

The Colorado Division of Criminal Justice
Summer 2021 Interim Prison Population and Parole Caseload Forecast
June 2021

Introduction and overview

After the profound 12.6% decline in the prison population seen in fiscal year (FY) 2020 in the wake of the COVID-19 pandemic and subsequent criminal justice system responses, the DCJ prison population forecast produced in December of 2020 projected that the Colorado adult prison population would consistently decline throughout FY 2021, resulting in an overall 12.4% decline by year-end. A return to slow growth was expected beginning in early FY 2022.

The actual decline realized across FY 2021 was slightly less than the December estimate at 11.6%. This discrepancy was due to both releases normalizing and admissions rebounding a few months sooner than expected. Based on patterns of admissions and releases recently observed, the forecast has been slightly modified.

The current forecast indicates somewhat more robust growth across FY 2022, with the population increasing by 8.6% by year-end, compared to the 7.2% growth expected in the prior forecast. In keeping with the December forecast, growth is expected to moderate across the following six years. The population is expected to increase by 12.0% by the end of FY 2027, to 19,536.

The female prison population appears to have been particularly affected by the events of the past year, as the proportion of the population made up of women has fallen from 10.0% in early FY 2020 to 7.9% currently. This is the lowest ratio of women to men in Colorado prisons observed in the past 20 years. It is expected that this trend will continue in the short term, but will stabilize and gradually return to the proportions witnessed in prior years.

The parole caseload did not decline as sharply as expected in December, falling by only 9.9% rather than the expected 13.3%. This interim forecast moderates both the expected declines through FY 2023, and the expected increases between FY 2024 and FY 2027. Overall, the caseload is expected to decline 9.1%, to 9,377 parolees by the end of FY 2027.

Admissions

Even prior to the many executive actions and policies enacted due to COVID-19 in March 2020, the prison population had been consistently falling since the middle of FY 2019. However, with the onset of the COVID-19 pandemic and subsequent reactions throughout the criminal justice system, the prison population fell by 9.9% in the last quarter of FY 2020 alone. This was attributable to the many initiatives throughout the criminal justice system 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.

These actions triggered a profound reduction in prison admissions of all types. Felony case filings fell 13.0% in the final quarter of FY 2020 (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 FY 2021, and while very slight increases have been seen in the 2nd half of the year, the number of new prison sentences remain far below those seen prior to March of 2020.

Monthly counts of new commitments hit a low of 233 in November 2020, the lowest seen in over 20 years. These have increased slowly but consistently through May 2021. However, court operations currently remain delayed and the resultant backlog in court cases has not yet been fully addressed. With the advent of vaccinations being widely distributed, court operations are expected to normalize by late summer, which will result in an increase of new commitments to prison.

Returns to prison due to parole revocations for technical violations have also remained very low. In the 12 months prior to April of 2020, technical parole violations averaged 165 per month. In the months since, these have averaged 52 per month. It is unclear if this reduction is tied strictly to responses to the pandemic, or may be in a small part due to the delayed impact of Senate Bill 2019-146, which was expected to result in a reduction in parole revocations. While this reduction was not observed in the months immediately following enactment in May 2019, declines in technical parole revocations were observable between November 2019 and February 2020, prior to the events of March 2020. This trend is expected to continue.

An additional factor influencing future prison admissions lies in the numbers of parolees considered to be on absconder status. This population has grown substantially since March of 2020, with the proportion of the parole caseload made up of absconders increasing from 7.5% to 13.1% as of May 2021. As operations return to normal these individuals will eventually have their parole revoked and be returned to prison, and will stay longer than may have occurred in the past, thus exerting upward pressure on the inmate population.

While the number of new court commitments and parole returns for technical violations in FY 2021 did not quite meet the expectation of the December 2020 forecast, parole returns with new convictions were underestimated by 31.2%. The December forecast predicted there would be 580 such admissions, compared to the current estimate of 761, resulting in an underestimate of overall admissions. It is unclear why such admissions were less impacted by recent events than were other admission types, but estimates of future parole returns with new sentences have been adjusted upward for this interim forecast. Those returned to prison on a parole revocation involving a new conviction and sentence will stay in prison much longer than other parole returns, driving up the size of the inmate population in future years.

Releases

Beginning in March 2020, prison releases were climbing sharply as the Department of Corrections responded 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.

While responses to the COVID-19 pandemic accelerated the pace of discretionary releases, changes in the composition and leadership of the Parole Board prior to this had already expedited releases. Additionally, the passage of Senate Bill 19-143 was not only expected to result in fewer parole revocations, but also in fewer parole denials and increases in discretionary parole releases. It is possible that a delayed impact of this legislation has also contributed to the current patterns of parole releases.

However, discretionary parole releases have stabilized at the numbers and proportion of the inmate population seen before March 2020. While this was expected due to the shrinking pool of inmates to release, and an even more greatly reduced pool of inmates eligible for or considered suitable for release, it did occur slightly sooner than previously expected. Therefore, discretionary releases have been adjusted downward in the short term, followed by growth in mid-FY 2022 and throughout the forecast horizon reflecting the stronger growth expected in the inmate population.

Legislation

A number of bills were considered in the recent legislative session that may have impacts on the prison population. These include:

- Senate Bill 2021-271 reclassifies various criminal offenses which will lead to a slight reduction in new commitments due to the reduction of several felony charges to misdemeanors and to reductions in length of stay due to lowering the felony classes of others. However, certain provisions of the bill may increase lengths of stay slightly. Thus, this bill provides some downward pressure on the population in the short term, and some upward pressure in the longer term.
- Senate Bill 2021-146, targeted at improving prison release outcomes, is expected to reduce the population by expanding special needs parole, which will result in an equal increase in the parole caseload. Additionally, to the degree that release outcomes ARE improved, further reductions in the population could occur due to reductions in parole returns. If signed into law, it is expected that this legislation could somewhat slow immediate growth in the inmate population, as well as slow the expected reduction in the parole caseload.
- Senate Bill 2021-064 creates a new crime of retaliation against an elected official, which is expected to have virtually no impact on prison admissions.
- Senate Bill 2021-124 reclassifies certain first-degree murder offenses to a class 2 felony, which reduces a life sentence to a 16- to 48-year sentence with the possibility of parole. Reducing the

length of stay from an estimated 40 years for a felony 1 offense to an estimated 16.8 years for a felony 2 offense will have no measurable impact on the prison population until FY 2038.

Interim Forecast

Table 1, below, outlines the current expectations for annual prison admissions by type for fiscal years 2021 through FY 2027, followed by the predicted numbers of annual prison releases by type in Table 2.

Table 3 outlines the current year-end expectations for the prison population between FY 2021 and FY 2027. These figures are presented for the total population as well as separately for the male and female inmate populations. Table 4 presents the same information on a quarterly basis through FY 2027. The current quarterly estimates of the inmate population compared to the estimates prepared for the December 2020 forecast are graphically displayed in Figure 1, followed by this comparison for the male and female populations in Figure 2.

End-of-year estimates for the parole caseload between FY 2021 through FY 2027 are provided in Table 5, followed by the comparison of these figures to those expected at the time of the December 2020 forecast in Figure 3.

Table 1. DCJ June 2021 interim prison population projections: prison admissions by type

SFY	New court commitments	Technical violation returns	Parole returns with a new crime	Other	Total admissions
2020*	5,324	1,577	1,040	44	7,985
2021	3,621	693	761	45	5,120
2022	5,418	1,226	1,017	39	7,701
2023	5,855	1,206	930	62	8,052
2024	5,931	1,164	942	42	8,078
2025	5,931	1,244	994	63	8,232
2026	6,003	1,206	1,012	42	8,264
2027	6,017	1,235	1,032	64	8,348

* Actual data provided by Colorado Department of Corrections Monthly Population and Capacity Reports.

Table 2. DCJ June 2021 interim prison population projections: prison releases by type

SFY	Parole releases			Sentence Discharge	Other	Total Releases
	Mandatory	Discretionary	Total			
2020*	3,400	5,710	9,110	1,280	131	10,521
2021	2,179	4,083	6,262	760	121	7,142
2022	1,914	3,679	5,593	638	148	6,379
2023	2,062	4,152	6,214	782	114	7,110
2024	2,334	4,267	6,601	796	131	7,528
2025	2,461	4,260	6,721	815	154	7,690
2026	2,596	4,249	6,845	826	197	7,868
2027	2,714	4,191	6,906	830	247	7,983

* Actual data provided by Colorado Department of Corrections Monthly Population and Capacity Reports.

Table 3. DCJ June 2021 interim annual prison population projections

FY	Total population	% change	Male inmates	% change	Female inmates	% change
2020*	17,441	-12.58%	15,886	-11.42%	1,555	-22.87%
2021	15,419	-11.59%	14,195	-10.64%	1,224	-21.30%
2022	16,741	8.57%	15,446	8.81%	1,295	5.84%
2023	17,683	5.63%	16,236	5.11%	1,448	11.77%
2024	18,233	3.11%	16,668	2.66%	1,566	8.15%
2025	18,775	2.97%	17,088	2.52%	1,687	7.77%
2026	19,171	2.11%	17,372	1.66%	1,799	6.66%
2027	19,536	1.90%	17,624	1.45%	1,912	6.24%

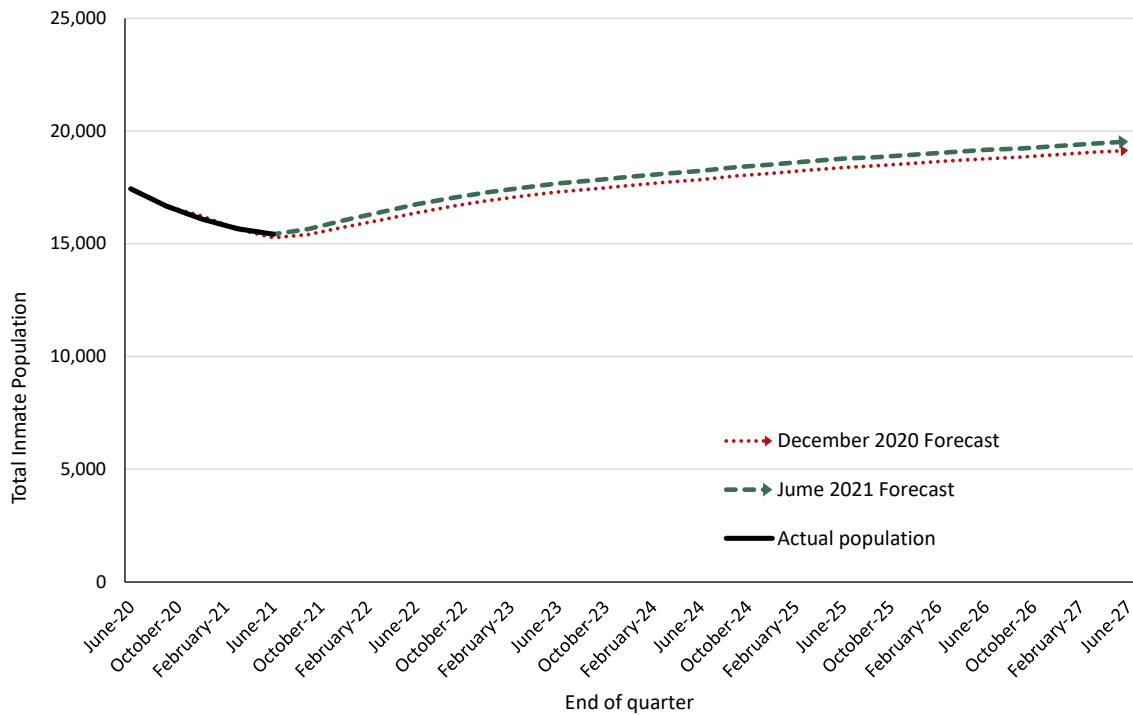
* Actual data provided by Colorado Department of Corrections Monthly Population and Capacity Reports.

Table 4. DCJ June 2021 interim quarterly prison population projections

FY	End of month:	Total population	% change	Male inmates	% change	Female inmates	% change
2020	June-20*	17,441	-9.90%	15,886	-8.97%	1,555	-18.42%
2021	September-20*	16,672	-4.41%	15,261	-3.93%	1,412	-9.20%
	December-20*	16,090	-3.49%	14,763	-3.26%	1,327	-6.02%
	March-21*	15,670	-2.61%	14,406	-2.42%	1,264	-4.75%
	June-21	15,419	-1.60%	14,195	-1.46%	1,224	-3.19%
2022	September-21	15,657	1.54%	14,434	1.69%	1,222	-0.12%
	December-21	16,045	2.48%	14,813	2.62%	1,232	0.77%
	March-22	16,396	2.19%	15,136	2.18%	1,260	2.32%
	June-22	16,741	2.10%	15,446	2.05%	1,295	2.77%
2023	September-22	17,033	1.74%	15,689	1.58%	1,343	3.71%
	December-22	17,282	1.47%	15,902	1.36%	1,380	2.75%
	March-23	17,486	1.18%	16,072	1.07%	1,414	2.45%
	June-23	17,683	1.13%	16,236	1.02%	1,448	2.38%
2024	September-23	17,820	0.77%	16,343	0.66%	1,477	2.00%
	December-23	17,967	0.82%	16,460	0.71%	1,507	2.04%
	March-24	18,105	0.77%	16,569	0.66%	1,536	1.97%
	June-24	18,233	0.71%	16,668	0.60%	1,566	1.89%
2025	September-24	18,403	0.93%	16,805	0.82%	1,599	2.11%
	December-24	18,515	0.60%	16,888	0.49%	1,627	1.76%
	March-25	18,648	0.72%	16,991	0.61%	1,657	1.87%
	June-25	18,775	0.68%	17,088	0.57%	1,687	1.81%
2026	September-25	18,843	0.36%	17,131	0.25%	1,712	1.48%
	December-25	18,957	0.61%	17,216	0.50%	1,741	1.71%
	March-26	19,061	0.55%	17,291	0.44%	1,770	1.64%
	June-26	19,171	0.58%	17,372	0.47%	1,799	1.66%
2027	September-26	19,229	0.30%	17,405	0.19%	1,824	1.37%
	December-26	19,334	0.54%	17,480	0.43%	1,853	1.60%
	March-27	19,436	0.53%	17,554	0.42%	1,883	1.58%
	June-27	16,979	0.36%	15,510	0.36%	1,469	0.36%

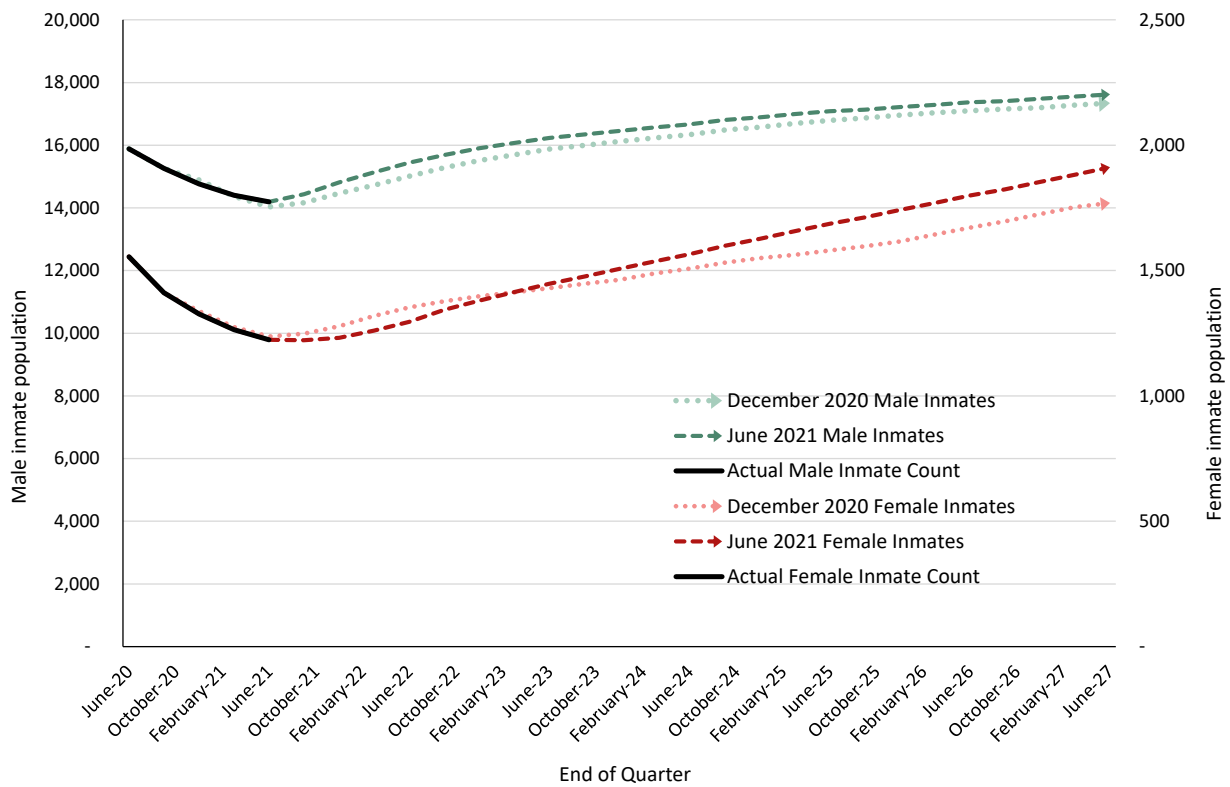
* Actual data provided by Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 1. End-of-quarter actual total inmate population, DCJ December 2020 forecast, and June 2021 interim forecast



Source: Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 2. End-of-quarter actual male and female inmate populations, DCJ December 2020 forecast, and June 2021 interim forecast



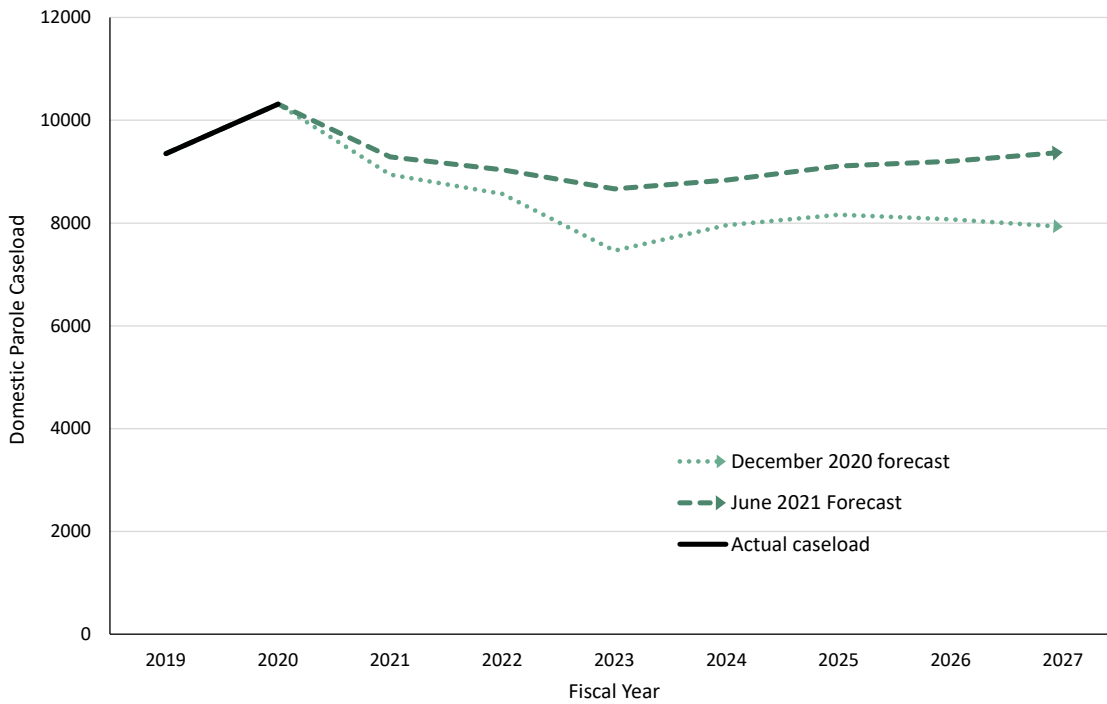
Source: Colorado Department of Corrections Monthly Population and Capacity Reports.

Table 5. DCJ June 2020 interim domestic parole caseload projection

FY	Domestic Caseload	% change
2020*	10,315	10.30%
2021	9,290	-9.94%
2022	9,035	-2.75%
2023	8,665	-4.09%
2024	8,836	1.98%
2025	9,108	3.07%
2026	9,202	1.03%
2027	9,377	1.90%

* Actual data provided by Colorado Department of Corrections Monthly Population and Capacity Reports.

Figure 3: Domestic parole year-end caseload, DCJ December 2020 and June 2021 interim parole caseload projections



Source: Colorado Department of Corrections Monthly Population and Capacity Reports.