

HIGHLIGHTING  
TRENDS & ISSUES  
IN THE CRIMINAL  
JUSTICE SYSTEM

## Why has prison growth slowed?

A few years ago, in fiscal year (FY) 2006, the Colorado prison population grew by a record 1,308 people, or more than 100 inmates per month. In the most recent year, FY 2009, the population grew by only 197 inmates. During the first half of FY 2010, the population has declined by 525 inmates.

This is a remarkable turn of events. In just 2008, Colorado ranked 11th nationally in prison growth. Among western states, Colorado prison growth was the 2nd highest, exceeded only by Arizona.<sup>1</sup>

Two factors drive the size of the prison population:

- 1) The number of those going into prison, and
- 2) How long they stay.

Changes related to these two factors, described below, have temporarily slowed the growth of the prison population.

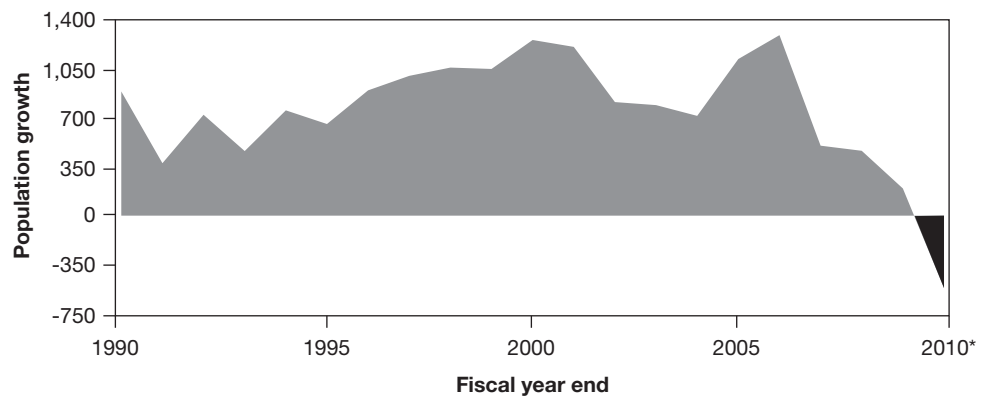
### Recent trends

During the most recent full fiscal year (FY 2009),<sup>2</sup> the size of the prison population grew by just under one percent, or 197 inmates. This was the slowest pace in annual prison growth seen since 1990. During the six months between July 1 and December 31, 2009, or the first half of FY 2010, the Colorado prison population actually declined by 525 inmates.

As reflected in Figure 1, this decline in the size of the inmate population is unprecedented. Only a few years ago, in FY 2006, the Colorado prison population grew by a record 1,308, a six percent increase. The population also increased by six percent, or 1,135 inmates, during the prior year.

The reduction in growth has been particularly notable in the female inmate population. In fact, the size of this segment of the prison population has declined during each of the past two full fiscal years, and has further decreased by over six percent in the first half of the current year. The female prison population is expected to continue to decline another 14 percent over the next five years.

Figure 1: Annual growth in the size of the Colorado prison population: 1990 through December 2009



\* Represents the first six months of FY 2010 only.

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

1 Sabol, W.J., West, H.C., Cooper, M. (2009). *Prisoners in 2008*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

2 All of the analyses in this *Elements of Change* refer to fiscal years, July 1 through June 30. The year mentioned is the latter half of the fiscal year.

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**Two factors drive the size of the prison population:**

- 1) The number of those going into prison, and**
- 2) How long they stay.**

## Why is the population declining?

Several factors are contributing to lowering the number of individuals sent to prison; other factors are reducing how long prisoners are incarcerated. These are summarized below.

### Policy changes affecting length of stay (LOS) in prison

- House Bill 09-1351 increased the amount of earned time certain inmates can receive.<sup>3</sup> In addition, certain qualified inmates can 'earn' their release 30 to 60 days prior to their mandatory release date. The enactment of this legislation has led to an increase in the number of prison releases in the first months of 2010.<sup>4</sup>
- The Colorado Department of Corrections implemented an Accelerated Transition Pilot Program in September 2009. By means of this program, certain offenders may be released to parole supervision six months prior to their mandatory release date. This program is also intended to accelerate discharges from parole.<sup>5</sup>
  - o Between early September and December 31, 2009, 246 inmates were released to parole due to this pilot program. On average, this group was released nearly three months early.<sup>6</sup> This equates to a reduction of 61 prison years, and a savings of 1.2 million dollars in prison costs.<sup>7</sup>
    - This trend may not continue as significantly fewer inmates were released each month following October, during which the greatest number of releases occurred.<sup>8</sup>
  - o During this same period, 422 parolees received an early parole discharge due to the Accelerated Transition Pilot Program.<sup>9</sup> These parolees were discharged from parole an average of 8.4 months early. This represents a savings of over 1 million dollars in parole supervision costs.<sup>10</sup>
    - Given that 33.5 percent of parolees return to prison due to a technical violation of parole within five years, shortened parole periods are likely to result in fewer returns to prison and additional savings.<sup>11</sup>

### Decline in the at-risk population

- The population currently found to be most strongly correlated with increases in felony filings in district courts is the 19 through 39 year old age group. The growth rate for this age group declined significantly in 2009 and is expected to remain low for several more years.

3 'Earned time' provides an incentive by which inmates may reduce their prison term in exchange for participation in programs such as education, vocational training, treatment and work programs. Earned time is distinguished from, and can be offered in addition to, "good time" credits, which are awarded to offenders who follow prison rules.

4 Colorado Department of Corrections Monthly Population and Capacity Reports. Available at: [https://exdoc.state.co.us/secure/combo2.0.0/ajax/ajax\\_frontend.php?id=5027](https://exdoc.state.co.us/secure/combo2.0.0/ajax/ajax_frontend.php?id=5027).

5 Colorado Department of Corrections. (2010). *Accelerated Transition Pilot Program*. Colorado Springs, CO: Colorado Department of Corrections. Available at: [https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder\\_61/AccTransition\\_Dec\\_FY10.pdf](https://exdoc.state.co.us/secure/combo2.0.0/userfiles/folder_61/AccTransition_Dec_FY10.pdf)

6 Ibid.

7 (246 releases \*3 months)/12=61.5 years. The FY 2008 private prison rate of \$54.93 per day was applied to determine estimated savings.

8 In September 2009, the month of implementation, 28 inmates were released by the parole board under this program. In October the board released 122 inmates, followed by 64 and 32 in November and December, respectively. See: Colorado Department of Corrections. (2010). *Accelerated Transition Pilot Program*. Colorado Springs, CO: Colorado Department of Corrections.

9 Colorado Department of Corrections. (2010). *Accelerated Transition Pilot Program*. Colorado Springs, CO: Colorado Department of Corrections.

10 The FY 2008 parole supervision cost of \$9.76 per day was applied to determine estimated savings.

11 O'Keffe, M., Barr, B. (2009). *Statistical Report: Fiscal Year 2008*. Colorado Springs, CO: Colorado Department of Corrections.



- This demographic phenomenon is accompanied by the fact that “Baby Boomers” are aging out of their crime-prone years. These demographic changes likely contribute to lower crime rates and perhaps lower recidivism rates for older offenders.<sup>12</sup>

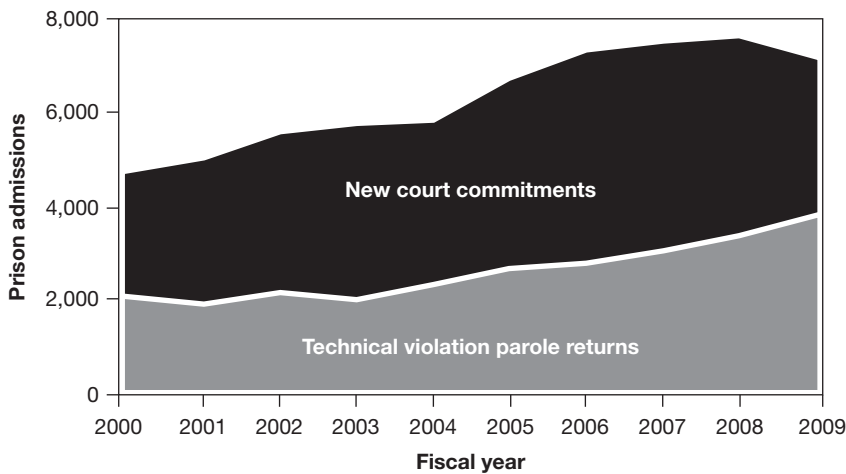
**Decline in crime and prosecution**

- Colorado’s reported crime rate declined by 25 percent between 2005 and 2007, from 4,438 to 3,354 per 100,000 residents.<sup>13</sup> The National Crime Victimization Survey for 2008 reported the lowest violent and property crime rates in three decades.<sup>14</sup>
- Each year since 2007 the number of felony court filings has declined, coinciding with a decline in new court commitments to prison.<sup>15</sup>

**Fewer prison admissions**

- Fewer offenders were admitted to prison in 2009 than during the prior year.<sup>16</sup> Admissions are expected to decline further this year.
  - The decrease in admission growth is due mainly to a decline in new court commitments and not a decline in technical parole violators, as shown in Figure 2. The decline in new court commitments is related to the decline in filings. The number of new court commitments to prison decreased during each of the past two years, by just over one percent in 2008 and by six percent in 2009.<sup>17</sup>

**Figure 2: Commitments to prison declined while technical parole returns continue to increase**



Source: Colorado Department of Corrections, Annual Statistical Reports.

12 An example of the impact age has on reoffending may be drawn from Colorado’s community corrections system. Based on an analysis of discharges between FY 2004 and FY 2007, recidivism rates were found to decrease with age. The average age for those who recidivated was statistically significantly lower than for those that did not recidivate.

13 FBI, Uniform Crime Reports, prepared by the National Archive of Criminal Justice Data available at <http://www.ojp.usdoj.gov/bjs>.

14 This finding is not state-specific. It is based on a national survey of more than 77,000 individuals who were surveyed at 6 month intervals in 2008. See Rand, M. (2009). *Criminal Victimization, 2008*. Washington, DC: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice.

15 The number of such filings declined by 4.9 percent over FY 2007, by 8.5 percent in FY 2008, and by 2.5 percent in FY 2009.

16 Colorado Department of Corrections. (2005 – 2009). *Admission and Release Trends Statistical Bulletins*. Colorado Springs, CO: Colorado Department of Corrections.

17 Ibid.

**Probation revocations to prison decreased by 299 offenders during 2008. Each of these individuals would likely have stayed 2-3 years. This important trend is likely a result of initiatives spearheaded by the state Division of Probation Services to promote the implementation of evidence-based practices in many jurisdictions across the state.**

o Female new court commitments to prison fell by almost 10 percent in 2009, and by almost 11 percent the prior year. Male new court commitments, after remaining relatively stable in 2008, also declined by more than five percent in 2009.<sup>18</sup>

- Female admissions, including both new court commitments and parole returns, have fallen over the past two years. Total admissions of women fell by 3.6 percent in 2008 and by almost 4 percent in 2009. This is in sharp contrast to the growth experienced several years ago: in 2005 the number of women admitted to prison increased by 29 percent and by 14 percent the prior year.<sup>19</sup>
- Probation revocations to prison declined. The number of probationers revoked to prison for either a technical violation or a new crime declined from 2,338 in 2006 to 2,039 in 2008, a 13 percent drop.<sup>20</sup> This occurred in spite of a 15 percent *increase* in the number of adults on probation over the same period of time.

### The decline in prison admissions coincides with reductions in certain types of crimes

Table 1 displays the change in the number of admissions over the most recent fiscal year for the eight most prevalent conviction crimes among prison admissions. The crimes presented indicate the most serious conviction crime associated with all prison admissions excluding those resulting from a technical violation of parole. As shown:

- Admissions for **drug crimes** declined by seven percent between FY 2008 and FY 2009. Over the past three years, such admissions declined by over 15 percent. The number of adults arrested in Colorado for drug crimes has also declined during recent years.<sup>21</sup>
- The most significant decline was observed in admissions for **motor vehicle theft**, with a 20 percent drop over the past year. The arrest rate for this crime has also significantly declined in recent years: in 2004, the number of arrests per 100,000 Colorado adults was 56 compared to 25 in 2008, a drop of more than half. For juveniles, the decrease was even greater, from 77 arrests per 100,000 juveniles in 2004 to 34 in 2008.<sup>22</sup>
- Admissions for **forgery** declined by almost 13 percent between 2008 and 2009. The number of adults arrested for forgery decreased by over 60 percent between 2006 and 2008, from 1,709 in 2006 to 1,050 in 2008.<sup>23</sup>
- Significant declines were seen in admissions for **escape**, with a 16 percent drop between FY 2008 and FY 2009. During this period, escapes from community corrections programs (which includes only one of several offender populations that may be charged with escape) dropped approximately 30 percent.<sup>24</sup>

18 Ibid.

19 Ibid.

20 Schlessinger, K., Wilks, D., Nash, K. (2007). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2006 Releases*. Denver, CO: Colorado Judicial Branch, Division of Probation Services; Wilks, D., Nash, K. (2008). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2007 Releases*. Denver, CO: Colorado Judicial Branch, Division of Probation Services; Wilks, D., Nash, K. (2009). *Pre-release Termination and Post-release Recidivism Rates of Colorado's Probationers: FY 2008 Releases*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

21 According to the Colorado Bureau of Investigation's *Crime in Colorado* report, 16,266 adults were arrested for drug offenses in 2006, 15,672 in 2007 and 15,032 in 2008. See [http://cbi.state.co.us/ddr/docs\\_reports.asp](http://cbi.state.co.us/ddr/docs_reports.asp).

22 Colorado Bureau of Investigation. (2009). *Crime in Colorado*. Denver, CO: Colorado Department of Public Safety, Colorado Bureau of Investigation. Denver, CO. Available at: [http://cbi.state.co.us/ddr/docs\\_reports.asp](http://cbi.state.co.us/ddr/docs_reports.asp).

23 Ibid.

24 Adams, C., Harrison, L., & English, K. (in progress). *Residential Community Corrections in Colorado: A Study of Program Outcomes and Recidivism*. Denver, CO: Colorado Division of Criminal Justice.



- Admissions for **burglary, theft**, and other **property crimes** declined by 11.5 percent over the past year.
- Admissions for **assault** and **menacing** declined by 6.5 percent over the past year.
- A 5.6 percent drop in admissions for **sexual assault** was also observed over the past year.
- Admissions for the seven crime types discussed above accounted for 83 percent of all new court commitments and parole returns with a new crime during fiscal years 2008 and 2009.
- While admissions due to **robbery** increased by 20 percent between FY 2008 and FY 2009, robberies account for less than four percent of all admissions with a new crime.

***The Colorado adult prison population is expected to decrease by over 1,000 inmates over the next seven years, from an actual population of 23,186 to a projected population of 22,127 offenders.***

**Table 1: Change in new court commitments and parole returns with a new crime for select crime categories**

Most serious crime	Percent change between FY 2008 and FY 2009	Percent of total admissions,* FY 2008 and FY 2009 combined
All crime types	-6.2%	100.0%
All drug crimes	-7.3%	24.9%
Burglary/other property**	-11.5%	21.4%
Assault/menacing	-6.5%	11.9%
Escape	-16.3%	8.7%
Sexual assault	-5.6%	6.3%
Robbery	19.9%	3.8%
Forgery	-12.7%	3.5%
Motor vehicle theft	-20.0%	3.4%

Source: Prison admissions data provided by the Colorado Department of Corrections. Data are considered preliminary.

\* Total number of new court commitments and parole returns with a new crime; parole returns for technical violations are excluded.

\*\* Includes burglary, theft, theft by receiving, criminal trespassing, and criminal mischief.

### **The Colorado prison population is expected to decline for the first time**

Prison population forecasts are produced annually by the Colorado Division of Criminal Justice. The most recent forecasts, published in January 2010, are provided in Table 2. The actual number of inmates under the jurisdiction of the Colorado Department of Corrections over the past ten years and the expected numbers over the next seven are depicted in Figure 3.

**The Colorado prison population is anticipated to decline in upcoming years by nearly five percent.** The forecast accounts for the following:

- Policy changes mentioned above,
- Recent trends in admissions to prison, and
- Changes in Colorado demographics, crime rates, and court filings.

Over the next five years, the number of inmates in prison is expected to decrease by over 1,000 inmates, from an actual population of 23,186 (in July, 2009) to a projected population of 22,127 (by June, 2016). The greatest decline is expected during 2010, with a four percent reduction in the total prison population. The decline is expected to continue at a reduced rate through 2012, and then begin a period of slow growth from 2013 through 2016, as shown in Figure 3.<sup>25</sup>

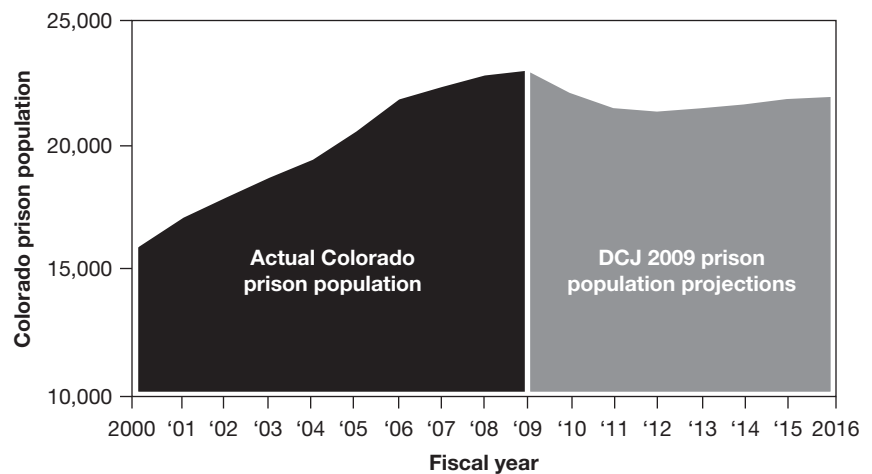
The number of men in prison is expected to decrease 3.5 percent between the end of 2009 and 2016, from 20,896 to 20,158, whereas the number of women in prison is expected to decrease 14 percent during this period, from 2,290 to 1,969.

**Table 2: DCJ December 2009 adult prison population projections, actual and projected populations FY 2009 through FY 2016**

Fiscal year end	Total prison population		Men		Women	
	Count	Annual growth	Count	Annual growth	Count	Annual growth
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010	22,280	-3.91%	20,185	-3.40%	2,095	-8.53%
2011	21,669	-2.74%	19,690	-2.45%	1,979	-5.52%
2012	21,530	-0.64%	19,582	-0.55%	1,948	-1.57%
2013	21,662	0.61%	19,764	0.93%	1,898	-2.57%
2014	21,817	0.72%	19,927	0.82%	1,890	-0.42%
2015	22,037	1.01%	20,114	0.94%	1,923	1.75%
2016	22,127	0.41%	20,158	0.22%	1,969	2.39%

\*Actual population, source: DOC Monthly Capacity and Population Reports.

**Figure 3: Actual and projected total prison populations FY 2000 through FY 2016**



25 Harrison, L. (2010). *Division of Criminal Justice Correctional Population Forecasts*. Denver, CO: Colorado Department of Public Safety, Division of Criminal Justice, Office of Research and Statistics. Available at <http://dcj.state.co.us/ors>.

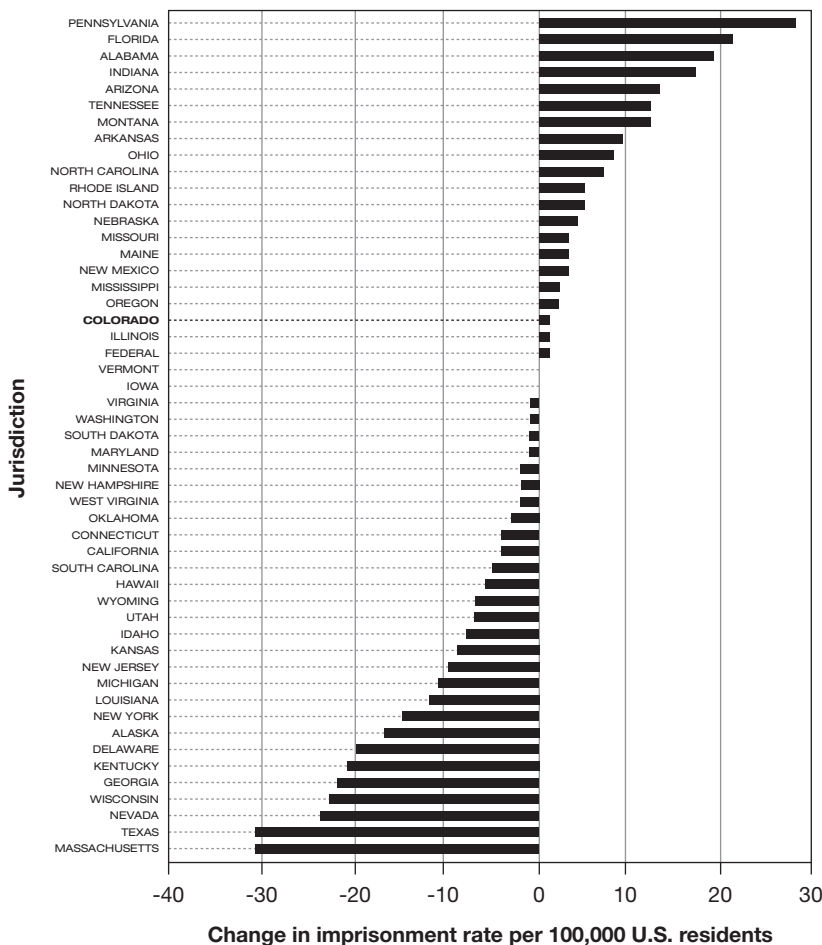


## The trend is national

Colorado is not alone. Twenty states reported a decline in the number of prisoners under their jurisdiction in 2008, and 28 reported a decline in the state incarceration rate per 100,000 residents (see Figure 4). This trend results from fewer prison admissions and an increase in the rate of releases, according to an analysis conducted by the U.S. Bureau of Justice Statistics.<sup>26</sup>

A recent report issued by the Pew Center on the States confirms that this trend has continued. As of the end of 2009, the number of people under the jurisdiction of state prison authorities declined by 0.4 percent. This marks the first year-to-year drop in this population in 38 years. While the overall state prison population has declined, the Pew survey revealed great variation among the states. In 27 states, the population dropped, with some posting substantial reductions. Meanwhile, the number of prisoners continued to grow in the other 23 states, several with significant increases.<sup>27</sup>

**Figure 4: Change in state imprisonment rates, 2007-2008**



**While the overall state prison population declined during 2009, a great deal of variation exists among the states. In 27 states, the population dropped while the number of prisoners continued to grow in the other 23 states.**

**Figure 4 notes:** Imprisonment rate is the number of prisoners sentenced to more than one year per 100,000 U.S. residents. 2007 data are not available for Nevada.

- a. Prisons and jails form one integrated system. Data include total jail and prison populations.
- b. The 2008 imprisonment rate includes 4,012 male prisoners sentenced to more than one year but held in local jails or houses of corrections in the Commonwealth of Massachusetts. The 2007 imprisonment rate includes 6,200 sentenced males held in local jails or houses of corrections in the Commonwealth of Massachusetts and an estimated number of sentenced prisoners in Nevada. See Methodology.
- c. Prison population based on custody counts.

**Source:** Sabol, W.J., West, H.C., Cooper, M. (2009). *Prisoners in 2008*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

26 Sabol, W.J., West, H.C., Cooper, M. (2009). *Prisoners in 2008*. Washington D.C.: U.S Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

27 Pew Center on the States. (2010). *Prison Count 2010: State Population Declines for the First Time in 38 Years*. Pew Charitable Trusts, Pew Center on the States. Washington, DC. Available at: [http://www.pewcenteronthestates.org/report\\_detail.aspx?id=57653](http://www.pewcenteronthestates.org/report_detail.aspx?id=57653).

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## Conclusion

Last year Colorado's prison population grew at the slowest rate since the mid-1980s. Since July 2009 the prison population has actually decreased, an unprecedented trend expected to continue for the next few years.

The "Baby Boom" generation is aging out of their crime-prone years. This, along with a temporary reduction in the growth in the segment of the state's population most at-risk for criminal activity, those in the 19-39 age group, is likely to be significantly lowering crime rates in the short term. Fewer court filings, perhaps linked to lower crime rates, led to a reduction in prison admissions, particularly among women. Probation revocations to prison decreased, possibly as a result of initiatives spearheaded by the state Division of Probation Services to promote the implementation of evidence-based practices in many jurisdictions across the state. Finally, new legislation and policies have been implemented in 2010 which may continue to accelerate releases from prison.

Further information on adult prison and juvenile commitment population forecasts, in addition to many other reports and updates, may be found on the website of the Office of Research and Statistics: <http://dcj.state.co.us/ors>.