

# 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 the next 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 adjusted the following summer to accommodate recent trends in admissions and releases, new legislation, and policy 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 2022 through 2028, 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 2022 through 2028.

Following the adult population forecasts, estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2021 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 2022 through 2026. 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 forecast

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 recent years.

# 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.<sup>1</sup> 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.<sup>2,3</sup>

## 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 categories according to governing offense type, felony class and sentence length. The duration of each category's stay in prison is estimated using data concerning the length of stay for those 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 individuals is treated in a similar manner. This cohort is also disaggregated into approximately 70 offense profile and sentence length groups, with cumulative survival distributions calculated to estimate their rate of release. These survival distributions are

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

<sup>2</sup> 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.

<sup>3</sup> 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>

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 individuals currently in prison (referred to as the stock population), the estimates of future admissions, and the anticipated release of those admissions are combined to forecast the size of incarcerated populations in the future.

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

After 3 years of decline, the Colorado inmate population is projected to begin a period of growth in mid-FY 2022, resulting in an increase of 6.7% throughout FY 2022. This growth is expected to remain strong through FY 2025, moderating somewhat across FY 2026 through FY 2028.

Overall, the population is expected to increase 43.4% between the ends of fiscal years 2021 and 2028, from an actual year-end inmate population of 15,434 to a projected population of 22,125.

Note this striking degree of growth must be viewed in light of the 23.6% decrease that occurred across fiscal years 2020 and 2021. This decline occurred mainly due to directives issued in response to the COVID-19 pandemic, which impacted all aspects of the criminal justice system resulting in far fewer commitments to prison and parole revocations, and substantial increases in the number of releases to parole.

The number of men in prison is expected to increase 41.9%, from 14,218 to 20,179 by the end of FY 2028, while the number of women in prison is expected to increase 60.0%, from 1,216 to 1,946 across the same time frame.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2021. As shown, after decades of continuous growth, the population began to decrease in FY 2010, largely due to legislation passed in 2010 which diverted a significant number of offenders from prison and shortened sentence lengths.<sup>4</sup> This decline accelerated in FY 2012 and FY 2013, in the wake of additional legislation passed between 2011 and 2012 which expanded earn time, shortened

***The Colorado prison population is expected to increase 43.4% between the ends of fiscal years 2021 and 2028 from an actual year-end inmate population of 15,434 to a projected population of 22,125. The population is expected to increase by 6.7% across FY 2022, with this growth rate increasing to 8.9% in FY 2023. Growth is expected to continue, though the rate is expected to moderate over ensuing years.***

***The number of men in prison is expected to increase 41.9%, from 14,218 to 20,175 by the end of FY 2028, while the number of women in prison is expected to increase 60.0%, from 1,216 to 1,946 across the same time frame.***

***By the end of FY 2022, the domestic parole caseload is expected to decline 14.5%, from 9,198 to 7,863 parolees. A return to growth is expected in FY 2023, resulting in a 20.6% increase by the end of FY 2028 with the caseload reaching 11,091.***

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<sup>4</sup> See House Bills 2010-1338, 1352, 1413, 1373, 1374

the length of stay in prison for technical parole violators, and provided for the early parole of certain inmates.<sup>5</sup> 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.

This interval of growth once again reversed, with the population declining at an accelerating rate through March of 2016. This decline was attributable a reduction in parole returns, which in turn was partially due to legislation passed in 2014 and 2015 . This legislation directed DOC to provide reentry services to offenders, and required the use of alternative sanctions for parole violations prior to revocation.<sup>6</sup> Additionally, policies implemented within the Division of Parole lead to further reductions in parole revocations during FY 2016. At the end of this period, the population reached 19,550, the lowest month-end figure observed since 2003. However, the population began increasing through the remainder of FY 2016 and throughout FY 2017. A short-lived decline occurred in August and September of 2018, coinciding with the appointments of new parole board positions. Subsequently the population remained relatively stable, with small decreases evident across FY 2019 and early FY 2020.

With the onset of the COVID-19 pandemic at the end of FY 2020, the decline in the population drastically accelerated. In the twelve months following March 2020, the population fell by 19.0%, to 15,670 inmates. By the end of FY 2021, the population fell further, to 15,434 inmates. However, admission and release patterns in early FY 2022 indicate a return to growth in the future.

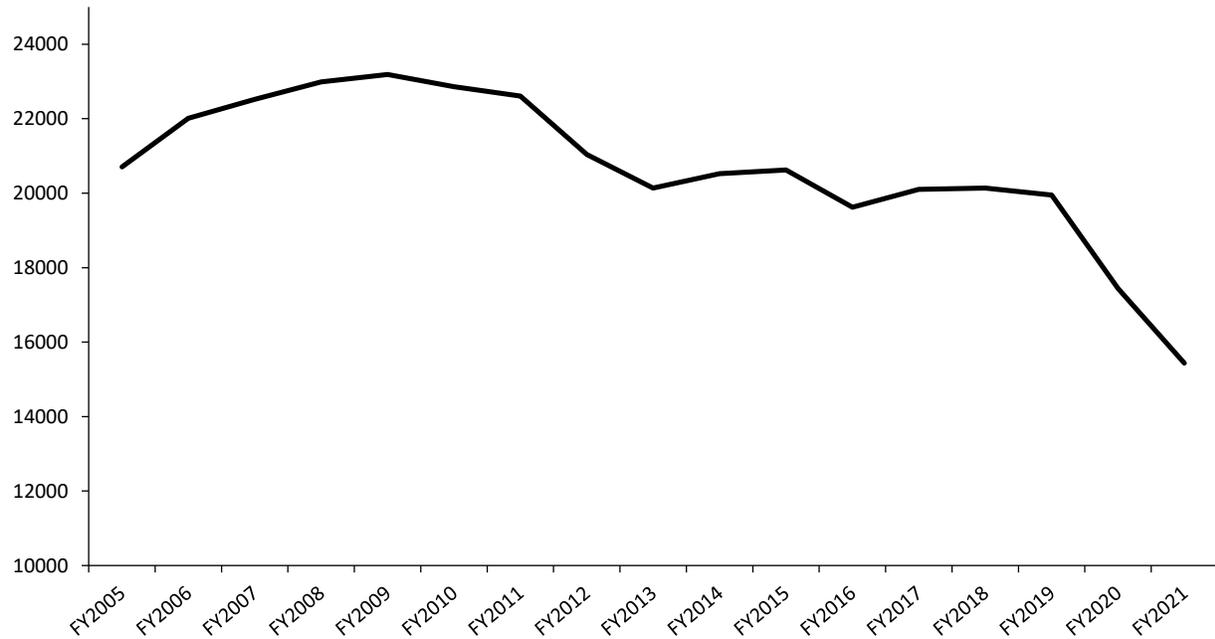
Figure 2 displays the total prison population at the end of each quarter between the end of FY 2015 through the first half of FY 2022 (December, 2021), and the projected population at the end of each quarter through FY 2028. As shown, the growth rate predicted in the current forecast is similar to that previously projected in the first few years, but growth is currently predicted to accelerate at a greater rate than previously forecast beginning in FY 2024. Figure 3 compares the actual and projected trends in the male and female inmate populations over this same time frame.

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<sup>5</sup> See HB 12-1223 and SB 11-241

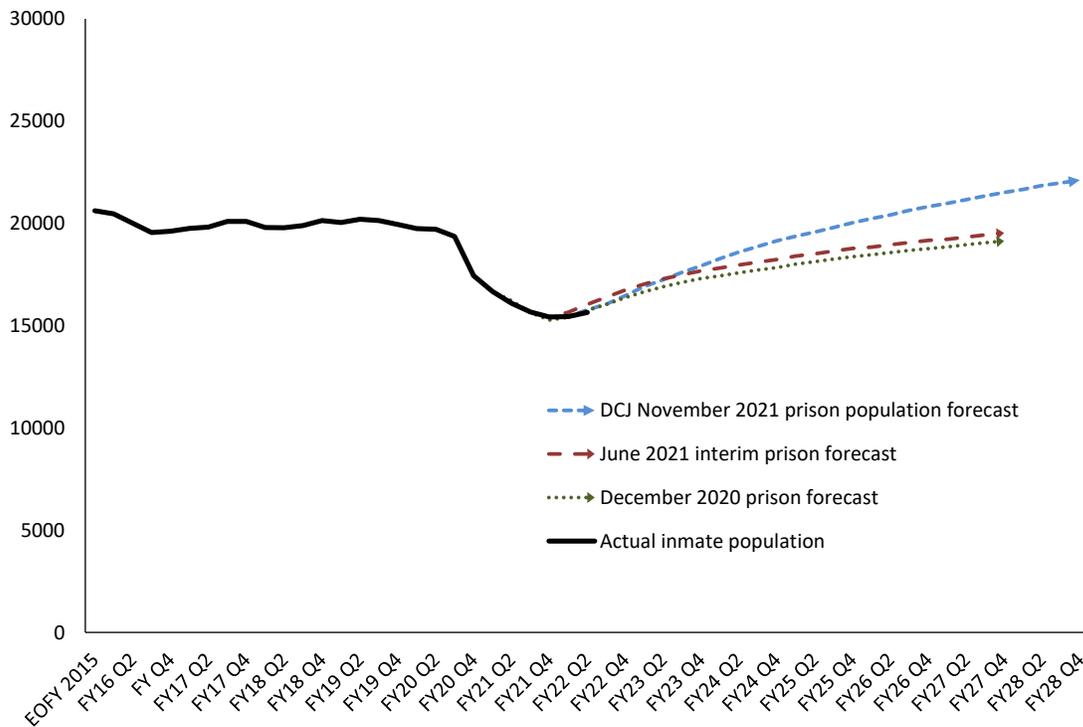
<sup>6</sup> See HB 14-1355 and SB 15-124

**Figure 1: Actual prison population FY 2005 through FY 2021**



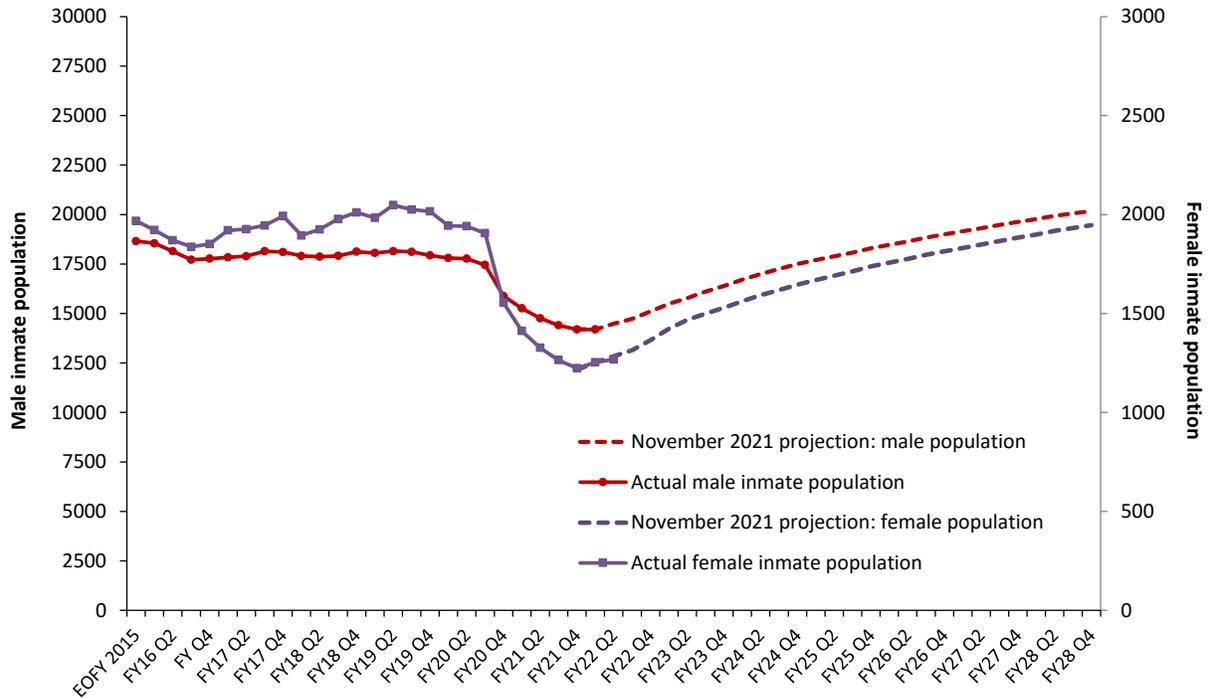
Data source: Actual population figures FY 2005 through FY 2021: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

**Figure 2: Actual prison population FY 2015 through September 2021 with comparison of current DCJ prison population projection to December 2020 projection and June 2021 interim projection**



Data source: Actual population figures FY 2015 through December 2021 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://cdoc.colorado.gov/about/data-and-reports/statistics>

**Figure 3: Actual and projected quarterly male and female prison populations FY 2015 through FY 2028**



Data source: Actual population figures FY 2015 through December 2021 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://cdoc.colorado.gov/about/data-and-reports/statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2021, as well as the projected population through the end of fiscal year 2028. Table 2 displays total and gender-specific projected growth in the prison population by quarter across fiscal years 2022 through 2028. 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 admissions and releases from prison for fiscal years 2012 through 2028 are graphically displayed in Figure 4. Trends in admissions and releases by type for the same time frame can be found in Figures 5 and 6.

**Table 1: DCJ November 2021 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2028**

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*	15,434	-11.51%	14,218	-10.50%	1,216	-21.80%
2022	16,466	6.69%	15,101	6.21%	1,365	12.25%
2023	17,927	8.88%	16,398	8.59%	1,529	12.04%
2024	19,148	6.81%	17,502	6.73%	1,646	7.62%
2025	20,037	4.64%	18,299	4.55%	1,738	5.62%
2026	20,817	3.89%	19,002	3.85%	1,814	4.37%
2027	21,515	3.35%	19,631	3.31%	1,884	3.83%
2028	22,125	2.84%	20,179	2.79%	1,946	3.31%

\*Actual population figures. Data source: 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 November 2021 Quarterly Adult Prison Population Projections:  
June 2021 through June 2028**

Fiscal Year	End of Month	Total Inmate Population		Male Population		Female Population	
		Count	% change	Count	% change	Count	% change
2021	June 2021*	15,434	-1.51%	14,218	-1.31%	1,216	-3.80%
2022	September 2021*	15,446	0.08%	14,193	-0.18%	1,253	3.04%
	December 2021	15,770	2.10%	14,486	-5.08%	1,284	-9.09%
	March 2022	16,049	1.77%	14,734	1.71%	1,314	2.39%
	June 2022	16,466	2.60%	15,101	2.49%	1,365	3.85%
2023	September 2022	16,913	2.72%	15,491	2.58%	1,422	4.20%
	December 2022	17,248	1.98%	15,780	1.87%	1,468	3.19%
	March 2023	17,603	2.06%	16,103	2.05%	1,500	2.19%
	June 2023	17,927	1.84%	16,398	1.83%	1,529	1.96%
2024	September 2023	18,272	1.92%	16,710	1.90%	1,562	2.16%
	December 2023	18,591	1.74%	16,998	1.73%	1,592	1.92%
	March 2024	18,871	1.51%	17,253	1.50%	1,618	1.63%
	June 2024	19,148	1.47%	17,502	1.44%	1,646	1.70%
2025	September 2024	19,372	1.17%	17,703	1.15%	1,669	1.41%
	December 2024	19,577	1.06%	17,887	1.04%	1,691	1.29%
	March 2025	19,794	1.11%	18,081	1.09%	1,713	1.34%
	June 2025	20,037	1.23%	18,299	1.20%	1,738	1.46%
2026	September 2025	20,231	0.97%	18,473	0.96%	1,757	1.08%
	December 2025	20,417	0.92%	18,641	0.91%	1,775	1.04%
	March 2026	20,636	1.07%	18,839	1.06%	1,797	1.19%
	June 2026	20,817	0.88%	19,002	0.87%	1,814	0.99%
2027	September 2026	20,981	0.79%	19,150	0.78%	1,831	0.91%
	December 2026	21,157	0.84%	19,309	0.83%	1,848	0.95%
	March 2027	21,338	0.86%	19,472	0.85%	1,866	0.97%
	June 2027	21,515	0.83%	19,631	0.82%	1,884	0.94%
2028	September 2027	21,665	0.70%	19,766	0.69%	1,899	0.81%
	December 2027	21,851	0.86%	19,934	0.85%	1,918	0.98%
	March 2028	21,984	0.60%	20,052	0.59%	1,931	0.72%
	June 2028	22,125	0.64%	20,179	0.63%	1,946	0.76%

\*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 November 2021 Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2028**

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*	3,603	751	698	39	5,091
2022	4,874	805	743	44	6,466
2023	5,941	646	574	46	7,207
2024	6,017	669	617	47	7,350
2025	6,119	720	665	48	7,552
2026	6,232	787	724	49	7,793
2027	6,377	824	761	49	8,012
2028	6,529	862	793	49	8,233

\*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 November 2021 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2028**

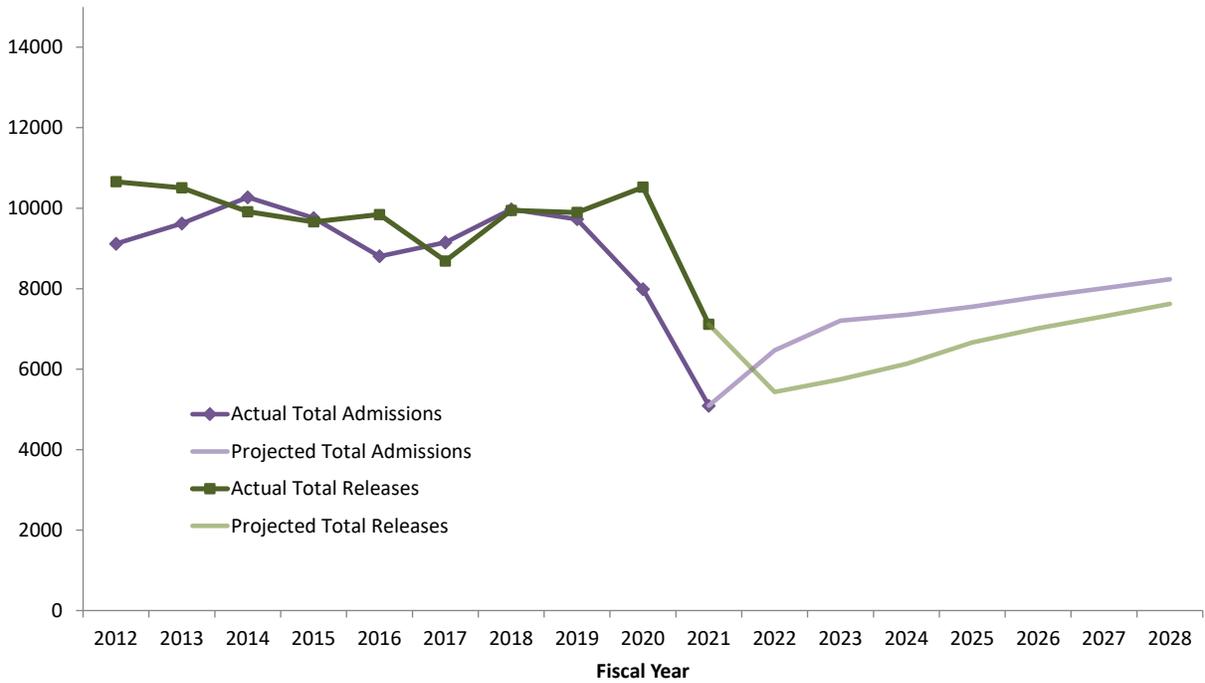
Fiscal Year End	Releases to Parole			Sentence Discharge	Other <sup>2</sup>	Total Discharges
	Mandatory	Discretionary <sup>1</sup>	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
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*	2,177	4,049	6,226	763	126	7,115
2022	1,766	3,026	4,792	563	80	5,435
2023	1,894	3,280	5,174	493	79	5,746
2024	2,024	3,521	5,546	499	85	6,130
2025	2,202	3,836	6,038	533	93	6,663
2026	2,316	4,026	6,342	574	97	7,013
2027	2,414	4,192	6,606	607	101	7,314
2028	2,516	4,370	6,886	631	105	7,623

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.

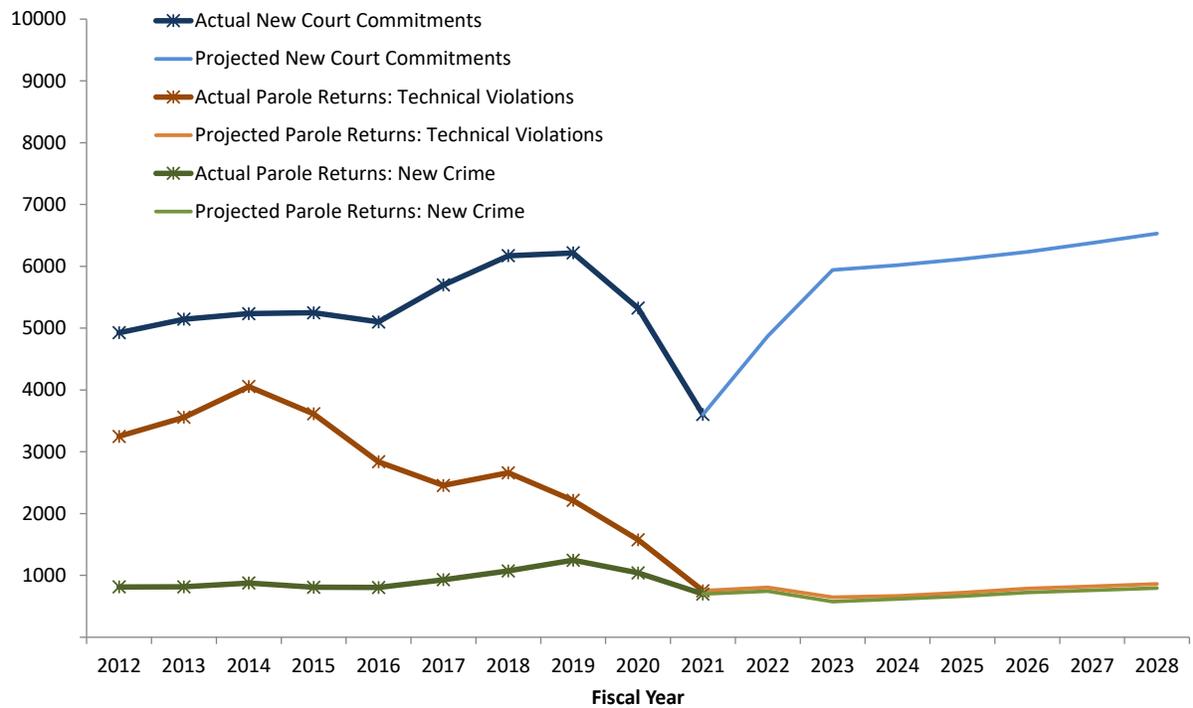
2. This category includes, among other things death, releases on appeal, bond release, and court ordered discharges.

\*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/departamental-reports-and-statistics>

**Figure 4: Colorado prison admissions and releases: actual and projected FY 2012 through FY 2028**

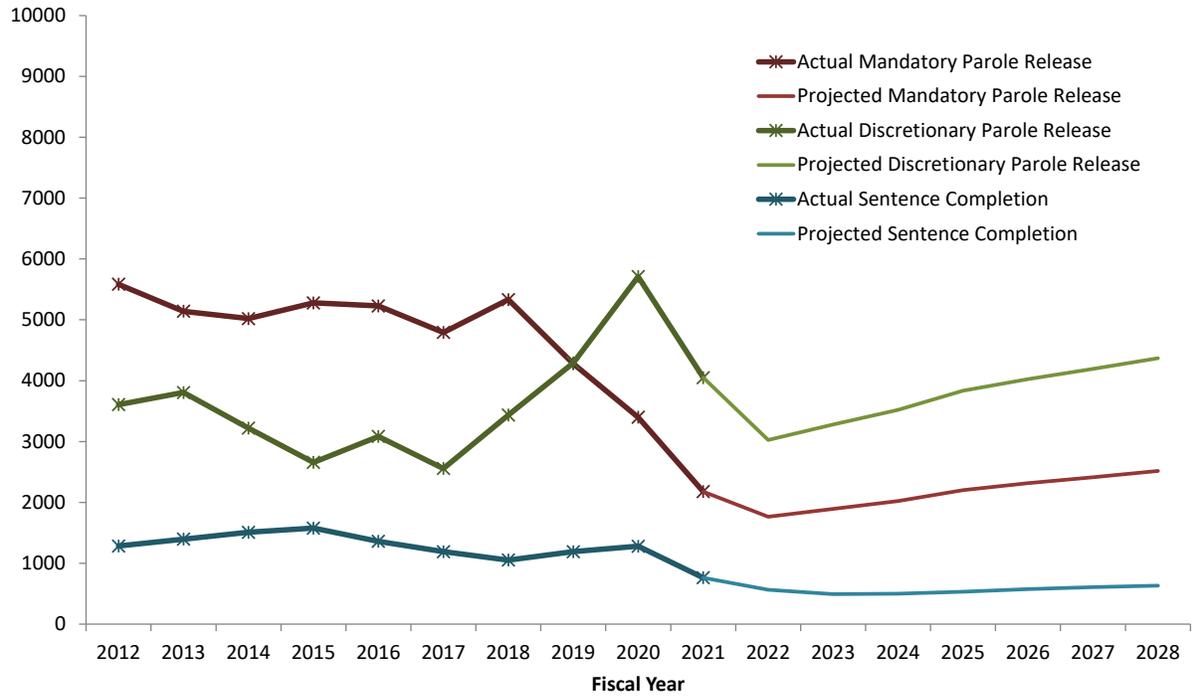


**Figure 5: Colorado prison admission detail: actual and projected FY 2012 through FY 2028**



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

**Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2028**



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>

## ***Prison population trends and factors influencing the 2021 prison population forecast***

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 impacted policing practices and modifications in court operations including reduced court capacity and moratoriums on jury trials. Also affected were probation supervision practices and revocations, prison admissions, releases to parole, and parole supervision protocols. Each of these actions triggered a profound reduction in the prison population.

The current forecast has revised prior forecasts slightly downward in the short term, through mid-FY 2023. However, based on patterns of felony filings, Colorado population growth, prison admissions, and prison releases, it is expected that the prison population will demonstrate stronger growth in subsequent years than previously forecast. The grounds for this expectation are outlined below.

### **Felony filings**

In the wake of the COVID-19 pandemic and subsequent directives impacting all areas of the criminal justice system, 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. While slight increases have been seen in early FY 2022, the numbers of criminal filings and sentences to prison remain far below those seen prior to March of 2020. Court operations in general currently remain delayed and the resultant backlog in court cases has not yet been addressed.

Additionally, House Bills 19-1263 and 20-1019, both of which were signed into law in March of 2020 are likely to have had some impact on the reduction in felony filings. House Bill 20-1019 created a whole new crime separate from escape known as “unauthorized absence”. Under this legislation, individuals in intensive supervision or community corrections programs who fail to return to their home or facility location can no longer be charged with felony escape. House Bill 19-1263 reclassified several drug felonies as drug misdemeanors. However, due to the simultaneity of the onset of the pandemic and the implementation of these bills it will be difficult to determine their distinct impact.

Comparing the numbers of felony cases filed by case type between January and September of 2019 to the same time frame in 2021, criminal filings decreased by 29.5%, most notably among escape and drug possession cases. Cases with a primary charge of drug possession fell by 91.2%, and those with a primary

charge of escape fell by 59.7%. However, notable increases were seen among cases filed for motor vehicle theft (28.8%), weapons charges (19.9%), and homicide (6.7%).

### **Inmate Population**

The prison population demonstrated negative growth throughout FY 2019 and into FY 2020, accelerating with the advent of the COVID-19 pandemic in March of 2020. This decline continued throughout FY 2021, but has returned to positive growth to date in FY 2022, increasing by 1.5% in the 5 months following the end of June 2021. The population grew by 1.1% in October of 2021 alone. Growth exceeding a percentage point in a single month has not occurred since September of 2002, when the population was on a trajectory of consistent growth which lasted through FY 2009.

The current growth is attributable to increases in new commitments to prison. In spite of any declines in admissions due to drug felonies and escape charges attributable to House Bills 19-1263 and 20-1019, new commitments increased by 26.0% in October alone, while the number of releases from prison concurrently declined by 23.1%. While releases had far exceeded overall admissions throughout FY 2021, this differential equalized in early FY 2022 followed by a reversal in recent months. More detail regarding these patterns of admissions to and releases from prison is provided below.

The current forecast expects growth beginning in mid-FY 2022, resulting in a 6.7% increase in the inmate population by year-end. This rate of growth is expected to accelerate in FY 2023. However, in spite of the expected rate of growth, the inmate population is not expected to return to pre-pandemic levels until FY 2025, after which the growth rate is predicted to moderate. Overall, the prison population is expected to increase 43.4% during the seven years beyond the end of FY 2021. Note this striking degree of growth must be viewed in light of the 23.6% decrease that occurred across the prior two years.

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% in the last quarter of FY 2021. This was the lowest ratio of women to men in Colorado prisons observed in the past 20 years. This trend appears to have stabilized, with the proportion of the population made up of women rising fairly consistently. It is expected that this trend will continue and gradually return to the proportions witnessed in prior years.

### **Prison admissions**

As previously mentioned, the current rate of growth is attributable to increases in new commitments to prison as opposed to parole returns. Monthly counts of new commitments to prison fell 45.9% between March and November 2020, hitting a 20-year low of 233 in November 2020. However, by October 2022 monthly new commitments increased to 421, a 74.3% rise.

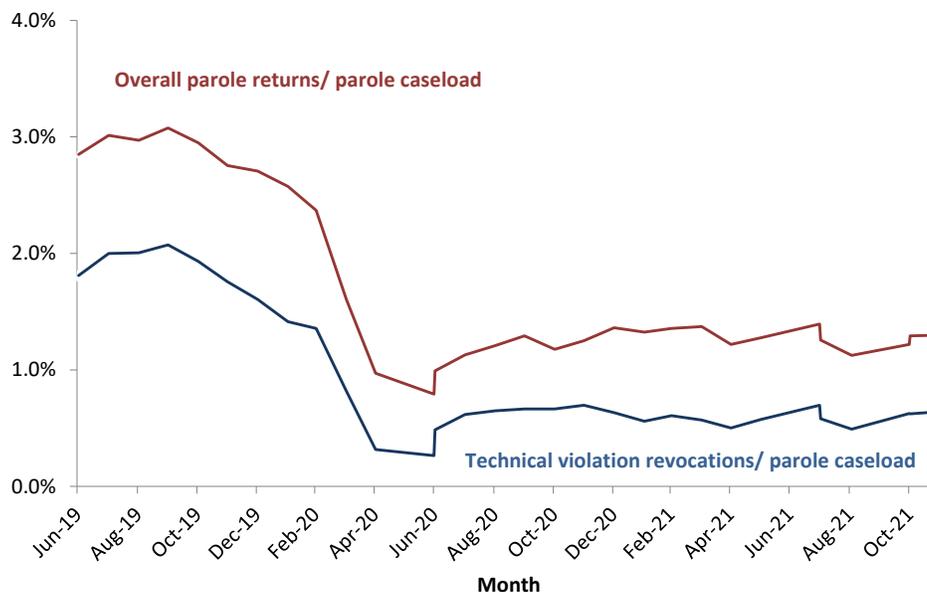
Admissions due to parole returns fell from an average of 262 per month in the first 9 months of FY 2020 to an average of 87 in the final 3 months. While parole returns have increased, they have remained at a lowered level of approximately 120 per month throughout FY 2021 and early FY 2022. This pattern is evident not only in raw numbers of admissions, but also in the ratio of parole returns to the parole

caseload. The proportion of the parole caseload returned to prison each month averaged approximately 1.8% in the 12 months prior to March of 2020, after which it to an average of 0.6%, where it remains to date (see Figure 7). This may be indicative of a reluctance to revoke parole, or may be due to changes in parole board policy. A contributing factor may also lie with the passage of SB 19-143, which severely limited the circumstances under which a parolee may be revoked for a technical parole violation.

However, the expected reduction in parole revocations in the months immediately following enactment of SB 19-143 was not observed. After this bill was signed into law at the end of May 2019, the ratio of parole returns due to technical violations actually increased. A slight decline was observed in January through March of 2020, which may have been a delayed impact of this legislation. The dramatic declines occurring after these few months correlated with the advent of the COVID-19 pandemic and ensuing directives to reduce the prison population, hampering the ability to estimate the proportion of the decline in parole revocations attributable to this legislation.

An additional provision of SB 19-143 was the elimination of determinate periods of time a parolee could be returned to prison. Consequently, the length of stay in prison for those returned on technical parole violations increased steadily from 6.4 months in FY 2019 to 11.8 months in FY 2021, an 84.4% increase. Notwithstanding this increase in length of stay, the reduction in parole returns has little impact on the size of the future population compared to the rise in new commitments.

**Figure 7. Proportion of parole returns to prison to parole caseload: 2 month moving average.**

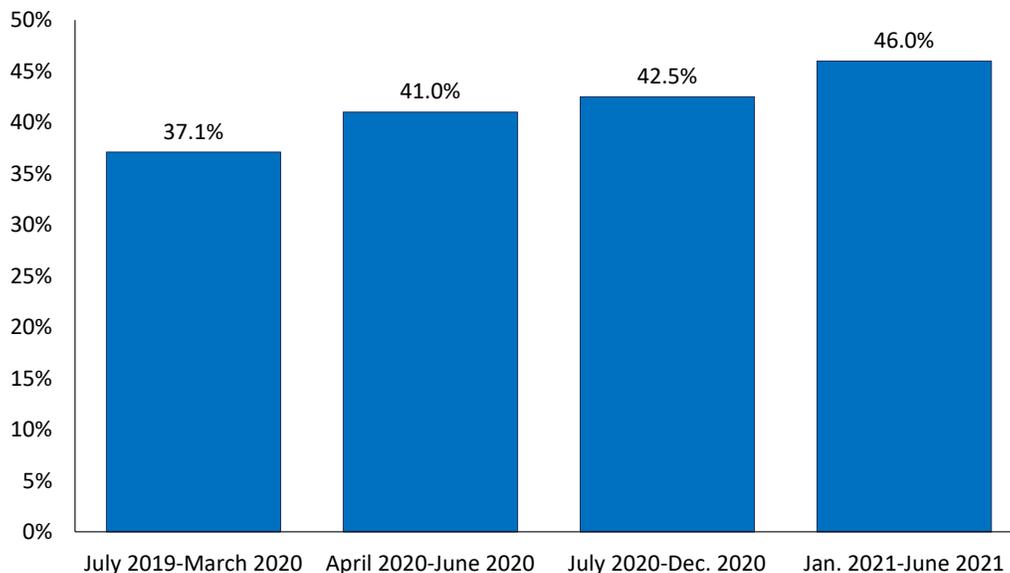


Data source: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

The expected increases in future new commitments is driving the projected growth in upcoming years, as this influx of new inmates will remain in prison for an estimated 3 years on average. Additionally, larger proportions of new admissions are currently made up of those committed for violent crimes. As

shown in Figure 8, the proportion of admissions made up of this population averaged 37.1% in the first 9 months of FY 2020, this increased to 41.0% between the ends of March and June of 2020. An increasing trend has continued into FY 2021 with an average of 42.5% in first half of FY 2021, to 46.0% in the last half of FY 2021. As this population serves an average of 4.7 years in prison compared to 1.6 years for those admitted for non-violent crimes, this provides additional upward pressure on the population in upcoming years.

**Figure 8. Proportion of DOC admissions due to violent crimes**



Data source: Data provided by the Colorado Department of Corrections Office of Planning and Analysis

Probation revocations are also a source of new commitments to prison. Along with court operations, such revocations slowed during 2020 but are expected to increase in the upcoming year. This will provide further upward movement in the number of new court commitments.

An additional factor influencing future prison admissions lies in the number of parolees considered to be on absconder status. This population grew substantially after March of 2020, with the proportion of the total parole caseload made up of absconders increasing from 6.3% prior to March of 2020 to 12.4% by November 2021. As many as 1,422 individuals were considered to be on absconder status during this time frame. 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.

The current forecast assumes admissions, primarily new court commitments, will continue to rise sharply thru the end of FY 2022, followed by continuing but moderated growth. Such admissions are expected to return to pre-pandemic levels by the end of FY 2026. Admissions due to technical parole returns are expected to remain low, demonstrating very little growth throughout the forecast horizon.

## **Releases**

Even prior to the onset of the COVID-19 pandemic, changes in the composition and leadership of the Parole Board had begun to expedite releases. Additionally, the passage of Senate Bill 19-143, targeting changes in prison population management and parole approval rates resulted in increases in discretionary parole releases. However, beginning in March 2020, the parole board responded to the directives issued to create prison capacity adequate to reduce the spread of COVID-19 in DOC facilities by greatly accelerating discretionary parole releases.

In the 12 months preceding March of 2020, an average of 823 releases occurred per month, 49.9% of which were discretionary parole releases. In the last quarter of FY 2021 (March-June 2021), this accelerated to 1066 releases per month, with the proportion of discretionary releases increasing to 63.8%. Since that time, releases have steadily declined. This was to be expected in light of the reduction in the size of the prison population, as well as the push to increase discretionary parole releases in the last quarter of FY 2020 which resulted in a smaller pool of parole-eligible offenders.

Given the influence of the size of the inmate population on these figures, the ratio of releases to the population is more telling. During the first 9 months of FY 2020, approximately 4.1% of the inmate population was released each month. During April 2020 this increased to 7.5% but has steadily declined each month, such that only 2.5% of the population was released in October and 2.8% in November 2021.

This trend is expected to continue for some years, as the current remaining inmate population is less likely to be eligible for or considered suitable for release. Additionally, the influx of new commitments will not be eligible for release for some years to come, exacerbated by the increase in the proportion of admissions with more serious crimes and lengthier sentences.

## **Legislation**

A number of bills were signed into law in recent years, with varying degrees of expected impact on the prison population and parole caseload. The most significant of these include House Bills 19-1263 and 20-1019. While these bills were anticipated to produce significant reductions in the prison population, this impact may be more minimal than expected.

While HB 19-1263 reduced a number of level 4 drug felonies to misdemeanors, defendants convicted of these felonies were often not sentenced to incarceration. For those that were, their length of stay in DOC was very short, averaging four to five months.

Under HB 20-1019, inmates or parolees who abscond from a community program can no longer be charged with felony escape and returned to prison on a new felony conviction. However, the expected reduction in the number of prison admissions due to this legislation will likely be moderated by a number of factors:

- Few individuals in these programs are on parole. However, those who are unsuccessfully discharged for failing to return will likely receive a technical revocation and returned to prison.
- Those who are on transition status are most often still inmates, and will be regressed back to prison, which may additionally cause a delay in their eventual parole approval.
- Those on diversion status who walk away from a community program will likely be revoked, and have a suspended prison sentence invoked.
- Additionally, many of those previously admitted with an escape charge as their most serious conviction charge do have additional charges. Of those released between 2004 and 2020, only 7.8% had only an escape charge. Another 44.0% had an underlying property charge, 31.3% had an underlying drug charge, and 11.4% had an underlying violent charge. Thus, while new commitments for escape did go down after implementation of the bill, many of these were likely still returned to prison under a different governing crime.

In addition to these statutory changes, further recent legislation that may have impact on the prison population includes:

- 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 and requires a majority vote by the parole board to deny parole for low-risk inmates.
- Senate Bill 2021-271 may 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, signed into law in July 2021, targeted improving prison release outcomes. This bill is expected to reduce the population by expanding special needs parole. Additionally, the bill required the Parole Board to schedule a hearing for an inmate serving a sentence for an escape crime that would now constitute a lesser offense of unauthorized absence, within 60 days. However, this had very minimal impact on releases due to a variety of factors, including victim notification requirements, program completion requirements, institutional behavior histories, and previously-existing release and sentence discharge dates.
- SB 21-064, which creates a new crime of retaliation against an elected official, will result in very few new admissions and will have virtually no impact on the prison population.
- SB 21-124 reclassified some felony 1 murder charges to a felony 2, 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 first degree felony to an estimated 16.8 years for felony 2 offenses will have no measurable impact on the prison population until FY 2038.

## **Adult Parole Caseload Forecast**

The two components used when forecasting future parole caseloads are the expected numbers of releases to parole, and their length of stay on parole. These may vary greatly depending on 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 2028, while Figure 7 displays the year-end caseloads for fiscal years 2012 through 2021, and the projected year-end caseloads for fiscal years 2022 through 2028.

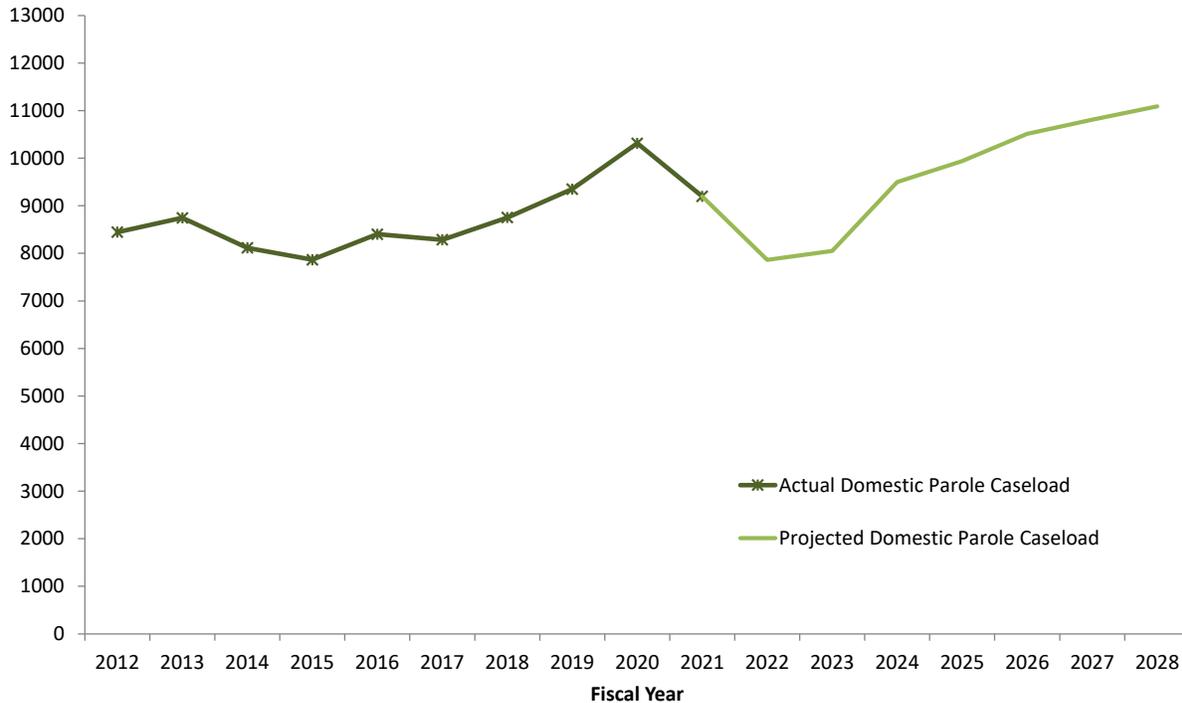
By the end of FY 2022, the domestic parole caseload is expected to decline 14.5%, from 9,198 to 7,863 parolees. This decline is predicted to continue into early FY 2023, with a return to growth late in the fiscal year in response to an increasing prison population, resulting in an expected 2.4% increase in the caseload by year-end. This increase is expected to accelerate in FY 2024, resulting in an 18.0% increase between the ends of FY 2022 and FY 2024. Growth is expected continue across the following four years though at a moderated rate. An overall 20.6% increase is expected by the end of FY 2028, with the caseload reaching 11,091.

**Table 5: DCJ November 2021 adult domestic parole caseload projection FY 2012 through FY 2028**

<b>Fiscal Year End</b>	<b>Domestic Parole Caseload</b>	<b>Annual Growth</b>
2021*	9,198	-10.83%
2022	7,863	-14.51%
2023	8,050	2.38%
2024	9,497	17.97%
2025	9,940	4.66%
2026	10,514	5.78%
2027	10,811	2.82%
2028	11,091	2.58%

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

**Figure 9: Historical and projected end of fiscal year domestic parole caseload FY 2012 through FY 2028**



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

## ***Parole caseload trends and forecast factors***

As can be seen in Figure 9, 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 the growth observed in these two years was attributable to reductions in parole revocation conditions and to the resultant increase in mandatory re-paroles which occurred in response to HB 17-1326. This legislation significantly reduced the amount of time parolees with technical violations could be returned to prison as well as 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.

Growth continued steadily throughout the majority of FY 2020, before experiencing a rapid 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.

This growth stabilized in the first half of FY 2021, concurrent to an increase in early discharges from parole. This was followed by a continuous decline in the caseload, such that the number of parolees fell by 8.2% across the second half of FY 2021. To date, the caseload has continued a pattern of decline in response to a shrinking pool of inmates eligible for parole release.

The current forecast revises the expected caseload by the end of FY 2022 downward from recent forecasts, but also a return to growth somewhat sooner. Growth is expected toward the end of FY 2023, when the expected influx of new commitments may become eligible for parole. This growth accelerates greatly in FY 2024, in concert with the expected increase in the inmate population and increasing numbers of new commitments becoming parole-eligible.

Senate Bill 2021-146, which modifies the parole eligibility criteria for senior and special needs inmates, will increase releases to parole in FY 2022 and FY 2023, which will contribute to the size of the caseload for several years following release.

Growth is expected to continue, though at a much more moderate rate in fiscal years 2025 through 2028. This moderation is influenced to some degree by HB 18-1029, which lowered parole terms from 5 years to 3 years for those convicted of felony 3 and for certain felony 2 crimes. This legislation is expected to begin to impact the parole caseload in May of 2027, when those convicted under this legislation will begin to be released from parole.

## ***Length of Stay Estimates for FY 2021 Prison and Parole Admissions***

Tables 6 through 12 display the estimated average length of stay (ALOS) for admissions to prison during FY 2021. 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 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 offender's life. For those convicted of class 2 or 3 felonies, the parole term is 20 years to life.

Of the 3,027 inmates subject to the act incarcerated by the end of FY 2021, 1,309 of these had been paroled. Of these, 78 had discharged their sentence from parole, but 65.4% of these had died while on parole. Only 27 individuals have completed their parole term and received a parole discharge, the majority after serving 10 years. Of the 1,222 individuals who have been released to parole, and have not returned to prison due to a new crime, and have not yet discharged their sentence, 7.0% have served at least 10 years. Less than half a percent (0.3%) have served over 20 years.

An additional factor rendering these estimates unreliable lies in the fact that of those released to parole over the past four years, a third (31.9%) were convicted of class 2 and 3 sexual offenses. Given an average LOS in prison of 13 years and a minimum parole term of 20 years, the pool of these 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 2021 new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	24	0.56%	2.66
F2 Ext <sup>3</sup>	174.39	89	2.06%	3.59
F2 Sex <sup>4</sup>	280.70	1	0.02%	0.06
F2 Other <sup>5</sup>	68.24	23	0.53%	0.36
Total Felony 2 <sup>6</sup>	153.72	113	2.67%	4.10
F3 Ext	106.58	171	3.95%	4.21
F3 Sex	89.00	39	0.90%	0.80
F3 Other	50.02	111	2.57%	1.28
Total Felony 3 <sup>7</sup>	84.89	321	7.58%	6.43
F4 Ext	37.01	511	11.82%	4.37
F4 Sex	39.03	30	0.69%	0.27
F4 Other	21.80	626	14.48%	3.16
Total Felony 4 <sup>8</sup>	29.17	1143	26.98%	7.87
F5 Ext	17.37	154	3.56%	0.62
F5 Sex	15.04	73	1.69%	0.25
F5 Other	13.53	766	17.72%	2.40
Total Felony 5 <sup>9</sup>	14.28	1017	24.00%	3.43
F6 Ext	9.30	124	2.87%	0.27
F6 Sex	6.11	12	0.28%	0.02
F6 Other	7.14	324	7.49%	0.54
Total Felony 6 <sup>10</sup>	7.70	460	10.86%	0.84
Drug Felony (DF) Level 1 <sup>11,12</sup>	63.49	22	0.51%	0.32
DF Level 2 <sup>12</sup>	26.52	10	0.23%	0.06
DF Level 3 <sup>12</sup>	16.82	6	0.14%	0.02
DF Level 4	3.46	117	2.71%	0.09
Ext DF Level 1 <sup>12,13</sup>	60.87	36	0.83%	0.51
Ext DF Level 2	27.40	132	3.05%	0.84
Ext DF Level 3	14.59	108	2.50%	0.36
Ext DF Level 4	3.74	8	0.19%	0.01
Total Drug Felony <sup>14</sup>	21.83	439	10.36%	2.26
Total excluding Habitual and Sex Offender Act categories	33.30	3517	83.01%	27.64
Habitual <sup>15</sup>	139.51	36	0.57%	0.79
Sex Offender Act <sup>16</sup>	261.80	119	1.88%	4.92
Total including Habitual and Sex Offender Act categories	36.82	3591	83.05%	30.58

Note: Refer to the footnotes following Table 14.

**Table 7: Estimated average length of stay for FY 2021 male new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	22	0.51%	2.44
F2 Ext <sup>3</sup>	172.97	80	1.85%	3.20
F2 Sex <sup>4</sup>	280.70	1	0.02%	0.06
F2 Other <sup>5</sup>	73.92	18	0.42%	0.31
Total Felony 2 <sup>6</sup>	156.05	99	2.34%	3.65
F3 Ext	112.11	155	3.58%	4.02
F3 Sex	89.84	37	0.86%	0.77
F3 Other	53.03	96	2.22%	1.18
Total Felony 3 <sup>7</sup>	89.56	288	6.80%	6.09
F4 Ext	37.11	458	10.59%	3.93
F4 Sex	37.89	29	0.67%	0.25
F4 Other	22.37	518	11.98%	2.68
Total Felony 4 <sup>8</sup>	29.85	982	23.18%	6.92
F5 Ext	18.42	132	3.05%	0.56
F5 Sex	15.04	73	1.69%	0.25
F5 Other	14.09	651	15.06%	2.12
Total Felony 5 <sup>9</sup>	14.87	879	20.75%	3.08
F6 Ext	9.54	117	2.71%	0.26
F6 Sex	6.11	12	0.28%	0.02
F6 Other	7.14	269	6.22%	0.44
Total Felony 6 <sup>10</sup>	7.81	398	9.39%	0.73
Drug Felony (DF) Level 1 <sup>11,12</sup>	63.49	22	0.51%	0.32
DF Level 2 <sup>12</sup>	27.30	9	0.21%	0.06
DF Level 3 <sup>12</sup>	16.82	6	0.14%	0.02
DF Level 4	3.70	82	1.90%	0.07
Ext DF Level 1 <sup>12,13</sup>	61.59	32	0.74%	0.46
Ext DF Level 2	28.40	108	2.50%	0.71
Ext DF Level 3	14.57	92	2.13%	0.31
Ext DF Level 4	3.20	6	0.14%	0.00
Total Drug Felony <sup>14</sup>	23.66	357	8.43%	1.99
Total excluding Habitual and Sex Offender Act categories	34.96	3025	71.39%	24.96
Habitual <sup>15</sup>	139.51	36	0.57%	0.79
Sex Offender Act <sup>16</sup>	261.45	118	1.86%	4.88
Total including Habitual and Sex Offender Act categories	38.94	3098	71.65%	27.90

Note: Refer to the footnotes following Table 14.

**Table 8: Estimated average length of stay for FY 2021 female new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	2	0.05%	0.22
F2 Ext <sup>3</sup>	186.98	9	0.21%	0.39
F2 Sex <sup>4</sup>	-	-	0.00%	0.00
F2 Other <sup>5</sup>	47.81	5	0.12%	0.06
<b>Total Felony 2<sup>6</sup></b>	<b>137.28</b>	<b>14</b>	<b>0.33%</b>	<b>0.45</b>
F3 Ext	53.00	16	0.37%	0.20
F3 Sex	73.60	2	0.05%	0.03
F3 Other	30.73	15	0.35%	0.11
<b>Total Felony 3<sup>7</sup></b>	<b>44.12</b>	<b>33</b>	<b>0.78%</b>	<b>0.34</b>
F4 Ext	36.09	53	1.23%	0.44
F4 Sex	72.00	1	0.02%	0.02
F4 Other	19.10	108	2.50%	0.48
<b>Total Felony 4<sup>8</sup></b>	<b>25.01</b>	<b>161</b>	<b>3.80%</b>	<b>0.95</b>
F5 Ext	11.08	22	0.51%	0.06
F5 Sex	-	-	0.00%	0.00
F5 Other	10.36	115	2.66%	0.28
<b>Total Felony 5<sup>9</sup></b>	<b>10.55</b>	<b>138</b>	<b>3.26%</b>	<b>0.34</b>
F6 Ext	5.43	7	0.16%	0.01
F6 Sex	-	-	0.00%	0.00
F6 Other	7.15	55	1.27%	0.09
<b>Total Felony 6<sup>10</sup></b>	<b>6.95</b>	<b>62</b>	<b>1.46%</b>	<b>0.10</b>
Drug Felony (DF) Level 1 <sup>11,12</sup>	-	-	0.00%	0.00
DF Level 2 <sup>12</sup>	19.43	1	0.02%	0.00
DF Level 3 <sup>12</sup>	-	-	0.00%	0.00
DF Level 4	2.87	35	0.81%	0.02
Ext DF Level 1 <sup>12,13</sup>	55.07	4	0.09%	0.05
Ext DF Level 2	22.89	24	0.56%	0.13
Ext DF Level 3	14.71	16	0.37%	0.05
Ext DF Level 4	5.37	2	0.05%	0.00
<b>Total Drug Felony<sup>14</sup></b>	<b>13.85</b>	<b>82</b>	<b>1.94%</b>	<b>0.27</b>
<b>Total excluding Habitual and Sex Offender Act categories</b>	<b>23.15</b>	<b>492</b>	<b>11.61%</b>	<b>2.69</b>
Habitual <sup>15</sup>	-	-	0.00%	0.00
Sex Offender Act <sup>16</sup>	303.27	1	0.02%	0.05
<b>Total including Habitual and Sex Offender Act categories</b>	<b>23.52</b>	<b>493</b>	<b>11.40%</b>	<b>2.68</b>

Note: Refer to the footnotes following Table 14.

**Table 9: Estimated average length of stay for FY 2021 parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	1	0.02%	0.11
F2 Ext <sup>3</sup>	72.21	11	0.25%	0.18
F2 Sex <sup>4</sup>	-	-	0.00%	0.00
F2 Other <sup>5</sup>	53.07	6	0.14%	0.07
Total Felony 2 <sup>6</sup>	65.45	17	0.40%	0.26
F3 Ext	54.54	43	0.99%	0.54
F3 Sex	48.53	5	0.12%	0.06
F3 Other	39.75	80	1.85%	0.74
Total Felony 3 <sup>7</sup>	45.06	128	3.02%	1.36
F4 Ext	37.74	88	2.04%	0.77
F4 Sex	37.88	3	0.07%	0.03
F4 Other	26.20	219	5.06%	1.33
Total Felony 4 <sup>8</sup>	29.61	309	7.29%	2.16
F5 Ext	25.84	29	0.67%	0.17
F5 Sex	19.65	11	0.25%	0.05
F5 Other	19.26	167	3.86%	0.74
Total Felony 5 <sup>9</sup>	20.22	208	4.91%	0.99
F6 Ext	15.25	6	0.14%	0.02
F6 Sex	12.71	4	0.09%	0.01
F6 Other	13.76	19	0.44%	0.06
Total Felony 6 <sup>10</sup>	13.93	29	0.68%	0.10
Drug Felony (DF) Level 1 <sup>11,12</sup>	53.04	3	0.07%	0.04
DF Level 2 <sup>12</sup>	-	-	0.00%	0.00
DF Level 3 <sup>12</sup>	-	-	0.00%	0.00
DF Level 4	11.00	1	0.02%	0.00
Ext DF Level 1 <sup>12,13</sup>	49.77	3	0.07%	0.03
Ext DF Level 2	26.61	20	0.46%	0.12
Ext DF Level 3	13.93	1	0.02%	0.00
Ext DF Level 4	-	-	0.00%	0.00
Total Drug Felony <sup>14</sup>	30.91	28	0.66%	0.20
Total excluding Habitual and Sex Offender Act categories	30.53	720	16.99%	5.19
Habitual <sup>15</sup>	65.45	4	0.06%	0.04
Sex Offender Act <sup>16</sup>	97.42	8	0.13%	0.12
Total including Habitual and Sex Offender Act categories	32.22	733	16.95%	5.46

Note: Refer to the footnotes following Table 14.

**Table 10: Estimated average length of stay for FY 2021 male parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	1	0.02%	0.11
F2 Ext <sup>3</sup>	72.21	11	0.25%	0.18
F2 Sex <sup>4</sup>	-	-	0.00%	0.00
F2 Other <sup>5</sup>	50.94	5	0.12%	0.06
Total Felony 2 <sup>6</sup>	65.56	16	0.38%	0.25
F3 Ext	55.58	40	0.93%	0.51
F3 Sex	48.53	5	0.12%	0.06
F3 Other	39.44	73	1.69%	0.67
Total Felony 3 <sup>7</sup>	45.29	118	2.78%	1.26
F4 Ext	38.29	83	1.92%	0.73
F4 Sex	37.88	3	0.07%	0.03
F4 Other	26.96	198	4.58%	1.23
Total Felony 4 <sup>8</sup>	30.41	283	6.68%	2.03
F5 Ext	26.48	28	0.65%	0.17
F5 Sex	19.65	11	0.25%	0.05
F5 Other	19.49	151	3.49%	0.68
Total Felony 5 <sup>9</sup>	20.55	191	4.51%	0.93
F6 Ext	15.25	6	0.14%	0.02
F6 Sex	12.71	4	0.09%	0.01
F6 Other	14.24	16	0.37%	0.05
Total Felony 6 <sup>10</sup>	14.24	26	0.61%	0.09
Drug Felony (DF) Level 1 <sup>11,12</sup>	53.04	3	0.07%	0.04
DF Level 2 <sup>12</sup>	-	-	0.00%	0.00
DF Level 3 <sup>12</sup>	-	-	0.00%	0.00
DF Level 4	11.00	1	0.02%	0.00
Ext DF Level 1 <sup>12,13</sup>	49.77	3	0.07%	0.03
Ext DF Level 2	26.61	20	0.46%	0.12
Ext DF Level 3	-	-	0.00%	0.00
Ext DF Level 4	-	-	0.00%	0.00
Total Drug Felony <sup>14</sup>	31.54	27	0.64%	0.20
Total excluding Habitual and Sex Offender Act categories	31.16	662	15.62%	4.87
Habitual <sup>15</sup>	65.45	4	0.06%	0.04
Sex Offender Act <sup>16</sup>	97.42	8	0.13%	0.12
Total including Habitual and Sex Offender Act categories	32.98	675	15.61%	5.15

Note: Refer to the footnotes following Table 14.

**Table 11: Estimated average length of stay for FY 2021 female parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	-	-	0.00%	0.00
F2 Ext <sup>3</sup>	-	-	0.00%	0.00
F2 Sex <sup>4</sup>	-	-	0.00%	0.00
F2 Other <sup>5</sup>	63.73	1	0.02%	0.01
<b>Total Felony 2<sup>6</sup></b>	<b>63.73</b>	<b>1</b>	<b>0.02%</b>	<b>0.02</b>
F3 Ext	40.70	3	0.07%	0.03
F3 Sex	-	-	0.00%	0.00
F3 Other	43.00	7	0.16%	0.07
<b>Total Felony 3<sup>7</sup></b>	<b>42.31</b>	<b>10</b>	<b>0.24%</b>	<b>0.10</b>
F4 Ext	28.75	5	0.12%	0.03
F4 Sex	-	-	0.00%	0.00
F4 Other	18.99	21	0.49%	0.09
<b>Total Felony 4<sup>8</sup></b>	<b>20.87</b>	<b>26</b>	<b>0.61%</b>	<b>0.13</b>
F5 Ext	7.93	1	0.02%	0.00
F5 Sex	-	-	0.00%	0.00
F5 Other	17.07	16	0.37%	0.06
<b>Total Felony 5<sup>9</sup></b>	<b>16.53</b>	<b>17</b>	<b>0.40%</b>	<b>0.07</b>
F6 Ext	-	-	0.00%	0.00
F6 Sex	-	-	0.00%	0.00
F6 Other	11.20	3	0.07%	0.01
<b>Total Felony 6<sup>10</sup></b>	<b>11.20</b>	<b>3</b>	<b>0.07%</b>	<b>0.01</b>
Drug Felony (DF) Level 1 <sup>11,12</sup>	-	-	0.00%	0.00
DF Level 2 <sup>12</sup>	-	-	0.00%	0.00
DF Level 3 <sup>12</sup>	-	-	0.00%	0.00
DF Level 4	-	-	0.00%	0.00
Ext DF Level 1 <sup>12,13</sup>	-	-	0.00%	0.00
Ext DF Level 2	-	-	0.00%	0.00
Ext DF Level 3	13.93	1	0.02%	0.00
Ext DF Level 4	-	-	0.00%	0.00
<b>Total Drug Felony<sup>14</sup></b>	<b>13.93</b>	<b>1</b>	<b>0.02%</b>	<b>0.00</b>
<b>Total excluding Habitual and Sex Offender Act categories</b>	<b>23.41</b>	<b>58</b>	<b>1.37%</b>	<b>0.32</b>
Habitual <sup>15</sup>	-	-	0.00%	0.00
Sex Offender Act <sup>16</sup>	-	-	0.00%	0.00
<b>Total including Habitual and Sex Offender Act categories</b>	<b>23.41</b>	<b>58</b>	<b>1.34%</b>	<b>0.31</b>

Note: Refer to the footnotes following Table 14.

**Table 12: Estimated average length of stay for FY 2021 combined new court commitments and parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Felony 1	480.00	25	0.58%	2.78
F2 Ext <sup>3</sup>	163.15	100	2.31%	3.77
F2 Sex <sup>4</sup>	280.70	1	0.02%	0.06
F2 Other <sup>5</sup>	65.11	29	0.67%	0.44
Total Felony 2 <sup>6</sup>	142.18	130	3.07%	4.36
F3 Ext	96.12	214	4.95%	4.76
F3 Sex	84.40	44	1.02%	0.86
F3 Other	45.72	191	4.42%	2.02
Total Felony 3 <sup>7</sup>	73.53	449	10.60%	7.79
F4 Ext	37.12	599	13.85%	5.14
F4 Sex	38.93	33	0.76%	0.30
F4 Other	22.94	845	19.54%	4.48
Total Felony 4 <sup>8</sup>	29.26	1452	34.27%	10.03
F5 Ext	18.71	183	4.23%	0.79
F5 Sex	15.65	84	1.94%	0.30
F5 Other	14.55	933	21.58%	3.14
Total Felony 5 <sup>9</sup>	15.29	1225	28.91%	4.42
F6 Ext	9.58	130	3.01%	0.29
F6 Sex	7.76	16	0.37%	0.03
F6 Other	7.51	343	7.93%	0.60
Total Felony 6 <sup>10</sup>	8.07	489	11.54%	0.93
Drug Felony (DF) Level 1 <sup>11,12</sup>	62.24	25	0.58%	0.36
DF Level 2 <sup>12</sup>	26.52	10	0.23%	0.06
DF Level 3 <sup>12</sup>	16.82	6	0.14%	0.02
DF Level 4	3.52	118	2.73%	0.10
Ext DF Level 1 <sup>12,13</sup>	60.01	39	0.90%	0.54
Ext DF Level 2	27.30	152	3.52%	0.96
Ext DF Level 3	14.59	109	2.52%	0.37
Ext DF Level 4	3.74	8	0.19%	0.01
Total Drug Felony <sup>14</sup>	22.37	467	11.02%	2.47
Total excluding Habitual and Sex Offender Act categories	32.83	4237	100.00%	32.83
Habitual <sup>15</sup>	132.10	40	0.63%	0.84
Sex Offender Act <sup>16</sup>	251.45	127	2.01%	5.05
Total including Habitual and Sex Offender Act categories	36.04	4324	100%	36.04

Note: Refer to the footnotes following Table 14.

**Table 13: Estimated average length of stay for FY 2021 prison admissions, category totals *excluding* habitual and sex offender act convictions\***

Admission category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	33.30	3517	83.01%	27.64
Total Parole Returns	30.53	720	16.99%	5.19
Total Male Admissions	34.27	3687	87.02%	29.82
Total Female Admissions	23.17	550	12.98%	3.01
Grand Total	32.83	4237	100%	32.83

*\*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 2021 prison admissions, category totals *including* habitual and sex offender act convictions\***

Admission category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	36.82	3591	83.05%	30.58
Total Parole Returns	32.22	733	16.95%	5.46
Total Male Admissions	37.87	3773	87.26%	33.05
Total Female Admissions	23.50	551	12.74%	3.00
Grand Total	36.04	4324	100%	36.04

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

*Note: Refer to the footnotes on the following page.*

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> “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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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).

<sup>14</sup> Includes all admissions sentenced under the Uniform Controlled Substances Act of 2013.

<sup>15</sup> 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.

<sup>16</sup> 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 new parole intakes during FY 2021<sup>1</sup>**

Offense Category	Average Length of Stay (Months)	Number of releases to parole <sup>2</sup>	Percent of all parole releases	Average Length of Stay Effect (Months)
F2 Ext <sup>3</sup>	28.30	72	1.54%	0.44
F2 Sex <sup>4</sup>	-	-	0.00%	0.00
F2 Other <sup>5</sup>	24.40	30	0.64%	0.16
Total Felony 2 <sup>6</sup>	27.15	102	2.26%	0.61
F3 Ext	32.13	200	4.29%	1.38
F3 Sex	36.65	59	1.27%	0.46
F3 Other	33.17	179	3.84%	1.27
Total Felony 3 <sup>7</sup>	33.19	436	9.67%	3.21
F4 Ext	22.11	575	12.33%	2.73
F4 Sex	23.73	28	0.60%	0.14
F4 Other	22.20	989	21.20%	4.71
Total Felony 4 <sup>8</sup>	22.32	1569	34.78%	7.76
F5 Ext	16.53	193	4.14%	0.68
F5 Sex	17.87	120	2.57%	0.46
F5 Other	17.10	1082	23.20%	3.97
Total Felony 5 <sup>9</sup>	17.05	1420	31.48%	5.37
F6 Ext	9.57	119	2.55%	0.24
F6 Sex	9.50	18	0.39%	0.04
F6 Other	9.53	379	8.13%	0.77
Total Felony 6 <sup>10</sup>	9.54	516	11.44%	1.09
Drug Felony (DF) Level 1 <sup>11,12</sup>	22.20	6	0.13%	0.03
DF Level 2 <sup>13</sup>	14.33	11	0.24%	0.03
DF Level 3	9.30	6	0.13%	0.01
DF Level 4	9.63	134	2.87%	0.28
Ext DF Level 1 <sup>14,15</sup>	16.70	29	0.62%	0.10
Ext DF Level 2	15.03	168	3.60%	0.54
Ext DF Level 3	9.27	105	2.25%	0.21
Ext DF Level 4	9.27	9	0.19%	0.02
Total Drug Felony <sup>16</sup>	12.19	468	10.37%	1.26
Total excluding Habitual and Sex Offender Act categories	19.31	4511	100%	19.31
Habitual <sup>17</sup>	20.08	24	0.51%	0.10
Sex Offender Act <sup>18</sup>	160.93	129	2.77%	4.45
Total including Habitual and Sex Offender Act categories	23.23	4664	100%	23.23

Note: Refer to the footnotes on the following page.

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.*

<sup>5</sup> “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.

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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).

<sup>15</sup> 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.

<sup>16</sup> Includes all parole intakes sentenced under the Uniform Controlled Substances Act of 2013.

<sup>17</sup> 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.

<sup>18</sup> 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

## 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 influencing 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.<sup>7</sup> 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.

### **IN BRIEF:**

***The current forecast indicates a decline of 14.6% in the annual number of new commitments across FY 2022, leading to a 16.4% decline in the average daily population (ADP) of committed juveniles. Smaller declines are expected in subsequent years. The commitment ADP is forecast to fall by 34.5% by the end of FY 2026, from 341.8 as of the end of FY 2021 to 223.7.***

***The juvenile parole average daily caseload (ADC) is expected to fall 29.9% by the end of FY 2022, followed by smaller declines over the next four years. Overall, the caseload is expected to reach 89.6 by the end of FY 2026, a 45.2% decline from the end of FY 2021.***

***The detention forecast indicates a 17.3% increase in the ADP by the end of FY 2022, followed by gradual growth through FY 2024. The ADP is then expected to stabilize, with very small declines in the following two years. Overall, the detention ADP is expected to reach 190.1 by the end of FY 2027, a 30.1% increase from the ADP observed at the end of FY 2021.***

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<sup>7</sup> 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.

## ***Juvenile Commitment Population Forecast***

The commitment population consists of juveniles adjudicated for a crime and committed to the custody of the Division of Youth Services. Such juveniles may receive a sentence to the DYS for a period ranging between one and seven years, during which they are placed in long-term commitment facilities. These placements provide a variety of services, including education, vocational training, treatment, and transition services. Treatment services may include individual, group and family treatment, substance abuse, and offense-specific treatment.

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.<sup>8</sup>

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.

Across FY 2021 and early FY 2022, new commits remained stable. However, these began to decline in October with a continuing declining trend indicated. Additionally, the length of stay in commitment declined in August 2020 and has remained at this lower level. Both of these factors point to continuing declines in the commitment ADP.

As such, the current forecast has been revised downward from that produced in December 2020. The annual number of new commitments is expected to fall 14.6% across FY 2022, leading to a 16.4% decline in the commitment ADP. The APD is anticipated to fall by an additional 12.0% in FY 2023, followed by smaller declines in subsequent years. By the end of FY 2026, the ADP is expected to fall by 34.5%, from 341.2 as of the end of FY 2021 to 223.7.

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<sup>8</sup> 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 summarizes the actual year-end ADP and new commitment figures for fiscal years 2016 through 2021, and the current forecasts through FY 2026. Table 17 presents the projected quarterly YTD ADP. The historical ADP from FY 2016 through FY 2021 and the projected ADP through FY 2026 are depicted in Figure 8. Figure 9 displays historical new commitments to DYS since FY 2016, and projected new commitments through FY 2026.

**Table 16: DCJ January 2022 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2016 through FY 2026**

Fiscal Year End	YTD ADP <sup>1</sup> 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*	341.2	-25.0%	185	-28.6%
2022	285.4	-16.4%	158	-14.6%
2023	251.1	-12.0%	144	-8.9%
2024	238.6	-5.0%	139	-3.5%
2025	228.9	-4.0%	135	-2.9%
2026	223.7	-2.3%	130	-3.7%

<sup>1</sup> 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>

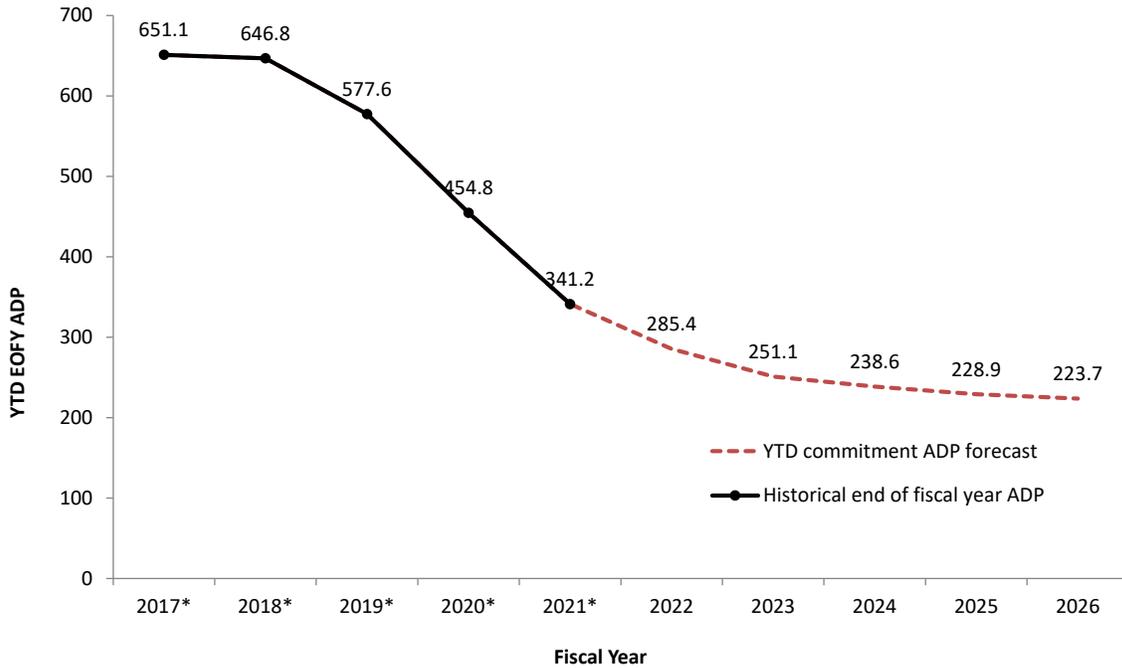
**Table 17: DCJ January 2022 quarterly juvenile commitment average daily population forecast, FY 2021 through FY 2026**

Fiscal Year	Quarter Ending	YTD ADP <sup>1</sup> Forecast	Quarterly Growth
2021	June, 2021*	341.2	-1.9%
2022	September, 2021*	307.6	-9.8%
	December, 2021	297.5	-3.3%
	March, 2022	286.4	-3.7%
	June, 2022	285.4	-0.4%
2023	September, 2022	259.8	-9.0%
	December, 2022	254.9	-1.9%
	March, 2023	250.1	-1.9%
	June, 2023	251.1	0.4%
2024	September, 2023	242.4	-3.4%
	December, 2023	240.1	-0.9%
	March, 2024	238.0	-0.9%
	June, 2024	238.6	0.2%
2025	September, 2024	233.2	-2.2%
	December, 2024	231.9	-0.6%
	March, 2025	228.1	-1.6%
	June, 2025	228.9	0.4%
2026	September, 2025	229.6	0.3%
	December, 2025	227.2	-1.0%
	March, 2026	224.3	-1.3%
	June, 2026	223.7	-0.3%

<sup>1</sup>Year to date average daily population.

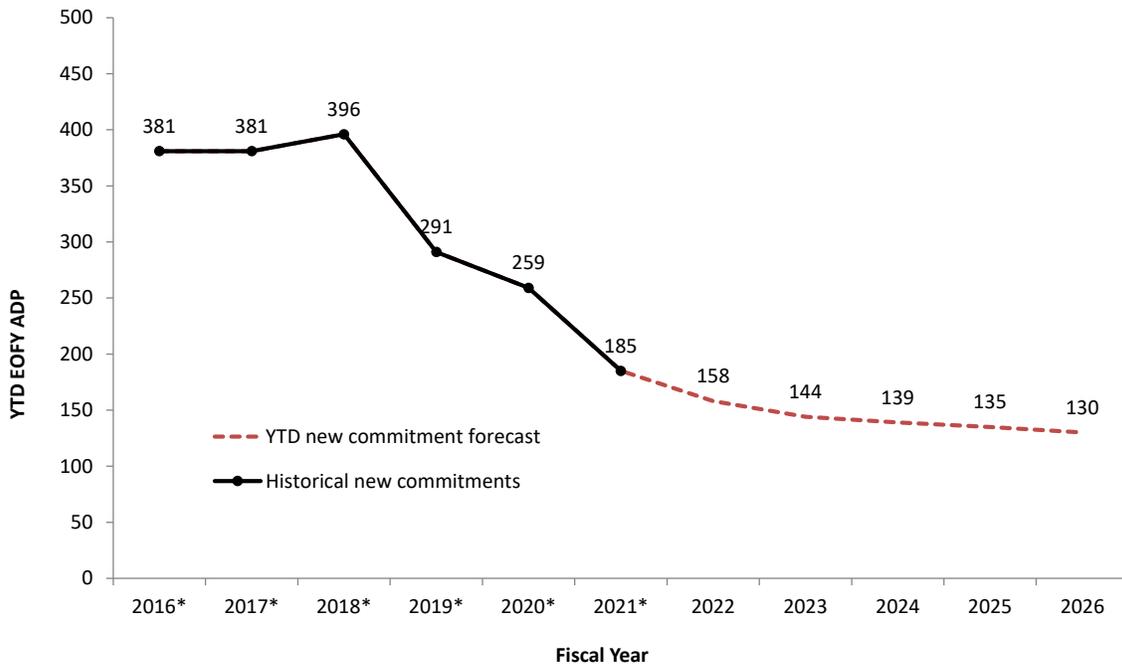
\*Actual average daily population figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Figure 10: Historical and projected year-end year to date juvenile commitment average daily population FY 2016 through FY 2026**



Note: FY 2016-2021 data points reflect actual year-end average daily population figures.  
 Data Source: 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 11: Historical and projected annual new juvenile commitments FY 2016 through FY 2026**



Note: FY 2016-2021 data points reflect actual year-end average daily population figures.  
 Data Source: 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***

Colorado Statute requires that every committed youth exiting DYS must serve six months of mandatory parole. Cases that meet certain criteria may be extended by 15 months. The Colorado Juvenile Parole Board hears the cases of each youth preparing for parole, sets terms and conditions and has the authority to modify, suspend or revoke parole.

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.<sup>9</sup>

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, resulting in a very short-lived spike in the monthly ADC.

After peaking in May of 2020, the ADC declined consistently through the ends of FY 2020 and FY 2021, with increases in the numbers of youth discharging from parole and following the declining commitment ADP. While the caseload has appeared very stable in early FY 2022, the ADC is expected to fall 29.9% by the end of FY 2022. Continuing declines are expected over the following 4 years. Overall, the caseload is expected to reach 89.6 by the end of FY 2026, a 45.2% decline from the figure seen at the end of FY 2021.

Table 18 summarizes the historical ADC since 2016, and the projected ADC through FY 2026. These figures are also graphically displayed in Figure 12.

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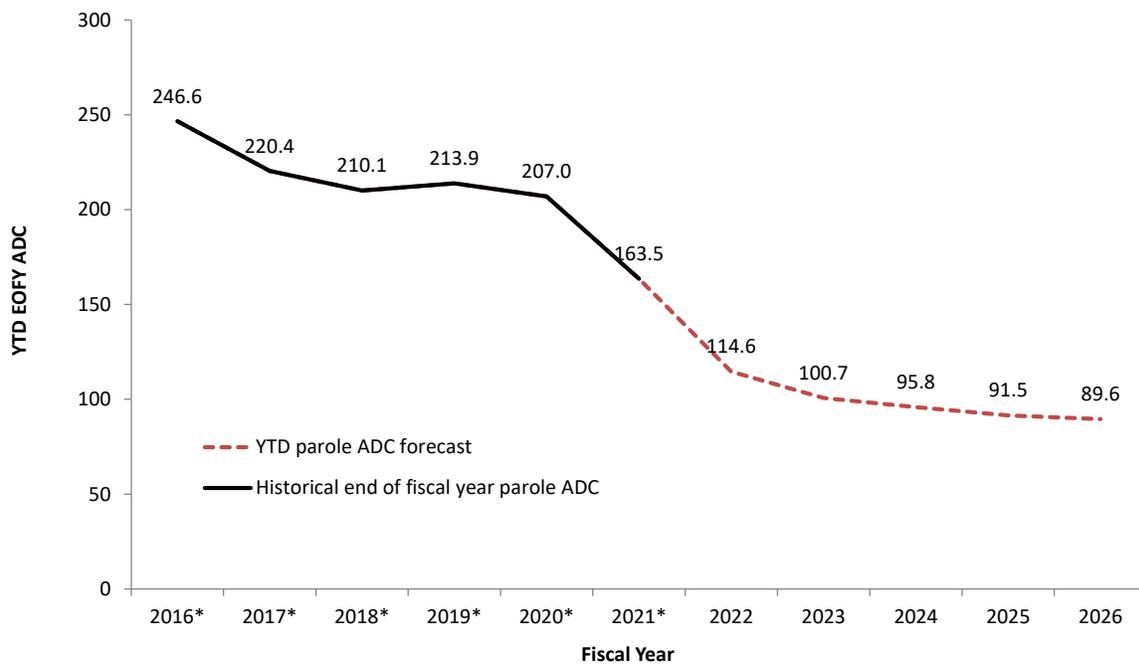
<sup>9</sup>Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Table 18: DCJ January 2022 juvenile parole average daily caseload forecast, FY 2016 through 2026**

Fiscal Year End	YTD ADC <sup>1</sup> 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*	163.5	-21.0%
2022	114.6	-29.9%
2023	100.7	-12.2%
2024	95.8	-4.8%
2025	91.5	-4.6%
2026	89.6	-2.1%

<sup>1</sup> 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>

**Figure 12: Historical and projected juvenile parole year-end average daily caseload fiscal years 2016 through 2026**



Note: FY 2016-FY 2021 data points represent actual average daily caseload figures. Data Source: 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***

DYS is responsible for the operation of Colorado's juvenile detention system, which consists of screening to determine needs, community supervision strategies, and secure detention in youth centers operated by or contracting with DYC. In Colorado, detention serves to ensure that a youth accused of a delinquent act appears for court-ordered hearings, and to house adjudicated youth for a period of up to 45 days as a sanction by the court.

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.

The ADP continued to decline through September 2020, but showed signs of stabilization through FY 2021, returning to growth in early FY 2022. Strong growth is expected through FY 2022, with the ADP increasing 17.3% by year-end. Growth is expected to moderate by mid-FY 2023, with the detention ADP remaining very stable through the end of FY 2026. Overall, the ADP is expected to increase by 30.1% between the ends of fiscal years 2021 and 2027, from 146.2 to 190.1.

Table 19 summarizes the actual year-end detention ADP for fiscal years 2016 through 2021 and the projected ADP through FY 2026, while Table 20 presents the projected quarterly detention YTD ADP throughout fiscal years 2021 to 2026. The historical detention year-end ADP from FY 2016 through FY 2021 and the projected ADP through 2026 are graphically depicted in Figure 11.

**Table 19: DCJ January 2022 juvenile detention fiscal year-end average daily population, FY 2016 through FY 2026**

Fiscal Year End	YTD ADP <sup>1</sup> 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*	146.2	-34.6%
2022	171.5	17.3%
2023	186.6	8.8%
2024	193.4	3.7%
2025	191.1	-1.2%
2026	190.1	-0.5%

<sup>1</sup> Year to date average daily population.

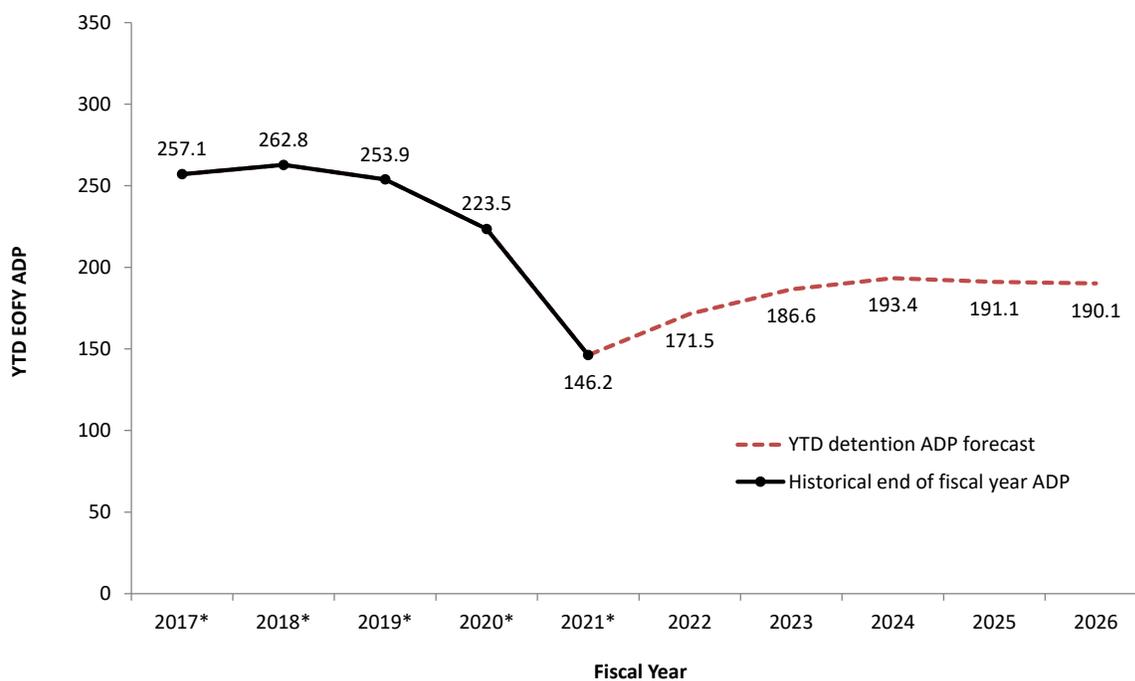
\*Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Table 20: DCJ January 2022 quarterly juvenile detention average daily population forecast, FY 2021 through FY 2026**

Fiscal Year	Quarter Ending	YTD ADP <sup>1</sup> Forecast	Quarterly Growth
2021	June, 2021*	146.2	-1.8%
2022	September, 2021*	150.1	2.7%
	December, 2021	157.7	5.1%
	March, 2022	164.9	4.6%
	June, 2022	171.5	4.0%
2023	September, 2022	183.3	6.9%
	December, 2022	184.0	0.4%
	March, 2023	184.0	0.0%
	June, 2023	186.6	1.4%
2024	September, 2023	190.7	2.2%
	December, 2023	191.9	0.6%
	March, 2024	192.2	0.2%
	June, 2024	193.4	0.6%
2025	September, 2024	190.5	-1.5%
	December, 2024	190.3	-0.1%
	March, 2025	189.9	-0.2%
	June, 2025	191.1	0.6%
2026	September, 2025	189.6	-0.8%
	December, 2025	189.3	-0.2%
	March, 2026	188.9	-0.2%
	June, 2026	190.1	0.7%

<sup>1</sup> 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 13: Historical and projected juvenile detention year-end average daily population fiscal years 2016 through 2026**



Note: FY 2016-2021 data points reflect actual year-end average daily population figures.

Data Source: 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***

DYS 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.

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 to DYS have slowed.

An additional and significant factor in the decline of the detention population 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.

Trends in early FY 2021 show some stabilization of the recent declines in the detention population, followed by some growth. This may be attributable to the resumption of juvenile court and policing operations. However, this growth is expected to quickly stabilize and remain well under the detention cap of 215 newly established by SB 21-071.

Conversely, the commitment and parole populations are expected to continue to decline in upcoming years. Considerations contributing to this expectation include demographic shifts, court filings and probation outcomes. Negative growth is the Colorado juvenile population expected by Colorado Demographer's Office between 2022 through 2026, particularly among the group most likely to be incarcerated, those between the ages of 13 and 17 years.<sup>10</sup>

Juvenile delinquency court filings have consistently declined over the past decade, but this decline accelerated greatly in FY 2020 with an 11.4% decline over the prior year. This acceleration was mainly seen 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 of court operations. This decline continued into FY 2021, with delinquency filings dropping by an additional 35.6%.

However, patterns of case filings in early FY 2022 do indicate a potential return to growth. This may be an indication of the onset of the expected return to normal court operations. However, while this trend may contribute to the moderation of the anticipated declines in the commitment and parole

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<sup>10</sup> Colorado Department of Local Affairs, State Demography Office, accessed 12/28/2020, <https://demography.dola.colorado.gov/population/data/>

populations in upcoming years, the expansion of pre-trial diversion programs and sentencing alternatives will contribute to downward pressure on filings, and subsequently commitments.

Juvenile probation revocations have also consistently fallen each year, most notably by 22.9% in FY 2021. More relevantly, the proportion of the probation census revoked each year has consistently decreased. Some of this decline may be due to probation department responses to the onset of COVID-19 and the Governor's Executive Orders, but this trend has been evident for the last decade. This trend may be possibly indicative of a reluctance to revoke and the imposition of alternative sanctions.

**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.<sup>11</sup>

- ❑ 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.

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<sup>11</sup> 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.<sup>12</sup>
- ❑ 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.

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<sup>12</sup> 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,<sup>13</sup> 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,<sup>14</sup> 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.

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<sup>13</sup> 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.

<sup>14</sup> 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.<sup>15</sup> 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.

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<sup>15</sup> 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.
- ❑ Senate Bill 21-146 modified the eligibility criteria for parole for senior and special needs inmates and requires the DOC and the Parole Board to develop policies and procedures to improve the special needs parole process.

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.