction through FY 2020, with slow growth resuming in FY 2021.⁴ By June 2020, however, the impact of the COVID-19 pandemic was evident throughout the criminal justice system. Thus the interim prison forecast prepared by DCJ at that time anticipated a continued decline with very slow growth returning in late FY 2021.⁵

While the size of the inmate population followed that predicted in the interim forecast through mid-December, the decline was predicted to continue only through March of 2021. The current forecast indicates a much more precipitous decline throughout FY 2021, with the population falling a full 12.4% across FY 2021.

The rationale for this include the extension of executive orders issued by the Governor regarding the management of the prison population and the parole caseload, along with those issued by the Chief Justice of the Supreme Court and chief judges in many judicial districts across Colorado. Early in the onset of the COVID-19 pandemic, many initiatives throughout the criminal justice system were implemented in efforts to reduce exposure and help contain the spread of COVID-19. These efforts included reduced court capacity, moratoriums on jury trials, and other modifications in court operations. The majority of these were expected to expire in the summer, however, with the continuance of the COVID-19 pandemic into the winter months many of these have been extended into 2021.

Trials in general have experienced unprecedented disruption due to the public health guidelines to which trial courts must adhere. A moratorium on jury trials was first issued by the Chief Justice on April 16, 2020 and was continued until July 24, 2020. Most trial courts resumed jury trials in late July or August only to again face heightened public health protocols that rendered courts unable to meet the public health restrictions. Conducting trials requires significantly more staff support and resources than in the past which severely limits the courts' ability to address the growing backlog of cases, which in turn impacts sentences to prison.

⁴ Harrison, L. (2020). *Colorado Division of Criminal Justice Adult and Juvenile Correctional Populations Forecasts Pursuant to 24-33.5-503 (m), C.R.S.*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety. Available at: https://cdpsdocs.state.co.us/ors/data/PPP/2020_PPP.pdf

⁵ Harrison, L. (2019). *Colorado Division of Criminal Justice Summer 2020 Interim Prison Population and Parole Caseload Projections*. Denver, CO: Office of Research and Statistics, Division of Criminal Justice, Colorado Department of Public Safety. Available at: <https://cdpsdocs.state.co.us/ors/data/PPP/2020-PPP-interim.pdf>

These actions elicited a profound reduction in prison admissions of all types. Felony case filings fell 13.0% in the final quarter of the year (April through June of 2020) from the number of filings seen in the prior quarter. Cases resulting in a DOC sentence fell by 33.4%, and probation revocations declined by 53.3% in the same time frame. These trends were reflected in new sentences to prison, which declined 34.5% between April and June over the prior quarter. These numbers continued to decline into early FY 2021.

While prison admissions were plummeting, releases were concurrently climbing sharply with the Department of Corrections responding to directives to create prison capacity adequate to isolate and distance inmates to reduce the spread of COVID-19 in DOC facilities. The parole board reacted by greatly accelerating discretionary parole releases, such that there was a 65.3% increase in such releases between April and June of 2020 over the number observed in the prior 3 month period.

Returns to prison for technical parole violations were also significantly affected. While such admissions were already declining due in part to changes in policy and philosophy on the part of the parole board, a virtual suspension of parole revocations in response to the pandemic resulted in 61.5% fewer overall parole returns in the last quarter of FY 2020 than seen in the prior quarter.

Given the lag between filings and commitments to DOC, a continued drop in admissions thru FY 2021 is expected. However, the prison population is expected to begin a period of robust growth in FY 2022, continuing into FY 2023. With the arrival of a vaccine expected to be widely distributed by late summer, court operations are expected to resume and the backlog addressed, increasing new commitments to prison and the rate of growth in the prison population. While it is expected that the backlog of cases will eventually be addressed, this could take many years without greatly expanded resources.

Additionally, with a shrinking pool of inmates to release, and an even more greatly reduced pool of inmates eligible for or considered suitable for release, the number of discretionary releases has normalized in recent months. The population remaining in prison may have treatment needs that are not currently available in the prisons, and it is felt that these needs must be addressed prior to consideration for release. This trend is expected to continue.

Additional factors contributing to the expected growth in FY 2022 and beyond include the following:

- The passage of House Bill 20-1019, creating a new crime of unauthorized absence for those on intensive supervision parole, in community corrections programs, or in work release programs was expected to reduce escape convictions and significantly curtail new prison sentences. However, more recent analyses indicate this may have less impact than initially believed.
- Additionally, the passage of Senate Bill 19-143 was expected to result in fewer parole denials, increases in discretionary parole releases, and far fewer parole revocations. However, the expected reduction in parole revocations in the months following enactment was not observed. Additionally, the length of stay in prison for those returned on technical parole violations increased steadily from 5.1 months in FY 2018 to 8.6 months in FY 2020, a 68.6% increase.

- The proportion of individuals returned to prison on technical violations of parole that are subsequently granted a discretionary parole release has increased greatly, from 5.0% in FY 2018 to 20.7% in FY 2020 (note this figure is partially inflated due to increases in discretionary releases occurring in the fourth quarter alone). However, the proportion of individuals remaining in prison until their sentence discharge date has increased each year, from 30.5% in FY 2018 to 52.4% in FY 2020 and to 64.8% in early FY 2021. The proportion gaining a discretionary release is expected to slow in the upcoming years.
- The numbers of parolees considered to be on abscond status has grown 95.3% over the past 12 months, from 721 in November 2019 to 1408 in November 2020. As operations return to normal, the individuals will eventually be returned to prison on technical violations, and will stay longer than may have occurred in the past.

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 profiles of releases, individual offender characteristics, legislation, parole board policies, community resources and parole success or failure rates.

Table 5 displays the DCJ forecast for the domestic parole caseload through the end of FY 2027, while Figure 7 displays the year-end caseloads for fiscal years 2012 through 2020, and the projected year-end caseloads for fiscal years 2021 through 2027. As can be seen, the parole caseload grew steadily throughout fiscal years 2018 and 2019, during which the caseload grew by 5.6% and 6.9%, respectively.

Much of this growth was attributable reductions in parole revocation terms and to the resultant mandatory re-paroles which occurred in response to HB 17-1326. Additionally, this legislation removed the Department's authority to operate community return-to-custody facilities, requiring the re-assignment of a number of inmates in community corrections facilities to parole status. This growth also coincides with changes to the parole board leadership and to HB 18-1410 which required file reviews of inmates within 90 days of their mandatory release date.

This growth continued steadily throughout the majority of FY 2020, before experiencing an exponential increase beginning in April of 2020 in the wake of system-wide responses to the COVID-19 pandemic. In the effort to reduce the inmate population to control the spread of the virus within the prison system, discretionary parole releases between April and June increased 65.3% over the number seen in the prior 3 months. As a result, the parole caseload ballooned with a 7.6% increase in the final quarter of the fiscal year.

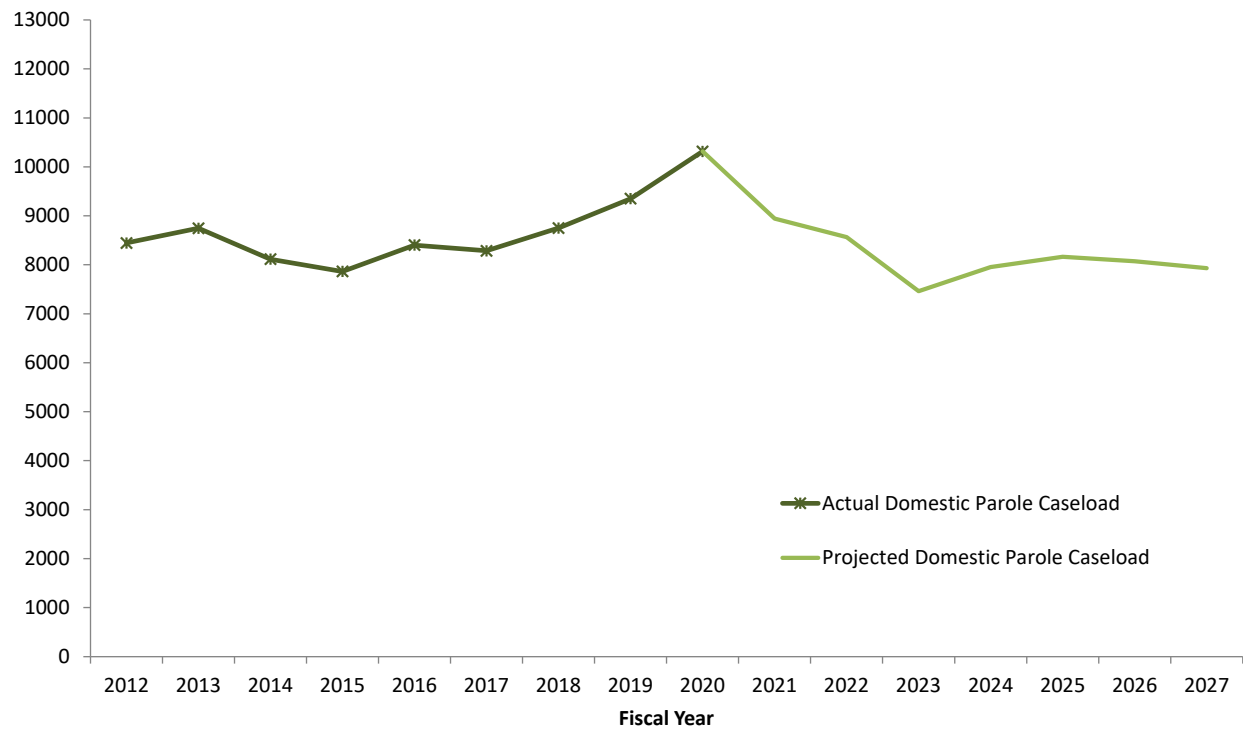
Growth in the caseload has stabilized, with releases to parole normalizing in the first half of FY 2021, concurrent to an increase in early discharges from parole. By the end of the year the domestic parole caseload is expected to decline 13.3%, from 10,315 to 8,944 parolees. A pattern of decline is predicted through FY 2023, followed by a return to slow growth.

Table 5: DCJ December 2019 adult domestic parole caseload projection FY 2019 through FY 2027

Fiscal Year End	Domestic Parole Caseload	Annual Growth
2020*	10,315	10.30%
2021	8,944	-13.29%
2022	8,566	-4.23%
2023	7,462	-12.89%
2024	7,956	6.63%
2025	8,165	2.62%
2026	8,072	-1.13%
2027	7,930	-1.76%

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

Figure 7: Historical and projected end of fiscal year domestic parole caseload FY 2012 through FY 2027



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

LENGTH OF STAY ESTIMATES FOR PRISON AND PAROLE ADMISSIONS DURING FY 2020

Tables 6 through 12 display the estimated average length of stay (ALOS) for admissions to prison during FY 2020. Parole returns due to technical parole violations are excluded. These figures are broken out by crime category and felony class, with separate tables provided for new court commitments and for parole returns with a new crime, for men and for women, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 13 and 14.

The average time that these new admissions are expected to remain in prison is estimated using data provided by the Department of Corrections regarding conviction crimes and sentence length, in combination with data concerning time actually served for inmates released during the same year or, in cases with inadequate numbers of releases, prior years.

Estimates for the length of stay on parole are presented in Table 15. These figures include only new admissions to parole, and exclude any parolees who have had their parole revoked and were returned to prison with a new felony conviction. Length of stay on parole is defined as the number of months between initial release to parole and the time of sentence discharge. Thus, time spent in prison following revocation due to technical parole violations is included.

Note the estimates provided regarding the length of stay on parole for the Sex Offender Act category must be viewed with caution. The parole term for those convicted of a class 4 felony subject to the Sex Offender Lifetime Supervision Act is a minimum of 10 years up to the remainder of the individual's life. For those convicted of class 2 or 3 felonies, the parole term is 20 years to life.

Of the 2,913 new commitments designated under the Act by the end of FY 2020, 1,171 had been paroled. Of these, only twenty have received a parole discharge, the majority after serving 10 years. Ninety percent of those who have been paroled were paroled only in the past 10 years. Four have been on parole for just over 20 years. Consequently, the pool of parolees eligible for discharge will remain very small for many years to come, significantly impairing any approximation of how long these offenders will remain on parole. The length of stay estimate provided was calculated assuming 100% of statutory minimums (based on felony class) will be served. It is probable this percentage will be larger, but to what degree is impossible to estimate at this time.

Table 6: Estimated average length of stay for FY 2020 new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	32	0.51%	2.43
F2 Ext ³	197.21	104	1.64%	3.24
F2 Sex ⁴	106.16	4	0.06%	0.07
F2 Other ⁵	57.66	33	0.52%	0.30
Total Felony 2 ⁶	161.96	141	2.29%	3.71
F3 Ext	102.41	251	3.97%	4.06
F3 Sex	98.46	48	0.76%	0.75
F3 Other	45.02	120	1.90%	0.85
Total Felony 3 ⁷	85.52	419	6.80%	5.82
F4 Ext	36.59	575	9.09%	3.32
F4 Sex	29.16	27	0.43%	0.12
F4 Other	22.76	925	14.62%	3.33
Total Felony 4 ⁸	28.26	1503	24.40%	6.89
F5 Ext	16.70	374	5.91%	0.99
F5 Sex	18.82	105	1.66%	0.31
F5 Other	13.40	1125	17.78%	2.38
Total Felony 5 ⁹	14.56	1628	26.42%	3.85
F6 Ext	9.93	157	2.48%	0.25
F6 Sex	7.36	31	0.49%	0.04
F6 Other	6.66	572	9.04%	0.60
Total Felony 6 ¹⁰	7.36	760	12.34%	0.91
Drug Felony (DF) Level 1 ^{11,12}	53.32	19	0.30%	0.16
DF Level 2 ¹²	31.17	9	0.14%	0.04
DF Level 3 ¹²	12.60	13	0.21%	0.03
DF Level 4	4.06	268	4.24%	0.17
Ext DF Level 1 ^{12,13}	83.45	46	0.73%	0.61
Ext DF Level 2	26.75	164	2.59%	0.69
Ext DF Level 3	12.60	153	2.42%	0.30
Ext DF Level 4	5.65	19	0.30%	0.02
Total Drug Felony ¹⁴	18.53	691	11.22%	2.08
Total excluding Habitual and Sex Offender Act categories	30.65	5174	83.98%	25.74
Habitual ¹⁵	139.51	36	0.57%	0.79
Sex Offender Act ¹⁶	261.80	119	1.88%	4.92
Total including Habitual and Sex Offender Act categories	36.55	5329	84.21%	30.78

Note: Refer to the footnotes following Table 14.

Table 7: Estimated average length of stay for FY 2020 male new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	28	0.44%	2.12
F2 Ext ³	199.17	99	1.56%	3.12
F2 Sex ⁴	106.16	4	0.06%	0.07
F2 Other ⁵	61.13	27	0.43%	0.26
Total Felony 2 ⁶	167.64	130	2.11%	3.54
F3 Ext	106.23	223	3.52%	3.74
F3 Sex	100.22	47	0.74%	0.74
F3 Other	45.69	95	1.50%	0.69
Total Felony 3 ⁷	89.70	365	5.92%	5.31
F4 Ext	37.49	514	8.12%	3.05
F4 Sex	27.96	26	0.41%	0.11
F4 Other	23.56	767	12.12%	2.86
Total Felony 4 ⁸	29.35	1283	20.82%	6.11
F5 Ext	17.05	305	4.82%	0.82
F5 Sex	18.82	105	1.66%	0.31
F5 Other	14.02	941	14.87%	2.08
Total Felony 5 ⁹	15.11	1375	22.32%	3.37
F6 Ext	9.81	141	2.23%	0.22
F6 Sex	7.42	30	0.47%	0.04
F6 Other	6.75	428	6.76%	0.46
Total Felony 6 ¹⁰	7.51	599	9.72%	0.73
Drug Felony (DF) Level 1 ^{11,12}	52.80	17	0.27%	0.14
DF Level 2 ¹²	31.17	9	0.14%	0.04
DF Level 3 ¹²	12.73	12	0.19%	0.02
DF Level 4	4.07	205	3.24%	0.13
Ext DF Level 1 ^{12,13}	85.26	37	0.58%	0.50
Ext DF Level 2	27.39	146	2.31%	0.63
Ext DF Level 3	12.58	121	1.91%	0.24
Ext DF Level 4	4.43	15	0.24%	0.01
Total Drug Felony ¹⁴	19.41	562	9.12%	1.77
Total excluding Habitual and Sex Offender Act categories	32.66	4342	70.48%	23.02
Habitual ¹⁵	139.51	36	0.57%	0.79
Sex Offender Act ¹⁶	261.45	118	1.86%	4.88
Total including Habitual and Sex Offender Act categories	39.52	4496	71.05%	28.08

Note: Refer to the footnotes following Table 14.

Table 8: Estimated average length of stay for FY 2020 female new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	4	0.06%	0.30
F2 Ext ³	158.33	5	0.08%	0.13
F2 Sex ⁴	-	-	0.00%	0.00
F2 Other ⁵	42.01	6	0.09%	0.04
Total Felony 2 ⁶	94.88	11	0.18%	0.17
F3 Ext	71.96	28	0.44%	0.32
F3 Sex	15.93	1	0.02%	0.00
F3 Other	42.47	25	0.40%	0.17
Total Felony 3 ⁷	57.27	54	0.88%	0.50
F4 Ext	28.96	61	0.96%	0.28
F4 Sex	60.33	1	0.02%	0.01
F4 Other	18.87	158	2.50%	0.47
Total Felony 4 ⁸	21.86	220	3.57%	0.78
F5 Ext	15.14	69	1.09%	0.17
F5 Sex	-	-	0.00%	0.00
F5 Other	10.25	184	2.91%	0.30
Total Felony 5 ⁹	11.59	253	4.11%	0.48
F6 Ext	11.03	16	0.25%	0.03
F6 Sex	5.57	1	0.02%	0.00
F6 Other	6.37	144	2.28%	0.14
Total Felony 6 ¹⁰	6.83	161	2.61%	0.18
Drug Felony (DF) Level 1 ^{11,12}	57.73	2	0.03%	0.02
DF Level 2 ¹²	-	-	0.00%	0.00
DF Level 3 ¹²	11.03	1	0.02%	0.00
DF Level 4	4.05	63	1.00%	0.04
Ext DF Level 1 ^{12,13}	76.00	9	0.14%	0.11
Ext DF Level 2	21.57	18	0.28%	0.06
Ext DF Level 3	12.68	32	0.51%	0.06
Ext DF Level 4	10.22	4	0.06%	0.01
Total Drug Felony ¹⁴	14.73	129	2.09%	0.31
Total excluding Habitual and Sex Offender Act categories	20.19	832	13.50%	2.73
Habitual ¹⁵	-	-	0.00%	0.00
Sex Offender Act ¹⁶	303.27	1	0.02%	0.05
Total including Habitual and Sex Offender Act categories	20.53	833	13.16%	2.70

Note: Refer to the footnotes following Table 14.

Table 9: Estimated average length of stay for FY 2020 parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	3	0.05%	0.23
F2 Ext ³	76.33	11	0.17%	0.13
F2 Sex ⁴	-	-	0.00%	0.00
F2 Other ⁵	32.42	7	0.11%	0.04
Total Felony 2 ⁶	59.26	18	0.29%	0.17
F3 Ext	26.91	104	1.64%	0.44
F3 Sex	45.37	4	0.06%	0.03
F3 Other	31.73	54	0.85%	0.27
Total Felony 3 ⁷	28.97	162	2.63%	0.76
F4 Ext	25.99	150	2.37%	0.62
F4 Sex	34.61	5	0.08%	0.03
F4 Other	23.38	257	4.06%	0.95
Total Felony 4 ⁸	24.50	411	6.67%	1.63
F5 Ext	13.30	122	1.93%	0.26
F5 Sex	15.18	12	0.19%	0.03
F5 Other	16.41	154	2.43%	0.40
Total Felony 5 ⁹	15.03	289	4.69%	0.70
F6 Ext	11.97	14	0.22%	0.03
F6 Sex	15.97	3	0.05%	0.01
F6 Other	13.09	39	0.62%	0.08
Total Felony 6 ¹⁰	12.97	56	0.91%	0.12
Drug Felony (DF) Level 1 ^{11,12}	46.44	3	0.05%	0.02
DF Level 2 ¹²	-	-	0.00%	0.00
DF Level 3 ¹²	-	-	0.00%	0.00
DF Level 4	8.18	16	0.25%	0.02
Ext DF Level 1 ^{12,13}	57.60	3	0.05%	0.03
Ext DF Level 2	36.62	21	0.33%	0.12
Ext DF Level 3	11.59	5	0.08%	0.01
Ext DF Level 4	-	-	0.00%	0.00
Total Drug Felony ¹⁴	26.46	48	0.78%	0.21
Total excluding Habitual and Sex Offender Act categories	23.92	987	16.02%	3.83
Habitual ¹⁵	65.45	4	0.06%	0.04
Sex Offender Act ¹⁶	97.42	8	0.13%	0.12
Total including Habitual and Sex Offender Act categories	24.67	999	15.79%	3.90

Note: Refer to the footnotes following Table 14.

Table 10: Estimated average length of stay for FY 2020 male parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	3	0.05%	0.23
F2 Ext ³	82.63	10	0.16%	0.13
F2 Sex ⁴	-	-	0.00%	0.00
F2 Other ⁵	39.19	5	0.08%	0.03
Total Felony 2 ⁶	68.15	15	0.24%	0.17
F3 Ext	28.09	91	1.44%	0.40
F3 Sex	45.37	4	0.06%	0.03
F3 Other	33.09	50	0.79%	0.26
Total Felony 3 ⁷	30.29	145	2.35%	0.71
F4 Ext	26.16	134	2.12%	0.55
F4 Sex	34.61	5	0.08%	0.03
F4 Other	24.38	220	3.48%	0.85
Total Felony 4 ⁸	25.22	358	5.81%	1.47
F5 Ext	13.69	98	1.55%	0.21
F5 Sex	15.18	12	0.19%	0.03
F5 Other	16.89	138	2.18%	0.37
Total Felony 5 ⁹	15.52	249	4.04%	0.63
F6 Ext	12.99	12	0.19%	0.02
F6 Sex	15.97	3	0.05%	0.01
F6 Other	13.43	30	0.47%	0.06
Total Felony 6 ¹⁰	13.48	45	0.73%	0.10
Drug Felony (DF) Level 1 ^{11,12}	46.44	3	0.05%	0.02
DF Level 2 ¹²	-	-	0.00%	0.00
DF Level 3 ¹²	-	-	0.00%	0.00
DF Level 4	8.21	12	0.19%	0.02
Ext DF Level 1 ^{12,13}	57.60	3	0.05%	0.03
Ext DF Level 2	34.73	20	0.32%	0.11
Ext DF Level 3	11.59	5	0.08%	0.01
Ext DF Level 4	-	-	0.00%	0.00
Total Drug Felony ¹⁴	27.05	43	0.70%	0.19
Total excluding Habitual and Sex Offender Act categories	25.08	858	13.93%	3.49
Habitual ¹⁵	65.45	4	0.06%	0.04
Sex Offender Act ¹⁶	97.42	8	0.13%	0.12
Total including Habitual and Sex Offender Act categories	25.93	870	13.75%	3.57

Note: Refer to the footnotes following Table 14.

Table 11: Estimated average length of stay for FY 2020 female parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	-	-	0.00%	0.00
F2 Ext ³	13.33	1	0.02%	0.00
F2 Sex ⁴	-	-	0.00%	0.00
F2 Other ⁵	15.48	2	0.03%	0.00
Total Felony 2⁶	14.77	3	0.05%	0.01
F3 Ext	18.68	13	0.21%	0.04
F3 Sex	-	-	0.00%	0.00
F3 Other	14.70	4	0.06%	0.01
Total Felony 3⁷	17.74	17	0.28%	0.05
F4 Ext	24.53	16	0.25%	0.06
F4 Sex	-	-	0.00%	0.00
F4 Other	17.45	37	0.58%	0.10
Total Felony 4⁸	19.58	53	0.86%	0.17
F5 Ext	11.72	24	0.38%	0.04
F5 Sex	-	-	0.00%	0.00
F5 Other	12.27	16	0.25%	0.03
Total Felony 5⁹	11.94	40	0.65%	0.08
F6 Ext	5.83	2	0.03%	0.00
F6 Sex	-	-	0.00%	0.00
F6 Other	11.97	9	0.14%	0.02
Total Felony 6¹⁰	10.86	11	0.18%	0.02
Drug Felony (DF) Level 1 ^{11,12}	-	-	0.00%	0.00
DF Level 2 ¹²	-	-	0.00%	0.00
DF Level 3 ¹²	-	-	0.00%	0.00
DF Level 4	8.11	4	0.06%	0.01
Ext DF Level 1 ^{12,13}	-	-	0.00%	0.00
Ext DF Level 2	74.40	1	0.02%	0.01
Ext DF Level 3	-	-	0.00%	0.00
Ext DF Level 4	-	-	0.00%	0.00
Total Drug Felony¹⁴	21.37	5	0.08%	0.02
Total excluding Habitual and Sex Offender Act categories	16.18	129	2.09%	0.34
Habitual ¹⁵	-	-	0.00%	0.00
Sex Offender Act ¹⁶	-	-	0.00%	0.00
Total including Habitual and Sex Offender Act categories	16.18	129	2.04%	0.33

Note: Refer to the footnotes following Table 14.

Table 12: Estimated average length of stay for FY 2020 combined new court commitments and parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Felony 1	480.00	35	0.55%	2.65
F2 Ext ³	185.65	115	1.82%	3.37
F2 Sex ⁴	106.16	4	0.06%	0.07
F2 Other ⁵	53.24	40	0.63%	0.34
Total Felony 2 ⁶	150.34	159	2.58%	3.88
F3 Ext	80.29	355	5.61%	4.50
F3 Sex	94.38	52	0.82%	0.78
F3 Other	40.89	174	2.75%	1.12
Total Felony 3 ⁷	69.75	581	9.43%	6.58
F4 Ext	34.39	725	11.46%	3.94
F4 Sex	30.01	32	0.51%	0.15
F4 Other	22.89	1182	18.68%	4.28
Total Felony 4 ⁸	27.45	1914	31.07%	8.53
F5 Ext	15.86	496	7.84%	1.24
F5 Sex	18.45	117	1.85%	0.34
F5 Other	13.76	1279	20.21%	2.78
Total Felony 5 ⁹	14.63	1917	31.12%	4.55
F6 Ext	10.10	171	2.70%	0.27
F6 Sex	8.12	34	0.54%	0.04
F6 Other	7.07	611	9.66%	0.68
Total Felony 6 ¹⁰	7.75	816	13.24%	1.03
Drug Felony (DF) Level 1 ^{11,12}	52.38	22	0.35%	0.18
DF Level 2 ¹²	31.17	9	0.14%	0.04
DF Level 3 ¹²	12.60	13	0.21%	0.03
DF Level 4	4.29	284	4.49%	0.19
Ext DF Level 1 ^{12,13}	81.87	49	0.77%	0.63
Ext DF Level 2	27.87	185	2.92%	0.81
Ext DF Level 3	12.57	158	2.50%	0.31
Ext DF Level 4	5.65	19	0.30%	0.02
Total Drug Felony ¹⁴	19.05	739	11.99%	2.28
Total excluding Habitual and Sex Offender Act categories	29.58	6161	100.00%	29.58
Habitual ¹⁵	132.10	40	0.63%	0.84
Sex Offender Act ¹⁶	251.45	127	2.01%	5.05
Total including Habitual and Sex Offender Act categories	34.68	6328	100%	34.68

Note: Refer to the footnotes following Table 14.

Table 13: Estimated average length of stay for FY 2020 prison admissions, category totals *excluding* habitual and sex offender act convictions*

Admission category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	30.65	5174	83.98%	25.74
Total Parole Returns	23.92	987	16.02%	3.83
Total Male Admissions	31.41	5200	84.40%	26.51
Total Female Admissions	19.65	961	15.60%	3.07
Grand Total	29.58	6161	100%	29.58

**Parole returns on a technical violation are excluded.*

Note: Refer to the footnotes on the following page.

Table 14: Estimated average length of stay for FY 2020 prison admissions, category totals *including* habitual and sex offender act convictions*

Admission category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	36.55	5329	84.21%	30.78
Total Parole Returns	24.67	999	15.79%	3.90
Total Male Admissions	37.32	5366	84.80%	31.64
Total Female Admissions	19.94	962	15.20%	3.03
Grand Total	34.68	6328	100%	34.68

**Parole returns on a technical violation are excluded.*

Note: Refer to the footnotes on the following page.

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

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

³ The “Ext” category refers to offenses defined by statute as “extraordinary risk of harm offenses” per C.R.S 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are presented as a separate category and are excluded here.

⁵ “Other” includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are excluded.

⁷ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These are excluded from the overall felony class categories.

⁸ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes admissions sentenced under the Uniform Controlled Substances Act of 2013, which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor those of drug crimes committed prior to July 1, 2013.

¹² As few offenders sentenced under this crime category have been released from prison, little data are available on which to base these estimates. Therefore, the estimated length of stay was calculated using release data from similar crime types with comparable sentence lengths.

¹³ Includes admissions convicted of crimes under the Uniform Controlled Substances Act of 2013, but which are also defined by statute as “extraordinary risk of harm offenses” per C.R.S 18-1.3-401(10)(b).

¹⁴ Includes all admissions sentenced under the Uniform Controlled Substances Act of 2013.

¹⁵ Includes all admissions with habitual criminal sentence enhancers per C.R.S. 16-13-101, C.R.S. 18-3-412, and C.R.S. 18-3-401.2. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories as well as the data for each of the overall felony classes.

¹⁶ Includes admissions sentenced under the Colorado sex offenders act per C.R.S. 18-1.3-904, or the Colorado Sex Offender Lifetime Supervision Act of 1998 per C.R.S. 18-1.3-1004. These cases are subject to indeterminate sentences, and are excluded from the other sex crime categories as well as from the data for each of the overall felony classes.

Table 15: Estimated average length of stay for FY 2020 new parole intakes¹

Offense Category	Average Length of Stay (Months)	Number of releases to parole ²	Percent of all parole releases	Average Length of Stay Effect (Months)
F2 Ext ³	33.80	71	1.11%	0.37
F2 Sex ^{4*}	-	-	0.00%	0.00
F2 Other ⁵	27.00	33	0.51%	0.14
Total Felony 2⁶	31.64	104	1.66%	0.53
F3 Ext	35.80	287	4.47%	1.60
F3 Sex	39.80	45	0.70%	0.28
F3 Other	35.13	192	2.99%	1.05
Total Felony 3⁷	35.90	524	8.37%	3.01
F4 Ext	24.72	766	11.94%	2.95
F4 Sex	27.40	42	0.65%	0.18
F4 Other	23.50	1196	18.64%	4.38
Total Felony 4⁸	24.16	1975	31.56%	7.62
F5 Ext	17.50	548	8.54%	1.49
F5 Sex	17.13	139	2.17%	0.37
F5 Other	16.93	1300	20.26%	3.43
Total Felony 5⁹	17.10	2016	32.21%	5.51
F6 Ext	9.53	178	2.77%	0.26
F6 Sex	9.10	37	0.58%	0.05
F6 Other	9.63	632	9.85%	0.95
Total Felony 6¹⁰	9.59	847	13.53%	1.30
Drug Felony (DF) Level 1 ^{11,12}	24.47	4	0.06%	0.02
DF Level 2 ¹³	16.33	18	0.28%	0.05
DF Level 3	9.40	15	0.23%	0.02
DF Level 4	9.73	320	4.99%	0.49
Ext DF Level 1 ^{14,15}	23.03	42	0.65%	0.15
Ext DF Level 2	15.73	187	2.91%	0.46
Ext DF Level 3	9.10	188	2.93%	0.27
Ext DF Level 4	9.30	18	0.28%	0.03
Total Drug Felony¹⁶	11.91	792	12.66%	1.51
Total excluding Habitual and Sex Offender Act categories	19.47	6258	100%	19.47
Habitual ¹⁷	18.87	24	0.37%	0.07
Sex Offender Act ¹⁸	171.18	136	2.12%	3.63
Total including Habitual and Sex Offender Act categories	22.68	6418	100%	22.68

Note: Refer to the footnotes on the following page.

¹ These estimates reflect the length of time individuals are expected to spend on parole from the time of their first release to parole until their successful discharge from parole. Time spent in prison following revocation due to technical parole violations is included. However, returns to prison due to a parole revocation with a new conviction are excluded.

² The number of new parole intakes reflected here will differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or parole sentence length are excluded, as are interstate parolees and parole violators previously returned to prison with new sentences. Additionally, cases sentenced under obsolete laws are excluded.

³ The "Ext" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses" per C.R.S. 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ While some sexual crimes are considered extraordinary risk crimes, such crimes are included in this category. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are excluded.

**Note: This figure is missing because no felony 2 sex offenders were paroled during the year. Very few of these offenders are paroled, as most fall into the lifetime supervision category. Of those that do not, a disproportionate number have been released from prison as sentence discharges, martin/cooper releases, and discharges to charges or detainers rather than being paroled. If an estimate is to be applied, it is recommended to apply the figure provided for the felony 3 sex offender category as this group has same statutory parole term.*

⁵ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes parole intakes convicted of felony 2 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These offenders are excluded from the overall felony class categories.

⁷ Includes parole intakes convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁸ Includes parole intakes convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes parole intakes convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes parole intakes convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes parole intakes sentenced under the Uniform Controlled Substances Act of 2013, which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor drug crimes committed prior to July 1, 2013.

¹² As few offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for parolees previously sentenced as felony 4 drug offenders was applied.

¹³ As few offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for parolees previously sentenced as felony 4 drug offenders was applied.

¹⁴ Includes parole intakes convicted of crimes under the Uniform Controlled Substances Act of 2013, but which are also defined by statute as "extraordinary risk of harm offenses" per C.R.S. 18-1.3-401(10)(b).

¹⁵ As few offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for those previously convicted of felony 3 extraordinary risk drug crimes was applied.

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

¹⁷ Includes all parole intakes subject to habitual criminal sentence enhancers per C.R.S. 16-13-101, C.R.S. 18-3-412, and C.R.S. 18-3-401.2. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories, as well as the data for each of the overall felony classes.

¹⁸ Includes all parole intakes sentenced under the Colorado sex offenders act per C.R.S. 18-1.3-904, or the Colorado Sex Offender Lifetime Supervision Act of 1998 per C.R.S. 18-1.3-1004. These cases are excluded from the other sex crime categories as well as the data for each of the overall felony classes. Note the parole terms for sex offenders subject to the Sex Offender Lifetime Supervision Act range from a minimum of 10 to 20 years (dependent on felony class), up to the remainder of the offender's life. The estimate provided is based on the assumption that 100% of statutory minimums will be served.

Division of Youth Services Juvenile Commitment, Detention and Parole Projections

IN BRIEF:

The annual number of new commitments is expected to fall 29.7% across FY 2021, leading to a 21.8% decline in the average daily population (ADP) of committed juveniles. Smaller declines are expected in subsequent years. The commitment ADP is expected to fall by 38.5% by the end of FY 2025, from 454.8 as of the end of FY 2020 to 279.9.

The juvenile parole average daily caseload (ADC) is expected to fall 12.3% by the end of FY 2021, followed by even greater decline in FY 2022, when the caseload is expected to fall another 27.7%. Overall, the caseload is expected to reach 100.8 by the end of FY 2025, a 51.3% decline from the end of FY 2020.

The detention ADP is expected to fall 32.3% by the end of FY 2024. However, this decline is expected to be limited to the first quarter of the year, to be followed by slow growth. Strong growth is expected in the first half of FY 2022, with a 26.2% increase between the ends of fiscal years 2022 and 2023. Very small declines in the ADP are anticipated over the following 3 years, reaching 186.1 by the end of FY 2025.

Organization of this Section

Estimates of the juvenile commitment, parole, and detention average daily populations (ADP) populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include annual and quarterly year-to-date (YTD) ADP forecasts for the committed population statewide, along with projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end average daily caseload (ADC) forecasts for the statewide juvenile parole population. These are followed by statewide year-end average daily caseload (ADC) forecasts for the statewide juvenile parole population, and by annual and quarterly detention ADP forecasts. Finally, a brief discussion regarding factors affecting the overall DYS population is included.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The forecasts are developed utilizing data concerning historical monthly trends in detention, commitment and parole populations. Time series analyses are applied to data derived from these

historical trends, producing a variety of scenarios.⁶ The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends in juvenile delinquency filings and probation revocations, and population forecasts prepared by the Colorado Demographer's Office provides the basis for the forecasts presented in the following tables.

JUVENILE COMMITMENT POPULATION FORECAST

The two factors driving the size of the population committed to the Division of Youth Services (DYS) are the number of youth sentenced to DYS, and the length of their incarceration. The number of youth committed to the DYS declined consistently between FY 2005 and FY 2016. As expected, the ADP also began to fall the following year, after a decade of growth. This decline stabilized in FY 2017, and reversed slightly in FY 2018 with a 3.9% increase in admissions across the year. However, new commitments declined dramatically over fiscal years 2019 and 2020, by 26.5%, and 11.0% respectively.⁷

The COVID-19 pandemic, which exerted significant influence throughout the criminal and juvenile justice systems beginning in March of 2020, appears to have had little impact on the number of youth committed to DYS during late FY 2020, with new admissions remaining very stable in the following months. The average daily population (ADP), on the other hand, fell 21.3% across FY 2020. This decline was most evident in April and May of 2020, a reflection of striking increases in numbers of youth released from residential placement to parole on the heels of Executive Orders issued by the Governor in response to the pandemic and efforts to contain it.

Signs in early FY 2021 indicate that a greater decline in new commitments could be realized during the current year. The annual number of new commitments is expected to fall 29.7% across FY 2021, leading to an additional 21.8% decline in the commitment ADP. Smaller declines are expected in subsequent years. The ADP is expected to fall by 38.5% by the end of FY 2025, from 454.8 as of the end of FY 2020 to 279.9.

Table 16 summarizes the actual year-end ADP and new commitment figures for fiscal years 2015 through 2020, and the current forecasts through FY 2025. Table 17 presents the projected quarterly YTD ADP. The historical ADP from FY 2015 through FY 2020 and the projected ADP through FY 2025 are depicted in Figure 8. Figure 9 displays historical new commitments to DYS since FY 2015, and projected new commitments through FY 2025.

⁶ 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.

⁷ Colorado Department of Human Services. *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Table 16: DCJ December 2020 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2016 through FY 2025

Fiscal Year End	YTD ADP¹ Forecast	Annual Growth	Annual New Commitments	Annual Growth
2016*	692.6	-6.4%	381	-7.1%
2017*	651.1	6.0%	381	0.0%
2018*	646.8	-0.7%	396	3.9%
2019*	577.6	-10.7%	291	-26.5%
2020*	454.8	-21.3%	259	-11.0%
2021	355.8	-21.8%	182	-29.7%
2022	328.1	-7.8%	179	-1.6%
2023	302.1	-7.9%	158	-11.7%
2024	289.6	-4.1%	149	-5.7%
2025	279.9	-3.3%	144	-3.4%

¹ Year to date average daily population.

*Actual average daily population. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

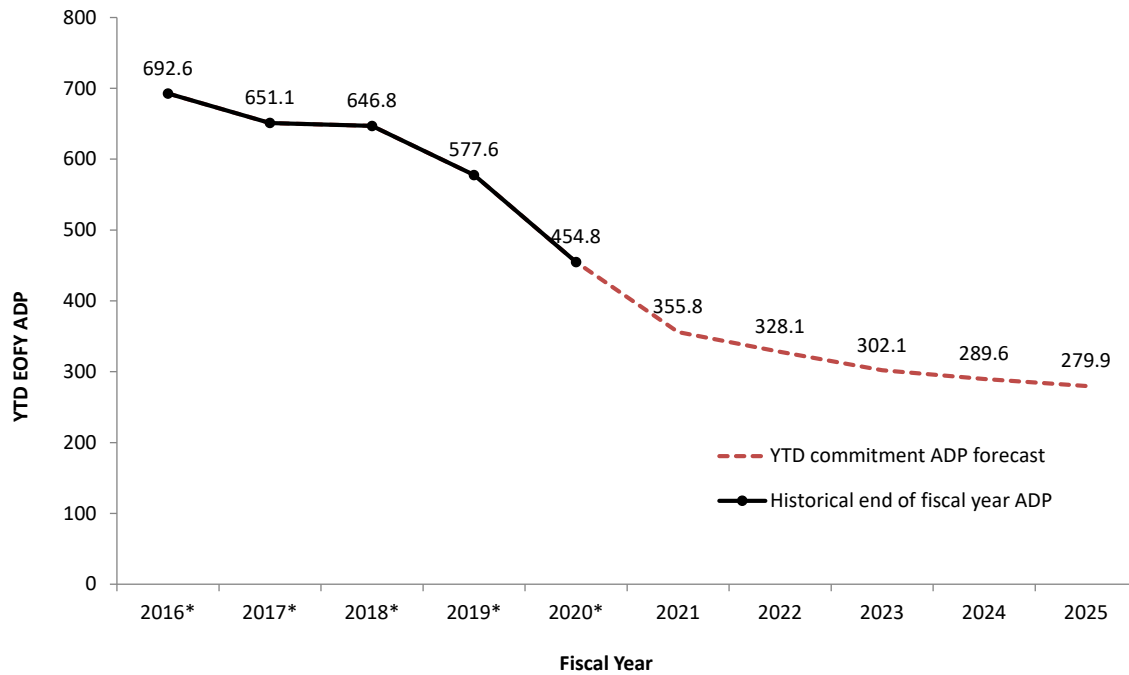
Table 17: DCJ December 2020 quarterly juvenile commitment average daily population forecast, FY 2020 through FY 2025

Fiscal Year	Quarter Ending	YTD ADP¹ Forecast	Quarterly Growth
2020	June, 2020*	454.8	-4.5%
2021	September, 2020*	368.8	-18.9%
2021	December, 2020	364.0	-1.3%
2021	March, 2021	354.6	-2.6%
2021	June, 2021	355.8	0.4%
2022	September, 2021	336.2	-5.5%
2022	December, 2021	332.1	-1.2%
2022	March, 2022	326.4	-1.7%
2022	June, 2022	328.1	0.5%
2023	September, 2022	310.8	-5.3%
2023	December, 2022	305.9	-1.6%
2023	March, 2023	301.1	-1.6%
2023	June, 2023	302.1	0.3%
2024	September, 2023	293.4	-2.9%
2024	December, 2023	291.1	-0.8%
2024	March, 2024	289.0	-0.7%
2024	June, 2024	289.6	0.2%
2025	September, 2024	284.2	-1.8%
2025	December, 2024	282.9	-0.5%
2025	March, 2025	279.1	-1.4%
2025	June, 2025	279.9	0.3%

¹ Year to date average daily population.

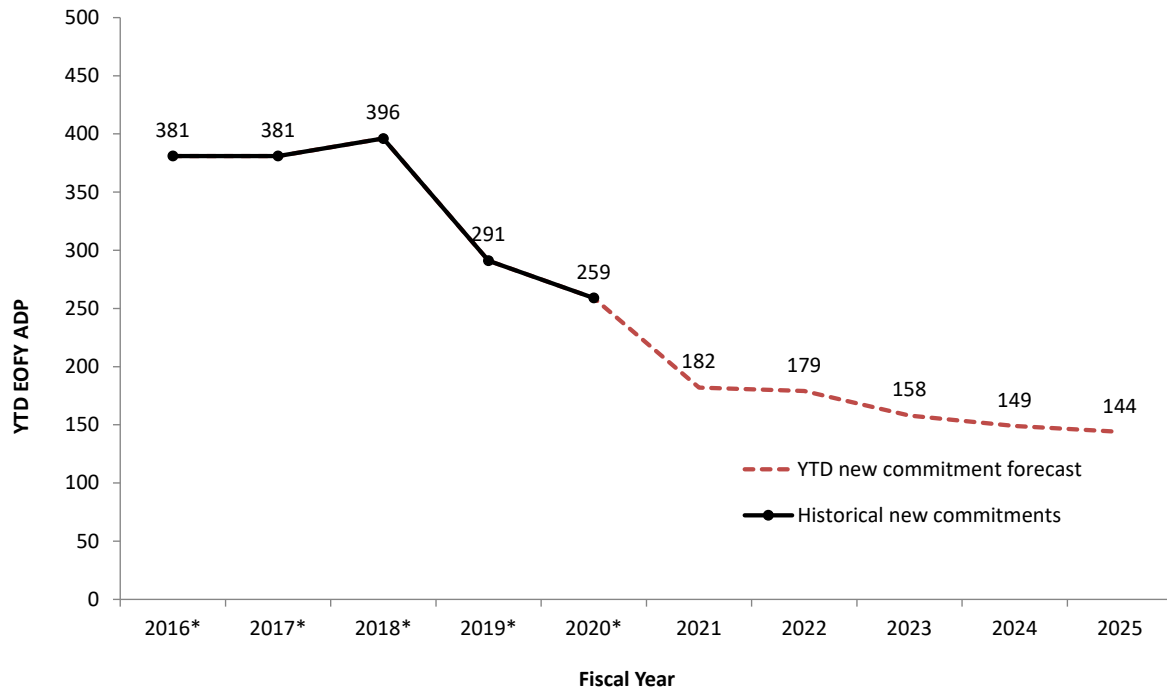
*Actual average daily population figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 8: Historical and projected year-end year to date juvenile commitment average daily population fiscal years 2016 through 2025



Note: FY 2016-2020 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Management Reference Manuals and Monthly Population Reports. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 9: Historical and projected annual new juvenile commitments FY 2016 through FY 2025



Note: FY 2016-2020 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE PAROLE CASELOAD FORECAST

In concert with the commitment population, the parole average daily caseload (ADC) consistently declined between fiscal years 2011 and 2018 with the exception of a very small (0.4%) increase in FY 2016. The end-of-year ADC for FY 2019 increased by 1.8% over that at year-end in FY 2018, possibly driven by the increase in new commitments seen in the prior year and in late FY 2017.⁸

The ADC returned to a downward trend the following year until April of 2020, when the Division responded to Executive Order D 2020-034 issued by the Governor on April 11, 2020 which gave DYS the authority to place youth on juvenile parole without approval from the Juvenile Parole Board. An unprecedented number of youth were subsequently released from residential placement to parole.

The caseload has again declined consistently in early FY 2021, with increases in the numbers of youth discharging from parole and resulting from the declining commitment ADP. The ADC is expected to fall 12.3% by the end of FY 2021, followed by even greater decline in FY 2022, when the caseload is expected to fall another 27.7%. Overall, the caseload is expected to reach 100.8 by the end of FY 2025, a 51.3% decline from the end of FY 2020.

Table 18 summarizes the historical ADC since 2015, and the projected ADC through FY 2024. These figures are also graphically displayed in Figure 10.

Table 18: DCJ December 2020 juvenile parole year-end average daily caseload forecast, FY 2016 through FY 2025

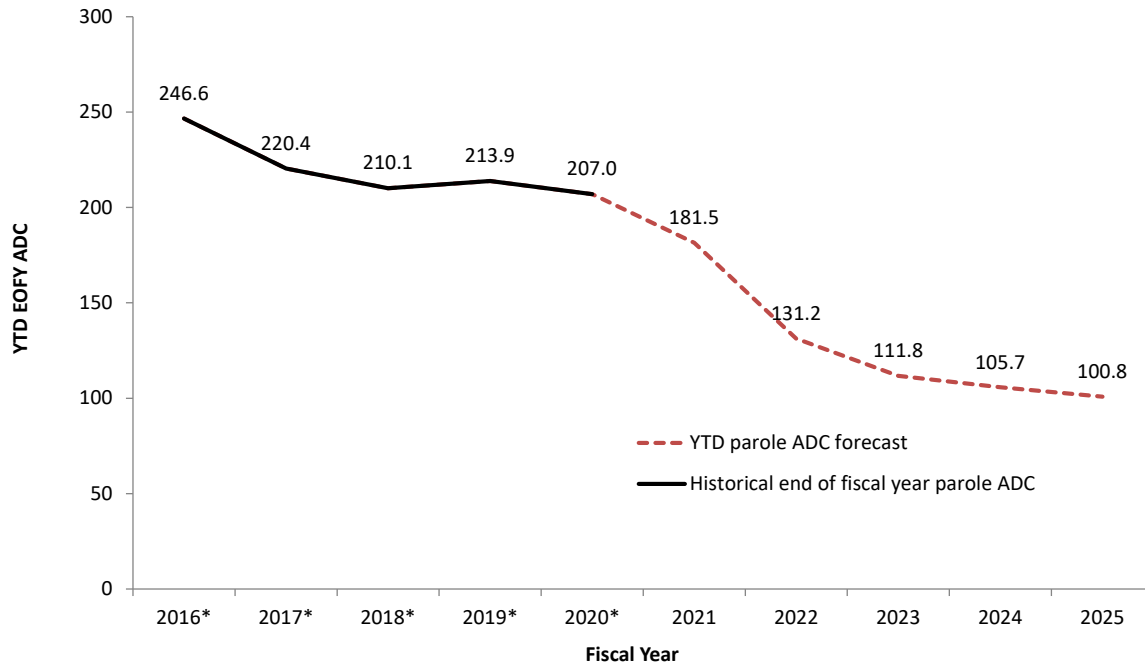
Fiscal Year End	YTD ADC ¹ Forecast	Annual Growth
2016*	246.6	0.4%
2017*	220.4	-10.6%
2018*	210.1	-4.7%
2019*	213.9	1.8%
2020*	207.0	-3.2%
2021	181.5	-12.3%
2022	131.2	-27.7%
2023	111.8	-14.8%
2024	105.7	-5.4%
2025	100.8	-4.7%

¹ Year to date average daily caseload.

* Actual ADC figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

⁸Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 10: Historical and projected juvenile parole year-end average daily caseload fiscal years 2016 through 2025



Note: FY 2016-FY 2020 data points represent actual average daily caseload figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE DETENTION POPULATION FORECAST

While the juvenile detention ADP declined in both fiscal years 2016 and 2017, the population increased slightly (2.2%) in FY 2018. However, the ADP declined again (by 3.4%) in FY 2019. By the end of FY 2020, the ADP fell an additional 12.0%.

However, this was mainly driven by the very significant declines occurring on the heels of the COVID-19 pandemic and subsequent system responses. Data from the first 9 months of the year indicated a small decline of approximately 3.2%. However, the monthly ADP fell by 34.8% in the final quarter of the year alone. Executive Orders initially issued by the Governor in April authorized DYS to temporarily reduce the detention cap to 200, then further to 188 in October. Temporarily reducing the statewide detention cap from the 327 set in 2019 to 200, then to 188, along with temporarily halting virtual bed borrowing practices were the main contributors to the significant decline in the detention population during the last quarter of FY 2020.

Figures for early FY 2021 indicate a continuing decline, with the detention ADP expected to fall 32.3% by the end of the year. However, this decline is expected to be limited to the first quarter of the year, to be followed by some slow growth. Strong growth is expected in the first half of FY 2022, with the potential of a return to 'normal' judicial system operations. The ADP is expected to increase 26.2% between the

ends of fiscal years 2022 and 2023, to be followed by very small declines over the following 3 years reaching 186.1 by the end of FY 2025.

Table 19 summarizes the actual year-end detention ADP for fiscal years 2015 through 2019 and the projected ADP through FY 2025, while Table 20 presents the projected quarterly detention YTD ADP throughout fiscal years 2020 to 2024. The historical detention year-end ADP from FY 2015 through FY 2020 and the projected ADP through 2025 are graphically depicted in Figure 11.

Table 19: DCJ December 2020 juvenile detention fiscal year-end average daily population, FY 2016 through FY 2025

Fiscal Year End	YTD ADP¹ Forecast	Annual Growth
2016*	275.0	-2.4%
2017*	257.1	-6.5%
2018*	262.8	2.2%
2019*	253.9	-3.4%
2020*	223.5	-12.0%
2021	151.4	-32.3%
2022	191.1	26.2%
2023	189.0	-1.1%
2024	186.4	-1.4%
2025	186.1	-0.2%

¹ Year to date average daily population.

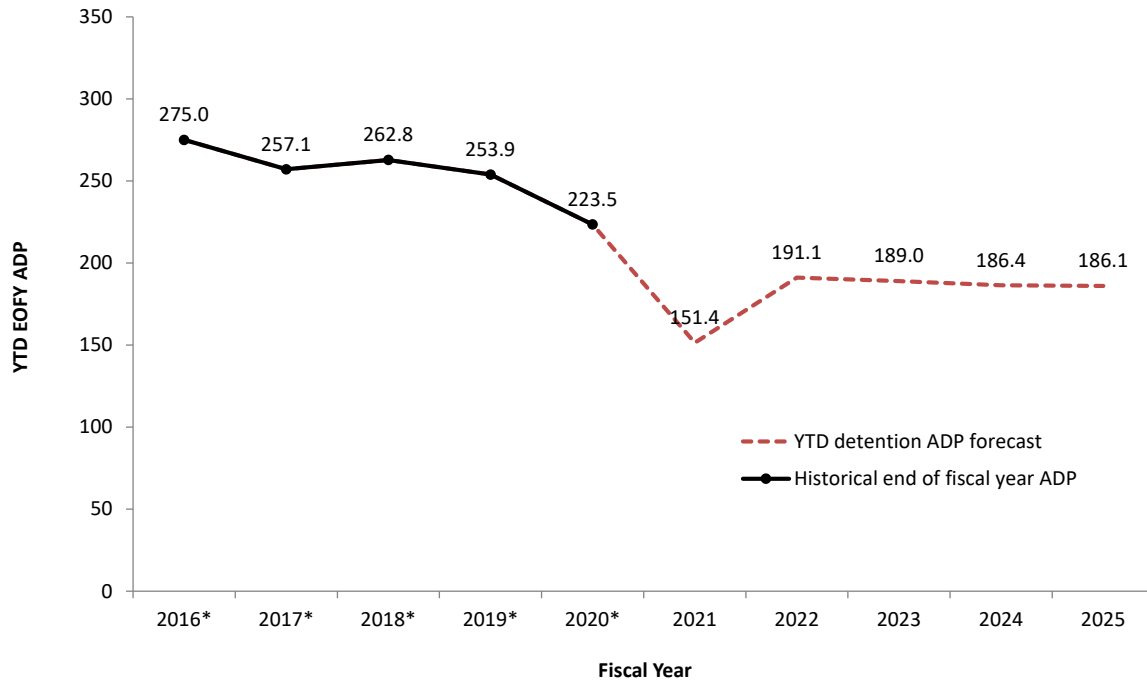
*Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Table 20: DCJ January 2019 quarterly juvenile detention average daily population forecast, FY 2020 through FY 2025

Fiscal Year	Quarter Ending	YTD ADP¹ Forecast	Quarterly Growth
2020	June, 2020*	223.5	-7.1%
2021	September, 2020*	148.0	-33.8%
2021	December, 2020	151.8	2.5%
2021	March, 2021	150.7	-0.7%
2021	June, 2021	151.4	0.5%
2022	September, 2021	165.8	9.5%
2022	December, 2021	184.6	11.4%
2022	March, 2022	187.8	1.7%
2022	June, 2022	191.1	1.8%
2023	September, 2022	190.3	-0.4%
2023	December, 2022	189.5	-0.4%
2023	March, 2023	188.0	-0.8%
2023	June, 2023	189.0	0.5%
2024	September, 2023	185.7	-1.7%
2024	December, 2023	185.4	-0.2%
2024	March, 2024	184.9	-0.3%
2024	June, 2024	186.4	0.8%
2025	September, 2024	185.5	-0.4%
2025	December, 2024	185.3	-0.2%
2025	March, 2025	184.9	-0.2%
2025	June, 2025	186.1	0.7%

¹ Year to date average daily population. * Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 11: Historical and projected juvenile detention year-end average daily population fiscal years 2016 through 2025



Note: FY 2016-2020 data points reflect actual year-end average daily population figures.

Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

FACTORS INFLUENCING JUVENILE COMMITMENT, PAROLE AND DETENTION POPULATIONS AND FORECASTS

DYS has experienced, and continues to experience, declines in all populations served, including detained, committed, and paroled youth. The reduction in juvenile justice and juvenile corrections populations is a national phenomenon and is in no way restricted to Colorado. While there have been a myriad of theories put forth to explain this reduction, a definitive, causal relationship between potential factors and the reduction has not been established. The shrinking juvenile justice population involves all aspects of the system, including but not limited to declining arrests, juvenile delinquency court filings, new probation intakes, as well as detention screens, detention admissions, and new commitments. The COVID-19 pandemic has further accelerated the reduction in the use of the juvenile justice system.

On April 11, 2020, Governor Polis issued Executive Order D 2020-034, which suspended seclusion policies at juvenile facilities to allow for compliance with CDC guidelines for isolation and quarantine to contain COVID-19 infections. The order also suspended the juvenile parole board’s authority to grant, deny, or defer parole for any juvenile committed to CDHS, except for aggravated or violent juvenile offenders, and directed the Colorado Department of Human Services (CDHS) to assess each youth for risk to public safety and to release to parole those deemed fit, and suspended CDHS’s obligation to provide detention or to accept committed juveniles into custody. The executive order was extended by subsequent executive orders, and its provisions remain in effect as this report goes to press.

While it is unlikely this directive resulted in the Division's rejection of youth committed to or sentenced to DYS, the number of detained and committed youth was reduced to comply with social distancing requirements. In addition, policing behavior has shifted toward fewer arrests of juvenile offenders, while court operations and commitments have slowed.

An additional and significant factor in the expectation of continued declines lies with the passage of Senate Bill 19-108, which limits the use of detention to only those children who either pose a substantial risk of serious harm to others, or that are a flight risk from prosecution. This legislation also created the Juvenile Justice Reform Committee, which is tasked with developing assessment and screening tools for criminogenic risk and needs, mental health needs, and diversion program eligibility. It also requires the Division to adopt an actuarial risk assessment and implement a length of stay matrix and release guidelines for the committed population. All of these will likely have some impact on reducing the detention and commitment average daily populations.

Other considerations contributing to the expectation of continued declines in the commitment and detention populations include demographic shifts, court filings and probation outcomes. Negative growth is the Colorado juvenile population expected by Colorado Demographer's Office between 2021 through 2025, particularly among the group most likely to be incarcerated, those between the ages of 13 and 17 years.⁹

Juvenile probation revocations have consistently fallen each year, most notably by 18.5% in FY 2019 and by 14.3% in FY 2020 (note, however, that probation department responses to COVID and the Governor's Executive Orders also likely drove this figure down in the last quarter of the year). More relevantly, the proportion of revocations resulting in a sentence to either detention or commitment to DYS has steadily fallen, from 83.8% in FY 2016 to 77.7% in FY 2018 to 52.7% in FY 2019.¹⁰

Juvenile delinquency court filings have consistently declined over the past decade, most notably in FY 2020 with an 11.4% decline over the prior year. However, this decline was mainly seen in decreases occurring in the last quarter of the year, due to judicial responses to Executive Orders issued in response to the COVID-19 pandemic and the slowing court operations. Estimates based on the numbers of filings prior to April of 2020 indicated a very small decline may have occurred in the absence of the pandemic.¹¹ Ongoing declines are expected through FY 2021, with some increases occurring in the following year as courts are expected to return to normal operations and address the backlogs of cases. This expectation promotes, to a small degree, the moderation of the anticipated in the commitment and detention populations in FY 2022.

⁹Colorado Department of Local Affairs, State Demography Office, accessed 12/28/2020, <https://demography.dola.colorado.gov/population/data/>

¹⁰ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <https://www.courts.state.co.us/Administration/Division.cfm?Division=Prob>

¹¹ Data provided by the Colorado Judicial Branch.

Appendix A

Legislation Affecting Prison Population Management

LEGISLATION AFFECTING PRISON POPULATION MANAGEMENT

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.¹²

- ❑ 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.

¹² 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.¹³
- ❑ 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.

¹³ 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,¹⁴ 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,¹⁵ 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 least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

¹⁴ 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.

¹⁵ Defined by CRS § 18-1.3-406.

- 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.¹⁶ First time offenders convicted of a violent offense must serve 75% of their sentence less any earned time awarded. If convicted of a second or subsequent violent offense, the full 75% of their sentence must be served.
 - Also in 2004, Senate Bill 04-123 recognized the YOS as a permanent program by eliminating the repeal date.
 - In 2008, House Bill 1352 modified the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants, and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities.
 - Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.

¹⁶ As defined by CRS § 18-1.3-406.

- ❑ House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25% to 30% of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.
- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).
- ❑ House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, the bill

allows prisoners re-incarcerated for technical parole violations to accrue earned time. Any cost savings are to be reinvested into vocational and educational programming inside prison and re-entry support services for people on parolee.

- ❑ House Bill 14-1355 provided over \$8 million in funding and 78.4 FTE per year for reentry programs for adult parolees. These funds are to develop and implement programs to assist inmates to prepare for release to the community as well as provide equipment, training, and programs to better supervise offenders in the community.
- ❑ Senate Bill 15-124 narrows the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate and alternative sanctions to address noncompliance with conditions of parole. Such sanctions can include a short-term period of jail confinement and referral to treatment or other support services.
- ❑ House Bill 15-1122 stipulated that an offender is ineligible for parole if he or she has been convicted of certain penal discipline violations or failed to participate in required programs.
- ❑ Senate Bill 16-180 required CDOC to develop and implement a specialized program for juveniles convicted as adults and sentenced to an adult prison. Additionally, Senate Bill 16-181 allowed juveniles sentenced for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, to be re-sentenced to life with the possibility of parole.
- ❑ House Bill 17-1308 removed the mandatory imposition of certain parole conditions related to changes of residence, drug testing, personal contacts and payment of restitution.
- ❑ House Bill 17-1326 lowered parole revocation terms for certain parolees from 180 days to 30 or 90 days, dependent on conviction crimes. Additionally, the bill changed the maximum time a revoked parolee can be held in the preparole release and revocation facility from 180 to 90 days and repealed the Department of Corrections' authority to operate community return-to-custody facilities. Finally, it directed the Parole Board to conduct parole release review in lieu of a hearing for certain low-risk inmates.
- ❑ House Bill 18-1029 lowers mandatory parole periods from five years to three years for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.
- ❑ House Bill 18-1109 expands the existing eligibility requirements for special needs parole, and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs offender categories from 60 to 55 years and older, and adds a category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.

- House Bill 18-1410 requires that DOC track the prison bed vacancy rate at in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.
- Senate Bill 19-143, signed into law May 28, 2019, makes various changes to prison population management options, reentry services, parole, and facility security level designations. Most relevantly, parole revocations to DOC for determinate periods are eliminated, and the circumstances under which a parolee may be revoked for a technical parole violation are severely limited. In addition, the Bill attempts to accelerate releases of low and medium risk parole-eligible inmates by allowing the DOC to submit to the board a list of low and medium risk parole-eligible inmates with an approved parole plan for board review within 30 days. Further, the bill requires a majority vote by the full board to deny parole for an inmate assessed as low or very low risk with an approved parole plan and a recommended release.
- House Bill 20-1019, signed March 10, 2020, was drafted for the express purpose of prison population reduction and management. This bill, among other provisions, requires the Department of Local Affairs (DOLA) to convene an advisory group to study future prison bed needs in Colorado, including strategies to safely reduce the prison population, a utilization analysis of all facilities that can be used to house inmates, a program analysis to align with best practices, an analysis of the best practices and programs that are necessary for successful reintegration, alternatives to incarceration, and recidivism reduction strategies. Additionally, the bill creates a new crime of an unauthorized absence, and eliminates the requirement that earned time be awarded in accordance with certain statutory categories, allowing earned time to be awarded when there is positive progress.

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.