



An Overview of the Colorado Adult Criminal Justice System

**Report to the
COLORADO
GENERAL ASSEMBLY**

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INTRODUCTION

The purpose of this publication is to provide an overview of the adult criminal justice system in Colorado. This is the fourth edition of this publication (prior editions were Legislative Council Research Publication No. 399 published in January 1995, Legislative Council Research Publication No. 414 published in February 1996, and Legislative Council Research Publication No. 452 published in December 1998).

From the late 1970s through the mid 1990s, crime in Colorado was an issue of great concern to Coloradans. Likewise, crime in Colorado was a major political issue. During these years, Colorado's criminal laws changed dramatically and often. These statutory changes had profound effects on Colorado's criminal offender population. During these years, there was tremendous growth in offender populations and in corrections budgets.

As offender populations and corrections budgets continued to grow, legislators began, around 1990, to seek ways to curb this growth. Colorado legislators addressed this growth by tinkering with the sentencing scheme to authorize various alternatives to prison for lower-class felony offenders while ensuring that violent repeat offenders are sent to and remain in prison. As a result of these efforts, Colorado's sentencing scheme has become quite complicated with various sets of statutes applying to specific sets of offenders.

This edition of the report includes, for the first time, information on victim programs including victim compensation and restitution. This information will be expanded in future editions of the report.

This report provides an overview of the following topics:

Crime in Colorado

- the reported types and numbers of crimes in Colorado;
- the numbers of offenders in prison, on parole, on probation, and in community corrections;

Sentencing in Colorado

- a brief history of sentencing laws in Colorado;
- how offenders are sentenced and where they are placed;

Colorado's Prison Population

- the average length of stay of prison inmates;
- the demographic characteristics on inmates in Colorado's prisons;
- the criminal histories of inmates in Colorado's prisons;

Colorado Department of Corrections

- the characteristics of Colorado's prisons;
- the ten-year funding history of Colorado's prison system;
- prison population projections;

Community-Based Corrections in Colorado

- how probation operates in Colorado;
- the ten-year funding history of Colorado's probation system;
- how community corrections operates in Colorado;
- the ten-year funding history of Colorado's community corrections system;
- how offenders are granted parole and how parolees are supervised in Colorado;
- the ten-year funding history of Colorado's parole supervision system;

Victim Programs

- a description of victim services including Victim Compensation and the Victim and Witness and Law Enforcement (VALE) Programs; and
- an explanation of restitution collection efforts from probationers, DOC inmates, parolees, and offenders in community corrections facilities.

A flow chart and explanation of each step in Colorado's criminal justice system is appended to this report.

Where possible, fiscal year 1999-2000 data were used throughout this report. However, in most cases, the most recent data available were from fiscal year 1998-99. In a few cases involving data from the federal government, fiscal year 1996-97 data were the most recent data available.

The following two pages contain a listing of acronyms used throughout this publication and a listing of the current sentencing scheme in Colorado.

ACRONYM LISTING

ADP	-	Average Daily Population
ALOS	-	Average Length of Stay
CBI	-	Colorado Bureau of Investigation
C.R.S.	-	Colorado Revised Statutes
DA	-	District Attorney
DCJ	-	Division of Criminal Justice
DOC	-	Department of Corrections
DPS	-	Department of Public Safety
DRDC	-	Denver Reception and Diagnostic Center
DYC	-	Division of Youth Corrections
FY	-	Fiscal Year
GED	-	General Educational Development (tests), General Equivalency Diploma
H.B.	-	House Bill
ISP	-	Intensive Supervision (Probation or Parole)
JBC	-	Joint Budget Committee
LCS	-	Legislative Council Staff
NA	-	Not Applicable
PED	-	Parole Eligibility Date
S.B.	-	Senate Bill
YOS	-	Youthful Offender System

FELONY & MISDEMEANOR PENALTIES

Felony Sentencing Presumptive Ranges for Crimes Committed on or after July 1, 1993

Felony Class	Minimum Sentence	Maximum Sentence	Mandatory Parole
1	Life \$0	Death \$0	None
2	8 years \$5,000	24 years \$1,000,000	5 years
3	4 years \$3,000	12 years \$750,000	5 years
4	2 years \$2,000	6 years \$500,000	3 years
5	1 year \$1,000	3 years \$100,000	2 years
6	1 year \$1,000	1.5 years \$100,000	1 year

Misdemeanor Sentencing Presumptive Ranges

Misdemeanor Class	Minimum Sentence	Maximum Sentence
1	6 months \$500	18 months \$5,000
2	3 months \$250	12 months \$1,000
3	No minimum \$50	6 months \$750

SECTION I

Crime in Colorado

The chapters in Section I provide a broad overview of crime in Colorado. Chapter 1 takes a look at reported crimes in Colorado. While certain measures of crime seem to indicate a drop in Colorado's crime rate in recent years, other measures of crime indicate a possible increase in crime. Chapter 1 examines these indicators of crime and provides some of the reasons for the contradictions in these crime indicators.

Chapter 2 provides an overview of the entire adult offender population in Colorado. Chapter 2 is an historical perspective on the numbers of convicted offenders in Colorado comparing the numbers of prisoners in Department of Corrections' facilities, parolees, probationers, and offenders in community corrections facilities.

Section I contains the following chapters:

- Chapter 1 – Reported Index Crimes in Colorado
- Chapter 2 – Colorado's Adult Offender Population

Chapter 1 — Reported Index Crimes in Colorado

This chapter provides an overview of the trends in the amount and type of crime taking place in Colorado as a background for the discussion and analysis of the criminal justice and the correctional systems. The chapter analyzes several different approaches to measuring crime and examines the paradox of often contradictory trends in reported index crime rates, arrests, felony filings, and prison commitments. This section examines why this contradiction exists and whether or not reported index crimes are the best measure of criminal activity. First, the index crime rate is described, followed by alternative measures of criminal activity.

This chapter highlights the following:

- there are four main data sources used to determine the amount of criminal activity taking place in Colorado: the reported index crime rate, the felony filing rate, the arrest rate, and the prison commitment rate;
- while official statistics on reported index crimes (seven common violent or property crimes) indicate a decreasing crime rate, other indicators of crime, such as felony filings (the number of people who are charged with felony crimes), show an increase;
- between 1990 and 1998, the number of reported index crimes in Colorado declined 28.7 percent while the number of adult felony filings in Colorado rose 84.4 percent; and
- the adult and juvenile arrest rate fell by 3.3 percent and the prison commitment rate remained unchanged in 1998.

There are several reasons for the seemingly contradictory signals from the crime data, such as a rapid increase in the number of felony drug offenses, which are not included in the Colorado Bureau of Investigation's crime rate.

REPORTED INDEX CRIMES: DEFINITION, TRENDS, AND RELATION TO ACTUAL CRIMES

Definition of Index Crimes

Traditionally, crime rates are measured by the number of crimes reported to the police. The Colorado Bureau of Investigation (CBI) compiles an index of seven commonly reported crimes. The index is designed to represent the majority of serious, violent, and property crimes in Colorado — homicide, forcible rape, robbery, assault, burglary, theft, and auto theft. The CBI defines these seven crimes as follows:

Criminal Homicide	The willful killing of one human being by another.
Forcible Rape	The carnal knowledge of a person, forcibly and/or against that person's will, or not forcibly or against the person's will, but where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
Robbery	The taking or attempt to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.
Assault	The unlawful attack by one person upon another.
Burglary	The unlawful entry into a structure to commit a felony or theft.
Theft	The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
Motor Vehicle Theft	The theft or attempted theft of a motor vehicle.

Trends in Reported Index Crimes

Table 1.1 presents the number and types of index crimes per 100,000 Colorado residents from 1978 through 1998. Data on these index crimes suggest that most types of crime are decreasing. In fact, total index crimes decreased from a peak of 7,773.5 per 100,000 state residents in 1980 to 4,281.5 in 1998. Since 1993, however, index crime rates have decreased at a slower pace. Because overall population growth naturally leads to an increase in the number of crimes, the reported index crime rate per 100,000 residents is a more meaningful measure of the prevalence of crime than the actual number of reported crimes. The paragraphs following Table 1.1 analyze the trends in violent and property index crimes.

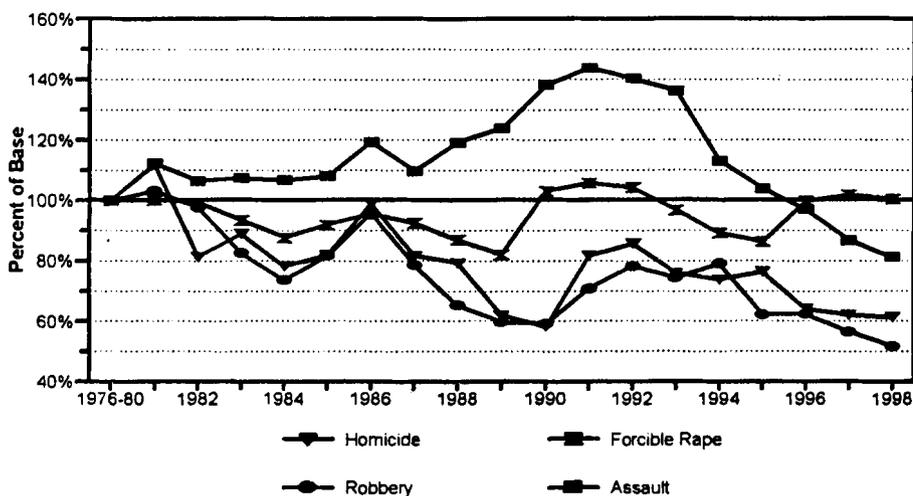
Table 1.1: Colorado Reported Index Crime Rates per 100,000 People

Year	VIOLENT CRIMES					PROPERTY CRIMES				Total Index Crimes
	Total Violent	Homicide	Forcible Rape	Robbery	Assault	Total Property	Burglary	Theft	Auto Theft	
1978	477.5	7.0	47.5	153.4	269.5	6,068.6	1,797.5	3,801.7	469.4	6,819.0
1979	504.2	5.8	51.3	152.5	294.7	6,314.8	1,737.2	4,113.1	464.6	6,819.0
1980	587.2	6.8	53.7	160.2	366.5	7,186.3	2,109.1	4,601.1	476.1	7,773.5
1981	521.3	8.0	44.6	157.2	311.5	6,702.7	1,996.7	4,299.8	406.1	7,224.0
1982	494.5	5.8	44.3	148.8	295.6	6,422.2	1,713.5	4,319.2	389.5	6,916.7
1983	472.0	6.4	41.7	125.9	298.1	6,095.9	1,519.9	4,206.2	369.9	6,567.9
1984	454.2	5.6	39.1	112.1	296.4	5,901.9	1,543.0	3,967.2	391.7	6,356.0
1985	471.5	5.9	41.0	124.6	300.0	6,437.3	1,752.1	4,251.1	434.2	6,908.8
1986	526.9	7.1	42.6	145.8	331.4	6,525.3	1,802.1	4,234.8	488.5	7,052.1
1987	471.9	5.9	41.2	119.9	305.0	6,017.6	1,548.7	4,059.6	439.9	6,489.5
1988	474.7	5.7	38.8	99.3	330.9	5,708.6	1,389.1	3,895.8	423.7	6,183.4
1989	475.6	4.4	36.6	90.8	343.8	5,594.8	1,259.1	3,879.1	456.6	6,070.5
1990	523.9	4.2	45.9	90.3	383.6	5,479.9	1,199.3	3,854.0	426.6	6,003.8
1991	559.8	5.8	47.2	107.7	399.0	5,511.2	1,158.5	3,925.9	426.7	6,071.0
1992	561.4	6.2	46.5	119.3	389.4	5,130.2	1,048.5	3,582.8	498.9	5,691.6
1993	540.0	5.4	43.1	113.4	378.0	4,611.7	946.5	3,228.6	436.7	5,151.7
1994	479.3	5.3	39.8	120.4	313.8	4,318.4	838.8	3,137.7	341.8	4,797.6
1995	427.4	5.5	38.5	94.8	288.6	4,686.5	828.2	3,473.9	384.4	5,113.9
1996	413.5	4.6	44.5	94.8	269.5	4,510.6	868.8	3,256.7	385.1	4,924.1
1997	376.8*	4.5	45.4	86.1	240.8*	4,286.4*	784.3	3,089.6*	412.5	4,663.1*
1998	353.0**	4.4	44.8	78.6	225.1**	3,928.5**	746.1	2,795.5**	386.9	4,281.5**

Source: Crime data from the Colorado Bureau of Investigation, *Crime in Colorado*, Annual Reports, 1979-1999. *Does not include data from Ault, Firestone, Granada, Hayden, La Jara, Lochbuie, Rifle, or Silt Police Departments. Antonito, Edgewater, Haxtun, Nederland, New Castle, and Thornton Police Department data is estimated using 1996 data. **Estimated using 1997 data when possible.

Violent index crimes. The reported violent index crime rate, which includes the crimes of homicide, rape, assault, and robbery, peaked at 587.2 crimes per 100,000 Colorado residents in 1980, dropped to under 500 for most of the 1980s, and then peaked again at 561.4 in 1992. Between 1992 and 1998, reported violent index crimes dropped 37.1 percent, to 353.0 violent crimes per 100,000 residents, its lowest level in over 20 years. In 1998, the crime rates for assault and robbery decreased significantly, while the index for homicide and forcible rape remained relatively constant. Graph 1.1 displays these trends in violent crime rates using the average rates for the five-year period of 1976 to 1980 as a basis for comparison. In this graph, the 1976 to 1980 average rate is set at 100 percent, and crime rates in subsequent years are shown as a percent of the 1976-80 average rate.

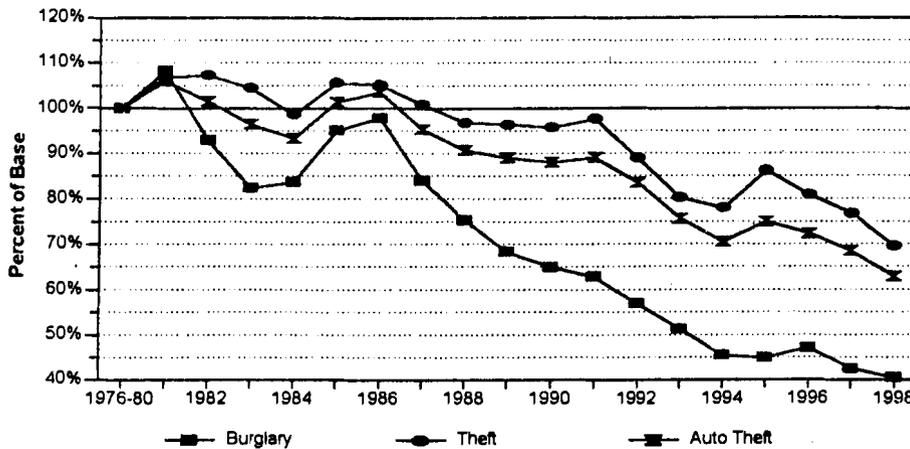
Graph 1.1: Trends in Report Rates of Violent Index Crimes in Colorado



Note: The base rates for comparison purposes are the average rates from 1976 to 1980.
 Source: Colorado Bureau of Investigation.

Property index crimes. The reported property index crime rate, which includes the crimes of burglary, theft, and motor vehicle theft, also peaked in 1980, at 7,186.3 crimes per 100,000 Colorado residents. The index property crime rate declined to 3,928.5 by 1998, a decrease of 45.3 percent over the 18-year period since 1980. However, this decline has not been uniform for the three property crimes included in the index. The drop in the *burglary* rate has been the most dramatic — the burglary crime rate is less than half the rate reported in each year from 1976 through 1982. The crime rate for *auto theft* varied in a narrower range, peaking in 1992 at 498.9 auto thefts per 100,000 residents. The auto theft index then declined to 341.8 in 1994, and has varied little from the 386.9 in 1998. Meanwhile, the *theft* crime rate declined from its 1980 peak of 4,601.1 per 100,000 residents to 2,795.5 per 100,000 residents in 1998, a decrease of 39.2 percent. The 1997 and 1998 figures for theft do not include several smaller jurisdictions, accounting for a small percentage of the decrease. Graph 1.2 displays these trends, once again using the average crime rates from 1976 to 1980 as the base for comparison.

Graph 1.2: Trends in Report Rates of Property Index Crimes in Colorado



Note: The base rates for comparison purposes are the average rates from 1976 to 1980.
 Source: Colorado Bureau of Investigation.

How Accurately Do Reported Index Crime Rates Reflect Crime in Society?

There are several reasons why the index crime rates reported herein may not necessarily be accurate representations of the amount of crime taking place or of the trends in crime. First, not all crimes are reported. Second, the rates at which crimes are reported vary over time. Third, many crimes are not included in the CBI index.

Not all crimes are reported to police. Because not all crimes are reported to the police, the actual crime rate is higher than the index crime rates previously discussed in this chapter. In an attempt to account for unreported crimes and to more accurately determine the prevalence of crime in society, the U.S. Bureau of Justice Statistics conducts an annual survey called “Criminal Victimization in the United States.” The survey asks respondents if they were the victim of a crime within the last 12 months and whether they reported the crime to the police. The survey found that, on average, only 36.8 percent of total U.S. crimes were reported to the police. Table 1.2 displays the percentage of actual crimes that were reported to police in 1997 by crime type, as determined by the national crime victimization survey.

The percentage of reported crimes varies significantly by crime type, with 79.8 percent of motor vehicle thefts and 59.1 percent of aggravated assaults reported. However, only 27.9 percent of thefts were reported in 1997. The high reporting rate for motor vehicle theft is likely because of the high value of motor vehicles. In addition, unlike other property that may be stolen, most motor vehicles are insured, and the victim must report the car stolen to file an insurance claim. Aggravated assaults are often reported since they typically involve serious injuries, often gunshot wounds, resulting in emergency room visits or hospitalization. The lower report rate for thefts is likely because thefts are less serious in nature than other crimes in the index.

Table 1.2: Percent of U.S. Crimes Reported to Police - 1997

Crime	Percent Reported
Rape	31%
Robbery	56%
All Assault	44%
Aggravated	59%
Simple (Non-Aggravated)	38%
Burglary	52%
Motor Vehicle Theft	80%
Theft	28%
Total Crimes Reported to Police	37%

Source: "1998 Sourcebook of Criminal Justice Statistics," U.S. Bureau of Justice Statistics.

Reporting rates of crime in Colorado may differ significantly from the nationwide average of 37.4 percent. We do not have estimates of the percentage of crimes reported for Colorado. Assuming Colorado reporting rates are similar to the national rates, however, the total number of index crimes that took place in Colorado in 1998 was approximately 511,500 versus the 188,232 that were reported.

The percentage of crimes reported is decreasing nationally. In analyzing trends in crime data, one must also consider the effects of changes in the percentage of crimes reported over time. The CBI data on index crime rates suggest that there has been a general downward trend in crime, a notion that conflicts with popular perceptions of escalating crime rates. This trend, however, may be clouded by a decrease, over time, in the proportion of crimes reported to the police, instead of an actual reduction in crime. The "Crime Victimization in the United States" survey shows that the percent of crimes reported to the police has decreased slightly from 39.0 percent in 1992 to 36.8 percent in 1997. Hence, although Colorado's reported index crime rate has decreased since 1992, the simultaneous drop in the percent of crimes reported nationally may suggest that the level of crime is not decreasing, but is staying level.

Not all crimes are included in the CBI's index of reported crimes. An additional way in which the reported index crime rate may not accurately report total crime is that it excludes some classes of crime, most notably those that involve the drug trade. Thus, the crime rate excludes the largest and fastest growing component of total crime. Drug crimes significantly impact court caseloads and the size of correctional populations. Over the last decade, drug offenders have been the fastest growing class of felons passing through Colorado's criminal justice system. Over the ten-year period from FY 1986-87 to FY 1996-97, the number of commitments to the DOC for drug-related offenses increased 476 percent from 192 to 1,106. Over the past two years, however, the number of new commitments to the Department of Corrections for drug-related offenses increased by only 5.4 and 3.4 percent, to 1,166 in FY 1997-98, and 1,206 in FY 1998-99.

ALTERNATIVE MEASURES OF CRIME: ARRESTS AND FELONY FILINGS

Because reported index crime rates may not accurately reflect the true amount of crime in society, other trends in crime-related measures such as arrests, felony filings, and prison commitments may contribute to our understanding of the degree of criminal activity taking place. Nevertheless, these indicators still cannot remedy the previously described problems that not all crimes are reported and that the rate of crime reporting may vary over time.

Trends in Arrest Rates

Table 1.3 presents total adult and juvenile arrests in Colorado as rates per 100,000 residents from 1976 through 1998. These figures encompass all arrests, including arrests for misdemeanor and non-index felony crimes, as well as arrests for the index felony crimes. The combined total juvenile and adult arrest rate reached its highest level in 1997, at 7,789.0 arrests per 100,000 Colorado residents. Throughout the 20-year period reported in Table 1.3, the arrest rate per 100,000 state residents followed a general increasing trend. Whereas adult arrest rates steadily climbed throughout the 20 years, the juvenile arrest rate fell from 1976 through 1983, then generally increased from 1983 to 1998.

Table 1.3: Arrest Rates per 100,000 People

Year	Arrest Rates		
	Adult	Juvenile	Total
1976	2,897.0	1,538.8	4,435.8
1977	3,122.0	1,492.4	4,614.4
1978	3,492.4	1,423.7	4,916.1
1979	3,868.6	1,383.4	5,252.0
1980	4,387.3	1,304.7	5,692.1
1981	4,704.2	1,250.6	5,954.8
1982	5,081.8	1,221.5	6,303.3
1983	5,275.2	1,206.2	6,481.4
1984	5,640.4	1,283.8	6,924.3
1985	6,105.7	1,384.5	7,490.2
1986	6,038.8	1,413.3	7,452.1
1987	6,067.9	1,408.4	7,476.3
1988	5,843.6	1,365.9	7,209.5
1989	5,901.2	1,473.5	7,374.6
1990	6,034.5	1,570.3	7,604.9

(Continued on next page)

Table 1.3 (Continued)

Year	Arrest Rates		
	1991	6,028.6	1,621.4
1992	5,734.5	1,548.1	7,282.6
1993	5,598.3	1,544.0	7,142.3
1994	5,025.1	1,537.2	6,562.3
1995	5,349.8	1,598.5	6,948.3
1996	6,187.0	1,589.3	7,776.4
1997	6,000.9	1,788.1	7,789.0
1998	5,814.4	1,717.9	7,532.3

Source: Colorado Bureau of Investigation, *Crime in Colorado* Annual Reports, 1978-1998.

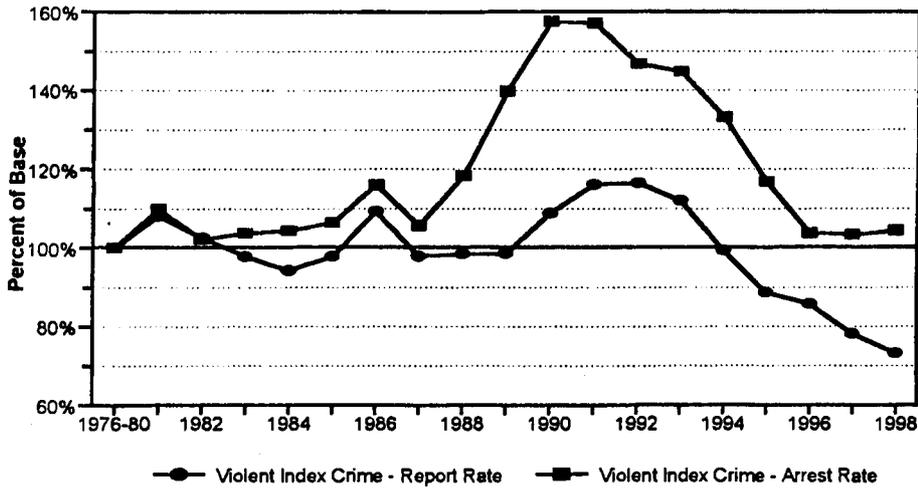
Comparing trends in reported index crime rates with arrest rates for those crimes. Table 1.4 details arrest rates for crimes included in the CBI index. Graphs 1.3 and 1.4 illustrate that arrests outpaced reported crimes for both violent and property index crimes since 1986. Graph 1.3 presents a comparison of growth trends between the reported index crime rate and the arrest rate for the violent crimes included in the CBI index, while Graph 1.4 presents the same information for index property crimes. In these graphs, the average rates for the five-year period of 1976 to 1980 are used as a basis for comparison. This basis is set at 100 percent, and rates for subsequent years are shown as a percent of the 1976-80 average rate.

Table 1.4: Crime-Specific Arrest Rates per 100,000 People

Year	Crime-Specific Arrest Rates							Theft	Auto Theft
	Total Violent	Homicide	Forcible Rape	Robbery	Aggrav. Assault	Total Property	Burglary		
1976	154.4	6.3	12.1	45.7	90.3	1,194.2	249.3	869.7	75.2
1977	169.1	6.3	11.7	42.0	109.2	1,209.6	249.2	875.6	84.8
1978	174.4	6.0	13.5	42.7	112.1	1,242.2	238.4	908.7	95.2
1979	185.2	6.2	14.3	42.0	122.7	1,289.1	239.2	951.1	98.8
1980	189.2	4.7	15.3	43.1	126.1	1,263.3	232.1	954.7	76.6
1981	191.6	6.6	12.4	39.2	133.3	1,201.0	233.4	896.5	71.1
1982	178.4	5.2	14.1	38.6	120.6	1,207.6	210.3	931.7	65.5
1983	181.1	5.1	13.1	34.5	128.4	1,224.6	195.4	968.3	61.0
1984	182.2	6.0	13.8	30.5	131.9	1,221.0	162.6	989.3	69.1
1985	185.6	5.1	13.5	32.0	135.0	1,275.9	185.5	1,018.3	72.1
1986	202.3	6.2	13.3	33.0	149.7	1,236.1	171.7	986.3	78.1
1987	184.3	5.1	13.6	30.9	134.8	1,216.7	162.3	979.7	74.7
1988	206.2	4.9	16.0	27.1	158.2	1,199.7	149.9	971.8	78.0
1989	243.8	5.0	15.7	27.8	195.3	1,170.7	148.8	930.5	91.5
1990	274.8	4.6	18.9	26.6	224.7	1,183.5	138.5	967.5	77.5
1991	274.1	5.8	17.6	30.2	220.5	1,189.4	135.1	980.4	74.0
1992	256.0	6.1	15.8	30.6	203.4	1,118.0	120.1	931.2	66.7
1993	252.7	6.1	15.6	28.8	202.2	1,052.2	114.1	866.1	72.0
1994	232.4	4.6	13.8	28.8	185.2	1,028.6	112.4	859.0	57.2
1995	204.0	5.3	13.2	25.4	160.1	1,056.8	95.4	905.5	55.9
1996	181.0	4.2	15.9	24.0	136.9	999.8	92.5	853.4	53.9
1997	180.4	4.0	19.7	25.2	131.5	981.4	88.1	801.5	71.9
1998	182.1	4.2	15.9	24.0	136.9	899.7	83.2	750.2	66.2

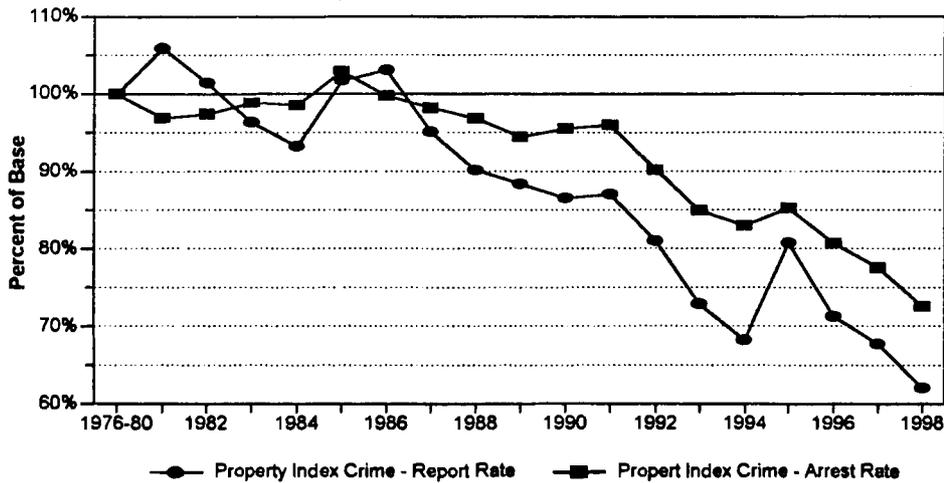
Source: Colorado Bureau of Investigation, *Crime in Colorado* Annual Reports, 1976-1998.

**Graph 1.3: Trends in Violent Index Crime:
Reported Crime and Arrest Rates**



Note: The base rates for comparison purposes are the average rates from 1976 to 1980.

**Graph 1.4: Trends in Property Index Crime:
Reported Crime and Arrest Rates**



Note: The base rates for comparison purposes are the average rates from 1976 to 1980.

Graph 1.3 shows that the arrest rate for index violent crimes rose much more rapidly in the late 1980s than the reported rates of those crimes. Graph 1.4 shows that while arrest rates for index property crimes have been declining since 1986, they did not fall as rapidly as the reported crime rates for those years.

Another way of comparing these two measures of crime is to look at the ratio of arrests to reported crimes. In 1980, there were 36 arrests per 100 reported violent index crimes, compared with 52 arrests per 100 violent index crimes in 1998. Similarly, there were 18 arrests for index property crimes per 100 reported index property crimes in 1980, compared with 23 arrests per 100 index property crimes in 1998. In 1994 the ratio was as high as 24 arrests per 100 index property crimes.

Trends in Criminal Court Filings as a Measure of Crime

Since felony filings represent the number of felony crimes pursued by district attorneys, they are an additional indicator of the amount of serious crime in society. Table 1.5 presents the total number of adult and juvenile felony filings in Colorado for the 22-year period from FY 1975-76 through FY 1998-99. In FY 1998-99, the number of adult felony filings fell by 3.3 percent from the previous year — from 957.4 per 100,000 residents in FY 1997-98 to 903.6 per 100,000 residents in FY 1998-99. Since FY 1975-76, the number of adult felony filings in Colorado increased 222 percent, compared with the state's population increase of only 62 percent. Thus, the rate of adult felony filings per 100,000 Colorado residents doubled during this period.

Juvenile delinquency filings reached 3,884.6 per 100,000 juveniles in FY 1998-99, a decrease of 4.3 percent from FY 1997-98. Since FY 1980-81, the number of juvenile delinquency filings has increased 166 percent while the juvenile population has grown 59 percent.

Table 1.5: History of Adult Felony and Juvenile Delinquency Filings in Colorado

	Adult Felony Filings	Percent Change Over Prior Year	Filings per 100,000 Residents	Juvenile Delinquency Filings	Percent Change Over Prior Year	Filings per 100,000 Juveniles
FY 1975-76	11,641	NA	455.3	5,909	NA	NA
FY 1976-77	11,661	0.2%	445.0	6,204	5.0%	NA
FY 1977-78	11,404	-2.2%	431.0	6,271	1.1%	NA
FY 1978-79	11,614	1.8%	416.1	6,304	0.5%	NA
FY 1979-80	13,410	15.5%	439.0	6,543	3.8%	NA
FY 1980-81	15,002	11.9%	488.5	6,901	5.5%	2,325.4
FY 1981-82	15,348	2.3%	509.2	6,562	-4.9%	2,214.5
FY 1982-83	16,769	9.3%	523.9	6,791	3.5%	2,296.5
FY 1983-84	15,785	-5.9%	518.7	5,971	-12.1%	2,032.0
FY 1984-85	16,851	6.8%	514.0	6,537	9.5%	2,285.8
FY 1985-86	16,963	0.7%	526.0	8,115	24.1%	2,900.3
FY 1986-87	17,478	3.0%	531.0	7,944	-2.1%	2,908.5
FY 1987-88	18,431	5.5%	550.2	8,340	5.0%	3,219.4
FY 1988-89	20,304	10.2%	592.1	9,438	13.2%	3,629.2

(Continued on next page)

Table 1.5 (Continued)

	Adult Felony Filings	Percent Change Over Prior Year	Filings per 100,000 Residents	Juvenile Delinquency Filings	Percent Change Over Prior Year	Filings per 100,000 Juveniles
FY 1989-90	21,054	3.7%	629.5	10,816	14.6%	4,208.4
FY 1990-91	21,530	2.3%	644.4	10,710	-1.0%	3,985.5
FY 1991-92	23,571	9.5%	669.4	12,721	18.8%	4,641.4
FY 1992-93	23,487	-0.4%	679.6	11,980	-5.8%	4,317.1
FY 1993-94	24,636	4.9%	675.3	12,510	4.4%	4,261.0
FY 1994-95	28,172	14.4%	722.2	15,175	21.3%	4,981.9
FY 1995-96	30,613	8.7%	784.5	17,577	15.8%	5,545.0
FY 1996-97	33,867	10.6%	856.4	19,063	15.8%	5,823.8
FY 1997-98	38,815	14.6%	957.4	19,214	0.8%	4,157.6
FY 1998-99	37,538	-3.3%	903.6	18,395	-4.3%	3,864.6

NA: Not available

Source: Colorado Judicial Department.

Prison Commitment Rates as a Measure of Crime

A fourth criminal justice system variable used as an indicator of crime taking place in society is the new prison commitment rate — the number of people admitted to prison for new crimes per 100,000 state residents. However, the prison commitment rate is a somewhat less reliable indicator of criminal activity than the reported index crime, arrest, and felony filing rates for several reasons. First, prison is only one of several placement options where judges may sentence criminals. Second, the share of convicted felons sentenced to prison fluctuates over time. Thus, the more than doubling of new prison commitments per 100,000 residents between the late 1970s and the late 1990s (from 57 to 119) may not necessarily indicate a similar increase in crime rates. New prison commitment rates are displayed in the last column of Table 1.6.

Comparing Trends in Different Measures of Crime

The different crime measurements indicate conflicting trends in the amount of criminal activity taking place in Colorado (Table 1.6 and Graph 1.5). While the reported index crime rate decreased since 1980, adult and juvenile arrest, felony filing, and prison commitment rates all rose. Table 1.6 presents the rates per 100,000 residents of alternative criminal justice system indicators of crime. In order to provide a basis for comparison in Graph 1.5, the 1976 to 1980 average rate is set at 100 percent, and rates for subsequent years are shown as a percent of the 1976 to 1980 average rate.

Table 1.6: Selected Proxies for Crime in Colorado: Historical Rates per 100,000 Colorado Residents

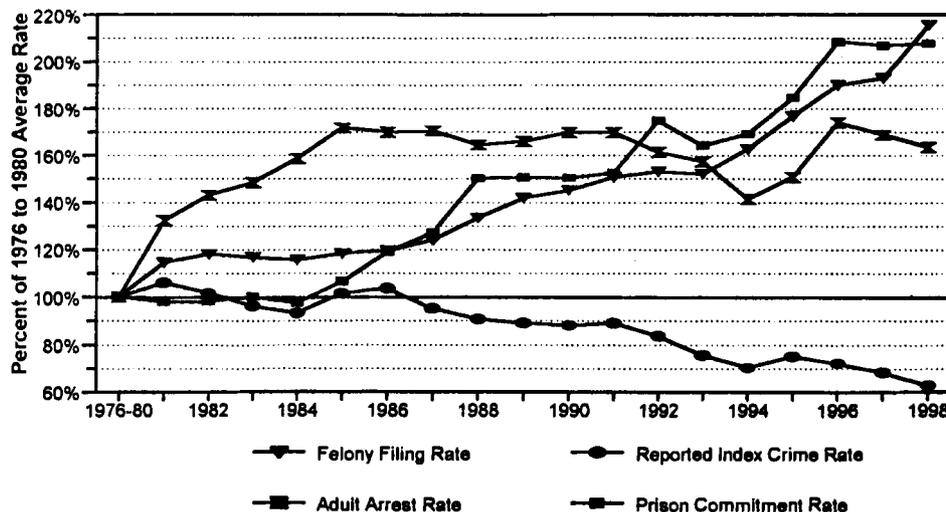
Year	Index Crime Rate*	Adult and Juvenile Arrest Rate	Felony Filing Rate	Prison Commitment Rate
1976-80**	6,812.7	4,982.1	443.9	57.2
1981	7,224.0	5,954.8	488.5	56.1
1982	6,916.7	6,303.3	509.2	56.2
1983	6,567.9	6,481.4	523.9	57.4
1984	6,356.0	6,924.3	518.7	55.9
1985	6,908.8	7,490.2	514.0	60.8
1986	7,052.1	7,452.1	526.0	68.1
1987	6,489.5	7,476.3	531.0	72.8
1988	6,183.4	7,209.5	550.2	85.9
1989	6,070.5	7,374.5	592.1	86.2
1990	6,003.8	7,604.9	629.5	86.1
1991	6,071.0	7,650.1	644.4	87.3
1992	5,691.6	7,282.6	669.4	100.1
1993	5,151.7	7,142.3	679.6	94.0
1994	4,797.6	6,562.3	675.3	96.9
1995	5,113.9	6,948.3	722.2	105.6
1996	4,924.1	7,776.4	784.5	115.6
1997	4,663.1	7,789.0	856.4	118.3
1998	4,281.5	7,532.3	957.4	118.9

* Index crimes are defined as homicide, rape, assault, robbery, burglary, theft, and motor vehicle theft.

** Annual averages.

Sources: Colorado Bureau of Investigation, *Crime in Colorado Annual Report*, Colorado Judicial Department, and Colorado Department of Corrections.

Graph 1.5: Changes in Crime Rates Using Various Measures of Crime



Note: The base rates for comparison purposes are the average rates from 1976 to 1980.

Graph 1.5 demonstrates the apparent crime rate contradiction. While the reported index crime rate in 1998 was nearly 40 percent below its 1976 to 1980 average, the overall arrest rate was more than 60 percent higher in 1998 than in the 1976 to 1980 time period. Even more dramatic, the felony filing rate was nearly 120 percent higher and the prison commitment rate was 110 percent higher in 1996 than their 1976 to 1980 averages. Paradoxically, the reported index crime rate has fallen most since 1986, the same period when felony filing rates and prison commitment rates were increasing most rapidly.

Reconciling the Divergent Trends in Measures of Criminal Activity

One possible reason for divergent trends in crime measures is the amount of crime reported. However, even if the percentage of crimes reported to the police has not changed, it does not necessarily follow that rising arrest, filing, and incarceration rates are inconsistent with a stable or falling crime rate. Improved law enforcement, earlier apprehension of offenders, and longer sentences all affect crime patterns. Criminals typically commit multiple crimes, particularly in the cases of property and drug offenses. For example, studies indicate that prison inmates commit a median of twelve non-drug related crimes in the year prior to their arrest. If better law enforcement efforts result in criminals being apprehended earlier, some crimes that offenders would otherwise commit if on the street are prevented, reducing the crime rate relative to the arrest rate. Thus, improvements in policing may reduce or stabilize the crime rate even while the number of people charged and convicted of offenses and placed under correctional supervision continues to increase. Meanwhile, the increase in the length of prison sentences in Colorado since the early 1980s and the growth in the prison population both in Colorado and nationally may have had some effect on reducing Colorado's crime rate. Many studies on recidivism show that a significant proportion of inmates released from prison commit new crimes. Thus, longer prison sentences prevent some crimes that might otherwise have occurred if prison inmates had been released earlier.

SUMMARY

Much of the evidence on crime in society is conflicting. While reported index crime rates are officially declining, other indicators such as felony filing rates continue to rise. This calls into question whether the official index crime rate is an accurate measure of the prevalence of crime in society. There are a number of reasons for the different signals from crime data. The combination of a rapid rise in the number of felony drug offenses, which are not included in the CBI index crime rate; the likelihood that the percentage of crimes reported to the police has declined; and the potential that the proportion of offenders apprehended by law enforcement officials has increased may account for the different signals. Since there is no way of knowing accurately how much crime goes unreported, we are unable to determine how much of a role each of these factors may be playing. Thus, the official crime index data should be used with caution and other factors should be considered. The falling reported index crime rates, combined with simultaneous increases in other measures of crime observed in Colorado in recent years are not necessarily inconsistent, since greater success in apprehending, prosecuting, and incarcerating criminals all impact the amount of criminal activity taking place.

Chapter 2 — Colorado's Adult Offender Population

This chapter provides a summary and an overview of Colorado's adult offender population as well as a comparison of its adult offender population with that of other states. Colorado's adult offender population includes the prison, parole, probation, and community corrections populations.

This chapter highlights the following:

- there are four major felony adult offender populations under supervision in Colorado: the prison, parole, probation, and community corrections populations. In total, Colorado's adult offender population was 59,576 in FY 1998-99, up 114.2 percent from FY 1988-89;
- since FY 1988-89, the number of adult offenders per 100,000 Colorado residents nearly doubled. In FY 1998-99, 1.5 percent of the state's population were adult offenders under supervision versus only 0.8 percent in FY 1988-89;
- nearly two-thirds of adult offenders convicted of a felony in Colorado are on probation, while 22 percent are in prison; and
- as of December 31, 1997, Colorado's rate of correctional supervision per 100,000 state residents was 12.3 percent below the national average.

ADULT OFFENDER POPULATION OVERVIEW

The approximately 60,000 adult offenders being supervised in Colorado, either in prison, on parole, on probation, or in a community corrections facility, are profiled in this chapter. Colorado's adult offender population grew 5.7 percent from FY 1997-98 to FY 1998-99, from 56,592 offenders to 59,576 offenders. Since FY 1988-89, the total adult offender population grew by 114.2 percent. Table 2.1 summarizes growth trends in the state's adult offender population.

The majority of Colorado's adult offender population (65.4 percent) is serving a probation sentence, followed by those serving a prison sentence (22.2 percent). Community corrections accounted for 6.1 percent and parolees for 6.2 percent of the offender population. Since FY 1988-89, the fastest growing segments of the offender population have been the probation population, up 119.9 percent from FY 1988-89 to FY 1998-99, and the community corrections population, up 119.5 percent over the same period. The prison population ranked third in growth, increasing 108.2 percent from FY 1988-89 to FY 1998-99.

In terms of numerical increases of total offenders, the probation population experienced the largest gain. Probation grew from 17,728 offenders in FY 1988-89, to 38,983 offenders in FY 1998-99, an increase of 21,255. Prison inmates posted the second largest numerical increase, growing by 6,883 offenders from FY 1988-89 to FY 1998-99.

Table 2.1: Adult Offender Population Growth – FY 1988-89 to FY 1998-99

	Prison	Parole	Probation	Community Corrections	Total
FY 1988-89	6,360	2,073	17,728	1,653	27,814
Percent Increase	18.40%	(25.9)%	22.0%	27.6%	18.40%
FY 1989-90	6,952	2,137	21,023	1,913	32,025
Percent Increase	9.30%	3.1%	18.6%	15.7%	9.3%
FY 1990-91	7,299	1,990	22,567	2,115	33,971
Percent Increase	5.00%	(6.9)%	7.3%	10.6%	5.00%
FY 1991-92	8,093	1,943	21,966	2,271	34,273
Percent Increase	10.90%	(2.4)%	(2.7)%	7.4%	10.9%
FY 1992-93	8,451	2,116	24,965	2,363	37,895
Percent Increase	4.40%	8.9%	13.7%	4.1%	4.40%

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Table 2.1 (Continued)

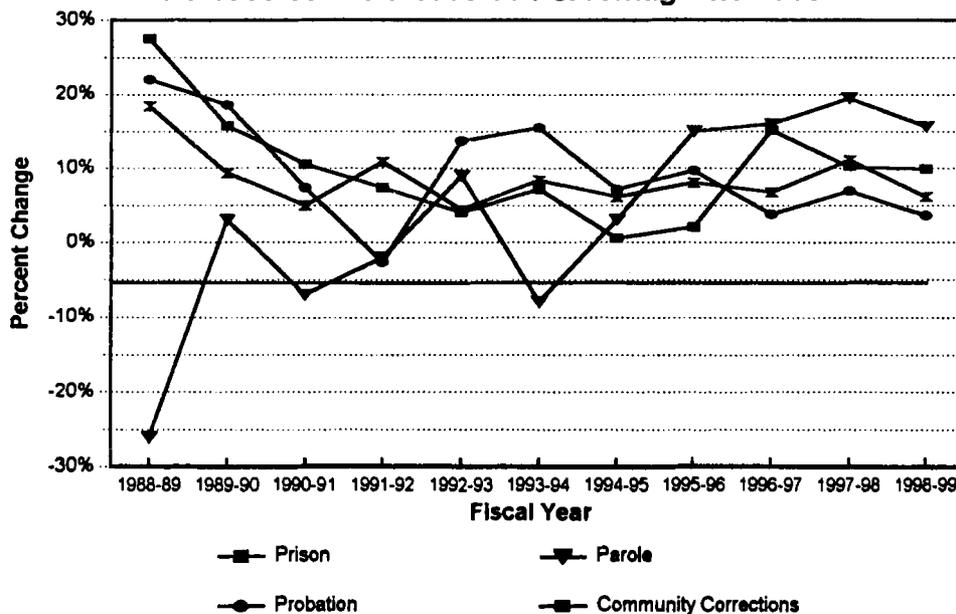
	Prison	Parole	Probation	Community Corrections	Total
FY 1993-94	9,164	1,958	28,836	2,533	42,491
Percent Increase	8.4%	(7.5)%	15.5%	7.2%	8.4%
FY 1994-95	9,727	2,026	30,891	2,547	45,191
Percent Increase	6.1%	3.5%	7.1%	0.6%	6.1%
FY 1995-96	10,511	2,322	33,881	2,599	49,313
Percent Increase	8.1%	14.6%	9.7%	2.0%	8.1%
FY 1996-97	11,224	2,695	35,163	2,994	52,076
Percent Increase	6.8%	16.1%	3.8%	15.2%	6.8%
FY 1997-98	12,470	3,219	37,602	3,301	56,592
Percent Increase	11.1%	19.4%	6.9%	10.2%	11.1%
FY 1998-99	13,243	3,722	38,983	3,628	59,576
Percent Increase	6.2%	15.6%	3.7%	9.9%	6.2%
FY 1988-89 to FY 1998-99	6,883	1,649	21,255	1,975	31,762
Cumulative % Increase	108.2%	79.6%	119.9%	119.5%	114.2%

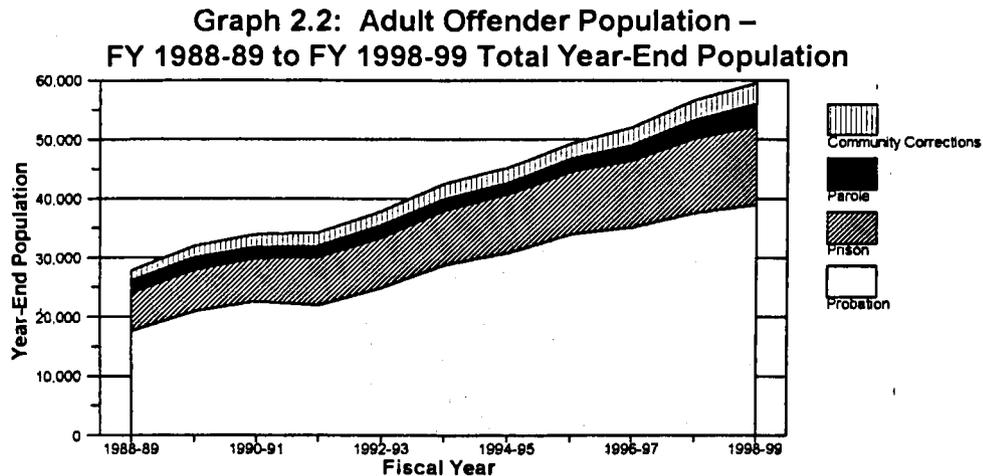
NA: Not Applicable.

Source: Division of Criminal Justice.

Graphs 2.1 and 2.2 provide a visual perspective of the growth in the offender population in Colorado. The first graph provides a comparison of the growth trends for each offender group. The second graph reflects the actual population of the offender groups.

Graph 2.1: Adult Offender Population –
FY 1988-89 to FY 1998-99 Percentage Increase





In FY 1988-89, there were 848 adult offenders under the state’s supervision per 100,000 Colorado residents. Since that time, the number of adult offenders in Colorado incarcerated, or placed in/or on probation, community corrections, and parole increased significantly, to 1,452 adult offenders per 100,000 Colorado residents in 1998-99. In effect, 1.5 percent of the state’s population were adult offenders under state supervision in FY 1998-99 versus 0.9 percent in FY 1988-89. If the adult offender population had grown at the same pace as the Colorado population, the total adult offender population would have been over 25,000 lower in FY 1998-99, or only 58 percent of its current level. The strongest growth in the adult offender population occurred between FY 1987-88 and FY 1989-90, when the impact of a 1985 law change that doubled the length of maximum sentences was fully realized. Table 2.2 provides an overview of the various adult offender populations per 100,000 Colorado residents.

**Table 2.2: Adult Offenders Under State Supervision
per 100,000 Colorado Residents**

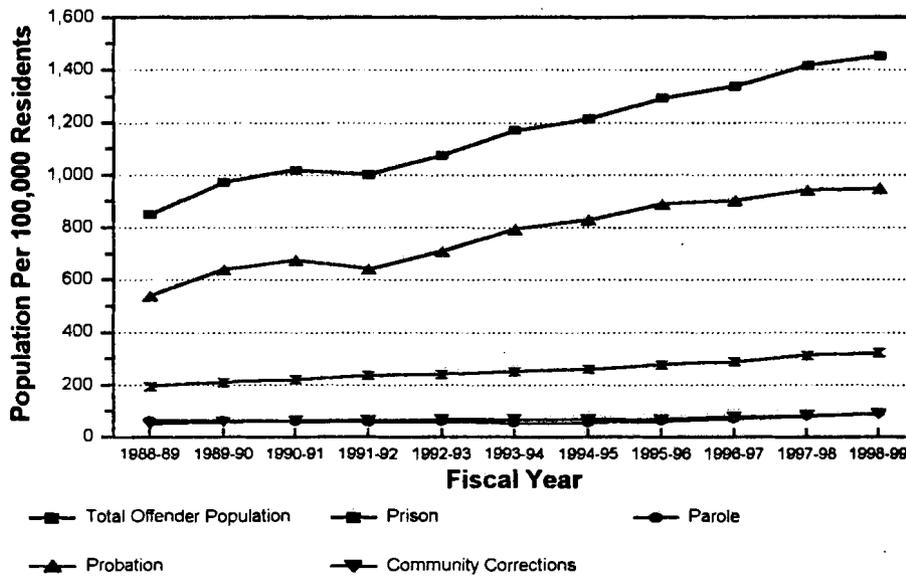
	Prison	Parole	Probation	Community Corrections	Total
FY 1986-87	135.2	91.6	443.0	34.1	703.9
FY 1987-88	176.2	85.6	444.8	39.6	746.2
FY 1988-89	194.0	63.2	540.8	50.4	848.4
FY 1989-90	211.0	64.9	638.2	58.1	972.2
FY 1990-91	218.6	59.6	675.9	63.3	1,017.4
FY 1991-92	236.5	56.7	641.8	66.4	1,001.4
FY 1992-93	239.7	60.0	708.1	67.0	1,074.8
FY 1993-94	252.5	53.9	794.4	69.8	1,170.6
FY 1994-95	261.1	54.4	829.1	68.4	1,213.0
FY 1995-96	275.7	60.9	888.8	68.2	1,293.6
FY 1996-97	288.3	69.2	903.0	76.9	1,337.4
FY 1997-98	312.2	80.6	941.3	82.6	1,416.7
FY 1998-99	322.7	90.7	949.8	88.4	1,451.6

NA: Not Applicable.

Source: Division of Criminal Justice/State Demographer's Office.

Graph 2.3 provides a visual overview of each component of the adult offender population per 100,000 residents. It illustrates how a greater proportion of Colorado residents were under the umbrella of the adult offender system in FY 1998-99 than in FY 1988-89. Since FY 1988-89, the Colorado population grew by 23 percent, whereas the adult offender population increased 114.2 percent.

Graph 2.3: Adult Offender Population per 100,000 Colorado Residents



**COMPARISON OF RATES OF CORRECTIONAL SUPERVISION
ACROSS THE UNITED STATES**

Table 2.3 compares adult offender rates per 100,000 residents across the United States for state and federal corrections systems, as of December 31, 1997, the most recent information available. The data are presented by state for the following three major types of correctional supervision populations: prison, parole, and probation. The total rate of correctional supervision per 100,000 people is also displayed toward the right side of Table 2.3. Please note that this is a somewhat different measure than presented in the previous section, as it includes federal facilities, but excludes offenders in community corrections. We utilize a different measure in this section because it is the only source that provides a state-by-state comparison.

Table 2.3: Adults Under Correctional Supervision Across the United States*
December 31, 1997

Number Per 100,000 Residents							
State	Prison	Rank	Parole	Rank	Probation	Rank	TOTAL RANK
Alabama	500	8	146	27	1,100	32	1,746 31
Alaska	420	17	179	22	1,040	33	1,639 33
Arizona	484	9	103	35	1,368	24	1,956 26
Arkansas	392	21	315	12	1,419	21	2,128 22
California	475	10	448	6	1,306	25	2,229 19
Colorado	342	26	144	29	1,580	18	2,066 24
Connecticut	397	** 20	40	48	2,260	8	2,697 12
Delaware	443	** 13	107	33	3,225	1	3,776 3
District of Columbia	1,682	1	1,676	1	2,560	7	6,918 1
Florida	437	15	76	42	2,148	11	2,659 13
Georgia	472	11	399	9	2,699	4	3,670 4
Hawaii	288	** 35	203	20	1,742	17	2,233 18
Idaho	323	29	95	38	741	41	1,159 40
Illinois	342	27	348	10	1,370	22	2,060 25
Indiana	301	33	93	39	2,222	9	2,616 14
Iowa	243	40	96	37	791	40	1,130 43
Kansas	304	31	323	11	850	39	1,477 34
Kentucky	372	23	144	28	410	51	926 48
Louisiana	672	3	630	5	1,122	31	2,424 15
Maine	124	49	6	51	909	37	1,039 47
Maryland	413	18	412	8	1,950	13	2,776 10
Massachusetts	278	37	98	36	995	34	1,371 38
Michigan	457	12	197	21	2,122	12	2,776 9
Minnesota	113	50	71	43	2,641	5	2,825 7
Mississippi	531	6	70	45	556	48	1,157 41
Missouri	442	14	313	13	1,159	30	1,914 28
Montana	255	39	124	31	720	43	1,099 46
Nebraska	200	45	57	47	1,198	28	1,455 36
Nevada	518	7	268	15	884	38	1,670 32
New Hampshire	184	46	124	32	556	49	864 49
New Jersey	351	25	279	14	2,153	10	2,783 8
New Mexico	256	38	132	30	723	42	1,111 44
New York	386	22	439	7	1,369	23	2,194 21
North Carolina	370	24	147	26	1,899	14	2,416 16
North Dakota	112	51	25	49	559	47	696 50
Ohio	429	16	81	40	1,423	20	1,933 27
Oklahoma	617	4	79	41	1,178	29	1,874 29
Oregon	232	42	691	4	1,808	16	2,731 11
Pennsylvania	291	34	833	2	1,229	27	2,363 17
Rhode Island	213	** 43	70	44	2,607	6	2,890 6
South Carolina	536	5	179	23	1,512	19	2,227 20
South Dakota	303	32	159	24	641	45	1,103 45
Tennessee	309	30	215	18	946	36	1,470 35
Texas	717	2	789	3	3,095	3	4,601 2
Utah	205	44	242	16	690	44	1,137 42
Vermont	140	** 48	150	25	1,833	15	2,123 23
Virginia	407	19	210	19	589	46	1,206 39
Washington	233	41	12	50	3,177	2	3,422 5
West Virginia	174	47	64	46	438	50	676 51
Wisconsin	283	36	217	17	1,302	26	1,802 30
Wyoming	326	28	105	34	993	35	1,424 37
Total State	410		316		1,630		2,356
Federal Correctional Populations	36		30		16		81
United States Total	445		360		1,646		2,461

* Comprehensive data on adults in community corrections facilities were not available. For some states these may be included in other correctional populations.

** Connecticut, Delaware, Hawaii, Rhode Island, and Vermont have integrated jail-prison systems. Jail inmates are included in the prison column in these states.

Source: Sourcebook of Criminal Justice Statistics, 1997.

According to this measure of offenders, Colorado's overall rate of correctional supervision was 2,066 people per 100,000 state residents on December 31, 1997; this was below the national average of 2,356 people per 100,000 Americans. By type of supervision, Colorado's rates of correctional supervision were generally below national averages. Colorado's prison incarceration rate was 16.6 percent below the national average; its probation supervision rate was 3.1 percent below the national average; and its parole supervision rate was 54.4 percent below the national average.

Although Colorado's prison incarceration rate was significantly below the national average, it ranked 26th among the states in prison incarceration. The national average prison incarceration rate was pushed higher by some large states with high rates of prison incarceration. Colorado ranked 18th among the 50 states and the District of Columbia in its relative probation population, with 1,580 probationers per 100,000 residents. However, this was still below the national average of 1,630 state probationers per 100,000 Americans. Colorado's above median rankings in probation supervision, despite below average supervision rates per 100,000 residents, result from high rates of probation supervision in large states such as California, Texas, New York, and Florida, and low rates of supervision in some of the smaller states. Colorado ranked 29th in the relative parole population, up from 34th in the nation in 1995. The increase is primarily due to the enactment of a mandatory period of parole for prison inmates in 1993.

Factors influencing correctional supervision. Correctional supervision rates are influenced by a number of factors, such as crime rates, laws governing sentence length, and decisions made about the appropriate correctional placement for an offender. For example, several areas with high crime rates (Florida, Texas, and the District of Columbia) have some of the highest proportions of their populations under correctional supervision, while some with very low crime rates (North Dakota, New Hampshire, Iowa, West Virginia, and Utah) have low overall rates of correctional supervision. The relative use of correctional placement varies by state as well. For example, Washington and Minnesota rank second and fifth highest in their rates of population under probation supervision, but 41st and 50th, respectively, among the states in their rates of prison incarceration. At the other extreme, Louisiana ranks third in terms of prison incarceration rates, but has a probation supervision rate substantially below the national average. Thus, prison, parole, jail, and probation populations are affected not only by the amount of crime taking place in a state, but also by the way in which a state chooses to handle its offender population.

Several states (Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont) run unified prison/local jail systems. Their prison/jail populations are reported in the prison column, raising their reported prison populations and rankings. Thus, prison incarceration rates for those six states are not directly comparable with rates in other states.

SECTION II

Sentencing in Colorado

The chapters in Section II provide an overview of the laws by which offenders are sentenced, examine sentencing placement, and analyze sentence length. Sentencing laws in Colorado have undergone major changes since 1979 and Chapter 3 provides some background into those changes as well as the current status of the laws judges use to sentence offenders.

Chapter 4 examines the placement of convicted felons by comparing the numbers of offenders sentenced to probation, community corrections, prison, and other placements. In addition, Chapter 4 examines the likelihood of an offender receiving a particular sentence.

Chapter 5 analyzes sentence length and average length of stay. Included are factors that may affect the average length of stay and trends in the average length of stay. Chapter 5 also lists the average length of stay for over 200 specific felonies.

Section II contains the following chapters:

- Chapter 3 – Colorado's Adult Sentencing Laws
- Chapter 4 – Sentencing Placement of Convicted Felons
- Chapter 5 – Sentence Length and Average Length of Stay of Prison Inmates

Chapter 3 — Colorado's Adult Sentencing Laws

This chapter provides an overview of sentencing law since 1979 in Colorado, and outlines what sentencing laws require of judges. The sentencing of offenders is at the discretion of the judge (within statutory parameters) after conviction. Colorado's sentencing laws are complex and have varying levels of application for various types of offenders.

This chapter focuses on the variables which affect the sentence handed down by a judge. Once an offender has entered prison, the sentence may subsequently be reduced by earned time. However, earned time is applied post-sentence only for the purpose of determining a parole eligibility date. Further, earned time does not change or reduce the *sentence* handed down by the sentencing court, it reduces the *time served in prison*. Earned time will be discussed in the chapter on parole.

This chapter highlights the following:

- sentencing ranges;
- special sentencing categories; and
- habitual offender sentences.

SENTENCING RANGES

From the late 1970s through the early 1990s, Colorado's sentencing laws changed frequently and sometimes dramatically. The sentencing scheme underwent the most drastic changes in 1979 and then again in 1985. These changes appear to have had the greatest impact on the prison population. Other important changes to the sentencing scheme occurred in 1989 and 1993.

Table 3.1 is a side-by-side comparison of the various sentencing schemes from 1979 through current law.

Table 3.1: Felony Class Presumptive Ranges

Felony Class		Pre-1979	1979	1985	1989	1993 (current law in 2000)
1	Minimum	Life	Life	Life	Life	Life
	Maximum	Death	Death	Death	Death	Death
2	Minimum	10 years	8 years	8 years	8 years	8 years
	Maximum	50 years	12 years	24 years	24 years	24 years
3	Minimum	5 years	4 years	4 years	4 years	4 years
	Maximum	40 years	8 years	16 years	16 years	12 years
4	Minimum	1 day	2 years	2 years	2 years	2 years
	Maximum	10 years	4 years	8 years	8 years	6 years
5	Minimum	1 day	1 year	1 year	1 year	1 year
	Maximum	5 years	2 years	4 years	4 years	3 years
6	Minimum	NA	NA	NA	1 year	1 year
	Maximum	NA	NA	NA	2 years	18 months

NA: Not applicable.

Note: The class 6 felony did not exist until 1989.

The following sections summarize Colorado's sentencing law prior to 1979, and major changes to sentencing laws in 1979, 1985, 1989, and 1993.

Sentencing prior to July 1, 1979. Convicted offenders sentenced for a crime committed prior to July 1, 1979, were sentenced under an "indeterminate" sentencing scheme. Under indeterminate sentencing, judges had discretion in sentencing an offender within a broad range set forth in law, depending on that offender's criminal history and the circumstances of the particular crime for which the offender was convicted. This judicial discretion resulted in widely divergent sentences handed down to offenders convicted of similar crimes.

House Bill 79-1589. In 1979, the General Assembly went to a presumptive or "determinate" sentencing scheme by adopting H.B. 79-1589 (Representative Gorsuch). Under this determinate sentencing schedule, presumptive ranges for each felony class were more narrowly defined. The new

determinate sentencing ranges under H.B. 79-1589 resulted in less divergent sentences handed down for similar offenses. More narrowly defined presumptive ranges also resulted in longer minimum sentences and shorter maximum sentences.

House Bill 85-1320. By 1985, “tough on crime” politics focused nationwide attention on crime. Because of the perception that shorter sentences under Colorado's relatively new determinate sentencing scheme were to blame for an increase in crime in Colorado, the General Assembly adopted H.B. 85-1320 (Representative Mielke). Under H.B. 85-1320, the maximum sentence in the presumptive range was doubled for all felony classes. This doubling of the maximum sentence was the first step towards restoring the broad sentencing ranges of indeterminate sentencing in Colorado.

Senate Bill 89-246. Doubling the maximum sentence in the presumptive range for all felony classes resulted in increased prison populations and prison overcrowding. One strategy upon which the General Assembly agreed to deal with this problem was to adopt S.B. 89-246 (Senator Wells) which added a new felony class, the class 6 felony. The addition of the new class 6 felony, with shorter sentences in the presumptive range, was intended to result in shorter prison sentences which would, in turn, alleviate prison overcrowding. In order to accommodate the new class 6 felony, some class 4 felonies were reduced to class 5 felonies and in turn, some class 5 felonies became class 6 felonies.

House Bill 93-1302. The most recent major change to the sentencing structure in Colorado was in 1993. Continually increasing prison populations resulted in unprecedented growth in prison construction. In an effort to deal with both the prison population and the prison construction issues, the General Assembly adopted H.B. 93-1302 (Representative Tucker). House Bill 93-1302 reduced by 25 percent the maximum sentence in the presumptive range for class 3, 4, 5, and 6 felonies. House Bill 93-1302 also created a special sentencing category of crimes presenting an extraordinary risk of harm to society. *The maximum sentence in the presumptive range for class 3 through 6 felonies was not reduced for these crimes which are discussed later in this chapter.*

SPECIAL SENTENCING CATEGORIES

The presumptive ranges specified in the previous section are the base from which judges calculate sentences. However, since 1979, the General Assembly has adopted several special sentencing categories which require longer sentences for offenders convicted of certain more serious crimes. Sentences in these special sentencing categories are intended to provide for longer sentences outside of the presumptive range, for particularly violent crimes or when certain circumstances are present for the crime or the offender. Sentences in these special sentencing categories have the effect of bringing sentencing in Colorado full circle from indeterminate sentencing to determinate sentencing and back to indeterminate sentencing again. There are five special sentencing categories as follows:

- crimes with extraordinary mitigating or aggravating circumstances;
- crimes of violence;

- crimes with extraordinary aggravating circumstances;
- crimes with sentence-enhancing circumstances; and
- crimes presenting an extraordinary risk of harm to society.

Table 3.2 is a history of sentencing ranges for special sentencing categories. This table illustrates the year each special sentencing category was adopted by the General Assembly. This table also illustrates how the presumptive sentencing ranges have changed over the years.

Table 3.2: History of Sentencing Ranges for Special Sentencing Categories

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1979 Normal Presumptive Ranges	8 to 12 years	4 to 8 years	2 to 4 years	1 to 2 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 24 years	2 to 16 years	1 to 8 years	6 months to 4 years	NA
Crime of Violence	8-year min. for violent crimes	4-year min. for violent crimes	2-year min. for violent crimes	1-year min. for violent crimes	NA
1981 Normal Presumptive Ranges	8 to 12 years	4 to 8 years	2 to 4 years	1 to 2 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 24 years	2 to 16 years	1 to 8 years	6 months to 4 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	12 to 24 years	8 to 16 years	4 to 8 years	2 to 4 years	NA
1985 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	24 to 48 years	16 to 32 years	8 to 16 years	4 to 8 years	NA
1988 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	NA
1989 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	18 months to 4 years
1990 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	18 months to 4 years
Sentence-Enhancing Circumstances	8 to 48 years	4 to 32 years	2 to 16 years	1 to 8 years	1 to 4 years
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 8 years	1 to 3 years	1 year to 18 months
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 24 years	1 to 12 years	6 months to 6 years	6 months to 3 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years
Sentence-Enhancing Circumstances	8 to 48 years	4 to 24 years	2 to 12 years	1 to 6 years	1 to 3 years
Extraordinary Risk of Harm to Society	NA	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years

NA: Not applicable.

Note: The class 6 felony classification did not exist until 1989, and the Extraordinary Risk of Harm to Society category does not apply to class 2 felonies.

Extraordinary Mitigating or Aggravating Circumstances

The court may impose a sentence that is lesser or greater than those in the presumptive range when the court finds that extraordinary mitigating or aggravating circumstances are present. Aggravating or mitigating factors may be determined by the court based on evidence in the record at the sentencing hearing and information contained in the presentence investigation report. The court may not impose a sentence which is less than one-half of the minimum sentence in the presumptive range, and not more than twice the maximum in the presumptive range. The sentencing ranges after applying extraordinary mitigating or aggravating circumstances are in Table 3.3.

Table 3.3 — Sentences for Extraordinary Mitigating or Aggravating Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 24 years	1 to 12 years	6 months to 6 years	6 months to 3 years

Crimes of Violence (Section 16-11-309, C.R.S.)

Any offender convicted of a crime of violence must be sentenced to a prison term which is at least at the midpoint in the presumptive range but not more than twice the maximum term. The following offenses which are committed, conspired to be committed, or attempted to be committed are specified in statute as crimes of violence. *These crimes of violence are listed again under the following special sentencing categories: crimes with extraordinary aggravating circumstances and crimes presenting an extraordinary risk of harm to society:*

- a crime in which the defendant used, or possessed and threatened the use of, a deadly weapon;
- a crime resulting in serious bodily injury or death;
- a crime against an at-risk adult or at-risk juvenile;
- murder;
- first or second degree assault;
- kidnapping;
- sexual assault;
- aggravated robbery;
- first degree arson;
- first or second degree burglary;
- escape;
- criminal extortion; or

- any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.

The sentencing ranges for an offender convicted of a crime of violence are in Table 3.4.

Table 3.4 — Sentences for Crimes of Violence (Section 16-11-309, C.R.S.)

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Crime of Violence/Extraordinary Aggravating Circumstances	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years

Extraordinary Aggravating Circumstances

An offender convicted of a crime with extraordinary aggravating circumstances must be sentenced to a term of at least the midpoint in the presumptive range but not more than twice the maximum term. Offenders committing offenses under the following scenarios are charged with a crime which has extraordinary aggravating circumstances:

- the defendant is convicted of a Section 16-11-309, C.R.S., crime of violence (*see page 32 for a listing of these crimes*);
- the defendant was on parole for another felony at the time he or she committed the felony offense;
- the defendant was on probation or was on bond while awaiting sentencing following revocation of probation for another felony when he or she committed the felony offense;
- the defendant was under confinement, in prison, or in any correctional institution as a convicted felon, or an escapee from any correctional institution for another felony when he or she committed the felony offense;
- the defendant was on appeal bond when he or she committed the felony offense following a conviction for a previous felony; or
- the defendant is less than 18 years of age and, at the time he or she committed the offense, was on probation for or on bond while awaiting sentencing following revocation of probation for another offense that would have been a felony if committed by an adult.

The sentencing ranges for an offender convicted of a crime with extraordinary aggravating circumstances are in Table 3.5.

Table 3.5 — Sentences for Extraordinary Aggravating Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years

Sentence-Enhancing Circumstances

Offenders convicted of a crime with sentence-enhancing circumstances are required to serve a sentence which is at least the minimum in the presumptive range but not more than twice the maximum in the presumptive range. Following are sentence-enhancing circumstances:

- the defendant was charged with or was on bond for a previous felony when he or she committed the felony and the defendant was subsequently convicted of the felony;
- when the defendant committed the felony, he or she was on bond for having pled guilty to a lesser offense when the original offense charged was a felony;
- the defendant was under a deferred judgement and sentence for another felony when he or she committed the felony;
- the defendant is less than 18 years of age and, at the time he or she committed the felony, was on bond for having pled guilty to a lesser offense when the original offense charged was an offense that would have constituted a felony if committed by an adult;
- the defendant is less than 18 years of age and, when he or she committed the felony, was under a deferred judgement and sentence for another offense that would have constituted a felony if committed by an adult; or
- when the defendant committed the felony, he or she was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult.

Sentence ranges for offenders convicted of crimes with sentence-enhancing circumstances are in Table 3.6.

Table 3.6 — Sentences for Sentence-Enhancing Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Sentence-Enhancing Circumstances	8 to 48 years	4 to 24 years	2 to 12 years	1 to 6 years	1 to 3 years

Crimes Presenting an Extraordinary Risk of Harm to Society

Sentences for offenders convicted of crimes presenting an extraordinary risk of harm to society are increased as follows (only class 3 through 6 felonies are increased since none of the crimes presenting an extraordinary risk of harm to society are class 1 or 2 felonies):

- the maximum sentence in the presumptive range is increased by four years for class 3 felonies;
- the maximum sentence in the presumptive range is increased by two years for class 4 felonies;
- the maximum sentence in the presumptive range is increased by one year for class 5 felonies; and
- the maximum sentence in the presumptive range is increased by six months for class 6 felonies.

Crimes which present an extraordinary risk of harm to society include the following:

- first, second, and third degree sexual assault;
- sexual assault on a child and sexual assault on a child by one in a position of trust;
- sexual assault on a client by a psychotherapist;
- incest and aggravated incest;
- aggravated robbery;
- child abuse;
- unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense; and
- any Section 16-11-309, C.R.S., crime of violence (*see page 32 for a listing of these crimes*).

Presumptive sentence ranges for crimes presenting an extraordinary risk of harm to society are in Table 3.7.

Table 3.7 — Sentences for Crimes Presenting an Extraordinary Risk of Harm to Society

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2000)	8 to 24 years	4 to 12 years	2 to 8 years	1 to 3 years	1 year to 18 months
Extraordinary Risk of Harm to Society	NA	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years

HABITUAL OFFENDER STATUTES

Sentencing for habitual offenders bypasses the presumptive sentencing ranges and requires judges to sentence habitual offenders to a determinate sentence that is significantly higher than the maximum in the felony class presumptive ranges.

Since 1979, the habitual offender statute has evolved from two levels of habitual offenders — the "little habitual" and the "big habitual" — to four levels of habitual offenders today: the "little habitual," the "big habitual," the "bigger habitual," and the "three strikes you're out" habitual.

Table 3.8 summarizes the major changes in the habitual offender statutes since 1979. The habitual offender statutes have not been amended since 1994.

Table 3.8: Habitual Offender Sentencing Ranges

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1979 Normal Presumptive Ranges	<i>Life to Death 8 to 12 years 4 to 8 years 2 to 4 years 1 to 2 years NA</i>					
Little Habitual (3rd conviction)	25 to 50 years	25 to 50 years	25 to 50 years	NA	NA	NA
Big Habitual (4th conviction)	Life	Life	Life	Life	Life	NA
1985 Normal Presumptive Ranges	<i>Life to Death 8 to 24 years 4 to 16 years 2 to 8 years 1 to 4 years NA</i>					
Little Habitual (3rd conviction)	25 to 50 years	25 to 50 years	25 to 50 years	25 to 50 years	NA	NA
Big Habitual (4th conviction)	Life	Life	Life	Life	Life	NA
1993 Normal Presumptive Ranges	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 6 years 1 to 7 years 1 year to 18 months</i>					
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years
Bigger Habitual (5th conviction)	Life	Life	Life	Life	Life	Life
1994 Normal Presumptive Ranges (current law in 2000)	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 6 years 1 to 3 years 1 year to 18 months</i>					
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years
Bigger Habitual (5th conviction)	Life	Life	Life	Life	Life	Life
"Three Strikes You're Out" Habitual (3rd conviction of class 1, 2, or 3 violent felonies)	Life	Life	Life (only class 3 felonies which are crimes of violence)	NA	NA	NA

NA: Not Applicable.

Following is a brief explanation of when and how each of these habitual sentences applies.

The "little habitual." Offenders convicted of a class 1, 2, 3, 4, or 5 felony who, within ten years of the date of the commission of the offense, have twice previously been convicted of a felony in Colorado, another state, or in federal court are adjudicated habitual offenders under the little habitual statute. The sentencing court is required to sentence such offenders to a term of imprisonment which is three times the maximum of the presumptive range for the felony class for which the person is convicted. The General Assembly chose not to apply the little habitual to class 6 felonies. Sentencing under the little habitual statute is in Table 3.9.

Table 3.9 — Sentencing Under the Little Habitual Statute

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1994 Normal Presumptive Ranges (current law in 2000)	Life to Death	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA

The "big habitual." Offenders convicted of a fourth felony, regardless of the felony class, in Colorado, another state, or in federal court are adjudicated habitual offenders under the big habitual statute. The sentencing court is required to sentence such offenders to a term of imprisonment which is four times the maximum in the presumptive range for the class of felony for which the person is convicted. Sentencing under the big habitual statute is in Table 3.10.

Table 3.10 — Sentencing Under the Big Habitual Statute

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1994 Normal Presumptive Ranges (current law in 2000)	Life to Death	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years

The "bigger habitual." Any offender convicted and sentenced under the big habitual statute, who is subsequently convicted of a felony which is a crime of violence as defined by Section 16-11-309, C.R.S., is adjudicated an habitual offender under the bigger habitual statute. Offenders convicted of the bigger habitual are to be sentenced to a term of life imprisonment. Offenders sentenced to life imprisonment under this provision are ineligible for parole until serving at least 40 calendar years.

The "three strikes you're out" habitual. The newest level of habitual offender applies to offenders convicted of a third class 1, 2, or 3 felony which is a crime of violence as defined in Section 16-11-309, C.R.S. Such offenders are to be adjudicated an habitual offender and are to be sentenced to a term of life imprisonment. Offenders sentenced under the three strikes provisions are ineligible for parole until serving at least 40 calendar years.

Chapter 4 — Sentencing Placement of Convicted Felons

This chapter presents an analysis of the trends in sentencing placement for convicted felons, with a focus on the factors likely to lead to a prison conviction versus other sentencing alternatives.

The findings include the following:

- among offenders convicted of felony offenses in FY 1998-99, 48.3 percent received probation sentences, 33.2 percent received prison sentences, 5.3 percent received county jail sentences, and 2.8 percent received community corrections sentences;
- the likelihood of a convicted felon receiving a prison sentence (versus an alternative placement) rises with the felon's number of prior felony convictions, the seriousness of the current crime of conviction, and whether the felon has a history of other supervision placements;
- felons convicted of crimes against persons were most likely to receive a sentence to prison, while those convicted of property crimes were most likely to receive a sentence to probation; and
- the proportion of convicted felons sent to prison has declined steadily over the last ten years, due in part to the availability and capacity of other placements.

AVAILABLE DATA FOR TRENDS IN SENTENCE PLACEMENT

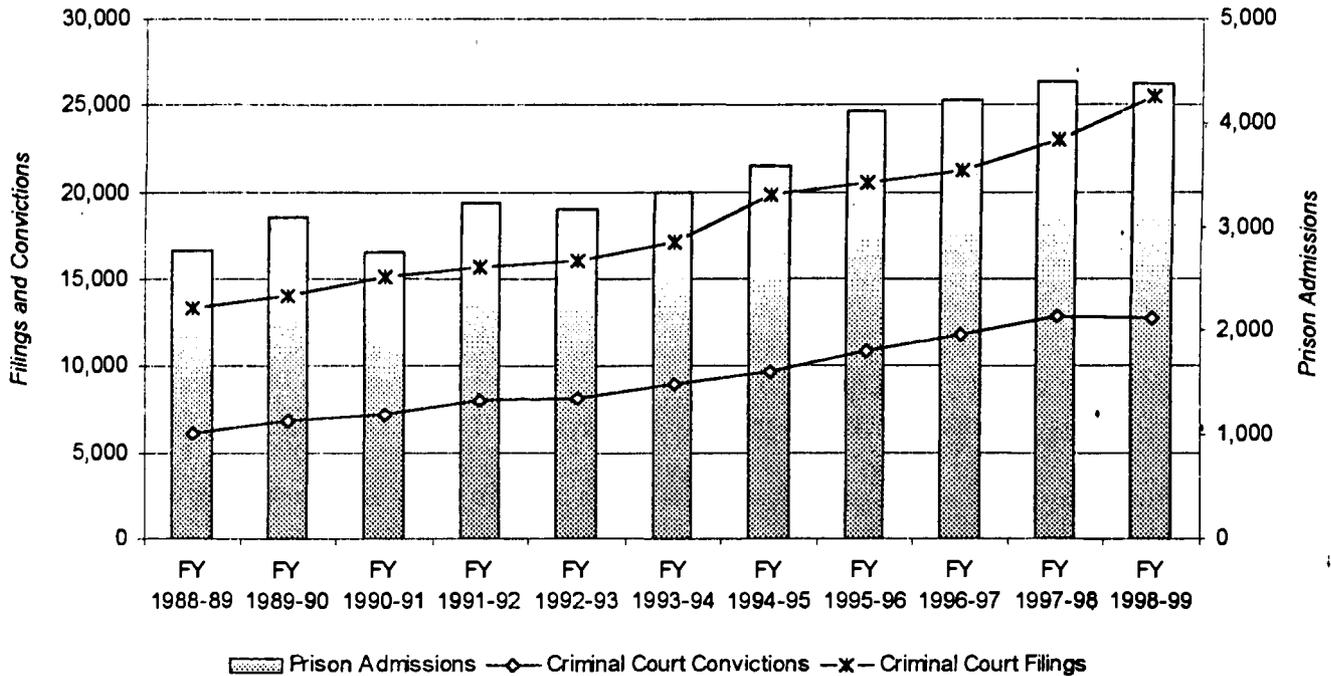
The information presented in this chapter is based on felony data from the Colorado District Attorneys Council. It has only been in recent years that all counties have provided the Colorado District Attorneys Council with felony case information. Most notably, Boulder County began providing data to the database beginning in 1998. Filings in the recently-participating counties accounted for an estimated 6.2 percent of FY 1998-99 statewide felony filings. Therefore, any historical comparison should be qualified by the fact that 6.2 percent growth can be attributed to counties contributing to the database. The data used for this analysis were drawn from the Colorado District Attorneys Council database in June 2000. The most recent data reported in this section are for FY 1998-99, suggesting that counties have been given a year to update the information they input into the database. However, it may take more than a year for the reported case history in the database to reflect actual case history. Thus, the FY 1998-99 data from the Colorado District Attorneys Council database may be incomplete.

Throughout this chapter, we limited the analysis to felony convictions that were a result of a guilty plea, a guilty verdict by a trial jury, or a plea of no contest. Therefore, convictions, as used in this chapter, exclude offenders who received deferred judgements, deferred sentences, or deferred prosecutions. Most of these judgements represent a sentence placement that is cleared or purged upon successful completion of a sentence condition, for example a fine, public service, probation period, or restitution order. The result of excluding deferrals is to focus on convictions that reflect crimes committed as opposed to placement conditions that may reflect less severe, short-term penalties.

FELONY FILINGS AND CONVICTIONS

The prison population is largely driven by the number of felony filings and convictions in the state. Graph 4.1 shows the estimates of state felony filings, felony convictions, and prison admissions between FY 1988-89 and FY 1998-99. The number of felony *filings* in Colorado increased 91.6 percent in the last ten years, from 13,317 in FY 1988-89 to 25,518 in FY 1998-99. (Although the Colorado District Attorneys Council database does not reveal a decrease in criminal filings in recent years, the number of criminal filings according to the Judicial Branch decreased 3.3 percent from FY 1997-98 to FY 1998-99.) The number of felony *convictions* in Colorado more than doubled between FY 1988-89 and FY 1998-99, from 6,144 to 12,743. While convictions have increased at a faster rate than filings over the last ten years, convictions have increased at a slower rate in the last five years. While felony filings increased an average of 8.3 percent annually from FY 1993-94 to FY 1998-99, felony convictions increased an average of 7.3 percent per year in the same period.

Graph 4.1: Felony Filings, Convictions, and Prison Admissions in Colorado



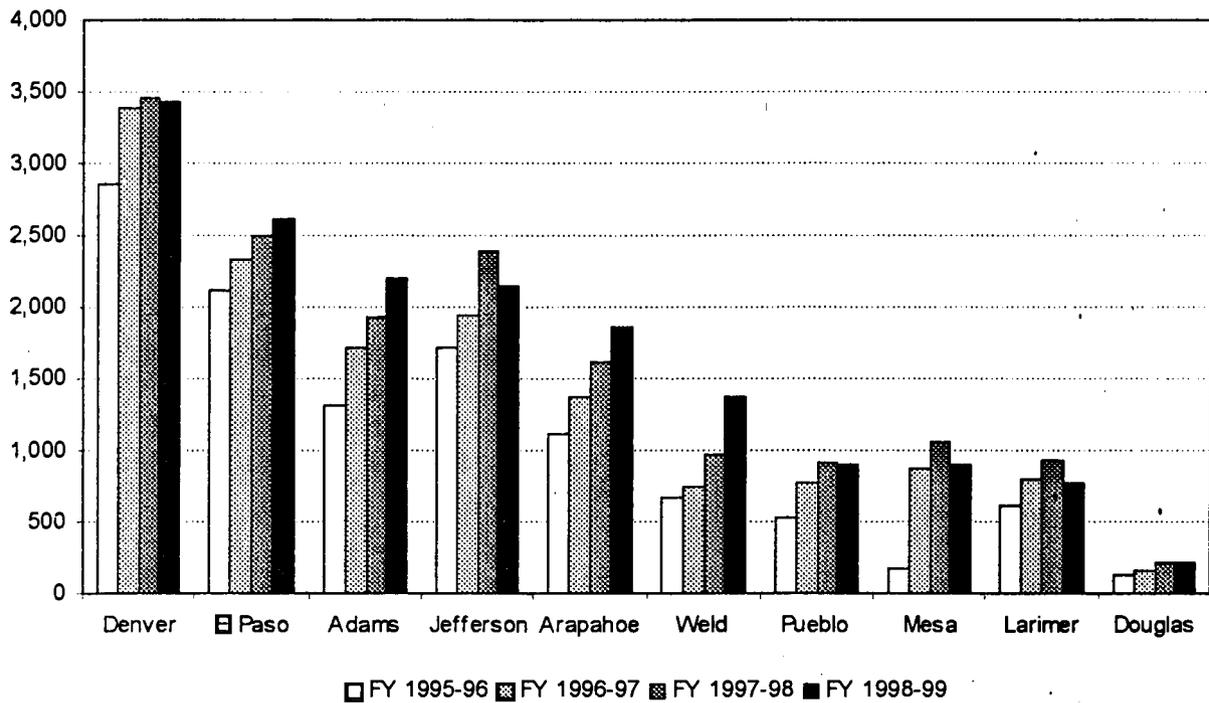
Source: Colorado District Attorneys Council Database and Department of Corrections.

FELONY CONVICTIONS BY COUNTY

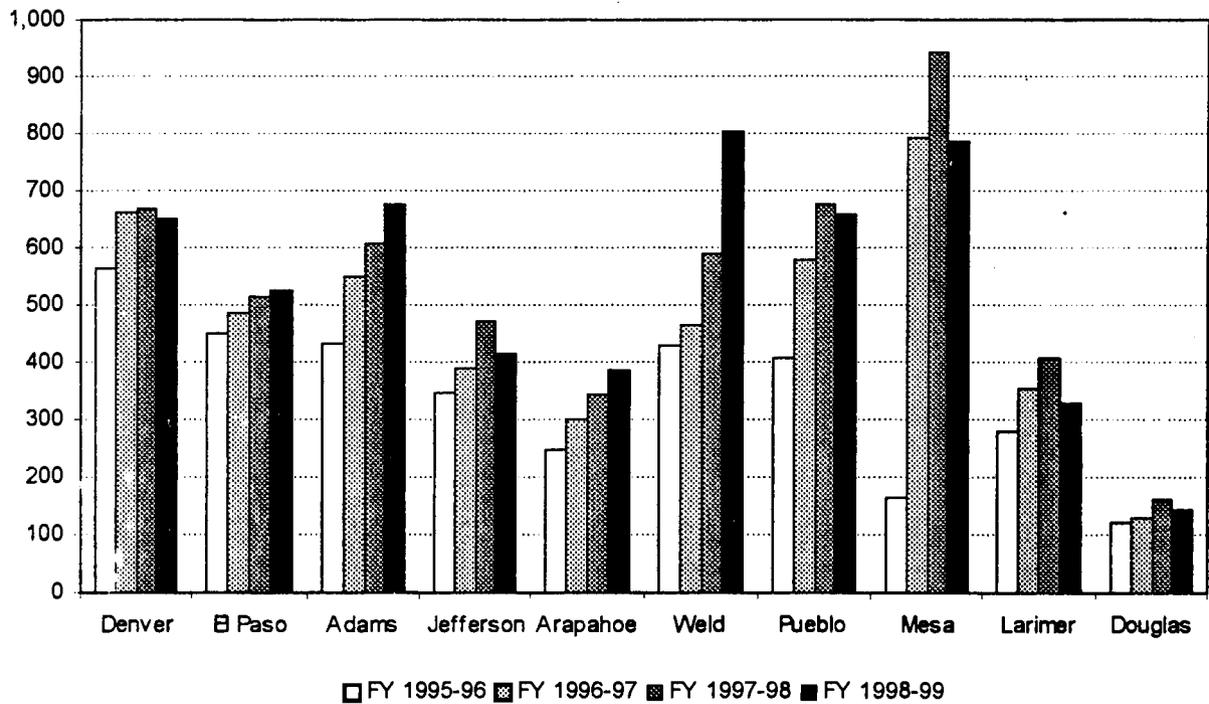
The following graphs illustrate the ten counties with the highest number of felony convictions in Colorado. Graph 4.2 shows the ten counties with the largest number of convictions in the state. This graph also shows the trend of convictions from FY 1995-96 to FY 1998-99. County level convictions were consistent with county level population, as the state’s most heavily populated counties also had the largest number of convictions.

Graph 4.3 illustrates the ten counties with the highest number of felony convictions per capita (per 100,000 residents), revealing convictions relative to county population estimates. While Mesa, Pueblo, and Weld counties all had fewer convictions than the metro-Denver area, these counties had more convictions than the metro-Denver area when controlling for population differences. Graph 4.3 also illustrates the growth in convictions over time. Several counties saw a decrease in the number of convictions in FY 1998-99. This could be due to a number of reasons including the fact that some dispositions are still pending and a data entry lag time to record all FY 1998-99 conviction data into the Colorado District Attorneys Council database.

Graph 4.2: Colorado Felony Court Convictions, Top Ten Counties



Graph 4.3: Colorado Felony Court Convictions, per 100,000 residents



PLACEMENT OF FELONS BY FELONY CLASS AND CRIMINAL HISTORY

Table 4.1 displays the number of felony convictions by felony class in Colorado in FY 1998-99 and the percentage of those convictions resulting in a sentence to prison, county jail, community corrections, probation, and other placements. Other placements include but are not limited to: useful public service, work release, available treatment programs, or a jail sentence credited for time served while awaiting trial.

Table 4.1 reveals that the majority of felony convictions are for crimes in the less serious felony classes. For example, class 1 and 2 felony convictions together comprised only 1.2 percent of total convictions in FY 1998-99, while 35.5 percent of convictions were for felony class 4 crimes and 35.0 percent were for class 5 felonies. This is due, in part, to the fact that there are more crimes identified as class 3 through 6 felonies than class 1 and 2 felonies. Class 1 and 2 felony crimes accounted for 1.6 percent of all felony filings in FY 1997-98.

Table 4.1 also reveals that those convicted of class 1 and 2 felonies were more likely to receive a prison sentence and those committing less serious crimes were more likely to receive a sentence to probation, county jail, community corrections, or other placements. In FY 1998-99, 25.6 percent of class 6 felonies went to prison while 90.8 percent of class 2 felonies went to prison. Likewise, as the felony class changed from more serious to less serious, the proportion of convicted felons that received probation sentences rose from 3.1 percent for class 2 felonies to 52.6 percent for class 5 felonies and 53.0 percent for class 6 felonies. Overall, convicted felons were more often placed in probation (48.3 percent) than in prison (33.2 percent). However, as the felony class changed from less serious to more serious, the proportions of convicted felons that received prison sentences increased.

Table 4.1: Placement of Convicted Felons by Felony Class – FY 1998-99

Felony Class	Number of Felony Convictions	Percent of All Felony Convictions	Sentence Placement				
			Prison	Jail	Probation	Community Corrections*	Other **
Class 1	34	0.3%	85.3%	2.9%	0.0%	0.0%	11.8%
Class 2	130	0.9%	90.8%	1.5%	3.1%	0.8%	3.8%
Class 3	1,489	11.1%	48.4%	4.2%	35.7%	2.5%	9.3%
Class 4	4,778	35.5%	32.9%	4.4%	47.4%	2.9%	12.3%
Class 5	4,706	35.0%	30.5%	4.7%	52.6%	2.3%	9.9%
Class 6	2,307	17.2%	25.6%	9.4%	53.0%	3.8%	8.2%
Total ***	13,444	100.0%	33.2%	5.3%	48.3%	2.8%	10.4%

* Community Corrections only includes diversion beds, and excludes transition beds used by the Department of Corrections.

** Other includes public service, work release, and unknown sentences. For class 1 felonies, this may also represent death penalties.

*** Total does not correspond to FY 1998-99 convictions in Graph 4.1 because this table excludes 61 unclassified felonies.

Source: Colorado District Attorneys Council Database.

Table 4.2 reports the percentage of felony convictions resulting in a prison placement by felony class and by the number of prior felony convictions. For the most part, the probability of being

committed to prison rises with both the number of prior felony convictions and the seriousness of the current crime conviction. Only 24.2 percent of those who were convicted of a felony and had no prior adult felony convictions were sent to prison in FY 1998-99, while 82.2 percent of those with four or more separate prior adult felony convictions received prison sentences. Moreover, the likelihood of receiving a prison sentence decreased as the felony class changes from more serious to less serious. For example, a felon convicted of a class 2 felony with no prior conviction had a 95.5 percent chance of going to prison, while a class 6 felon with no prior conviction had a 17.3 percent chance of receiving a prison sentence.

While Colorado has “habitual offender” statutes (see Chapter 3) mandating that 2 or more prior felony convictions require a prison sentence, Table 4.2 shows that less than 100 percent of these defendants receive prison placements. It may be the case that prior felony convictions are more than ten years old, exempting them from consideration for habitual offender statutory mandates. It is also important to note that district attorneys have discretion as to whether they want to prosecute the defendant using the habitual offender statute.

Table 4.2: Percentage of Felony Convictions Resulting in a Prison Placement by Felony Class and Number of Prior Felony Convictions – FY 1998-99

Felony Class	Prison Placements	Percentage of All Placements	Number of Prior Felony Convictions				
			0	1	2	3	4 or more
Class 1*	29	85.3%	81.0%	85.7%	100.0%	NA	NA
Class 2	118	90.8%	95.5%	80.8%	83.3%	NA	NA
Class 3	720	48.4%	41.0%	53.9%	66.9%	85.1%	83.7%
Class 4	1,573	32.9%	24.4%	38.4%	52.5%	68.9%	82.4%
Class 5	1,434	30.5%	19.3%	38.5%	59.0%	74.3%	79.8%
Class 6	590	25.6%	17.3%	28.8%	39.2%	64.5%	83.9%
Total	4,464	33.2%	24.2%	38.6%	54.4%	71.8%	82.2%

* While 85.3 percent of class 1 felonies were sent to prison, it is likely that the remaining placements referred to death sentences.
 NA: Not applicable. There were no placements to DOC with 3 or more prior convictions.
 Source: Colorado District Attorneys Council Database.

Table 4.3 illustrates the likelihood of receiving a prison sentence for felons with prior correctional supervision (probation, community corrections, county jail, or prison). Generally, the likelihood of a convicted felon receiving a prison placement rises if the felon has previous experience with correctional supervision. For example, while only 17.6 percent of all convicted felons *without prior placements* were sentenced to prison in FY 1998-99, 40.4 percent of those *with prior placements* were committed to prison. The likelihood of a probation placement falls if the felon has previous supervision in another placement. It should be noted that the definition of an offender with no prior correctional supervision or felony convictions does not necessarily constitute a first-time offender since the tables do not take into account prior misdemeanor convictions, juvenile adjudications, or deferred prosecutions and sentences.

Table 4.3: Percentage of Prison or Probation Placements
by Prior Level of Supervision – FY 1998-99

Felony Class	Prior Supervision		No Prior Supervision	
	Prison Sentence	Probation Sentence	Prison Sentence	Probation Sentence
Class 1	89.5%	0.0%	78.6%	0.0%
Class 2	84.8%	0.0%	87.1%	7.5%
Class 3	58.4%	23.6%	33.0%	38.4%
Class 4	39.8%	35.5%	14.8%	45.4%
Class 5	42.5%	38.1%	14.5%	55.0%
Class 6	28.1%	45.3%	14.4%	50.9%
Total	40.4%	36.9%	17.6%	47.9%

PLACEMENT OF CONVICTED FELONS BY CRIME

Table 4.4 presents the highest correctional placement of convicted felons by the most serious crime of conviction for FY 1998-99. The table is organized by broad crime categories. Convictions for attempt and conspiracy are included in each crime category. A more detailed table that includes the placement of all convicted offenders by statutory crime is presented in Table 4.5. In order to obtain a sample more representative of the offender population, this table uses sentence data from FY 1997-98 and FY 1998-99. It is important to note that community corrections placements refer to diversion beds (program beds authorized by community corrections boards), not transition beds (placements used by the Department of Corrections as a transition from prison to the community). For more information on community corrections, refer to Chapter 11 in this report.

As shown in other tables, Table 4.4 reveals that the percentage of offenders who receive prison sentences drops as the crime becomes less serious. Table 4.4 also illustrates an estimated conviction rate for each of the crime types provided. The conviction rate was estimated as the ratio of convictions to filings. The time from case filing to disposition varies with the seriousness of the crime, from six months to over two years. In order to capture all filings associated with convictions, the conviction rate was estimated by analyzing convictions over a two-year period and filings over a three-year period. As expected, the conviction rate of crime types that involve serious crimes are lower than those involving less serious crimes. There are two reasons for this. First, more serious and violent crimes often require more conclusive evidence that the crime occurred, such as premeditation and intent to commit the crime. In less serious crimes, either these elements can be inferred or are not important in order to prove the defendant committed the crime. Second, in order to obtain a conviction, the prosecution may offer a plea agreement for a lesser charge. This often results in more convictions for less serious crimes.

Table 4.5 provides sentence placement rates for each crime available. Among class 3 and 4 felonies, the percentage of violent and sex offenders receiving prison placements was generally higher

than that for property crimes, such as motor vehicle theft or burglary, within the same felony class. Controlled substance abuse offenses were somewhat less likely to result in prison sentences than were violent or property crime offenses. Substance abuse offenses were among the crimes most likely to result in an “other” placement, which may include work release, public service, or a program alternative.

It should be noted that in many cases offenders are given two or more sentences. For example, someone convicted of a drug offense may be given concurrent sentences of one year in a community corrections program and two years of probation. To the degree that the available data allow, these tables show the highest level of correctional placement received by the offender. Thus, the offender in this example would appear as a community corrections placement rather than a probation placement.

Table 4.4: Placement of Convicted Felons by Type of Crime – FY 1998-99

Crime Type	Estimated FY 1998-99 Conviction Rate*	Number of FY 1998-99 Sentences	Sentence Placement [†]				
			Prison	Jail	Community Corrections	Probation	Other **
Murder	36.5%	112	87.5%	4.5%	0.0%	0.9%	7.1%
Manslaughter	68.6%	45	68.9%	11.1%	0.0%	17.8%	2.2%
Aggravated assault	35.1%	389	55.0%	5.9%	1.0%	30.1%	8.0%
Assault	70.5%	701	24.4%	7.6%	1.9%	60.8%	5.4%
Kidnapping	38.9%	55	63.6%	5.5%	0.0%	20.0%	10.9%
Sex offenses	51.0%	480	39.6%	6.5%	1.9%	45.4%	6.7%
Arson	43.8%	33	33.3%	6.1%	0.0%	45.5%	15.2%
Burglary	49.8%	668	39.7%	5.8%	3.6%	44.6%	6.3%
Robbery	61.4%	307	63.5%	3.6%	3.6%	21.2%	8.1%
Theft	54.0%	1,865	29.9%	4.5%	3.3%	52.7%	9.7%
Trespassing/ crim. mischief	60.0%	874	24.8%	8.4%	1.7%	56.3%	8.8%
Forgery-fraud	52.4%	1,072	24.1%	4.6%	4.1%	57.6%	9.7%
Family-morals offenses	50.0%	148	35.8%	10.8%	0.0%	43.2%	10.1%
Crimes against at-risk	32.9%	37	43.2%	5.4%	0.0%	37.8%	13.5%
Custody offenses	67.5%	724	83.6%	2.6%	0.4%	9.8%	3.6%
Public peace and order	63.6%	271	36.2%	9.6%	1.8%	43.9%	8.5%
Drug crimes	66.1%	4,107	26.4%	2.4%	2.7%	53.0%	15.5%
Traffic offenses	56.3%	1,074	21.9%	15.2%	5.6%	49.2%	8.2%
Miscellaneous crimes	48.7%	271	19.9%	4.8%	3.3%	62.0%	10.0%
Total ***	58.3%	13,233	33.2%	5.4%	2.8%	48.3%	10.3%

* Estimated Conviction rate is the weighted average number of convictions in a two-year period divided by the weighted average number of filings in a three-year period.

** Other includes county jail, deferred sentences, useful public service, and unknown sentences.

*** The total is less than the total in Table 4.1 because some sentences had unknown crime information.

Source: Colorado District Attorneys Council Database.

Table 4.5: Placement of Convicted Felons by Crime of Conviction, FY 1997-98 to FY 1998-99

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
8-43-402	F5	False statement on work. comp. claim	1	0.0%	0.0%	0.0%	100.0%	0.0%
11-51-501	F3	Security Fraud	9	33.3%	0.0%	0.0%	66.7%	0.0%
12-22-315	F4	Obtain Controlled Substance by fraud/deceit (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
12-22-315	F5	Obtain Controlled Substance by fraud/deceit	15	0.0%	0.0%	0.0%	86.7%	13.3%
12-44-102	F6	Defrauding an innkeeper	3	33.3%	0.0%	0.0%	66.7%	0.0%
12-56-104	F5	False information to a pawnbroker	357	24.4%	5.9%	3.6%	57.4%	8.7%
18-3-102	F1	Murder, 1st degree	51	86.3%	2.0%	0.0%	0.0%	11.8%
18-3-103	F2	Murder, 2nd degree	69	98.6%	1.4%	0.0%	0.0%	0.0%
18-3-103	F3	Murder, 2nd degree - heat of passion	6	83.3%	0.0%	0.0%	0.0%	16.7%
18-3-104	F4	Manslaughter	19	78.9%	0.0%	0.0%	10.5%	10.5%
18-3-105	F5	Criminally negligent homicide	12	83.3%	8.3%	0.0%	8.3%	0.0%
18-3-106	F3	Vehicular homicide - DUI	31	74.2%	9.7%	3.2%	6.5%	6.5%
18-3-106	F4	Vehicular homicide	19	52.6%	15.8%	0.0%	21.1%	10.5%
18-3-202	F3	Assault, 1st degree	96	70.8%	1.0%	0.0%	8.3%	19.8%
18-3-202	F5	Assault, 1st degree - heat of passion	43	37.2%	2.3%	0.0%	58.1%	2.3%
18-3-203	F3	Assault, 2nd degree - serious bodily injury inflicted during commission of another felony	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-3-203	F4	Assault, 2nd degree	315	64.4%	4.4%	0.6%	21.6%	8.9%
18-3-203	F6	Assault, 2nd degree - heat of passion	104	27.9%	5.8%	3.8%	57.7%	4.8%
18-3-205	F4	Vehicular assault - DUI	101	28.7%	13.9%	7.9%	46.5%	3.0%
18-3-205	F5	Vehicular assault	66	25.8%	10.6%	1.5%	57.6%	4.5%
18-3-205	F5	Vehicular assault - DUI (attempt)	6	33.3%	33.3%	0.0%	33.3%	0.0%
18-3-206	F5	Menacing, felony - use of a deadly weapon	951	25.6%	6.2%	1.3%	60.4%	6.6%
18-3-207	F4	Criminal extortion	4	25.0%	0.0%	0.0%	75.0%	0.0%
18-3-301	F1	Kidnapping, 1st degree - serious bodily injury	2	100.0%	0.0%	0.0%	0.0%	0.0%
18-3-301	F2	Kidnapping, 1st degree	4	100.0%	0.0%	0.0%	0.0%	0.0%
18-3-302	F2	Kidnapping, 2nd degree - with sexual assault or robbery	26	92.3%	0.0%	0.0%	0.0%	7.7%
18-3-302	F3	Kidnapping, 2nd degree - use of deadly weapon	8	62.5%	12.5%	0.0%	12.5%	12.5%
18-3-302	F4	Kidnapping, 2nd degree	25	52.0%	20.0%	0.0%	24.0%	4.0%
18-3-304	F5	Violation of custody order	12	33.3%	8.3%	0.0%	25.0%	33.3%
18-3-305	F4	Enticement of a child	2	50.0%	0.0%	0.0%	50.0%	0.0%
18-3-402	F2	Sexual assault, 1st degree - causing serious bodily injury or use of a deadly weapon	13	100.0%	0.0%	0.0%	0.0%	0.0%
18-3-402	F3	Sexual assault, 1st degree	51	76.5%	2.0%	2.0%	15.7%	3.9%
18-3-403	F4	Sexual assault, 2nd degree	71	50.7%	8.5%	1.4%	36.6%	2.8%
18-3-404	F4	Sexual assault, 3rd degree	7	28.6%	14.3%	14.3%	28.6%	14.3%
18-3-405	F3	Sexual assault on a child - uses force, threats, inflicts injury	33	78.8%	0.0%	3.0%	9.1%	9.1%
18-3-405	F3	Sexual assault on a child	288	36.8%	5.6%	3.1%	48.3%	6.3%
18-3-405.3	F3	Sexual assault on a child by one in a position of trust	171	48.0%	5.8%	2.3%	39.8%	4.1%

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Table 4.5 (Continued)

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
18-3-405.5	F4	Sex assault on a client by a psychotherapist, aggravated	4	50.0%	0.0%	0.0%	50.0%	0.0%
18-4-102	F3	Arson, 1st degree	15	60.0%	13.3%	0.0%	13.3%	13.3%
18-4-103	F4	Arson, 2nd degree - over \$100 in damage	9	44.4%	11.1%	0.0%	44.4%	0.0%
18-4-105	F4	Arson, 4th degree - person in danger	12	33.3%	8.3%	0.0%	33.3%	25.0%
18-4-202	F3	Burglary, 1st degree	67	58.2%	9.0%	1.5%	23.9%	7.5%
18-4-203	F3	Burglary, 2nd degree - dwelling	324	50.9%	8.0%	4.3%	32.1%	4.6%
18-4-203	F4	Burglary, 2nd degree	436	44.5%	6.0%	3.7%	39.2%	6.7%
18-4-203	F4	Burglary, 2nd degree - dwelling (attempt)	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-4-204	F4	Burglary, 3rd degree - of drugs	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-204	F5	Burglary, 3rd degree	41	41.5%	0.0%	2.4%	46.3%	9.8%
18-4-205	F5	Possession of burglary tools	25	40.0%	4.0%	8.0%	36.0%	12.0%
18-4-205	F6	Possession of burglary tools (attempt)	3	33.3%	0.0%	0.0%	66.7%	0.0%
18-4-301	F4	Robbery	232	51.3%	3.4%	4.7%	32.8%	7.8%
18-4-302	F3	Aggravated robbery	225	77.8%	1.8%	1.3%	3.6%	15.6%
18-4-401	F3	Theft, greater than \$15,000	87	33.3%	6.9%	2.3%	48.3%	9.2%
18-4-401	F4	Theft, \$500 to \$15,000	1,501	30.2%	4.3%	4.6%	50.4%	10.5%
18-4-401	F5	Theft, \$500 to \$15,000 (attempt)	4	0.0%	0.0%	25.0%	75.0%	0.0%
18-4-401	F5	Theft, from person without force	88	30.7%	2.3%	2.3%	54.5%	10.2%
18-4-402	F3	Theft, rental property - greater than \$15,000	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-4-402	F5	Theft, rental property - \$500 to \$15,000	26	42.3%	3.8%	0.0%	50.0%	3.8%
18-4-409	F3	Aggravated motor vehicle theft, 1st degree - greater than \$15,000	45	46.7%	11.1%	0.0%	28.9%	13.3%
18-4-409	F4	Aggravated motor vehicle theft, 1st degree - greater than \$15,000 (attempt)	28	46.4%	3.6%	7.1%	35.7%	7.1%
18-4-409	F4	Aggravated motor vehicle theft, 1st degree - less than \$15,000	274	49.3%	9.1%	4.0%	27.0%	10.6%
18-4-409	F5	Aggravated motor vehicle theft, 2nd degree - third conviction	3	66.7%	0.0%	0.0%	0.0%	33.3%
18-4-410	F3	Theft by receiving, greater than \$15,000	18	50.0%	11.1%	5.6%	22.2%	11.1%
18-4-410	F3	Theft by receiving, receiving/selling stolen goods	5	80.0%	0.0%	0.0%	0.0%	20.0%
18-4-410	F4	Theft by receiving, \$500 to \$15,000	145	41.4%	8.3%	3.4%	38.6%	8.3%
18-4-412	F6	Theft of medical records	2	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-501	F3	Criminal mischief, greater than \$15,000	7	14.3%	14.3%	14.3%	57.1%	0.0%
18-4-501	F4	Criminal mischief, \$500 to \$15,000	174	19.5%	9.8%	1.1%	49.4%	20.1%
18-4-502	F5	Trespassing, 1st degree	1,045	25.8%	7.9%	2.3%	56.6%	7.4%
18-4-502	F6	Trespassing, 1st degree (attempt)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-503	F4	Trespassing, 2nd degree - intent to commit felony on farm land	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-503	F5	Trespassing, 2nd degree - intent to commit felony on farm land (attempt)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-504	F5	Trespassing, 3rd degree - intent to commit felony on farm land	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-4-502	F6	Unlawful transfer for sale, sound recordings	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-5-102	F5	Forgery, 1st degree	717	33.6%	4.2%	6.3%	48.7%	7.3%
18-5-102	F6	Forgery, 1st degree (attempt)	1	0.0%	0.0%	0.0%	0.0%	100.0%

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Table 4.5 (Continued)

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
18-5-103	F5	Forgery, 2nd degree	56	26.8%	7.1%	5.4%	57.1%	3.6%
18-5-105	F6	Criminal possession of a forged instrument	72	23.6%	1.4%	5.6%	56.9%	12.5%
18-5-109	F6	Criminal possession of forgery devices	3	33.3%	0.0%	33.3%	33.3%	0.0%
18-5-113	F6	Criminal impersonation	542	30.6%	5.9%	3.7%	50.7%	9.0%
18-5-114	F5	Offering a false instrument for recording, 1st degree	18	5.6%	0.0%	0.0%	94.4%	0.0%
18-5-205	F6	Fraud by check	166	18.7%	4.8%	0.6%	65.7%	10.2%
18-5-206	F5	Defrauding a secured creditor or debtor, \$500 to \$15,000	3	0.0%	0.0%	0.0%	100.0%	0.0%
18-5-401	F6	Commercial bribery	1	0.0%	0.0%	0.0%	0.0%	100.0%
18-5-502	F5	Failure to pay over assigned accounts, greater than \$500	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-5-702	F3	Unauthorized use of a financial transaction device, greater than \$15,000	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-5-702	F5	Unauthorized use of a financial transaction device, \$500 to \$15,000	45	31.1%	0.0%	2.2%	51.1%	15.6%
18-5-703	F5	Criminal possession of a financial transaction device, 4 or more devices	13	92.3%	0.0%	0.0%	7.7%	0.0%
18-5-703	F6	Criminal possession of a financial transaction device, 2 or more devices	27	29.6%	3.7%	7.4%	51.9%	7.4%
18-5-5-102	F5	Computer crime, \$500 to \$15,000	5	0.0%	0.0%	0.0%	60.0%	40.0%
18-6-301	F4	Incest	5	20.0%	0.0%	0.0%	60.0%	20.0%
18-6-302	F3	Aggravated incest	11	36.4%	18.2%	0.0%	36.4%	9.1%
18-6-401	F2	Child abuse resulting in death, knowingly	9	100.0%	0.0%	0.0%	0.0%	0.0%
18-6-401	F3	Child abuse resulting in death, negligent, or serious bodily injury, knowingly	14	78.6%	0.0%	0.0%	21.4%	0.0%
18-6-401	F4	Child abuse resulting in serious bodily injury, negligent	58	43.1%	3.4%	3.4%	43.1%	6.9%
18-6-403	F3	Sexual exploitation of children	8	75.0%	12.5%	0.0%	12.5%	0.0%
18-6-403	F4	Sexual exploitation of children, possession of sexual material (repeat)	1	0.0%	100.0%	0.0%	0.0%	0.0%
18-6-701	F4	Contributing to the delinquency of a minor	69	17.4%	14.5%	1.4%	53.6%	13.0%
18-6.5-103(2)	F5	Criminal negligence on an at-risk person, serious bodily injury	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-6.5-103(3)	F3	Assault on an at-risk person, 2nd degree	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-6.5-103(3)	F4	Assault on an at-risk person, 1st degree - heat of passion	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-6.5-103(3)	F5	Assault on an at-risk person, 2nd degree - heat of passion	2	100.0%	0.0%	0.0%	0.0%	0.0%
18-6.5-103(3)	F6	Assault on an at-risk person, 3rd degree	24	20.8%	16.7%	0.0%	54.2%	8.3%
18-6.5-103(4)	F3	Robbery from an at-risk person	7	71.4%	0.0%	0.0%	14.3%	14.3%
18-6.5-103(5)	F3	Theft from an at-risk person, greater than \$500	13	30.8%	0.0%	7.7%	53.8%	7.7%
18-6.5-103(5)	F4	Theft from an at-risk person, greater than \$500	3	0.0%	0.0%	0.0%	66.7%	33.3%
18-6.5-103(5)	F5	Theft from an at-risk person, less than \$500	13	46.2%	7.7%	0.0%	23.1%	23.1%
18-6.5-103(7)	F6	Sex assault on an at-risk person, 3rd degree	3	66.7%	0.0%	0.0%	0.0%	33.3%
18-7-102	F6	Promotion of obscenity to a minor	2	0.0%	50.0%	0.0%	50.0%	0.0%
18-7-201.7	F5	Prostitution with the knowledge of AIDS	2	100.0%	0.0%	0.0%	0.0%	0.0%
18-7-206	F3	Pimping	2	50.0%	0.0%	0.0%	50.0%	0.0%
18-7-402	F3	Soliciting for child prostitution	3	33.3%	33.3%	0.0%	33.3%	0.0%

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Table 4.5 (Continued)

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
18-8-105	F4	Accessory to a class 1 or 2 felony crime	7	28.6%	0.0%	0.0%	57.1%	14.3%
18-8-105	F5	Accessory to a suspected class 1 or 2 felony crime	11	36.4%	0.0%	0.0%	54.5%	9.1%
18-8-105	F5	Accessory to a class 3, 4, or 5 felony crime	33	27.3%	3.0%	3.0%	57.6%	9.1%
18-8-105	F6	Accessory to a class 6 felony crime	2	0.0%	0.0%	0.0%	100.0%	0.0%
18-8-110	F6	False report of explosives	4	0.0%	25.0%	0.0%	75.0%	0.0%
18-8-116	F5	Disarming a peace officer	2	0.0%	0.0%	0.0%	50.0%	50.0%
18-8-201	F3	Aiding escape	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-8-201.1	F5	Aiding escape from mental institution	2	50.0%	0.0%	0.0%	50.0%	0.0%
18-8-203	F4	Introduction of contraband, 1st degree	17	52.9%	0.0%	5.9%	29.4%	11.8%
18-8-204	F6	Introduction of contraband, 2nd degree	7	85.7%	0.0%	0.0%	14.3%	0.0%
18-8-204.1	F4	Possession of contraband, dangerous instrument	2	100.0%	0.0%	0.0%	0.0%	0.0%
18-8-204.1	F6	Possession of contraband	41	65.9%	2.4%	0.0%	24.4%	7.3%
18-8-206	F3	Assault during escape	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-8-208	F2	Escape, committing class 1 or 2 felony	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-8-208	F3	Escape, committing class 3, 4, 5, or 6 felony	73	91.8%	4.1%	1.4%	2.7%	0.0%
18-8-208	F4	Escape, pending felony disposition	63	98.4%	0.0%	0.0%	1.6%	0.0%
18-8-208	F5	Escape from confinement for insanity commitment	25	92.0%	4.0%	0.0%	0.0%	4.0%
18-8-208	F5	Escape from fugitive charges	127	96.9%	0.8%	0.0%	1.6%	0.8%
18-8-208.1	F4	Escape, attempt - following felony conviction	71	98.6%	0.0%	1.4%	0.0%	0.0%
18-8-208.1	F5	Escape, attempt - pending felony conviction	299	94.3%	3.7%	0.0%	1.0%	1.0%
18-8-212	F6	Violation of bail bond conditions	26	80.8%	7.7%	0.0%	0.0%	11.5%
18-8-302	F3	Bribery	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-8-306	F4	Attempt to influence a public servant	2	0.0%	0.0%	0.0%	100.0%	0.0%
18-8-406	F6	Issuing a false certificate	1	0.0%	0.0%	0.0%	0.0%	100.0%
18-8-407	F5	Embezzlement of public property	4	0.0%	25.0%	0.0%	75.0%	0.0%
18-8-502	F4	Perjury, 1st degree	4	25.0%	0.0%	0.0%	75.0%	0.0%
18-8-610	F6	Tampering with physical evidence	17	47.1%	5.9%	0.0%	41.2%	5.9%
18-8-704	F4	Intimidating a witness or victim	23	43.5%	0.0%	8.7%	39.1%	8.7%
18-8-705	F3	Aggravated intimidation of a witness or victim	2	100.0%	0.0%	0.0%	0.0%	0.0%
18-8-706	F3	Retaliation against a witness or victim	4	50.0%	25.0%	25.0%	0.0%	0.0%
18-8-707	F4	Tampering with a witness or victim	9	33.3%	0.0%	0.0%	55.6%	11.1%
18-9-104	F4	Engaging in a riot, use of a deadly weapon	5	60.0%	20.0%	0.0%	20.0%	0.0%
18-9-111	F5	Harassment, stalking (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-9-111	F6	Harassment, stalking	43	41.9%	9.3%	0.0%	41.9%	7.0%
18-9-115	F3	Endangering public transportation	3	66.7%	0.0%	0.0%	33.3%	0.0%
18-9-116.5	F4	Vehicular eluding, results in bodily injury	18	55.6%	5.6%	11.1%	27.8%	0.0%
18-9-116.5	F5	Vehicular eluding	167	34.7%	12.6%	2.4%	37.7%	12.6%
18-9-118	F6	Firearms or explosives in public transportation facilities	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-9-119	F4	Refusal to leave premises-holds hostages using a deadly weapon	1	0.0%	100.0%	0.0%	0.0%	0.0%
18-9-121	F5	Ethnic intimidation - results in bodily injury	3	33.3%	0.0%	0.0%	66.7%	0.0%

(Continued on next page)

Table 4.5 (Continued)

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
18-9-303	F6	Wiretapping	6	33.3%	0.0%	0.0%	66.7%	0.0%
18-9-304	F6	Eavesdropping	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-10-103	F5	Professional gambling (repeat)	2	0.0%	0.0%	0.0%	100.0%	0.0%
18-10-106	F6	Transmission of gambling information (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-12-102	F4	Possessing a dangerous weapon (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-12-102	F5	Possessing a dangerous weapon	27	22.2%	11.1%	0.0%	59.3%	7.4%
18-12-106.5	F5	Use of a stun gun	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-12-107.5	F5	Illegal discharge of a firearm	33	48.5%	3.0%	6.1%	30.3%	12.1%
18-12-108	F4	Possession of a weapon by a previous offender (repeat)	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-12-108	F5	Possession of a weapon by a previous offender	52	53.8%	3.8%	0.0%	42.3%	0.0%
18-12-108.5	F5	Possession of a handgun by a juvenile (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-12-108.7	F4	Providing/permitting a juvenile to possess a handgun	1	100.0%	0.0%	0.0%	0.0%	0.0%
18-12-109	F4	Possession of explosives	12	16.7%	33.3%	8.3%	25.0%	16.7%
18-12-109	F5	Possession of explosives	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-13-104	F4	Dueling	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-15-107	F4	Collect extensions of credit by extortion	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-16-108	F6	Failure to identify seller or false information upon sale	7	28.6%	0.0%	0.0%	71.4%	0.0%
18-17-104	F2	Colorado organized crime control act	8	75.0%	0.0%	12.5%	12.5%	0.0%
18-18-404	F4	Unlawful use of a controlled substance, schedule I or II	1	0.0%	0.0%	0.0%	0.0%	100.0%
18-18-404	F5	Unlawful use of a controlled substance, schedule I or II	702	15.1%	2.8%	1.9%	47.3%	32.9%
18-18-405	F2	Unlawful distribution, manufacturing, dispensing, sale or possession of a controlled substance, schedule I or II (repeat)	22	63.6%	0.0%	0.0%	13.6%	22.7%
18-18-405	F3	Unlawful distribution, manufacturing, dispensing, sale (or possession with intent) of a controlled substance, schedule I or II	1,286	38.5%	2.1%	2.3%	46.8%	10.3%
18-18-405	F3	Unlawful possession of a controlled substance, schedule III (repeat)	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-18-405	F4	Unlawful possession of a controlled substance, schedule I or II	2,849	24.4%	2.2%	3.9%	53.9%	15.5%
18-18-405	F4	Unlawful distribution, manufacturing, dispensing, sale (or possession with intent) of a controlled substance, schedule III	125	34.4%	1.6%	3.2%	52.8%	8.0%
18-18-405	F4	Unlawful distribution, manufacturing, or possession of a controlled substance, schedule IV (repeat)	12	16.7%	0.0%	0.0%	58.3%	25.0%
18-18-405	F5	Unlawful distribution, manufacturing, or possession of a controlled substance, schedule IV	552	32.2%	2.5%	4.2%	48.0%	13.0%
18-18-405	F5	Unlawful possession/use of a controlled substance, schedule I or II (attempt)	4	25.0%	0.0%	0.0%	50.0%	25.0%
18-18-405	F5	Unlawful possession/use of a controlled substance, schedule I or II (attempt)	2	50.0%	0.0%	0.0%	50.0%	0.0%
18-18-405	F5	Unlawful distribution, manufacturing, or possession of a controlled substance, schedule V (repeat)	31	19.4%	0.0%	3.2%	67.7%	9.7%
18-18-406	F4	Unlawful distribution, manufacturing, dispense, sale (or possession with intent) of marihuana	279	26.5%	1.8%	3.9%	59.5%	8.2%
18-18-406	F5	Unlawful distribution, manufacturing, dispense, sale (or possession with intent) of marihuana	195	11.8%	1.0%	2.1%	72.3%	12.8%
18-18-407	F2	Special drug offender - importing drugs or using a dangerous weapon	33	93.9%	3.0%	0.0%	3.0%	0.0%

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Table 4.5 (Continued)

Statutory Citation	Felony Class	Crime	Sentence Placement					
			Convictions	Prison	Jail	Community Corrections	Probation	Other
18-18-408	F3	Money laundering	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-18-415	F4	Fraud and deceit regarding a controlled substance (repeat)	22	4.5%	0.0%	0.0%	68.2%	27.3%
18-18-415	F5	Fraud and deceit regarding a controlled substance	147	14.3%	1.4%	2.0%	67.3%	15.0%
18-18-422	F4	Distributing an imitation controlled substance to a minor	1	0.0%	0.0%	0.0%	100.0%	0.0%
18-18-422	F5	Distributing an imitation controlled substance	39	25.6%	5.1%	2.6%	51.3%	15.4%
26-1-127	F4	Public assistance theft, \$500-\$15,000	10	0.0%	0.0%	0.0%	20.0%	80.0%
26-2-306	F4	Trafficking in food stamps	1	0.0%	0.0%	0.0%	0.0%	100.0%
33-6-117	F5	Willful destruction of big game	1	0.0%	0.0%	0.0%	0.0%	100.0%
42-2-102	F5	Stolen auto parts	2	50.0%	0.0%	0.0%	50.0%	0.0%
42-2-206	F6	Driving after revocation	1,923	24.5%	14.6%	5.5%	49.0%	6.4%
42-4-1301	F4	Driving while ability impaired	1	0.0%	100.0%	0.0%	0.0%	0.0%
42-4-1401	F4	Leaving scene of an accident resulting in death	1	0.0%	0.0%	0.0%	100.0%	0.0%
42-4-1601	F4	Hit and run, resulting in death	5	40.0%	40.0%	0.0%	20.0%	0.0%
42-4-1601	F5	Hit and run, resulting in serious bodily injury	1	0.0%	0.0%	0.0%	100.0%	0.0%
42-5-104	F5	Theft of auto parts, \$500-\$15,000	3	66.7%	0.0%	0.0%	33.3%	0.0%

* Other includes county jail, useful public service, deferred sentences, and unknown sentences.

** These totals do not equal the numbers in Table 4.1 because individual crimes were not reported for all felony convictions.

Source: Colorado District Attorney's Council Database.

TREND IN SENTENCING PLACEMENTS FY 1988-89 TO FY 1998-99

Graph 4.4 presents the percent of felony convictions resulting in prison, probation, community corrections, county jail, and other placements from FY 1988-89 to FY 1998-99. It is important to note that community corrections placements refer to diversion beds (program beds authorized by community corrections boards), not transition beds (placements referred by the Department of Corrections as a transition from prison to the community). For more information on community corrections, refer to Chapter 11 in this report.

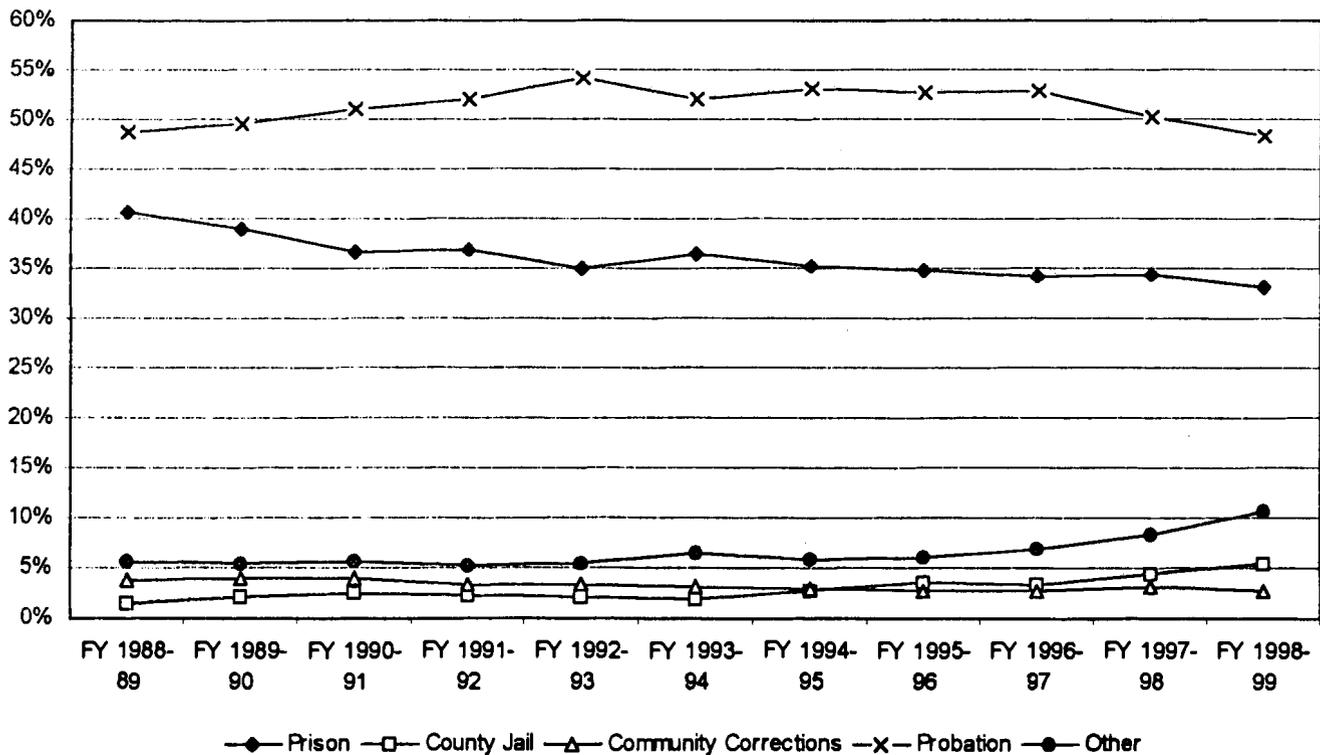
As shown in Graph 4.4, the percentage of convicted felons given prison sentences has been between 30 and 45 percent of all sentence placements. In the last ten years, the proportion of felons sent to prison has steadily declined, relative to other placements. This suggests that, while prison sentences are more likely to occur with prior criminal history and prior supervision in other placements, the availability of other placements has, to some extent, diverted felons from prison.

There are several possible explanations for the decrease in the share of felons sentenced to prison, two of which, discussed below, are related to available capacity in other placements. Between FY 1988-89 and FY 1994-95, probation and prison placements were inversely related, suggesting that as probation placements increased, prison placements decreased, and vice versa. Between FY 1988-

1989 and FY 1992-93, there was an increase in sentencing to intensive supervision probation (ISP). However, as ISP reached full capacity and the number of slots did not increase at the same rate as the supervised population, more offenders were sentenced to prison in FY 1993-94.

In the last few years, the decrease in prison placements has been related to the increased capacity in prison alternatives, specifically county jail and “other” placements. Between FY 1995-96 and FY 1998-99, the percentage of felons placed in county jails increased from 3.5 percent to 5.3 percent. In that same period, the percentage of felons placed in other placements rose from 6.1 percent to 10.6 percent of all placements. Other placements may include, but are not limited to, work release, public service, or a sentence already served (or credited) for time spent in county jail while awaiting court appearances. This increase in other placements also indicates an expansion of alternative programs. For example, the Denver Drug Court began accepting felons charged with drug crimes in January 1996. In 1996, this program accepted 1,368 admissions. Some admissions to drug courts are deferred sentences (in which the sentence is deferred if the defendant meets certain conditions) and some are sentences to probation, community corrections, or prison.

Graph 4.4: Trends in Felony Convictions Resulting in Prison, Jail, Community Corrections, and Probation Placements
 FY 1988-89 to FY 1998-99



Source: Colorado District Attorneys Council Database.

Chapter 5 — Sentence Length and Average Length of Stay of Prison Inmates

This chapter analyzes the average *sentence length* and the average *estimated length of stay* of inmates committed to the Department of Corrections (DOC). These factors directly affect the prison population: as length of stay increases, releases from prison decrease. Due to earned time and discretionary parole releases, a felon typically does not serve the total length of the sentence imposed. Therefore, average length of stay is estimated to measure how long an offender is expected to stay in prison. First, this chapter discusses the factors affecting the prison length of stay. Second, trends in both average sentence length and average length of stay are examined. Finally, this chapter presents the average sentence length and the average length of stay by statutory crime.

The highlights include the following:

- the average *sentence length* of a new DOC commitment was 6.23 years in FY 1998-99, up 2.1 months, or 2.9 percent from the previous year. This average sentence length has remained at or around 6 years since FY 1989-90;
- on average, new DOC commitments in FY 1998-99 can expect to serve 63.3 percent of their sentence; and
- the average *estimated length of stay* of a new DOC commitment decreased less than a month in FY 1998-99, from 4.13 years in FY 1997-98 to 4.06 years.

FACTORS AFFECTING AVERAGE LENGTH OF STAY

An important determinant of the prison population is the expected amount of time felons spend in prison. Since Colorado grants both earned time and discretionary releases to parole, an offender's court-ordered sentence length is not a strong indication of the amount of time an offender will stay in prison. Some offenders may serve the minimum of their sentences (37.5 percent of the court-ordered sentence), while others may serve their entire sentence. Thus, the average length of stay is a better indicator of the amount of time an offender can expect to stay in prison.

New commitments to prison can expect to serve 63.3 percent of the governing sentence, as of FY 1998-99. Average length of stay is an estimated figure based upon sentence length, prisoner characteristics that are correlated to release (such as earned time, time past parole eligibility, gender, and age), legislative changes, and trends in Parole Board decisions releasing inmates to parole.

Sentence length. The *sentence length* is imposed by the courts within statutory parameters. The statutes allow the courts discretion in sentencing by providing sentencing ranges. Courts also have the flexibility to impose sentences outside these ranges under certain circumstances, such as aggravating or mitigating circumstances, or whether the crime was a statutorily defined "crime of violence" or a crime of "extraordinary risk of harm to society." Most inmates are eligible for parole after serving 50 percent of their sentence less earned time. However, certain violent offenders with prior offenses must serve 75 percent of their prison sentence.

Prisoner characteristics. Other factors affecting the average length of stay are related to prisoner characteristics that tend to shift the expected prison term. These factors include the following.

- **Earned time.** Inmates may receive a reduced sentence equal to 10 days of earned time for each 30 days of incarceration if they meet certain requirements while in prison. Accumulated earned time cannot decrease the sentence by more than 25 percent.
- **Time past parole eligibility.** Inmates that stay in prison beyond their earliest parole eligibility date tend to stay in prison for a period of time approaching their sentence discharge date. These offenders often represent a threat to public safety as perceived by the Parole Board.
- **Gender.** Men on average stay in prison longer than women with similar sentences. The reasons for this are unclear. In the past, the reasons may have been related to the available prison capacity for women and available prison alternatives for women. However, as new facilities for women come on-line prison capacity will no longer be an issue. More likely explanations have to do with the differences in the kinds of crimes committed by men and women (see

page 95) and other mitigating circumstances surrounding crimes committed by women.

- *Age.* Younger inmates tend to stay longer than older inmates with similar crimes. Excluding violent crimes and sex crimes, inmates are more likely to be paroled as they get older. Moreover, the older an inmate is at the beginning of the sentence, the more likely the inmate will die in prison.

Legislative changes (mandatory parole and sex offender sentencing). Another factor in shifting length of stay is related to statutory mandate. In 1993, the General Assembly passed H.B. 93-1302 that created *mandatory parole* periods for all inmates released from prison who committed a crime after June 1993. Before mandatory parole, the Parole Board was encouraged to grant parole for those near the end of their sentences in order to continue providing a supervised placement. Otherwise, inmates could discharge their sentence in prison and could avoid supervision altogether. With mandatory parole, the Parole Board can defer parole until the sentence is complete, at which point the inmate still has a supervision period. One consequence of the implementation of mandatory parole has been that parole is deferred more often. The Parole Board has been able to use mandatory parole as a “safety net” to defer an early parole. Increased parole deferrals has increased the prison length of stay for new commitments.

Another legislative change is related to *sex offender sentencing*. In 1998, the General Assembly passed H.B. 98-1156, which imposed lifetime supervision for sex offenders. This could mean a life sentence or a sentence with a lifetime of parole. However, it is likely that the length of stay in prison will significantly increase for sex offenders.

Changes in discretionary releases to parole. The parole board decides whether to grant inmates early release to parole (before the mandatory sentence discharge date to parole) or whether to revoke parole. These decisions can increase or decrease the size of the parole population and have an opposite effect on the size of the prison population. In FY 1999-00, the parole board released 23.4 percent of those who appeared before the board for release decisions. This compares with a 30.9 percent release rate in FY 1998-99 and a 29.5 percent release rate in FY 1997-98. As discussed above, mandatory parole has allowed the Parole Board to defer discretionary parole decisions and increase the prison length of stay for new commitments.

Changes in the methodology of estimated length of stay. Staff only began using explanatory variables (gender, felony class, age, and earned time) to adjust length of stay estimates in FY 1995-96. Prior to that time, length of stay was estimated by calculating a percentage of sentence served and applying that factor to governing sentences. This became a poor estimation method if there was a sentence longer than the expected life time of an inmate. For instance, a 200-year sentence and a sentence-served rate of 50 percent would suggest a length of stay of 100 years, far longer than the expected time an inmate would remain alive in prison.

TRENDS IN SENTENCE LENGTH AND LENGTH OF STAY

Sentence Length

Table 5.1 provides the average sentence length by felony class during the last 17 years. This information is further illustrated in Graphs 5.1 and 5.2. The data show that the overall average sentence length peaked in FY 1986-87 at 8.30 years, declining to 5.74 years in FY 1992-93. In FY 1998-99, the overall average sentence length decreased 3.0 percent. It should be noted that class 1 felonies, and some sex offenses, are not figured into the totals because these crimes carry life sentences.

Table 5.1: Average Sentence Length in Years of New DOC Commitments by Felony Class, FY 1982-83 through FY 1998-99

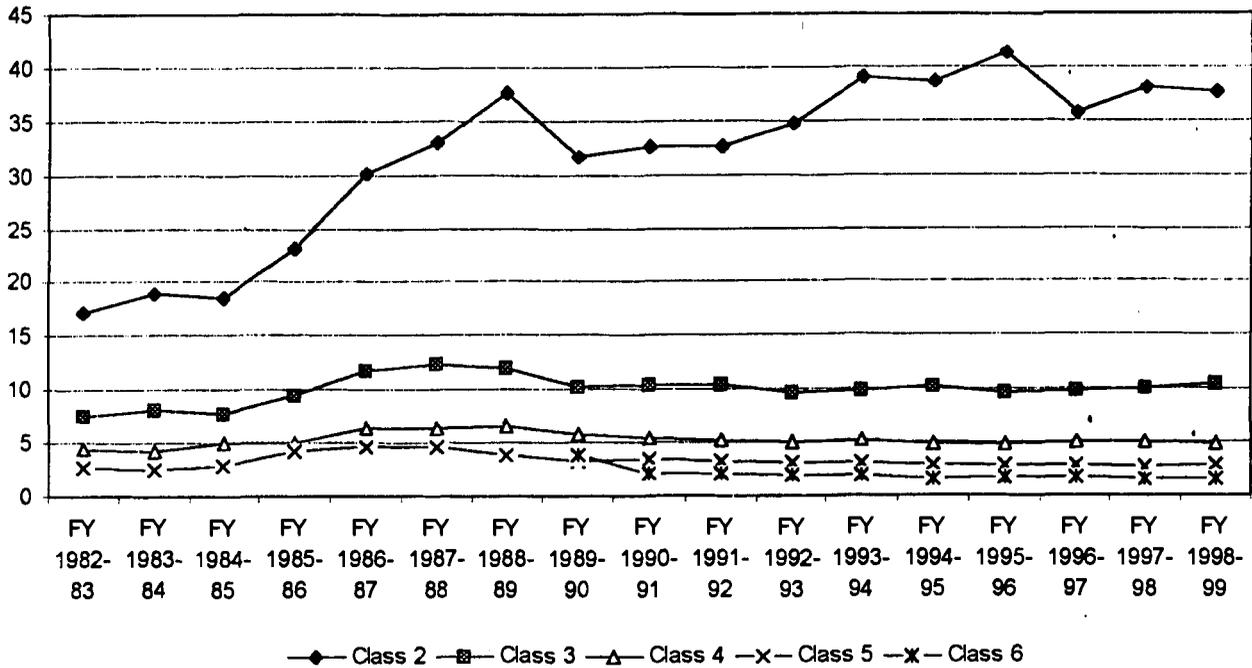
Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6* Felony	Total
FY 1982-83	Life	17.11	7.44	4.51	2.64	NA	5.24
FY 1983-84	Life	18.91	8.06	4.29	2.59	NA	5.22
FY 1984-85	Life	18.58	7.80	5.11	2.99	NA	5.77
FY 1985-86	Life	23.27	9.44	4.93	4.19	NA	6.79
FY 1986-87	Life	30.13	11.71	6.37	4.59	NA	8.30
FY 1987-88	Life	33.08	12.44	6.41	4.56	NA	8.12
FY 1988-89	Life	37.75	11.96	6.56	3.79	NA	7.80
FY 1989-90	Life	31.72	10.27	5.70	3.22	3.80	6.46
FY 1990-91	Life	32.59	10.50	5.37	3.42	2.13	6.43
FY 1991-92	Life	32.62	10.35	5.20	3.30	2.21	6.11
FY 1992-93	Life	34.70	9.66	5.03	3.07	1.88	5.74
FY 1993-94	Life	39.07	9.94	5.25	3.00	1.91	6.22
FY 1994-95	Life	38.72	10.30	4.92	2.86	1.56	6.15
FY 1995-96	Life	41.40	9.75	4.83	2.91	1.64	6.58
FY 1996-97	Life	35.77	9.90	5.00	2.91	1.66	6.27
FY 1997-98	Life	38.02	9.99	5.02	2.73	1.64	6.05
FY 1998-99	Life	37.69	10.42	4.92	2.82	1.52	6.23

* The class 6 felony class was created in 1989.

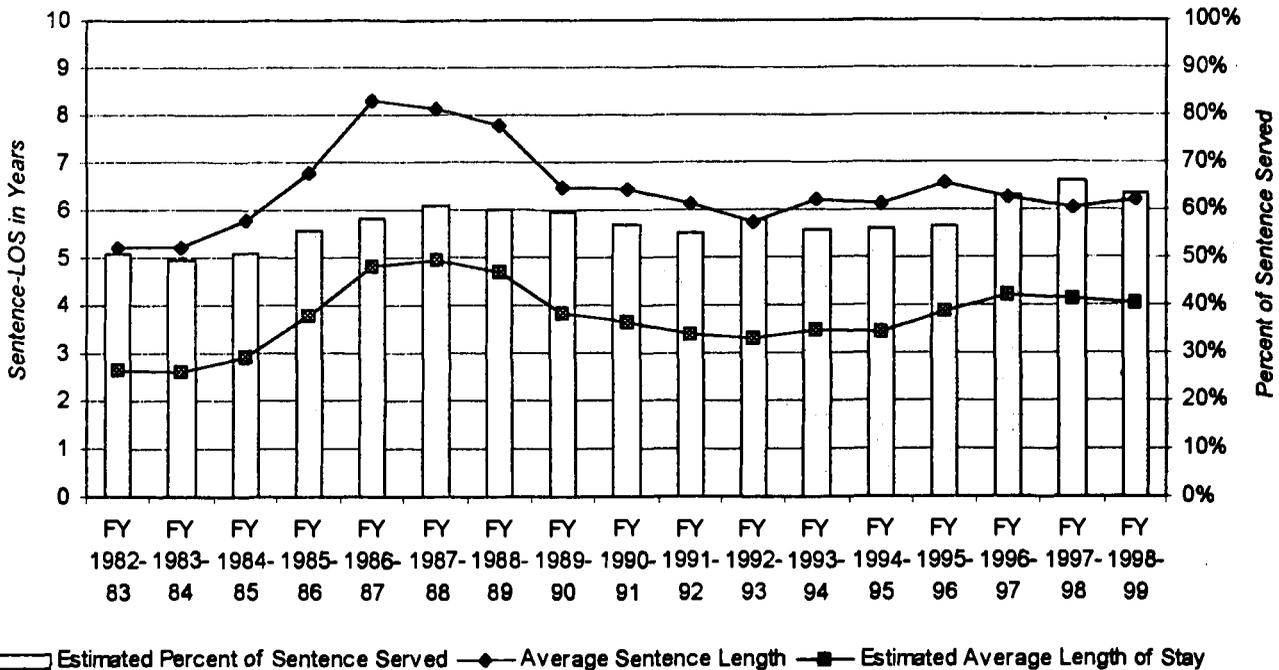
NA: Not Applicable

Source: Department of Corrections

Graph 5.1: Average Sentence Length of New DOC Commitments by Felony Class



Graph 5.2: Average Sentence Length and Average Length of Stay for New DOC Commitments



Source: Department of Corrections and Legislative Council Staff estimates

Average Length of Stay

Table 5.2 and Graphs 5.1 and 5.3 report the trends in estimated average length of stay in prison. Overall, average length of stay has hovered around 55 to 60 percent of the sentence length imposed during the last 17 years. As a result, the average length of stay tends to mirror the trends occurring with sentence lengths. The average length of stay has fluctuated significantly, roughly doubling between FY 1982-83 and FY 1987-88, from 2.66 years to 4.95 years. As was the case with the sentence length, the average length of stay declined since FY 1987-88 to 3.31 years in FY 1992-93. Since that time, there has been a slight increasing trend in average length of stay, due mostly to the increasing average sentence length. Each of the length of stay figures by felony class tends to mirror the trend of the overall average.

Table 5.2: Estimated Average Length of Stay in Years of New DOC Commitments by Felony Class, FY 1982-83 through FY 1998-99

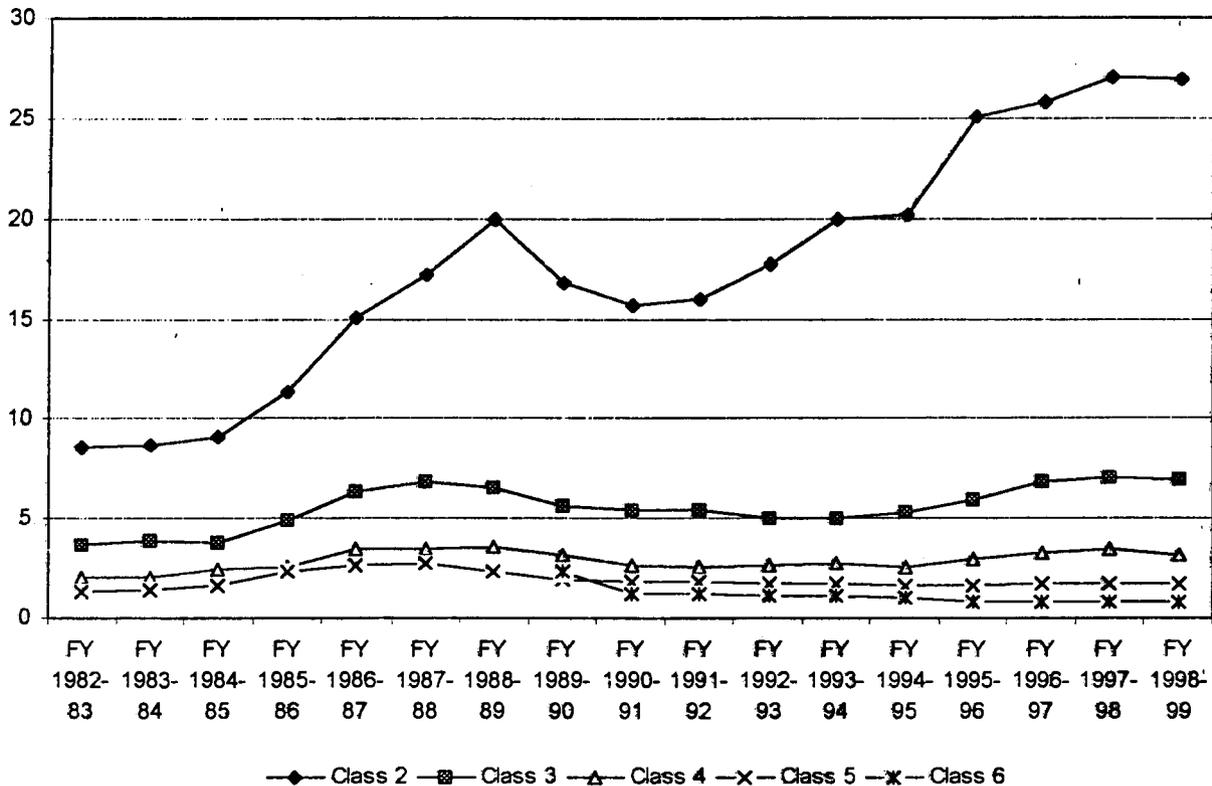
Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6* Felony	Total
FY 1982-83	Life	8.55	3.64	2.07	1.35	NA	2.66
FY 1983-84	Life	8.70	3.87	2.01	1.40	NA	2.60
FY 1984-85	Life	9.10	3.74	2.45	1.64	NA	2.93
FY 1985-86	Life	11.40	4.91	2.51	2.39	NA	3.80
FY 1986-87	Life	15.07	6.33	3.44	2.66	NA	4.82
FY 1987-88	Life	17.20	6.84	3.53	2.74	NA	4.95
FY 1988-89	Life	20.01	6.58	3.61	2.31	NA	4.69
FY 1989-90	Life	16.81	5.65	3.13	1.93	2.32	3.84
FY 1990-91	Life	15.64	5.46	2.69	1.88	1.19	3.65
FY 1991-92	Life	15.98	5.38	2.60	1.85	1.26	3.37
FY 1992-93	Life	17.70	5.02	2.62	1.75	1.11	3.31
FY 1993-94	Life	19.93	4.97	2.73	1.74	1.09	3.47
FY 1994-95	Life	20.13	5.36	2.61	1.69	0.98	3.46
FY 1995-96	Life	25.13	5.96	2.94	1.61	0.86	3.85
FY 1996-97	Life	25.85	6.88	3.33	1.74	0.81	4.21
FY 1997-98	Life	27.02	7.03	3.44	1.72	0.85	4.13
FY 1998-99	Life	26.95	6.93	3.17	1.74	0.81	4.06

* The class 6 felony class was created in 1989.

NA: Not Applicable.

Source: Department of Corrections and Legislative Council Staff estimates.

Graph 5.3: Estimated Average Length of Stay of New DOC Commitments by Felony Class



Source: Department of Corrections and Legislative Council Staff Estimates.

LEGISLATION AFFECTING SENTENCE LENGTH AND AVERAGE LENGTH OF STAY

Changes to sentencing laws affect the estimated length of stay in prison. If the General Assembly were to pass a law that mandates sentences for two convictions to be served concurrently, as opposed to consecutively, sentence length and length of stay would decrease. If the General Assembly were to pass a law that reduces the amount of earned time an inmate can accrue, this would increase length of stay. This section provides an abbreviated history of legislation that significantly influenced sentence length and prison length of stay.

In 1985, the General Assembly passed H.B. 85-1320, which doubled the maximum sentence that a court could impose for all offenses. The bill also increased the sentencing ranges for aggravated crimes. The effects of this bill were manifested in the increase in the overall average sentence length from 5.77 years in FY 1984-85 to 8.12 years in FY 1987-88 (Table 5.1). Meanwhile,

the average length of stay increased from 2.93 years in FY 1984-85 to 4.95 years in FY 1987-88 (Table 5.2).

In 1988, the General Assembly passed S.B. 88-148, reducing the minimum of the sentencing range for crimes with extraordinary aggravated circumstances and crimes of violence. Previously, the sentence range was from the *maximum* to twice the maximum of the presumptive range. Senate Bill 88-148 lowered the range from the *midpoint* to twice the maximum of the presumptive range. This expanded range helped to decrease the average sentence length from 8.12 years in FY 1987-88 to 6.46 years in FY 1989-90. Average length of stay showed a corresponding decline.

In 1989, the General Assembly passed S.B. 89-246, creating a new class 6 felony. The bill reclassified some class 5 felonies to class 6, some class 4 felonies to class 5, and some misdemeanors to class 6 felonies. This legislation also contributed somewhat to the reductions in sentence length and length of stay between FY 1988-89 and FY 1990-91.

In 1990, the General Assembly passed H.B. 90-1327, which reduced length of stay in two ways. First, it provided for parole eligibility for those inmates convicted of certain nonviolent crimes that served at least 50 percent of their sentence (those convicted of certain violent crimes could be paroled after serving at least 75 percent of their sentence). This bill also doubled the amount of earned time inmates could accrue while serving their sentence (from five days to ten days per month), reducing their governing sentence as well as the time to their earliest parole eligibility.

In 1993, the General Assembly passed H.B. 93-1302, reducing the maximum of the presumptive sentencing range for nonextraordinary risk offenses, including most nonviolent crimes. This is one reason for the decline in average sentence length and length of stay of class 4, 5, and 6 felonies between FY 1992-93 and FY 1994-95. This legislation also created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. As previously discussed, mandatory parole allowed the Parole Board to defer more applications for parole, causing an increase in the proportion of sentence served.

SENTENCE LENGTH AND AVERAGE LENGTH OF STAY BY CRIME

Within felony classes, sentence lengths and average lengths of stay vary by the type of crime committed (Table 5.3). Generally, offenders convicted of violent crimes and sex crimes receive longer sentences than those convicted of drug or property offenses within the same felony class. For example, longer sentences were given to those convicted of violent class 3 felonies, such as first-degree assault (17.8 years), first-degree sexual assault (15.9 years), sexual assault on a child (18.6 years), and aggravated robbery (15.4 years), than on those convicted of nonviolent class 3 felony offenses, such as second-degree burglary of a dwelling (8.7 years) and controlled substance abuse offenses (5.0 to 8.0 years). The primary reason for this phenomenon is that Section 16-11-309,

offenses (5.0 to 8.0 years). The primary reason for this phenomenon is that Section 16-11-309, C.R.S., increases the sentencing range within each felony class for felons convicted of violent crimes. For example, while the presumptive sentencing range for class 3 felonies is normally 4 to 12 years, the presumptive range for a violent class 3 felony is 8 to 24 years, double the normal range.

Methodology for Estimating Length of Stay for New Commitments

While average length of stay is a fairly simple concept, *actual* length of stay can only be calculated after all inmates who entered the DOC in a given year have been released. Therefore, length of stay for new commitments is *estimated* using a combination of two population cohorts: releases and those remaining in prison.

The model for estimating length of stay requires the use of ordinary least squares estimation and probability theory to determine how long an offender will stay in prison. Probability theory is used to analyze the proportion of prisoners in a cohort (e.g. male, felony class 3 inmates that were sentenced under the 1993 governing law) that leave the system each period. Ordinary least squares estimation is used to determine factors that drive that probability up or down. Factors that affect the length of stay include those previously discussed: sentence enhancements (crime of violence or extraordinary risk of harm to society), gender, earned time relative to governing sentence, and estimated current age.

Table 5.3 presents the average sentence length and estimated average length of stay by crime type for *new commitments only* who were committed to the DOC from FY 1997-98 to FY 1998-99. These estimates do not take into account the time inmates spend re-incarcerated for technical violations of parole. It is important to note that releases include prison deaths. Some crimes with low average lengths of stay may be due in part to inmate deaths. It is also important to note that sentence lengths may not be representative of new commitments for these crimes, particularly those with a very small number of DOC commitments. Moreover, sentence information is incomplete as data are only available for the most serious crime committed, and there are no data available relating to criminal history or other convictions associated with each sentence.

Table 5.3: Average Sentence Length and Estimated Average Length of Stay of DOC Commitments by Crime Type, FY 1997-98 to FY 1998-99

Statute Citation	Felony Class	Crime Description	Number	Average Sentence Length of Prison (years)	Estimated Average Length of Stay (years)	Percentage of Sentence Saved
12-56-104(4)	5	False information pawnbroker (repeat)	47	2.4	0.9	38.2%
12-56-104(5)	5	False declaration to a pawnbroker - customer	25	2.1	1.2	58.2%
12-56-104(5)	6	False declaration to a pawnbroker - customer (attempt)	9	1.4	0.8	58.2%
14-6-101(1)	5	Non-support of spouse and children	1	2.0	0.8	37.5%
18-3-102	1	1st degree murder	10	57.1	34.0	59.6%
18-3-102	2	1st degree murder (attempt)	79	38.1	28.9	75.8%
18-3-103(a)	2	2nd degree murder	164	39.8	32.7	82.2%
18-3-103(a)	3	2nd degree murder (attempt)	46	21.3	17.1	80.0%
18-3-103(b)	3	2nd degree murder - heat of passion	13	18.7	15.7	84.0%
18-3-103(b)	4	2nd degree murder - heat of passion (attempt)	4	8.7	3.3	37.5%
18-3-104	4	Manslaughter	49	7.8	5.9	76.2%
18-3-104	5	Manslaughter (attempt)	5	3.6	2.9	81.3%
18-3-105	5	Homicide-criminally negligent	21	4.0	3.3	81.3%
18-3-106(a)	3	Homicide-vehicular, driving under influence	58	12.2	10.0	81.9%
18-3-106(b)	4	Homicide-vehicular	35	7.2	5.4	75.1%
18-3-106(b)	5	Homicide-vehicular (attempt)	1	3.0	2.0	68.0%
18-3-202(a)	5	1st degree assault - heat of passion	42	3.8	2.6	68.6%
18-3-202(b)	3	1st degree assault	151	17.8	15.5	86.8%
18-3-202(b)	4	1st degree assault (attempt)	75	6.1	4.2	69.1%
18-3-203(a)	6	2nd degree assault - heat of passion	61	1.7	1.0	59.2%
18-3-203(b)	4	2nd degree assault	469	6.7	4.8	71.1%
18-3-203(b)	5	2nd degree assault (attempt)	123	3.3	2.1	64.3%
18-3-203(b)	3	2nd degree assault - serious injury	5	12.0	11.1	92.3%
18-3-203(b)	4	2nd degree assault - serious injury	12	6.1	3.4	55.2%
18-3-205(a)	5	Vehicle assault	41	3.3	1.9	58.0%
18-3-205(a)	6	Vehicle assault (attempt)	3	2.0	1.3	63.0%
18-3-205(b)	4	Vehicle assault - driving under influence	61	5.2	3.1	58.8%
18-3-206	5	Menacing	505	2.8	1.7	59.5%
18-3-206	6	Menacing (attempt)	46	1.5	0.7	44.2%
18-3-207	4	Criminal extortion	4	7.5	6.7	89.2%
18-3-301	2	Kidnapping 1st degree (released unharmed)	5	33.4	28.4	85.0%
18-3-302(3)	2	Kidnapping 2nd degree	47	42.2	32.7	77.6%
18-3-302(3)	3	Kidnapping 2nd degree (victim of sex assault or robbery)	3	11.3	10.3	91.4%
18-3-302(3)	4	Kidnapping 2nd degree (attempt)	4	5.5	3.4	62.7%
18-3-302(4)	3	Kidnapping 2nd degree (intent to barter, use of weapon)	17	17.3	17.0	97.8%
18-3-302(4)	4	Kidnapping 2nd degree (attempt)	3	4.4	3.5	80.6%
18-3-302(5)	4	Kidnapping 2nd degree	41	6.4	4.7	73.5%
18-3-302(5)	5	Kidnapping 2nd degree (attempt)	10	3.0	1.9	61.2%
18-3-304(1)	5	Custody violation - taking child from parent	5	3.0	1.2	38.1%
18-3-304(2)	5	Custody violation - taking child by parent	2	3.2	2.5	79.6%
18-3-305(2)	3	Enticement of a child - bodily injury or repeat offense	2	38.3	24.2	60.7%
18-3-305(2)	4	Enticement of a child	7	5.8	4.8	82.4%
18-3-305(2)	5	Enticement of a child (attempt)	2	3.0	0.5	15.2%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Prison Commitments	Average Length of Sentence (Years)	Estimated Average Length of Stay (Years)	Estimated Percentage of Sentence Served
18-3-402(2)	3	Sexual assault 1st degree	91	15.9	14.3	89.7%
18-3-402(2)	4	Sexual assault 1st degree (attempt)	23	9.2	5.5	60.2%
18-3-402(3)	2	Sexual assault 1st degree, serious injury or deadly weapon	23	35.2	26.1	74.1%
18-3-403	4	Sexual assault 2nd degree	87	6.2	4.8	77.6%
18-3-403	5	Sexual assault 2nd degree (attempt)	43	3.5	2.3	65.6%
18-3-404	4	Sexual assault 3rd degree - use of force	14	6.1	5.5	88.8%
18-3-404	5	Sexual assault 3rd degree - use of force (attempt)	5	3.4	1.5	44.6%
18-3-405	3	Sexual assault on child - force, threats, or pattern	137	18.6	14.0	75.1%
18-3-405	4	Sexual assault on child	307	6.8	5.3	77.7%
18-3-405	5	Sexual assault on child (attempt)	89	3.7	2.0	53.6%
18-3-405.3(2)	3	Sexual assault on a child by one in position of trust	128	11.6	7.5	64.9%
18-3-405.3(3)	4	Sexual assault on a child by one in position of trust	35	7.5	5.3	69.9%
18-3-405.3(3)	5	Sexual assault on a child - position of trust (attempt)	9	3.5	2.7	75.7%
18-3-405.5(1)	4	Sexual assault on client	1	5.0	2.5	50.0%
18-4-102	3	1st degree arson	17	12.0	10.5	87.3%
18-4-102	4	1st degree arson (attempt)	8	4.9	3.0	61.7%
18-4-103	4	2nd degree arson	15	4.7	3.2	68.3%
18-4-103	5	2nd degree arson (attempt)	4	2.2	1.2	52.8%
18-4-104	5	3rd degree arson	1	2.0	1.3	63.5%
18-4-105	4	4th degree arson	6	4.9	4.0	81.5%
18-4-202	3	1st degree burglary	66	12.3	9.1	74.1%
18-4-202	4	1st degree burglary (attempt)	15	5.8	3.9	65.8%
18-4-203(2)	4	2nd degree burglary	421	5.0	3.2	63.7%
18-4-203(2)	5	2nd degree burglary (attempt)	52	2.6	1.5	57.0%
18-4-203(2)(a)	3	2nd degree burglary of dwelling	357	8.7	6.7	77.3%
18-4-203(2)(a)	4	2nd degree burglary of dwelling (attempt)	83	4.8	3.2	66.1%
18-4-203(2)(b)	3	2nd degree burglary of drugs	13	6.8	5.4	78.6%
18-4-204	5	3rd degree burglary	17	2.5	1.3	52.3%
18-4-204	6	3rd degree burglary (attempt)	7	1.9	1.0	53.2%
18-4-205	5	Possession of burglary tools	12	2.8	1.7	60.7%
18-4-205	6	Possession of burglary tools (attempt)	4	2.0	1.3	61.4%
18-4-301	4	Robbery	249	5.6	4.0	71.6%
18-4-301	5	Robbery (attempt)	39	3.1	1.8	58.1%
18-4-302	3	Aggravated robbery	273	15.4	12.3	79.6%
18-4-302	4	Aggravated robbery (attempt)	63	7.0	5.0	71.9%
18-4-303	2	Aggravated robbery drugs	1	24.0	16.0	66.5%
18-4-303	3	Aggravated robbery drugs (attempt)	1	16.0	10.0	62.5%
18-4-401(2)(c)	4	Theft - between \$500 and \$15,000	703	4.6	2.9	61.8%
18-4-401(2)(c)	5	Theft - between \$500 and \$15,000 (attempt)	160	2.6	1.4	52.3%
18-4-401(2)(d)	3	Theft - greater than \$15,000	69	9.1	6.4	70.1%
18-4-401(2)(d)	4	Theft - greater than \$15,000 (attempt)	16	4.9	3.2	66.2%
18-4-401(4)	4	Theft - between \$500 and \$15,000 (repeat)	7	3.5	2.2	62.6%
18-4-401(5)	5	Theft of a person	43	2.8	1.7	61.0%
18-4-401(5)	6	Theft of a person (attempt)	29	1.5	0.7	44.3%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Prison Commitments	Average Length of Sentence (Years)	Estimated Average Length of Stay (Years)	Estimated Percentage of Sentence Served
18-4-402(4)	4	Theft rental property between \$500 and \$15,000	1	6.5	4.6	71.9%
18-4-402(4)	5	Theft rental property between \$500 and \$15,000	5	2.4	1.6	64.1%
18-4-402(5)	3	Theft rental property greater than \$15,000	1	6.0	4.2	70.8%
18-4-409(3)(a)	4	Aggravated motor vehicle theft less than \$15,000	172	4.3	2.7	62.7%
18-4-409(3)(a)	5	Aggravated motor vehicle theft less than \$15,000 (att.)	79	2.6	1.5	57.2%
18-4-409(3)(b)	3	Aggravated motor vehicle theft greater than \$15,000	35	6.7	4.3	63.9%
18-4-409(3)(b)	4	Aggravated motor vehicle theft greater than \$15,000	10	4.4	2.8	64.7%
18-4-409(4)	5	Aggravated motor vehicle theft-2nd degree (repeat)	3	2.3	1.4	60.7%
18-4-410(4)	4	Theft by receiving between \$500 and \$15,000	89	4.6	2.8	61.3%
18-4-410(4)	5	Theft receiving between \$500 and \$15,000 (attempt)	15	2.6	1.2	47.4%
18-4-410(5)	3	Theft receiving greater than \$15,000	9	8.4	5.0	60.0%
18-4-410(5)	4	Theft receiving greater than \$15,000 (attempt)	2	4.7	2.9	62.6%
18-4-410(6)	3	Theft receiving greater than \$500 - dealing stolen goods	6	8.4	6.5	77.3%
18-4-410(6)	4	Theft receiving greater than \$500 - dealing stolen goods (attempt)	2	2.3	1.9	79.4%
18-4-412	6	Theft of medical records/information	1	1.0	0.5	53.2%
18-4-501	3	Aggravated criminal mischief greater than \$15,000	4	5.9	4.3	72.9%
18-4-501	4	Aggravated criminal mischief (attempt)	1	4.8	4.0	84.2%
18-4-501	4	Criminal mischief	89	4.1	2.4	58.8%
18-4-501	5	Criminal mischief (attempt)	19	2.2	1.5	66.5%
18-5-102	5	Forgery	165	2.6	1.3	50.6%
18-5-102	6	Forgery (attempt)	41	1.5	0.7	44.6%
18-5-105	6	Criminal possession of a forged instrument	13	1.4	0.6	45.6%
18-5-109	6	Criminal possession forgery device	2	1.6	0.7	45.5%
18-5-113	6	Criminal impersonation	95	1.3	0.6	46.3%
18-5-205(3)	6	Fraud by check	25	1.5	0.6	40.7%
18-5-206(2)(c)	5	Defrauding secured debtor between \$500 and \$15,000	1	2.0	0.8	38.0%
18-5-206(2)(d)	4	Defrauding a secured debtor more than \$15,000 (attempt)	1	4.0	2.8	70.0%
18-5-209(5)	6	Issue false financial statement	1	1.5	0.8	52.0%
18-5-702(3)(c)	5	Unauthorized use of financial device between \$500 and \$15,000	7	2.8	1.5	54.1%
18-5-702(3)(c)	6	Unauthorized use of financial device between \$500 and \$15,000 (attempt)	1	1.1	0.6	56.2%
18-5-703(3)	6	Possession of 2 or more financial transaction devices	5	1.5	0.7	49.3%
18-6-301(1)	4	Incest	7	5.4	3.8	69.9%
18-6-302(2)	3	Aggravated incest	21	17.4	11.1	63.5%
18-6-401(7)(a)	2	Child abuse, knowingly and recklessly results in death	13	30.7	15.0	48.9%
18-6-401(7)(a)	3	Child abuse, negligently results in death	3	18.5	13.9	75.3%
18-6-401(7)(a)	3	Child abuse, knowingly and recklessly results in serious bodily injury	25	15.5	7.8	50.4%
18-6-401(7)(a)	4	Child abuse, negligently results in serious bodily injury	33	6.7	3.5	51.8%
18-6-403	3	Sexual exploitation of children	9	15.6	7.1	45.7%
18-6-701	4	Contributing to the delinquency of a minor	26	5.1	3.0	57.6%
18-6.5-103(2)(a)	4	Criminal negligence-at-risk resulting in death	1	10.5	9.0	85.7%
	-	Criminal negligence-at-risk resulting in serious bodily injury	1	2.5	1.9	77.2%
18-6.5-103(3)(a)	2	1st degree assault at-risk	2	51.7	35.1	68.0%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Prison Commitments	Average Length of Sentence (Years)	Estimated Average Length of Stay (Years)	Estimated Percentage of Sentence Served
18-6.5-103(3)(a)	3	1st degree assault at-risk (attempt)	1	4.0	2.6	65.0%
18-6.5-103(3)(a)	4	1st degree assault at-risk, heat of passion	1	5.0	3.0	60.5%
18-6.5-103(3)(b)	3	2nd degree assault at-risk	3	13.3	10.0	79.7%
18-6.5-103(3)(b)	4	2nd degree assault at-risk (attempt)	1	5.0	1.9	38.0%
18-6.5-103(3)(b)	5	2nd degree assault at-risk, heat of passion	1	2.0	1.4	70.3%
18-6.5-103(3)(c)	6	3rd degree assault at-risk	17	2.3	1.2	53.4%
18-6.5-103(4)	3	Robbery of at-risk	5	11.3	8.0	70.8%
18-6.5-103(4)	4	Robbery of at-risk (attempt)	1	4.5	2.8	62.6%
18-6.5-103(5)	3	Theft of at-risk greater than \$500	3	13.6	13.3	97.9%
18-6.5-103(5)	4	Theft of at-risk greater than \$500 (attempt)	1	6.0	2.6	43.3%
18-6.5-103(5)	5	Theft of at-risk less than \$500	5	3.3	2.1	63.2%
18-6.5-103(5)	6	Theft of at-risk less than \$500 (attempt)	1	1.5	0.8	51.3%
18-6.5-103(5)	4	Theft of person at-risk, no force	2	4.3	2.5	57.5%
18-6.5-103(5)	5	Theft of person at-risk, no force (attempt)	1	3.8	3.5	97.8%
18-6.5-103(7)(c)	6	Sexual assault 3rd degree at-risk person	1	1.3	0.6	48.4%
18-7-201.7	5	Prostitution knowledge being infected with AIDS	1	5.0	3.6	71.0%
18-7-203	6	Pandering (attempt)	1	1.0	0.4	42.0%
18-7-205.7	6	Patronizing prostitute with knowledge of AIDS	1	1.5	0.8	53.2%
18-7-206	3	Pimping	1	6.0	2.9	49.1%
18-7-302(4)	6	Indecent exposure to a person under age 15 (repeat)	2	2.8	1.5	52.2%
18-8-105(3)	4	Accessory to crime-harboring defendant, class 1 or 2 felony	3	6.5	4.5	68.5%
18-8-105(5)	5	Accessory to crime-harboring defendant	1	2.0	1.1	53.0%
18-8-110	6	False report explosives	1	1.5	0.7	45.3%
18-8-116	5	Disarming peace officer	1	1.0	0.6	60.7%
18-8-116	6	Disarming peace officer (attempt)	2	1.2	0.6	51.1%
18-8-201(4)	2	Aiding escape of a convicted class 1 or 2 felon	1	5.5	4.6	84.0%
18-8-201(5)	3	Aiding escape of a convicted felon other than class 1 or 2	2	3.3	1.9	59.0%
18-8-203	4	Introduction contraband 1st degree	20	3.9	2.1	53.6%
18-8-203	5	Introduction contraband 1st degree (attempt)	10	1.7	1.0	58.4%
18-8-204	6	Introduction contraband 2nd degree	9	1.6	0.9	58.3%
18-8-206(1)(b)	2	Assault during escape (not class 1 felony)	1	24.0	22.0	91.7%
18-8-208(1)	2	Escape of a convicted class 1 or 2 felon	1	13.5	11.9	88.0%
18-8-208(2)	3	Escape of a convicted felon other than class 1 or 2	89	8.4	6.4	76.3%
18-8-208(3)	4	Escape pending felony disposition	69	5.7	3.9	69.3%
18-8-208(6)(c)	5	Escape from mental institution	13	3.0	1.7	56.4%
18-8-208(8)	5	Escape while in custody for extradition	60	3.4	1.9	56.3%
18-8-208.1(1)	4	Attempted escape following conviction	263	5.1	3.3	65.0%
18-8-208.1(2)	5	Attempted escape pending felony disposition	249	3.3	2.0	60.5%
18-8-211(2)(a)	3	Riots in detention facilities, use of a deadly weapon	1	8.0	3.9	49.1%
18-8-212	6	Violation of bail bond	25	1.9	0.9	48.1%
18-8-302	3	Bribery	1	8.0	5.1	63.1%
18-8-302	4	Bribery (attempt)	1	2.0	0.8	38.0%
18-8-306	4	Attempt to influence public servant	2	3.3	2.8	85.1%
18-8-502	4	Perjury 1st degree	1	5.5	3.2	57.5%
18-8-610	6	Tampering with physical evidence	1	1.0	0.5	48.0%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Prison Commitments	Average Length of Sentence (Years)	Estimated Average Length of Stay (Years)	Estimated Percentage of Sentence Served
18-8-704	4	Intimidating a witness or victim	19	5.0	3.3	66.8%
18-8-704	5	Intimidation a witness or victim (attempt)	3	2.9	1.4	46.6%
18-8-705	3	Aggravated intimidation of a witness or victim	1	8.0	5.5	68.1%
18-8-706	3	Retaliation against a witness or victim	5	6.3	3.2	51.3%
18-8-706	4	Retaliation against a witness or victim (attempt)	1	5.0	1.9	38.0%
18-8-707	4	Tampering with a witness or victim	7	4.0	2.6	63.8%
18-8-707	5	Tampering with a witness or victim (attempt)	2	2.1	1.0	48.3%
18-9-102	5	Inciting a riot	1	2.0	1.3	67.0%
18-9-103	4	Arming rioters	1	2.0	1.3	67.0%
18-9-104	4	Engaging in riot	3	3.4	2.5	74.1%
18-9-111(5)(a)	5	Harassment-stalking	3	2.9	1.7	60.7%
18-9-111(5)(a)	6	Harassment-stalking (attempt)	17	2.1	1.2	60.0%
18-9-111(5)(b)	6	Harassment-stalking under temporary restraining order	1	2.6	1.7	65.4%
18-9-115(5)	3	Endangering public transportation	1	8.5	3.5	41.2%
18-9-116.5	5	Vehicular eluding	97	3.0	1.7	56.1%
18-9-116.5	6	Vehicular eluding (attempt)	5	1.4	0.7	53.2%
18-9-116.5	4	Vehicular eluding-bodily injury	21	5.0	3.3	65.8%
18-9-116.5	5	Vehicular eluding-bodily injury (attempt)	1	4.5	3.8	84.9%
18-9-116.5	5	Vehicular eluding-death	1	7.0	6.0	85.7%
18-9-118	6	Firearms, explosives, or incendiary devices in public trans.	1	0.8	0.5	66.7%
18-9-119(5)	4	Failure or refusal to leave premises upon request	3	6.0	4.8	80.5%
18-9-121(3)	5	Ethnic intimidation	1	3.0	1.8	58.7%
18-9-121(3)	6	Ethnic intimidation (attempt)	1	1.5	1.0	68.0%
18-9-303	6	Wiretapping	1	1.3	0.5	37.5%
18-12-102	4	Possession of a dangerous or illegal weapon (repeat)	1	3.0	2.0	66.7%
18-12-102	5	Possession of a dangerous or illegal weapon	3	5.8	2.3	39.1%
18-12-102	6	Possession of a dangerous or illegal weapon (attempt)	3	1.9	1.1	60.6%
18-12-107.5	5	Illegal discharge of a firearm	5	2.7	1.9	68.9%
18-12-108	5	Possession of a weapon by a previous offender	9	4.0	2.4	60.0%
18-12-108	6	Possession of a weapon by a previous offender (attempt)	1	1.3	0.8	67.9%
18-12-108(5)	4	Possession of a weapon by a previous offender (repeat)	1	4.3	2.4	56.0%
18-12-109	4	Possession of explosive or incendiary parts	1	4.3	2.6	61.9%
18-16-108	6	Fraud of valuable articles	1	1.0	0.5	47.0%
18-17-105	2	Organized Crime Control Act	13	21.5	13.6	63.0%
18-18-404(1)(a)	5	Unlawful use of control substance, schedule I-II	95	2.0	0.9	46.2%
18-18-404(1)(a)	6	Unlawful use of control substance, schedule I-II (attempt)	4	1.5	0.6	41.3%
18-18-405(2)(a)	3	Dist/manuf/disp/sale I-II	775	6.3	3.9	61.2%
18-18-405(2)(a)	4	Dist/manuf/disp/sale I-II (attempt)	105	4.2	2.3	54.8%
18-18-405(2)(a)	2	Dist/manuf/disp/sale I-II (repeat)	16	17.1	12.8	75.0%
18-18-405(2)(a)	4	Possession I-II	1053	3.9	2.2	54.9%
18-18-405(2)(a)	5	Possession I-II (attempt)	60	2.5	1.4	53.9%
18-18-405(2)(b)	4	Dist/manuf/disp/sale III	77	4.5	2.7	59.1%
18-18-405(2)(b)	5	Dist/manuf/disp/sale III (attempt)	1	2.5	1.3	52.4%
18-18-405(2)(b)	3	Dist/manuf/disp/sale III (repeat)	3	6.2	5.1	82.3%
18-18-405(2)(b)	4	Possession III	41	4.0	2.4	60.3%
18-18-405(2)(b)	5	Possession III (attempt)	1	4.0	3.0	75.0%

(Continued on next page)

SECTION III

Colorado Department of Corrections

The chapters in Section III provide an overview of four different aspects of the Colorado Department of Corrections. Chapter 6 provides an overview of offenders in DOC facilities by profiling new commitments to the DOC and DOC inmates by age, gender, and ethnicity. Chapter 7 profiles new commitments and inmates by offense type (violent and non-violent) and by felony class.

Chapter 8 provides an historical perspective on the DOC inmate population in addition to providing a history of the DOC's funding. Included in Chapter 8 is information on the history of appropriations to the DOC including General Fund and Capital Construction appropriations.

Chapter 9 contains Legislative Council Staff's prison population projections. The projections forecast the increase in the DOC jurisdictional population as well as the parole population and the prison bed shortfall.

Section III contains the following chapters:

- Chapter 6 – DOC Demographic Characteristics
- Chapter 7 – Crime and Criminal History Characteristics
- Chapter 8 – Eligible Population / Facilities / Ten-Year Funding History
- Chapter 9 – Prison Population Projections

Chapter 6 — DOC Demographic Characteristics

This chapter illustrates the demographic characteristics of both new prison commitments and the existing inmate population, as well as their recent patterns of change. The chapter examines new commitments to prison and the prison inmate population with respect to gender, age, and ethnicity. First, demographic characteristics of new prison commitments are analyzed followed by those of the overall inmate population.

Following are highlights from this chapter:

- both new prison commitments and the existing inmate population continue to be overwhelmingly male at around 90 percent. New commitments and prison incarceration rates for males are nearly ten times those of females. Although females comprise around ten percent of new prison commitments and inmates, these are growing rapidly;
- the average age of inmates continues to increase because of longer sentences; likewise, the most rapid growth in new commitments during the last five years was among 35- to 49-year olds; and
- minorities continue to have higher prison incarceration rates for both the inmate and new commitment populations relative to Anglos. New commitment and prison incarceration rates for Blacks are nearly ten times those of Anglos.

DEMOGRAPHIC CHARACTERISTICS OF NEW PRISON COMMITMENTS: GENDER, AGE, AND ETHNICITY

This section profiles new prison commitments relative to Colorado’s population and analyzes trends in the characteristics of new commitments between FY 1994-95 and FY 1998-99. During FY 1998-99, there were 4,833 commitments to the DOC for new crimes. These new prison commitments differed significantly from the state’s overall population in such demographic characteristics as gender, age, and ethnicity.

Gender: The Vast Majority of New Prison Commitments are Male

In FY 1998-99, 89.3 percent of new prison commitments in Colorado were male and 10.7 percent were female (Table 6.1). While the proportion of male and female commitments has remained fairly stable since FY 1994-95, the steady increase in female commitments — from 8.4 percent of new commitments in FY 1994-95 to 10.7 percent in FY 1998-99 — is significant. The increase represents the trend of an increased percentage of female felony convictions receiving prison commitments. We forecast that this trend will continue. Since there are roughly equal numbers of males and females in the state’s population, these figures also indicate a male prison commitment rate that is approximately ten times that for females.

Table 6.1: New Commitments by Gender

Gender	FY 1994-95		FY 1996-97		FY 1998-99	
	Number	Percent of Total	Number	Percent of Total	Number	Percent of Total
Male	3,523	91.6%	4,235	90.5%	4,318	89.3%
Female	323	8.4%	443	9.5%	515	10.7%
Total	3,846	100.0%	4,678	100.0%	4,833	100.0%

Source: Department of Corrections.

Age: New Commitments are Primarily In Their Early Thirties

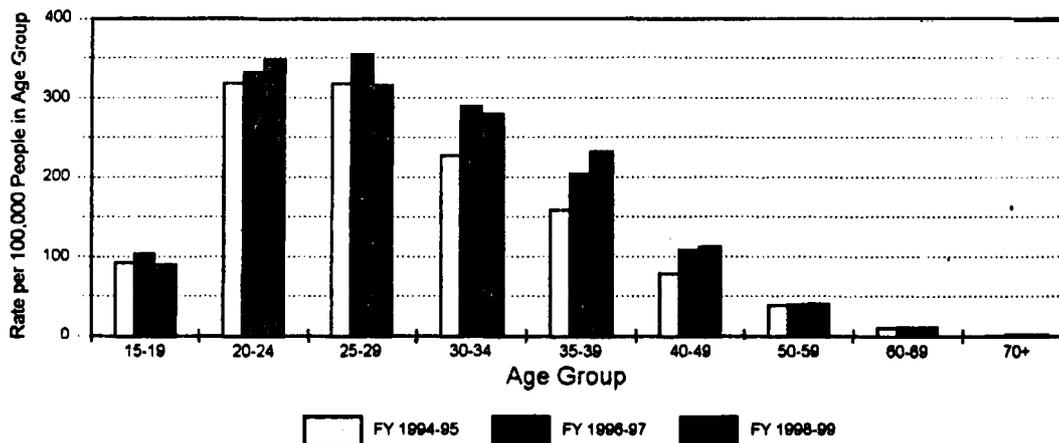
The age distribution of new commitments to prison also differs greatly from that of the Colorado population as a whole because criminal activity is not evenly distributed across people of different ages. The average age of a new prison commitment in FY 1998-99 is 31.8 years. Table 6.2 and Graph 6.1 compare the number of prison commitments per 100,000 Colorado residents in various age ranges for FY 1994-95 and FY 1998-99. Several significant characteristics stand out:

- Offenders age 20 to 29 comprised 39.7 percent of new prison commitments in FY 1998-99 versus 44.0 percent of the new commitment population in FY 1994-95. Despite this continuing decline, this age group has the highest incarceration rate of any age group — 331.6 prison commitments per 100,000 state residents. Historically, commitment rates have tended to peak in the 20- to 29-year-old age group and then decline rapidly among people in their 30s and 40s. Since FY 1996-97, commitment rates have continued to peak for 20- to 29-year olds. However, the commitment rate does not decrease dramatically until age 50 and above.
- Between FY 1994-95 and FY 1998-99, the overall commitment rate per 100,000 residents rose 13.6 percent, from 132.7 commitments per 100,000 residents to 150.8 commitments per 100,000 residents.

Table 6.2: New Commitments by Age

Age	FY 1994-95			FY 1996-97			FY 1998-99		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
15-19	244	6.3%	91.7	295	6.3%	103.3	274	5.7%	89.8
20-24	865	22.5%	317.6	958	20.5%	332.0	1055	21.8%	346.8
25-29	827	21.5%	317.9	917	19.6%	353.7	865	17.9%	314.7
30-34	746	19.4%	227.0	906	19.4%	288.8	833	17.2%	278.8
35-39	552	14.4%	157.9	733	15.7%	203.7	838	17.3%	231.9
40-49	458	11.9%	78.3	690	14.8%	107.7	764	15.8%	111.7
50-59	127	3.3%	37.8	144	3.1%	38.3	170	3.5%	39.3
60-69	25	0.7%	10.1	29	0.6%	11.4	30	0.6%	11.4
70+	2	0.1%	0.8	6	0.1%	2.2	4	0.1%	1.4
Total	3,846	100.0%	132.7	4,678	100.0%	163.7	4,833	100.0%	150.8

Graph 6.1: Prison Commitment Rate by Age
(Number of New Prison Incarcerations per 100,000 Residents)



Source: Department of Corrections.

Ethnicity: Minorities Have Higher Incarceration Rates for New Prison Commitments Than Anglos

The ethnicity profile of new prison commitments also differs significantly from the overall Colorado population, as shown in Table 6.3 and Graph 6.2. The primary characteristic that stands out is the higher new commitment incarceration rate of minorities than that of Anglos relative to the state's overall population. Still, the largest share of new commitments are Anglo. The following points summarize the main highlights of Table 6.3 and Graph 6.2:

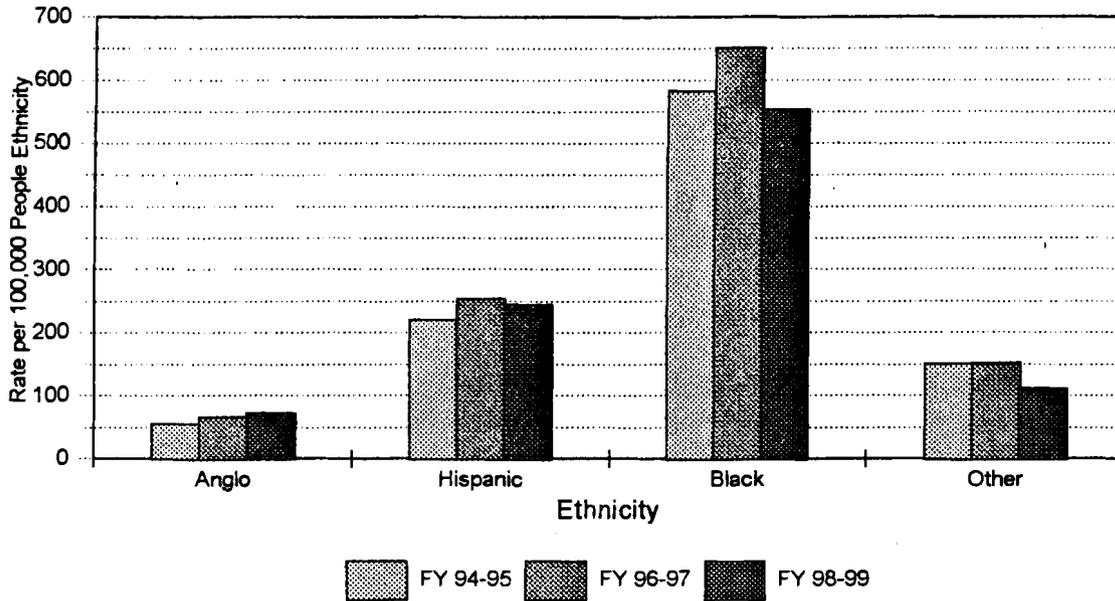
- Between FY 1994-95 and FY 1998-99, the number of new Anglo prison commitments rose 38.8 percent (from 1,640 to 2,277), the number of Black prison commitments rose 4.8 percent (from 920 to 964), and the number of Hispanic prison commitments rose 29.6 percent (from 1,113 to 1,442).
- The prison commitment rates (new commitments per 100,000 residents) of Colorado's three largest ethnic groups differed greatly. The commitment rate for Blacks (553.7 per 100,000 Black residents) in FY 1998-99 was eight times the rate for Anglos (72.3 per 100,000 Anglo residents). The commitment rate for Hispanics (244.0 per 100,000 Hispanic residents) in FY 1998-99 was four times the rate for Anglos.
- Between FY 1994-95 and FY 1998-99, the commitment rate per 100,000 state residents rose for Anglos. While the commitment rate per 100,000 has historically grown for minorities, the rate decreased from FY 1996-97 to 1998-99. For Hispanics, the commitment rate dropped from 253.4 to 244.0; for Blacks the rate dropped from 650.6 to 553.7 and for other minorities, the rate dropped from 151.1 to 111.2.

Table 6.3: New Commitments by Ethnicity

Ethnicity	FY 1994-95			FY 1996-97			FY 1998-99		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
Anglo	1,640	42.6%	55.6	2,036	43.5%	66.7	2,277	47.1%	72.3
Hispanic	1,113	28.9%	220.8	1,381	29.5%	253.4	1,442	29.8%	244.0
Black	920	23.9%	582.4	1,073	22.9%	650.6	964	19.9%	553.7
Other	173	4.5%	150.7	188	4.0%	151.1	150	3.1%	111.2
Total	3,846	100.0%	104.1	4,678	100.0%	121.4	4,833	100.0%	120.4

Source: Department of Corrections.

Graph 6.2: Prison Commitment Rate by Ethnicity
 (Number of New Prison Incarcerations per 100,000 Residents)



Source: Department of Corrections.

DEMOGRAPHIC CHARACTERISTICS OF THE PRISON INMATE POPULATION: GENDER, AGE, AND ETHNICITY

This section profiles Colorado’s inmate population and analyzes trends in the characteristics of the inmate population between FY 1994-95 and FY 1996-97. Where appropriate, this section draws comparisons between the demographic characteristics of new prison inmates and those of the total inmate population.

As of June 30, 1999, the DOC jurisdictional population was 14,585. Colorado prison inmates differ significantly in such demographic characteristics as gender, age, and ethnicity from the state’s overall population.

Gender: Most Colorado Inmates are Male

Table 6.4 examines the Colorado inmate population by gender between FY 1994-95 and FY 1998-99. Several characteristics of inmates and trends with respect to gender are as follows:

- At the end of FY 1998-99, 92.1 percent of Colorado’s prison inmates were male and 7.9 percent were female. The female percentage is up from the end of FY 1994-95 when it stood at 6.3 percent. Between FY 1994-95 and FY 1998-99, the female inmate population rose at an average annual rate of 17.0 percent (from 616 to 1,157), while the male inmate population rose at an average annual rate of 8.4 percent (from 9,184 to 13,428).
- Females comprise a smaller percentage of the inmate population than new commitments. In FY 1998-99, 7.9 percent of inmates were female, while 10.7 percent of new commitments were female. This disparity is due to women being committed to prison for somewhat different types of crimes, generally fewer violent crimes than men. These types of crimes for which females are convicted generally have shorter sentences and shorter lengths of stay in prison.

Table 6.4: Gender of the DOC Inmate Population and Colorado's Population

Gender	DOC Inmate Population FY 1994-95		Colorado Population FY 1994-95	DOC Inmate Population FY 1996-97		Colorado Population FY 1996-97	DOC Inmate Population FY 1998-99		Colorado Population FY 1998-99
	Number	Percent of Total	Percent of Total	Number	Percent of Total	Percent of Total	Number	Percent of Total	Percent of Total
Male	9,184	93.7%	49.6%	11,442	92.9%	49.6%	13,428	92.1%	49.7%
Female	616	6.3%	50.4%	875	7.1%	50.4%	1,157	7.9%	50.3%
Total	9,800	100.0%	100.0%	12,317	100.0%	100.0%	14,585	100.0%	100.0%

Source: Department of Corrections.

Age: The Average Age of Inmates is Increasing

Table 6.5 displays the average age of the inmate population. The primary characteristics of the inmate population with respect to age are as follows:

- At the end of FY 1998-99, the average age of male DOC inmates was 34 and the average age of female DOC inmates was 35 (Table 6.5). This represents an increase of three years for males and four years for females since the end of FY 1986-87. The main reason the average inmate age has increased is the result of inmates entering prison with longer sentences and staying in prison longer today than in the mid 1980s.
- The average age of the inmate population is greater than that of the new commitment population (34 years versus 31.8 years).

Table 6.5: Average Age of Inmate Population by Gender

Gender	FY 1986-87	FY 1988-89	FY 1990-91	FY 1992-93	FY 1994-95	FY 1996-97	FY 1998-99
Male	31	32	32	32	34	34	34
Female	31	33	33	33	34	34	35
Total	31	32	32	32	34	34	34

Source: Department of Corrections.

Ethnicity: Minorities Have Higher Incarceration Rates Among Inmates than Anglos

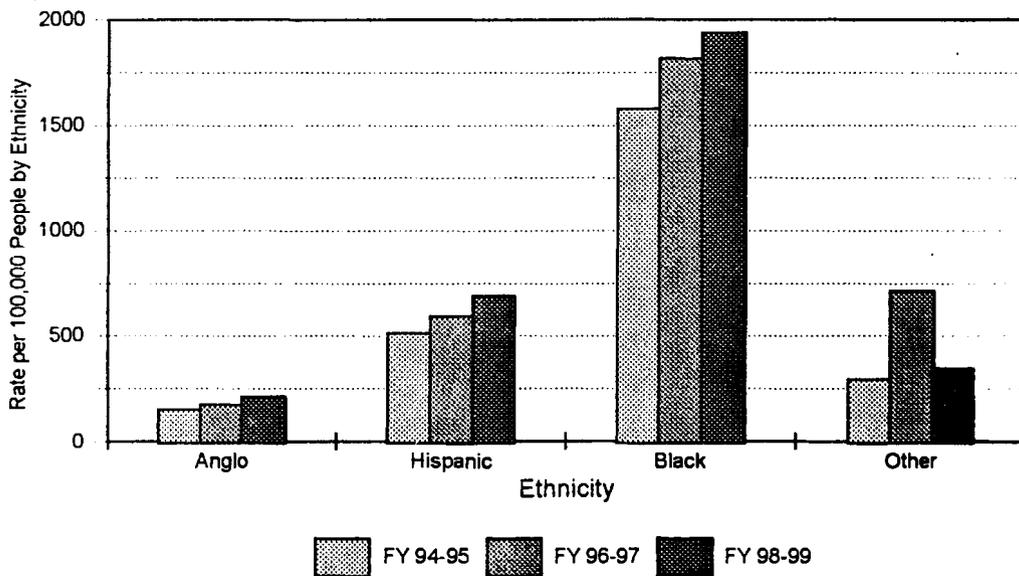
The profile of the prison inmate population also differs from that of the overall Colorado population in terms of ethnicity, as shown in Table 6.6 and Graph 6.3. As was the case with the ethnic distribution of new prison commitments, the most noticeable feature of the inmate ethnic profile is the higher incarceration rate of minorities relative to Anglos. Once again, although minorities have a higher incarceration rate relative to their share in the state's population than Anglos, Anglos comprise the largest share of the inmate population. The following points summarize the prominent data regarding inmate ethnicity:

- There was significant growth in the inmate population for all three ethnic groups, with Hispanic inmates registering the strongest growth. During this period between FY 1994-95 and FY 1998-99, the number of Anglo inmates rose 51.8 percent (from 4,400 to 6,680), the number of Black inmates rose 35.4 percent (from 2,489 to 3,369), and the number of Hispanic inmates rose 57.8 percent (from 2,578 to 4,069).
- The incarceration rates of Colorado's three largest ethnic groups differ greatly. The prison incarceration rate among Blacks (1,935.3 per 100,000 Black residents) at the end of FY 1998-99 was 9 times the rate among Anglos (212.1 per 100,000 Anglo residents). The incarceration rate among Hispanics (688.6 per 100,000 Hispanic residents) as of June 30, 1997, was more than three times the rate among Anglos.
- The prison incarceration rates per 100,000 residents by ethnicity shown in Graph 6.3 are approximately three times the new commitment rates per 100,000 residents shown in Graph 6.2 for all three ethnic groups. This reflects both the increase in admissions and the fact that average length of stay of prison inmates is longer than one year.

Table 6.6: Ethnicity of Inmate Population

Ethnicity	FY 1994-95			FY 1996-97			FY 1998-99		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
Anglo	4,400	44.9%	149.2	5,210	42.3%	170.8	6,680	45.8%	212.1
Hispanic	2,578	26.3%	511.5	3,227	26.2%	592.1	4,069	27.9%	688.6
Black	2,489	25.4%	1575.5	2,993	24.3%	1814.8	3,369	23.1%	1935.3
Other	333	3.4%	290.0	887	7.2%	713.1	467	3.2%	346.3
Total	9,800	100.0%	265.2	12,317	100.0%	319.8	14,585	100.0%	363.5

Graph 6.3: Prison Inmate Population: Incarceration Rate by Ethnicity (Number of Inmates per 100,000 Residents)



Source: Department of Corrections.

Chapter 7 — Crime and Criminal History Characteristics

This chapter analyzes the nature of and the changes in the types of crimes for which Colorado's prison inmate and new commitment populations were convicted over the last five years. Moreover, the chapter examines the differences in the types of crimes committed by gender. Finally, this chapter discusses the criminal history profiles of inmates sentenced to the DOC for non-violent offenses in 1995.

This chapter's highlights include the following:

- new commitments to the DOC grew at a 6.4 percent average annual rate between FY 1993-94 and FY 1998-99;
- between FY 1993-94 and FY 1998-99, the inmate population grew at a 9.6 percent average annual rate. The number of inmates incarcerated for non-violent offenses increased at a slightly faster rate than those incarcerated for violent offenses;
- while 45.5 percent of the male prison population was incarcerated for violent offenses, only 28.0 percent of the female prison population was incarcerated for violent offenses in FY 1998-99.

INMATE POPULATION AND NEW COMMITMENTS – OVERVIEW

This chapter compares the DOC's new commitment population with the DOC's inmate population. This distinction between new commitments and the inmate is an important one. The data on new commitments shows trends in the population being sentenced to the DOC while data on the inmate population reveals trends in the DOC's stock population.

New commitments grew at a 6.4 percent average annual rate from FY 1993-94 to FY 1998-99. The annual increase in admissions for non-violent offenses was 7.5 percent versus the 3.8 percent annual increase in admissions for violent crimes. The relatively stronger growth in non-violent admissions is because of the rapid increase in admissions for drug offenses. The *inmate population* in the DOC grew at a 9.6 percent average annual rate between FY 1993-94 and FY 1998-99.

There was a slightly larger increase in the growth rate of inmates in prison for non-violent offenses than for violent offenses (10.4 percent compared with 8.5 percent). Graph 7.1 shows that inmates in prison for non-violent crimes grew from 54 percent of the inmate population in FY 1993-94 to 56 percent of the population in FY 1998-99. However, new commitments for violent offenses decreased from 31 percent of the admissions in FY 1993-94 to 28 percent in FY 1998-99. The inmate population has more violent offenders than the new commitment population because violent offenders have longer lengths of stay and, therefore, skew the inmate population. In the past few years, the percent of new commitments for violent offenses has been increasing, a trend we expect to continue as more non-violent offenders are sentenced to probation, intensive supervision probation, and community corrections.

In terms of felony classification:

- class 4 felons accounted for the largest share of *new commitments* in FY 1998-99, 40.1 percent, followed by class 5 felony crimes, 26.2 percent (Graph 7.2). Felons convicted of class 4 crimes increased slightly, accounting for 37.7 percent of the *inmate population* in FY 1998-99, versus 35.7 percent in FY 1993-94 (Graph 7.3);
- class 3 felons decreased slightly as a proportion of the *inmate population* since FY 1993-94, accounting for 28.3 percent of inmates in FY 1998-99, compared with 29.4 percent in FY 1993-94. During this period, there was little change in the proportion of class 3 *new commitments*; and
- class 2 felons slightly decreased as a share of the *inmate population* from 7.6 percent of inmates in 1993-94 to 6.9 percent of inmates in 1998-99.

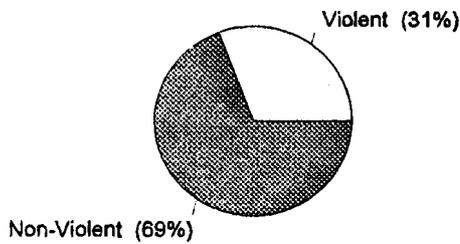
There were increases for class 1, 2, and 3 shares of the inmate population during the period FY 1986-87 through FY 1996-97, the result of the longer sentences instituted in 1985 filtering through the inmate population. These longer sentences had the largest effect on more serious

felonies. Further, in 1993, sentences were shortened for non-violent, non-drug crimes, thus accounting for the reduced proportions of class 5 and 6 felons in the inmate population. It should be noted that during this period examined some class 4 felony crimes were reclassified as class 5 felony crimes and some class 5 felony crimes were reclassified as class 6 felonies when the new class 6 felony was created in 1989. The effects of these changes have begun to taper off and the increases in the shares of class 1, 2, and 3 felons in the inmate population during the ten-year period from FY 1986-87 have given way to a leveling off of those felons in the inmate population during the five-year period from FY 1988-89.

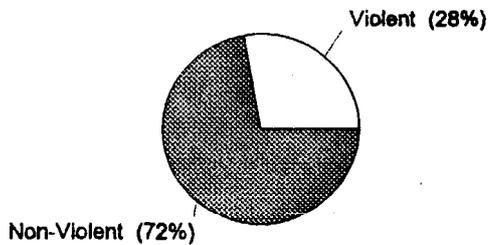
Graph 7.1

Percentage of New Offenders Committed: Violent vs. Non-Violent

FY 1993-94

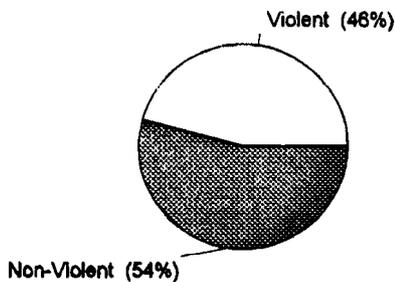


FY 1998-99

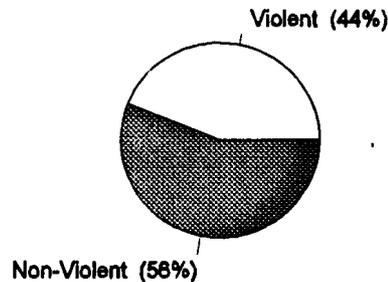


Percentage of Inmates: Violent vs. Non-Violent

FY 1993-94

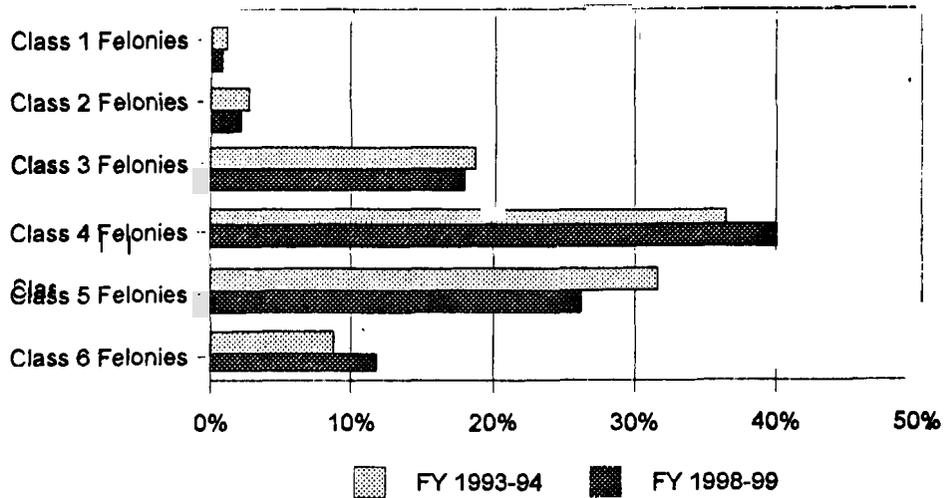


FY 1998-99



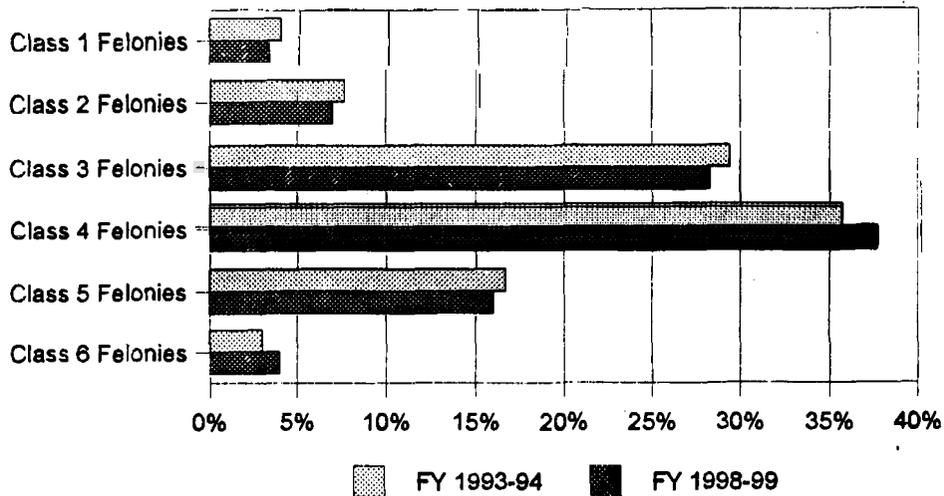
Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.2: New Commitment Felony Class Distribution
FY 1993-94 and FY 1998-99



Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.3: Inmate Population Felony Class Distribution
FY 1993-94 and FY 1998-99



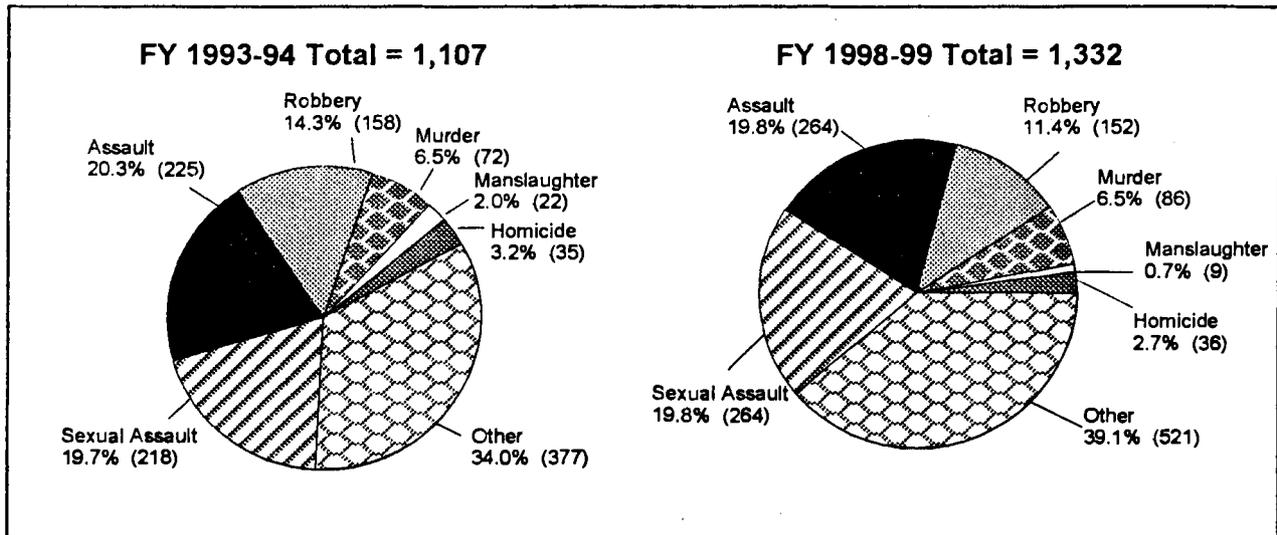
Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

NEW COMMITMENTS

This section discusses trends for both violent and non-violent new commitments. New commitments for violent offenses grew at a 4.9 percent average annual rate between FY 1993-94 and FY 1998-99, while new commitments for non-violent offenses grew at a 7.3 percent average annual rate.

New commitments for violent offenses. Graphs 7.4 and 7.5 illustrate the changes in the types of offenders committed to the DOC for violent offenses between FY 1993-94 and FY 1998-99. The overall number of new commitments for violent offenses grew 36.4 percent between FY 1993-94 and FY 1998-99. Among violent crimes, the number of commitments for sexual assault showed the greatest increase, growing at a 3.9 percent annualized pace. However, the percentage of violent offenders committed for sexual assault has remained stable. In FY 1998-99, assaults accounted for 19.8 percent of new commitments for violent offenses versus 19.7 percent in FY 1993-94. Meanwhile, prison commitments for manslaughter declined between FY 1993-94 and FY 1998-99, with manslaughter declining the most among violent crimes.

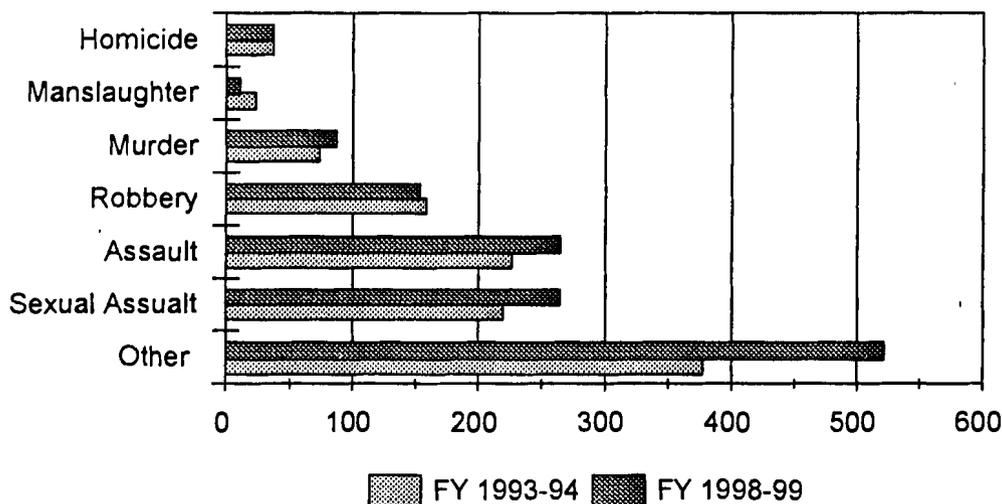
**Graph 7.4: Number of New Offenders Committed for Violent Offenses
FY 1993-94 and FY 1998-99**



Other = kidnapping, menacing, arson, weapons/explosives offense, child abuse, extortion, attempt, conspiracy, and accessory.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.5: Number of New Commitments for Violent Offenses
FY 1993-94 through FY 1998-99



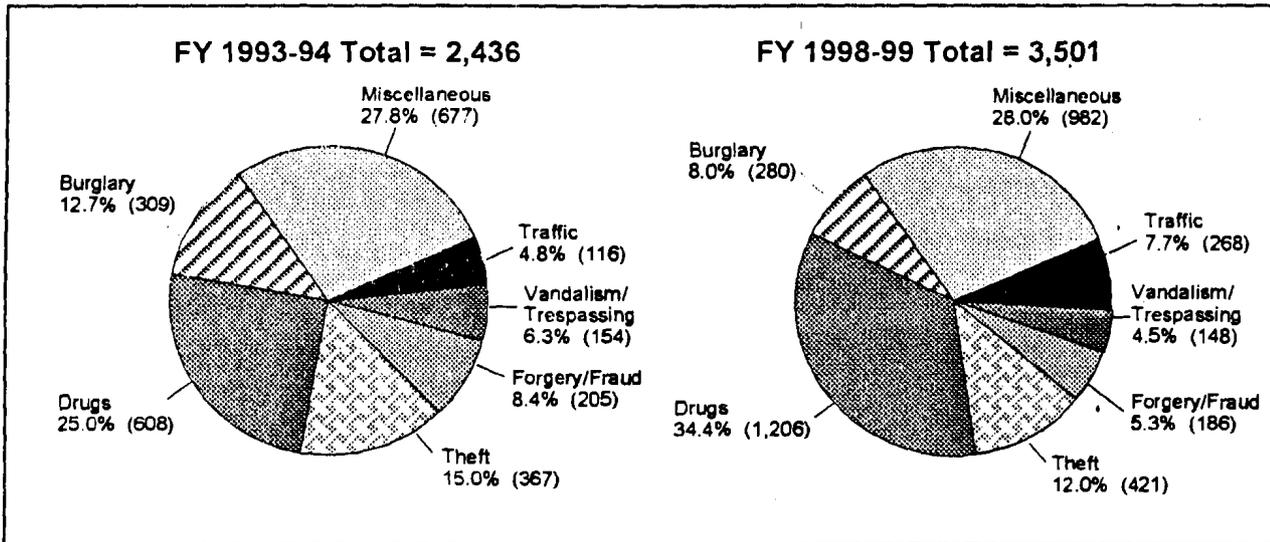
Other = Kidnapping, Menacing, Arson, Weapons/Explosives Offense, Child Abuse, Extortion, Attempt, Conspiracy, and Accessory.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

New commitments for non-violent offenses. Prison commitments for non-violent crimes rose 43.7 percent during the five-year period analyzed. This represents a 7.5 percent annual growth rate. Offenders sentenced to prison for non-violent crimes accounted for 72.4 percent of new commitments during FY 1998-99, but comprised a smaller share (24.0 percent) of the inmate population because of their relatively shorter sentences. Graphs 7.6 and 7.7 depict the types of non-violent crimes for which new felons were sentenced to prison between FY 1993-94 and FY 1998-99. Traffic offenses experienced the strongest growth in new, non-violent prison commitments between FY 1993-94 and 1998-99 growing at an 18.2 percent annualized pace. However, traffic offenses accounted for only 4.8 percent of new commitments for non-violent offenses in FY 1993-94 versus 7.7 percent in FY 1998-99. Most traffic offenders sentenced to prison are habitual traffic offenders and drunk drivers who have been convicted of driving after their drivers' licenses have been revoked. Following traffic offenses were drug offenses growing at a 14.7 percent annual rate. However, drug offenses now account for 34.4 percent of new, non-violent-crime commitments, compared with 25.0 percent in FY 1993-94. Drug offenders represent the largest segment of non-violent commitments to prison.

Graphs 7.4 through 7.7 illustrate several broad trends regarding the nature of crime in Colorado that are also discussed in Chapter 1. First, prison commitments for numerous non-drug crimes undertaken for material gain are declining somewhat (burglary, robbery, forgery, fraud, vandalism, and trespass). Prison commitments for drug crimes have grown very rapidly. It should be noted that, to some degree, the number of commitments to prison for particular crimes is influenced by society's stance toward those crimes, as well as by their prevalence. Increases in prison commitments for crimes as disparate as driving after the revocation of a license, sexual assault, and controlled substance abuse may be as reflective of an increased desire to "crack down" on such crimes as it is an increase in the number of such crimes taking place.

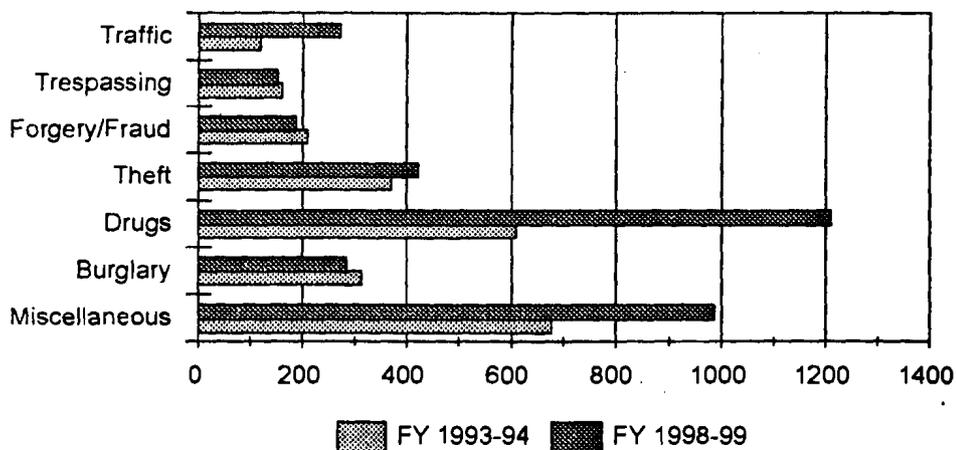
Graph 7.6: Number of New Offenders Committed for Non-Violent Offenses
FY 1993-94 and FY 1998-99



Miscellaneous = Escape, Contraband, Attempts, Conspiracies, Accessory to Crimes, Family Crimes, Criminal Mischief.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.7: Number of New Commitments for Non-Violent Offenses
FY 1993-94 and FY 1998-99



Miscellaneous = Escape, Contraband, Attempts, Conspiracies, Accessory to Crimes, Family Crimes, Criminal Mischief.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

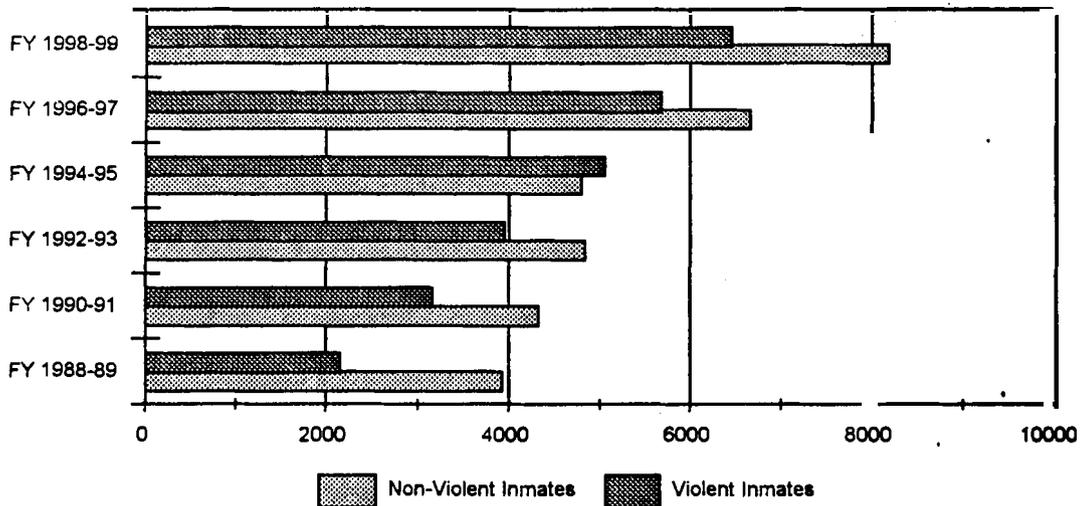
INMATE POPULATION

This section discusses trends in the types of offenders in Colorado’s inmate population. First, the population admitted for violent offenses is discussed, followed by an analysis of the population admitted for non-violent offenses.

Population of inmates imprisoned for violent crimes. The number of inmates in prison for violent offenses increased at an 8.5 percent average annual rate between June 30, 1994, and June 30, 1999 (Graph 7.8). This represents a much more rapid rate of increase than the advance in *new commitments* for violent offenses because of longer sentences imposed for violent offenses during the time period examined.

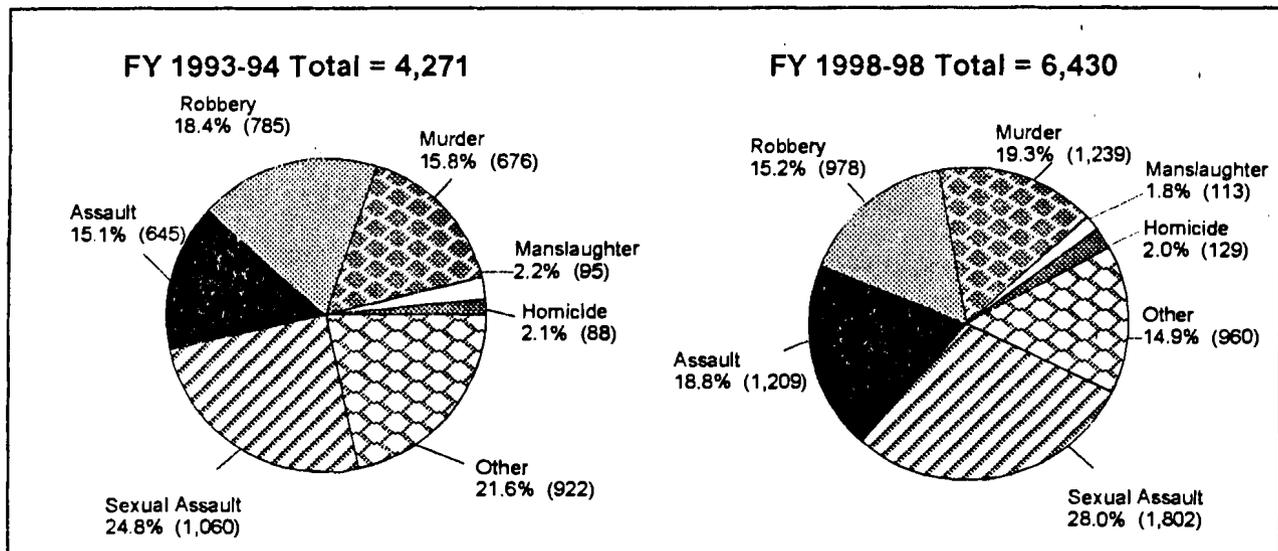
Graph 7.9 depicts the population imprisoned for violent offenses by type of crime. At the end of FY 1998-99, prisoners sentenced for sexual assault comprised 28.0 percent of population of inmates with violent offenses, followed by murder (19.3 percent) and assault (18.8 percent). Prisoners sentenced for robbery were next at 15.2 percent of the prison population. The number of inmates in prison for assault convictions grew more rapidly than any other violent crime type except murder, increasing at a 13.4 percent compound annual rate between June 30, 1994, and June 30, 1999. Murder increased at a 12.9 percent annualized pace during the same period.

Graph 7.8: Number of Inmates in Prison for Violent vs. Non-Violent Offenses



Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.9: Number of Inmates in Prison for Violent Offenses

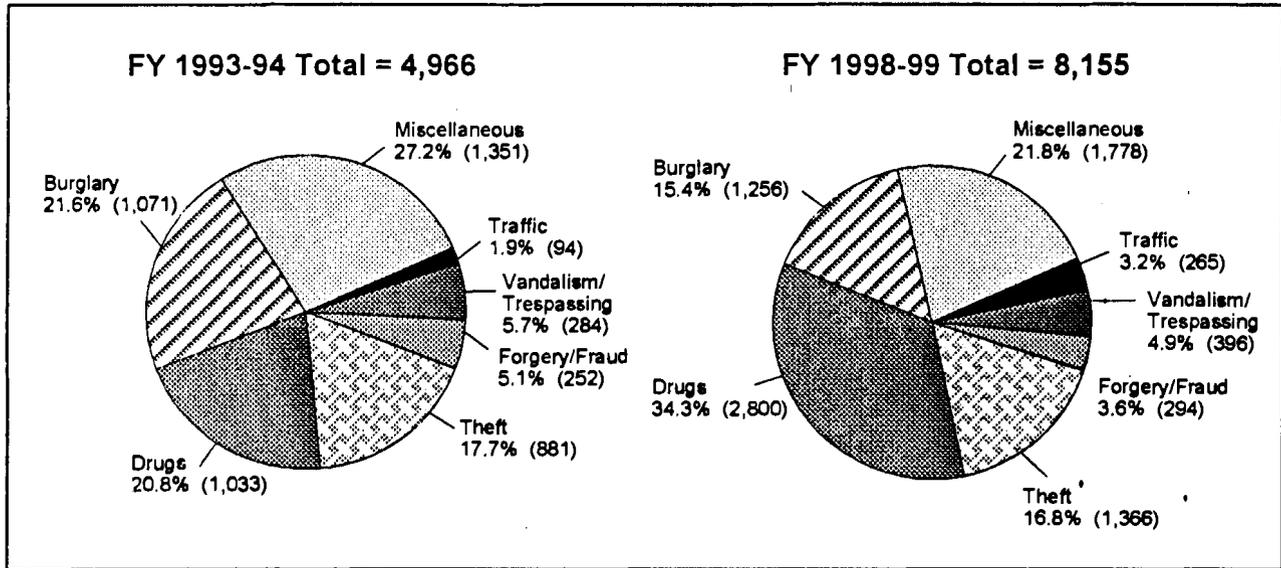


Other = Kidnapping, Menacing, Arson, Weapons/Explosives Offenses, Child Abuse, and Extortion.
 Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Population of inmates imprisoned for non-violent crimes. The number of inmates imprisoned for non-violent crimes increased at a 10.4 percent annualized pace between June 30, 1994, and June 30, 1999 (Graph 7.10). This rate of growth is somewhat faster than the growth in the number of new commitments for non-violent offenses. Again, the relatively stronger growth in the number of inmates in prison for non-violent offenses compared with the number of new commitments reflects longer sentences resulting from legislation adopted in 1985 that increased sentence lengths.

Among the non-violent crimes, inmates in prison for traffic and drug offenses showed the strongest growth during this period. Offenders convicted of traffic offenses (mostly habitual traffic offenders) only comprised 3.2 percent of the non-violent prison population but grew at a greater annualized pace, 23.0 percent, than any other category of non-violent inmate. Convicted drug offenders comprised more than any other category of non-violent prison inmates, 34.3 percent, as of June 30, 1999, and have registered a 22.0 percent annualized growth rate since June 30, 1994. Following drug offenses, the crimes for which the most inmates are in prison for non-violent offenses are burglary and theft. However, there is a wide range of crimes that are categorized as non-violent, many of which result in relatively few annual prison admissions. While such crimes individually do not account for a large part of the inmate population, inmates imprisoned for these miscellaneous crimes, including attempts and conspiracies to commit non-violent crimes, together make up 21.8 percent of the inmates in prison for non-violent offenses. Miscellaneous crimes also include family crimes, escape and contraband offenses, accessory to crime, and habitual offenders as well as other miscellaneous offenses.

Graph 7.10: Number of Inmates in Prison for Non-Violent Offenses



Miscellaneous = Attempt, Conspiracy, Accessory, Mischief, Court/Corrections Offenses, Family Crimes, Escape/Contraband, Habitual, and Other Miscellaneous Offenses.

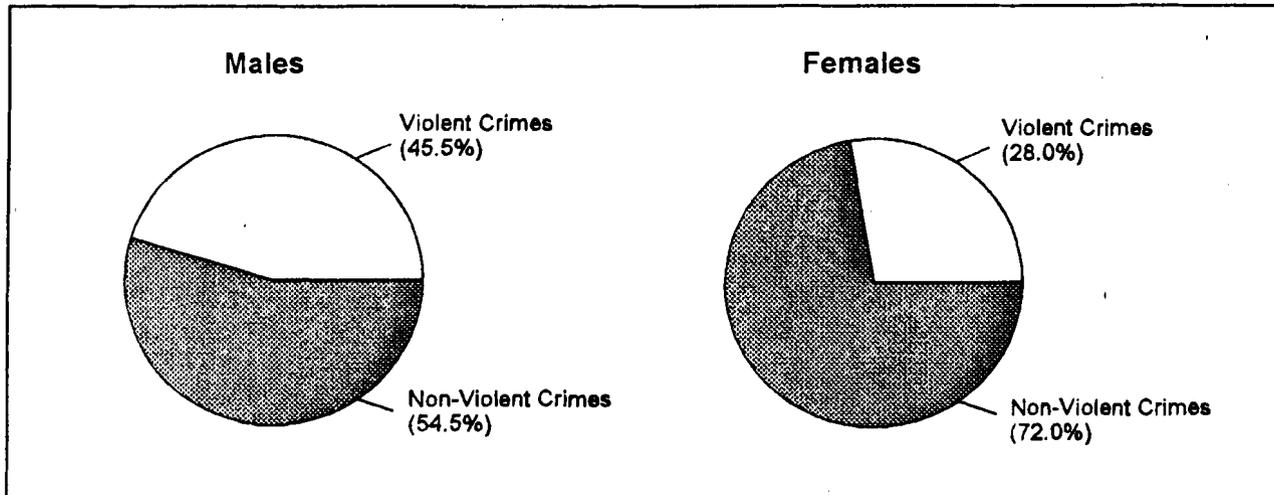
Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

CRIMES OF MALE AND FEMALE DOC INMATES

The types of crimes for which male and female offenders are sentenced to prison differ significantly. Table 7.1 and Graphs 7.12 and 7.13 compare the percentage of male and female inmates in prison for different types of offenses. Generally, males are convicted of more violent crimes than females. As shown in Graph 7.11, among the total DOC inmate population, nearly half (45.5 percent) of the male inmates were in prison for violent offenses, but just over one quarter (28.0 percent) of the female inmates were in prison for such crimes.

Several types of violent crimes for which there are many male inmates in prison are rare among the population of female inmates. Most prominent among these are sex-related offenses such as sexual assaults and incest. While 13.0 percent of male inmates are imprisoned for sex offenses, only 1.6 percent of female inmates are in prison for such crimes. Robbery and assault crimes together account for 15.5 percent of male inmates, but only 9.0 percent of female inmates.

Graph 7.11: DOC Inmates – Offenses by Gender
June 30, 1999



Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

More than half of female prison inmates (65.5 percent) have been imprisoned for four non-violent categories of offenses — controlled substance abuse offenses, escape and contraband offenses, theft, and forgery and fraud. These same four offenses comprise nearly half, 35.1 percent, of the male inmate population. The relatively higher proportion of women in prison for escape and contraband-related offenses reflects the fact that many female offenders are sentenced to community corrections programs for the crimes they commit. Many inmates who enter prison on escape offenses are offenders who have been sentenced to community corrections programs and have "escaped" by not returning to the program when required. In such cases, when the offender is located, the judge will often sentence the offender to prison for the escape-related offense.

The difference in the crime types of male and female inmates, however, is not merely a matter of violent/non-violent crimes. Male inmates greatly exceed female inmates as a percentage of their respective populations for one type of non-violent crime as well — burglary. In addition, males have a greater share of habitual offender convictions than females. Habitual offenders may be convicted of any offense, but are sentenced as habitual offenders for their criminal histories with repeated felony convictions.

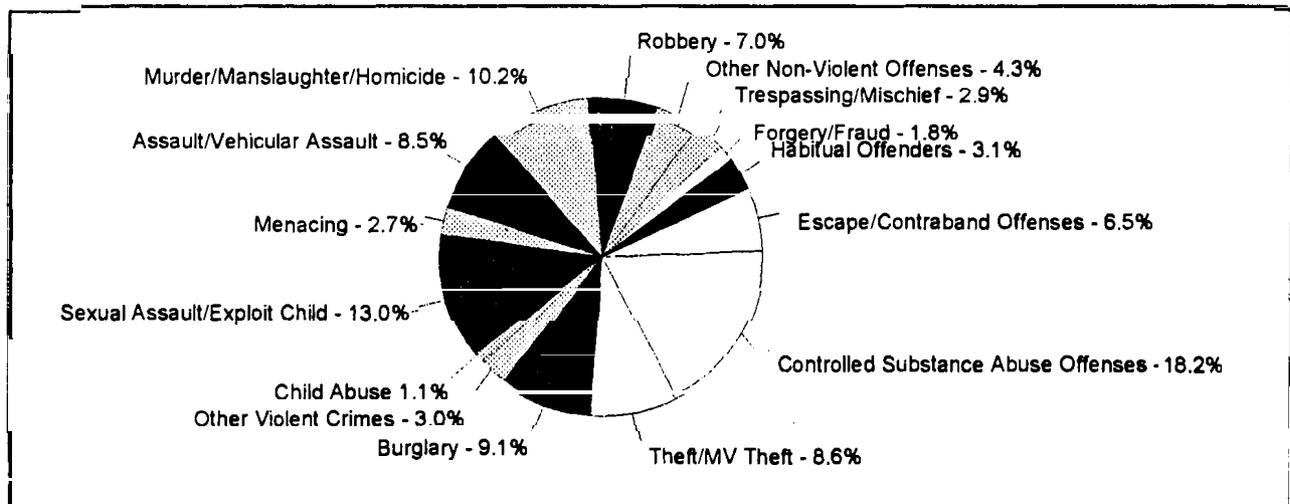
As noted in Chapter 6, female inmates accounted for 7.9 percent of the DOC population as of June 30, 1999. Thus, when considering the information presented in the graphs on the following pages, it should be kept in mind that the percentages shown are relative to the total prison population of each gender and, for every type of crime, there are far more males in prison than females. So, for crimes for which the female percentage shown is significantly greater than the male percentage, such as controlled substance abuse offenses and forgery and fraud, there are far more male inmates imprisoned for those crimes than females.

**Table 7.1: Inmate Population by Gender and Crime
June 30, 1999**

Most Serious Crime of Conviction	Male Inmates	Percent of Male Inmates	Female Inmates	Percent of Female Inmates
Robbery	936	7.0%	42	3.6%
Murder/Manslaughter/Homicide	1,365	10.2%	116	10.0%
Assault/Vehicular Assault	1,146	8.5%	63	5.4%
Menacing	368	2.7%	16	1.4%
Sexual Assault/Exploit Child	1,739	13.0%	18	1.6%
Child Abuse	154	1.1%	51	4.4%
Other Violent Crimes	398	3.0%	18	1.6%
Burglary	1,227	9.1%	29	2.5%
Theft/Motor Vehicle Theft	1,160	8.6%	206	17.8%
Controlled Substance Abuse Offenses	2,440	18.2%	360	31.1%
Escape/Contraband Offenses	878	6.5%	137	11.8%
Habitual Offenders	417	3.1%	8	0.7%
Forgery/Fraud	239	1.8%	55	4.8%
Trespassing/Mischief	386	2.9%	10	0.9%
Other Non-Violent Offenses	575	4.3%	28	2.4%
Total	13,428	100.0%	1,157	100.0%

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

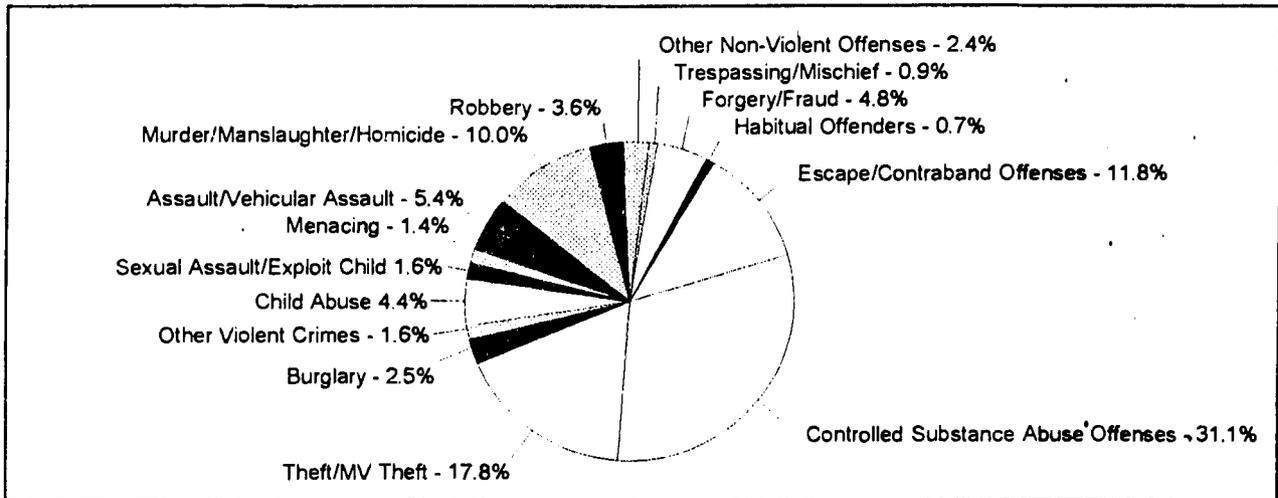
**Graph 7.12: Male DOC Inmates – by Crime of Conviction
June 30, 1999**



Note: Grey shading indicates similar proportions in the male and female inmate population for that crime, black represents a significantly greater proportion of males incarcerated for the crime, and white indicates a significantly larger proportion of females incarcerated for the crime.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Graph 7.13: Female DOC Inmates – by Crime of Conviction
June 30, 1999



Note: Grey shading indicates similar proportions in the male and female inmate population for that crime, black represents a significantly greater proportion of males incarcerated for the crime, and white indicates a significantly larger proportion of females incarcerated for the crime.

Source: Department of Corrections, *Statistical Report Fiscal Year 1999*.

Chapter 8 — Eligible Population / Facilities / Ten-Year Funding History

This chapter focuses on the DOC population, as well as operating and capital construction appropriations to the DOC. The DOC operates 22 separate facilities as well as the Colorado Correctional Alternatives Program (boot camp) and the Youthful Offender System (YOS). As of June 30, 1999, the DOC housed 11,910 inmates in state facilities; 2,452 state inmates in four private prisons in Colorado; 271 inmates in county jails; and 2,360 inmates in community corrections transitional placements and intensive supervision programs. This totals to a jurisdictional population of 14,947, up 9.4 percent from the previous year when the DOC jurisdictional population was 13,663. In addition, DOC has jurisdiction over 206 offenders at YOS and 306 offenders who make up the off-grounds and escapee population.

This chapter highlights the following:

- since FY 1988-89, new commitments to the DOC have increased by 69.9 percent, to reach an all-time high of 4,833 new commitments in FY 1998-99;
- the jurisdictional population of the DOC has increased by 89 percent in the last ten years, from 7,663 offenders in FY 1989-90 to 14,497 offenders in FY 1998-99 (this includes ISP, community supervision, and jail backlog).
- the operating budget of the DOC increases every year. From FY 1989-90 to FY 1998-99, the operating budget increased 218 percent, while the jurisdictional population of the DOC increased at a lower rate, 95 percent; and
- In FY 1998-99, the capital construction appropriation to the DOC reached an all-time high of \$148,830,438, which was 28.9 percent of all state capital construction appropriations.

INCARCERATED OFFENDERS

Eligible Population

The courts may only sentence those offenders to the DOC that have been convicted of a felony offense. Individuals convicted of misdemeanors may not be sentenced to the DOC. This chapter contains a profile of new commitments to the DOC as well as a profile of the DOC population.

Commitments. New commitments to the DOC have grown by 69.9 percent from FY 1989-90 to FY 1998-99, from 2,845 commitments in FY 1988-89 to 4,833 commitments in FY 1998-99. For each fiscal year since FY 1989-90, class 4 felons have constituted the largest proportion of offenders committed to the DOC, ranging from a low of 36.5 percent in FY 1993-94 to a high of 40.7 percent in FY 1996-97. Although the class 6 felony did not exist until FY 1989-90, the number of class 6 felony commitments has grown each successive year, beginning at just 1.1 percent of offenders committed to 11.8 percent of offenders committed in FY 1998-99. Likewise, although the number remains low, the proportion of offenders committed under the "big habitual" criminal statute (those offenders with sentences between 25-50 years) has continued to increase throughout the last nine years from 0.3 percent in FY 1989-90 to 1.0 percent in FY 1998-99. It is interesting to note that while the class 4 felons remain the most represented group of new commitments to the DOC, each of the other felony groups has remained relatively stable in its representation over the last ten years. Table 8.1 located on the following page provides an overview of new commitments to the DOC by felony class for FY 1988-89 through FY 1998-99.

Table 8.1: Total New Commitments to the DOC by Felony Class
FY 1989-90 through FY 1998-99

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony	Habitual Life	Habitual 25-50 Years	Other	Total	Percent Increase Over FY 1989-90
FY 1989-90	24	76	613	1,070	1,004	32	17	9	0	2,845	NA
% of Total	0.8%	2.7%	21.6%	37.6%	35.3%	1.1%	0.6%	0.3%	0.0%		
FY 1990-91	24	66	616	1,139	905	163	15	10	3	2,941	3.4%
% of Total	0.8%	2.2%	21.0%	38.7%	30.8%	5.5%	0.5%	0.3%	0.2%		
FY 1991-92	21	71	676	1,348	1,059	267	8	13	1	3,464	21.8%
% of Total	0.6%	2.0%	19.5%	38.9%	30.6%	7.7%	0.2%	0.4%	0.0%		
FY 1992-93	23	69	633	1,287	993	321	16	7	0	3,349	17.7%
% of Total	0.7%	2.1%	18.9%	38.4%	29.7%	9.6%	0.5%	0.2%	0.0%		
FY 1993-94	36	94	662	1,294	1,121	313	8	13	2	3,543	24.5%
% of Total	1.0%	2.7%	18.7%	36.5%	31.6%	8.8%	0.2%	0.4%	0.1%		
FY 1994-95	35	97	770	1,423	1,130	360	4	25	2	3,846	35.2%
% of Total	0.9%	2.5%	20.0%	37.0%	29.4%	9.4%	0.1%	0.7%	0.1%		
FY 1995-96	33	99	895	1,744	1,182	439	1	24	2	4,419	55.3%
% of Total	0.7%	2.2%	20.3%	39.5%	26.7%	9.9%	0.0%	0.5%	0.0%		
FY 1996-97	27	109	870	1,904	1,233	497	1	35	2	4,678	64.4%
% of Total	0.6%	2.3%	18.6%	40.7%	26.4%	10.6%	0.0%	0.7%	0.0%		
FY 1997-98	26	104	891	1,918	1,289	548	2	40	2	4,820	69.4%
% of Total	0.5%	2.2%	18.5%	39.8%	26.8%	11.4%	0.0%	0.8%	0.0%		
FY 1998-99	34	103	869	1,937	1,266	571	1	48	4	4,833	69.9%
% of Total	0.7%	2.1%	18.1%	40.1%	26.2%	11.8%	0.0%	1.0%	0.0%		

NA: Not Applicable.

Source: Department of Corrections, *Statistical Report*.

Average Length of Stay. Table 8.2 on the following page provides a ten-year history of average length of stay (ALOS) for offenders sentenced to the DOC. Further analysis of the ALOS is provided in Chapter 5. The information in Table 8.2 is disaggregated by felony class. The data indicate that offenders entering the system in FY 1988-89 are estimated to have the longest length of stay for all felony classes, while offenders entering the system in FY 1996-97 and FY 1997-98 are estimated to have the shortest length of stay across felony classes. The table also illustrates that the ALOS for class 5 felonies has decreased since the class 6 felony was established. The ALOS is based on data from the DOC.

**Table 8.2: Estimated ALOS of Incoming DOC Inmates by Felony Class
FY 1988-89 through FY 1998-99**

Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony**
FY 1988-89	40 years	22 years 2 months	6 years 8 months	3 years 6 months	2 years 1 month	NA
FY 1989-90	40 years	17 years 4 months	6 years 0 months	3 years 1 month	1 year 11 months	2 years 1 month
FY 1990-91	Life	15 years 10 months	5 years 6 months	2 years 9 months	1 year 10 months	1 year 4 months
FY 1991-92	Life	17 years 1 month	5 years 11 months	2 years 8 months	1 year 11 months	1 year 4 months
FY 1992-93	Life	18 years 1 month	5 years 0 months	2 years 9 months	1 year 10 months	1 year 2 months
FY 1993-94	Life	22 years 2 months	5 years 5 months	2 years 9 months	1 year 9 months	1 year 3 months
FY 1994-95 *	Life	21 years 2 months	5 years 7 months	2 years 8 months	1 year 9 months	1 year 0 months
FY 1995-96	Life	21 years 6 months	5 years 1 month	2 years 6 months	1 year 8 months	11.8 months
FY 1996-97	Life	17 years 8 months	4 years 8 months	2 years 5 months	1 year 3 months	11.9 months
FY 1997-98	Life	17 years 7 months	4 years 7 months	2 years 4 months	1 year 3 months	11.9 months
FY 1998-99	Life	20 years	4 years 2 months	2 years 5 months	1 year 3 months	10.7 months

* FY 1994-95 figures represent a nine-month period from July 1994 through March 1995.

** The class 6 felony was created in FY 1989-90.

NA: Not applicable.

Source: Legislative Council, *Staff Forecasts*.

Population Data

Table 8.3 provides a ten-year history of the DOC jurisdictional population, by facility. It also summarizes the placement of offenders. Prior to May 24, 2000, inmates were placed in facilities based on each inmate's classification level: administrative segregation, close, medium/mixed, restrictive-minimum, and minimum. After May 24, 2000, facility security levels were created in statute and now are defined as security levels I-V (see page 106 for an explanation of these security levels).

Table 8.3: History of DOC Jurisdictional Population — by Facility and Security Level*
 Reflects Fiscal Year-End Population (June 30)

FACILITY	FY 1989-90		FY 1990-91		FY 1991-92		FY 1992-93		FY 1993-94		FY 1994-95		FY 1995-96		FY 1996-97		FY 1997-98		FY 1998-99	
	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population								
CO State Penitentiary		NA		NA		NA		NA	AdSeg	489	AdSeg	498	AdSeg	501	AdSeg	504	AdSeg	752	AdSeg	744
Centennial Corr. Fac.	Max	322	Max	334	Max	302	Max	332	Close	332	Close	329	Close	331	Close	330	Close	231	Close	335
Shadow Min. Corr. Fac.	Close	383	Close	383		NA		NA		NA		NA		NA		NA		NA		NA
Sterling																				2,064
Limon Corr. Fac.		NA	Med	474	Med	921	Med	922	Med	943	Med	866	Med	947	Med	944	Med	938	Med	952
Arkan. Valley Corr. Fac.	Med	968	Med	978	Med	975	Med	980	Med	998	Med	920	Med	995	Med	1,002	Med	995	Med	890
Buena Vista Corr. Fac.	Med	815	Med	791	Med	788	Med	821	Med	704	Med	635	Med	733	Med	731	Med	741	Med	855
CO Territorial Corr. Fac.	Med	722	Med	617	Med	598	Med	603	Med	594	Med	605	Med	693	Med	688	Med	689	Med	752
Fremont Corr. Fac.	Med	676	Med	674	Med	1,034	Med	1,043	Med	1,073	Med	1,067	Med	1,168	Med	1,170	Med	1,160	Med	1,434
Buena Vista Minimum Ctr.	Min-Res	206	Min-Res	209	Min-Res	213	Min-Res	212	Min-Res	248	Min-Res	194	Min-Res	206	Min-Res	212	Min-Res	214	Min-Res	288
Arrowhead Corr. Ctr.	Min-Res	240	Min-Res	361	Min-Res	360	Min-Res	360	Min-Res	357	Min-Res	305	Min-Res	383	Min-Res	481	Min-Res	478	Min-Res	478
Four Mile Corr. Ctr.	Min-Res	287	Min-Res	300	Min-Res	300	Min-Res	300	Min-Res	300	Min-Res	272	Min-Res	300	Min-Res	300	Min-Res	585	Min-Res	477
Pre-Release Corr. Ctr.	Min-Res	144	Min-Res	156	Min-Res	163	Min-Res	164	Min-Res	164	Min-Res	130	Min-Res	156	Min-Res	164	Min-Res	164	Min-Res	84
Pueblo Minimum Ctr.		NA		NA		NA		NA	Min	56	Min	169	Min	202	Min	205	Min	236	Min	243
Skyline Corr. Ctr.	Min-Res	191	Min	198	Min	200	Min	200	Min	199	Min	193	Min	199	Min	200	Min	201	Min	209
CO Corr. Ctr.	Min	147	Min	145	Min	148	Min	149	Min	149	Min	144	Min	147	Min	150	Min	149	Min	141
Delta Corr. Ctr.	Min	156	Min	295	Min	299	Min	297	Min	296	Min	277	Min	297	Min	387	Min	474	Min	461
Rifle Corr. Ctr.	Min	150	Min	150	Min	148	Min	150	Min	150	Min	140	Min	150	Min	147	Min	192	Min	189
CO Corr. Altern. Prgm.		NA	Min	50	Min	88	Min	118	Min	88	Min	89	Min	88	Min	95	Min	103	Min	108
CO Women's Corr. Fac.	Mixed	285	Mixed	279	Mixed	295	Mixed	296	Mixed	282	Mixed	224	Mixed	239	Mixed	267	Mixed	287	Mixed	289
Columbine Ctr.	Min	30	Min	26		NA		NA		NA		NA		NA		NA		NA		NA
Denver Rec. Diag. Ctr.		NA	Mixed	344	Mixed	468	Mixed	506	Mixed	414	Mixed	381	Mixed	369	Mixed	394	Mixed	389	Mixed	466
Denver Women's	Mixed	NA	Mixed	NA	Mixed	NA	Mixed	NA	Mixed	NA	Mixed	231								
San Carlos Corr. Fac.		NA		NA	Mixed	239	Mixed	247	Mixed	247	Mixed	220								
TOTAL FACILITIES		5,722		6,764		7,300		7,453		7,836		7,438		8,343		8,618		9,225		11,910
Community		641		663		685		702		677		644		653		769		804		927
Intensive Supervision		70		81		52		89		164		178		206		268		366		1,433
Jail Backlog		636		173		385		427		749		658		573		568		168		271
Other /1		594		362		352		571		579		1,751		1,802		2,368		3,100		406
Total		7,663		8,043		8,774		9,242		10,005		10,669		11,577		12,590		13,663		14,947
FACILITY POPULATION CATEGORIZED BY SECURITY LEVEL																				
AD-SEG		NA		NA		NA		NA		489	6.24%	498	6.01%	501	5.85%	504	8.15%	752	7.83%	744
MAXIMUM	6.24%	322	5.63%	334	4.94%	302	4.14%	332	4.45%	NA	NA	NA								
CLOSE	7.10%	383	6.69%	383	5.66%	NA	NA	NA	NA	332	4.24%	329	3.97%	331	3.83%	330	2.50%	231	3.53%	335
MIXED	4.50%	285	4.98%	623	9.21%	763	10.45%	802	10.76%	696	8.88%	605	10.15%	847	10.54%	908	10.00%	923	12.70%	1,206
MEDIUM	59.63%	3,181	55.59%	3,534	52.25%	4,316	59.12%	4,369	58.62%	4,312	55.03%	4,093	54.37%	4,536	52.62%	4,535	49.03%	4,523	47.75%	4,536
R-MINIMUM	14.99%	1,068	18.66%	1,026	15.17%	1,036	14.19%	1,036	13.90%	1,069	13.64%	901	12.53%	1,045	13.43%	1,157	15.63%	1,441	13.97%	1,327
MINIMUM	7.55%	483	8.44%	864	12.77%	883	12.10%	914	12.26%	938	11.97%	1,012	12.97%	1,083	13.73%	1,184	14.69%	1,355	14.22%	1,351
		5,722		6,764		7,300		7,453		7,836		7,438		8,343		8,618		9,225		9,499

NA: Not applicable because Facility not open.

/1 Other includes off-grounds, escapes, in-state and out-of-state contracts.

Source: Department of Corrections, Statistical Report and Monthly Population Report, November 2000

*See Pages 105 and 106 for an explanation of inmate classification and security levels.

TEN-YEAR FUNDING HISTORY

General Fund Appropriations

General Fund appropriations for the Department of Corrections (DOC) grew substantially during the last ten years, from \$109.5 million in FY1989-90 to \$420.6 million in FY 2000-01. The eleven-year increase from FY 1988-89 to FY 2000-01 represents a General Fund appropriation growth rate of 284.1 percent. Accompanying the growth in General Fund appropriations was an increase of 6,834 inmates, from a jurisdictional population of 7,663 inmates on June 30, 1990, to 14,497 inmates on June 30, 1999. This represents an 89.2 percent increase. Most of the inmate growth is attributable to the changes in sentencing policies outlined in Chapters 3 and 5 of this report. Doubling the presumptive sentencing ranges, as was done in 1985, will not in itself dictate that *more* individuals will be sentenced to prison, it does result in *longer lengths* of stay in prison. The longer lengths of stay were a crucial contributing factor in the growth of incarcerated inmates. Table 8.4 and Graph 8.1 compare growth in the operating budget to the increase in the jurisdictional population.

Graph 8.1 shows that the growth in DOC General Fund appropriations far outpaced the growth in the DOC population. However, the appropriations have not been adjusted for inflation. Graph 8.2 adjusts the ten-year appropriations for inflation. The adjusted figures reflect that the appropriations still grew at a faster rate than the population, but not significantly faster. While from FY 1989-90 to FY 1998-99, the prison population increased by 95.1 percent, the inflation-adjusted appropriations grew by 128.7 percent.

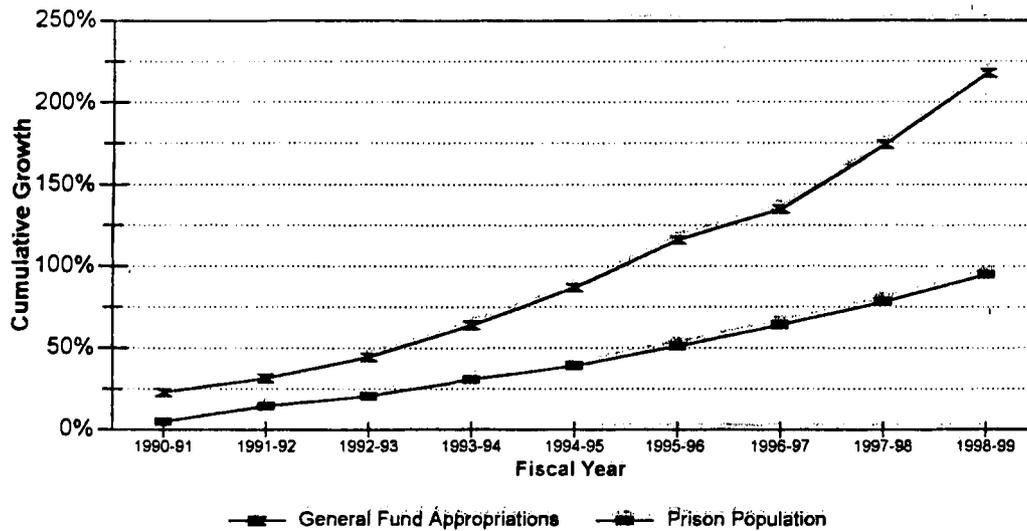
Table 8.4: Increase in DOC General Fund Appropriations and Jurisdictional Population

Fiscal Year	Total DOC General Fund Appropriations	Percent Increase Over FY 1989-90	Inflation-Adj. DOC General Fund Approps. (FY 1989-90 \$)	Percent Increase Over FY 1989-90	DOC Jurisdictional Population (June 30)	Percent Increase Over FY 1989-90
FY 1989-90	\$109,500,596	NA	\$109,500,596	NA	7,663	NA
FY 1990-91	134,633,663	23.0%	130,712,294	19.4%	8,043	5.0%
FY 1991-92	144,008,556	31.5%	133,341,256	21.8%	8,774	14.5%
FY 1992-93	158,154,997	44.4%	142,481,979	30.1%	9,242	20.6%
FY 1993-94	179,764,849	64.2%	154,969,697	41.5%	10,005	30.6%
FY 1994-95	204,513,046	86.8%	169,019,046	54.4%	10,669	39.2%
FY 1995-96	236,368,478	115.9%	187,594,030	71.3%	11,577	51.1%
FY 1996-97	257,026,652	134.7%	196,203,551	79.2%	12,590	64.3%
FY 1997-98	300,457,509	174.4%	220,924,639	101.8%	13,663	78.3%
FY 1998-99	348,696,894	218.4%	250,411,803	128.7%	14,947	95.1%
FY 1999-00	383,273,482	250.0%	268,023,414	144.8%	unknown	NA
FY 2000-01	420,594,003	284.1%	unknown	NA	unknown	NA

NA: Not Applicable

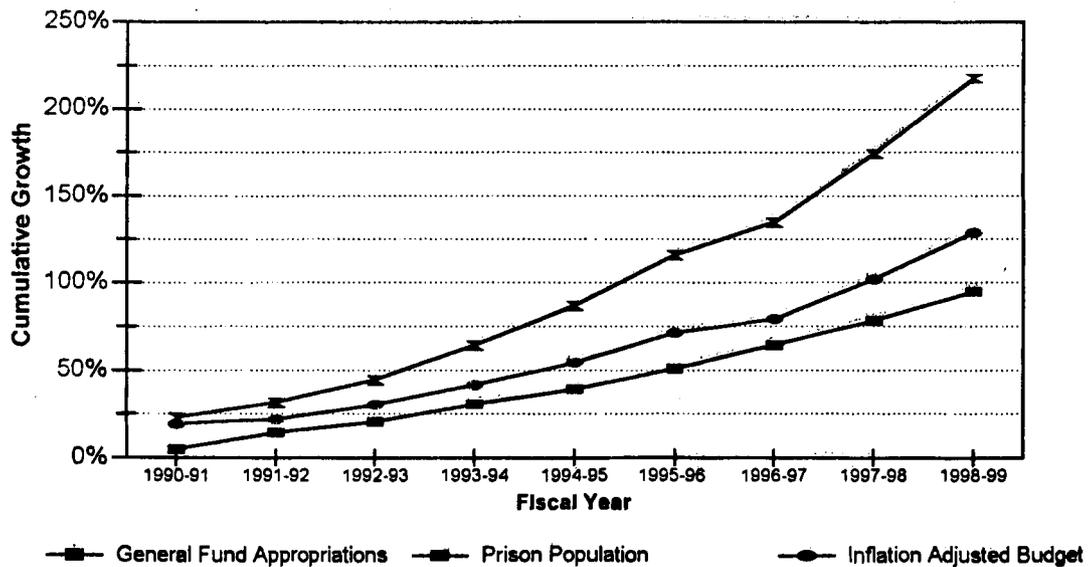
Source: Joint Budget Committee; *Annual Appropriations Report*

Graph 8.1: DOC General Fund Appropriations vs. Population Cumulative Percentage Increase



Source: Department of Corrections.

Graph 8.2: General Fund Appropriations vs. DOC Population Adjusted for Inflation



Source: Department of Corrections.

FACILITY OPERATING COSTS

The purpose of this section is to provide an overview of average bed capacity and expenditures per facility for the DOC for FY 1998-99. It should be noted that each of the facilities is operated at a particular security level. Generally, the higher the security level, the more costly it is to house the offender.

Prior to May 24, 2000, inmates were placed in facilities based on each inmate's assessed classification level: administrative segregation, close, medium, restrictive-minimum, minimum, and reception/diagnostic. After May 24, 2000, each facility was listed in statute with newly defined security levels. DOC currently places inmates based on their assessed classification level (i.e. close or medium) and places them in the appropriate facility based on the facility's security level (levels I through V). A brief description of the type of inmate classification levels and the facility security levels are as follows:

Inmate Classification Levels

Administrative Segregation	Facilities are considered maximum security and are designed for inmates who have behaviorally demonstrated that they cannot function appropriately in a less secure, general population setting. Administrative segregation deals with the extremely difficult to manage population in a secure environment.
Close	These are offenders that are convicted of serious violent crimes and that: require close supervision; exhibit a high degree of institutional adjustment problems; are a high escape risk; and/or need close supervision based on their parole eligibility date.
Medium	These are offenders that are convicted of violent and non-violent offenses and: need a moderate level of supervision; exhibit moderate institutional adjustment problems; are a low to moderate escape risk; and/or have high medical or mental health needs.
Restrictive-Minimum	In order to be initially assigned to this level, offenders must be non-violent; meanwhile, these offenders must: exhibit very low to no institutional adjustment problems; be a low escape risk; have a parole eligibility date of less than five years; and have low to moderate medical and mental health needs.
Minimum	These offenders must: be non-violent; exhibit no institutional adjustment problems; not be an escape risk; have a parole eligibility date of less than three years; and have minimal or no medical or mental health needs.
Reception/Diagnostic	All offenders are admitted to the DOC through the Denver Reception and Diagnostic Center. It is a secure setting as it handles all custody level of inmates.

Facility Security Levels

- Level V** Level V facilities are considered the highest security level and are capable of incarcerating all classification levels. Level V facilities have double perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities generally use towers or stun-lethal fencing. The perimeter of level V facilities is continuously patrolled.
- Level IV** Level IV facilities typically have towers, a wall or double perimeter fencing with razor wire, and detection devices. The perimeter of level IV facilities is continuously patrolled. Close classified inmates and inmates of lower classification levels can be incarcerated in level IV facilities, but generally inmates of higher classifications are not incarcerated in level IV facilities on a long-term basis.
- Level III** Level III facilities typically have towers, a wall or double perimeter fencing with razor wire, and detection devices. The perimeter of level III facilities is continuously patrolled. Appropriately designated close classified inmates, medium classified inmates and inmates of lower classification levels may be incarcerated in level III facilities, but generally inmates of higher classifications are not incarcerated in level III facilities.
- Level II** Level II facilities have designated boundaries with single or double perimeter fencing. The perimeter of level II facilities is patrolled periodically. Inmates classified as minimum restrictive and minimum can be incarcerated in level II facilities, but generally inmates of higher classifications must not be incarcerated in level II facilities.
- Level I** Level I facilities have designated boundaries, but do not need to have perimeter fencing. Inmates classified as minimum can be incarcerated in level I facilities, but generally inmates of higher classifications are not incarcerated in level I facilities.

Facilities. Table 8.5 lists the state's adult correctional facilities, the year the facility opened, custody levels, current capacities, and planned expansions. On June 2000, the state had a capacity of 13,114 beds. On of June 30, 2000, the state facilities were operating at 96 percent of capacity. However, there were also 1,690 inmates in private facilities and a jail backlog of 363.

**Table 8.5: Chronology of Department of Corrections Facilities
Current and Projected Capacity
Facility Expansion as of June 30, 2000**

Facility	Year Opened	Custody Level	Capacity/ Expansion
Colorado Territorial Correctional Facility	1871	Level III	770
Buena Vista Correctional Complex	1892	Level III	1,159
Fremont Correctional Facility	1962	Level III	1,449
Delta Correctional Center	1964	Level I	484
Skyline Correctional Center	1964	Level I	205
Colorado Women's Correctional Facility	1968	Level IV	294
Colorado Correctional Center	1969	Level I	150
Rifle Correctional Center	1979	Level I	192
Four Mile Correctional Center	1981	Level II	484
Pre-Release Correctional Center	1983	Level II	164
Centennial Correctional Facility	1980	Level IV	336
Arkansas Valley Correctional Facility	1987	Level III	891
Arrowhead Correctional Center	1990	Level II	480
Colorado Correctional Alternative Program	1991	Level I	100
Limon Correctional Facility	1991	Level IV	953
Denver Reception and Diagnostic Center	1991	Level V	480
Colorado State Penitentiary	1993	Level V	756
Pueblo Minimum Center	1994	Level II	256
Youthful Offender System	1994	Level V	480
San Carlos Correctional Facility	1995	Level V	250
Denver Women's Correctional Facility	1998	Level V	464
Sterling Correctional Facility	1998	Level V	2,317
Current Total FY 1999-00			13,114
New Facilities / Planned Facility Expansion			
Sterling Correctional Facility	September 2000	Level V	128
Denver Women's Correctional Facility Phase III	May 2001	Level V	436
Decommission Pre-Release	July 2001	Level II	(164)
Ft. Lyon	September 2001	Unknown	200
Trinidad	April 2002	Level II	480
Ft. Lyon	May 2002	Unknown	300
Denver Reception and Diagnostic Center	December 2002	Level V	100
San Carlos Correctional Facility	July 2003	Level V	250
Arkansas Valley High Custody Beds	July 2003	Level III	384
Colorado Women's Remodel Complete	December 2003	Level IV	224
Canon City High Custody Beds	July 2004	Unknown	384
Pueblo High Custody Beds	July 2005	Unknown	384
TOTAL PLANNED EXPANSION			3,106
PROJECTED CAPACITY BY JULY 2006			16,220

NOTE: Above totals do not include community transition placements or private beds.

Source: Department of Corrections, *Corrections 2000: Transitional Growth Plan*;
Department of Corrections, *Monthly Population Report*.

In addition to the above state-run facilities, the DOC has contracted with the following private facilities: Bent County Detention Facility for 700 beds, Huerfano County Correctional Facility for 752 beds, Crowley County Correctional Facility for 500 beds, and Kit Carson Correctional Facility for 500 beds. The private facilities are built to level III security which would allow the incarceration of inmates up to a close classification level. However, DOC has made an agreement with the Joint Budget Committee and the Capital Development Committee to only hold medium classified inmates and below in private facilities.

Table 8.6 lists each of the facilities operated by the DOC during FY 1998-99 and the total expenditures. The information is categorized by facility security levels and provides the following: average bed capacity; percent of DOC capacity; total FY 1998-99 facility expenditures; average daily cost per offender per facility; and average annual cost per offender per facility.

Table 8.6: Department of Corrections Average Annual Offender Operating Costs

	Operational Capacity June 30, 1999	Percent of Total DOC Capacity	FY 1998-99 Average Daily Cost Per Offender Per Facility	FY 1998-99 Annual Cost Per Offender Per Facility
LEVEL V				
Colorado State Penitentiary	756	7.7%	\$88.72	\$32,384
Denver Reception Diagnostic Center	480	4.9%	\$113.23	\$41,329
San Carlos Correctional Facility	250	2.5%	\$149.15	\$54,439
Sterling Correctional Facility*	NA	0.0%	\$0.00	\$0
Denver Women's Correctional Facility	248	2.5%	\$88.67	\$32,363
Subtotal	1,734	17.7%	\$104.21	\$36,685
LEVEL IV				
Centennial Correctional Facility	336	3.4%	\$96.45	\$35,204
Limon Correctional Facility	953	9.7%	\$62.24	\$22,716
Colorado Women's Correctional Facility	274	2.8%	\$73.65	\$26,882
Subtotal	1,563	15.9%	\$71.59	\$26,131
LEVEL III				
Arkansas Valley Correctional Facility	1,007	10.3%	\$31.70	\$22,521
Buena Vista Correctional Facility**	1,114	11.3%	\$62.33	\$22,750
Colorado Territorial Correctional Facility	695	7.1%	\$78.14	\$28,520
Fremont Correctional Facility	1,225	12.5%	\$62.24	\$22,718
Subtotal	4,041	41.1%	\$57.39	\$23,676
LEVEL II				
Arrowhead Correctional Facility	480	4.9%	\$54.42	\$23,877
Four Mile Correctional Center	484	4.9%	\$50.06	\$18,271
Pre-Release Correctional Center	164	1.7%	\$52.10	\$19,015
Pueblo Minimum Center	226	2.3%	\$61.80	\$22,558
Subtotal	1,354	13.8%	\$57.71	\$21,064
LEVEL I				
Skyline Correctional Center	205	2.1%	\$57.76	\$21,084
Colorado Corr. Alternative Prog. (Boot Camp)	100	1.0%	\$60.58	\$23,700
Colorado Correctional Center	150	1.5%	\$50.82	\$18,549
Delta Correctional Center	484	4.9%	\$57.55	\$21,004
Rifle Correctional Center	192	2.0%	\$57.62	\$21,030
Subtotal	1,131	11.5%	\$56.98	\$20,936
TOTALS	9,823	100.0%	\$67.01	\$26,026

NA: Not Applicable.

Source: Department of Corrections Annual Statistical Report

* Sterling Correctional Facility was not occupied for all of FY 1998-99.

CAPITAL CONSTRUCTION COSTS

A significant proportion of the state's capital construction resources have been dedicated to the DOC over the last twelve years. Capital construction appropriations to the DOC from FY 1988-89 to FY 2000-01 have accounted for 28.3 percent of total state appropriations for capital construction. Table 8.7 and Graph 8.3 summarize the DOC capital construction appropriations and provide a comparison to the state appropriations totals. Over these twelve years, the state has spent over \$770 million on DOC capital construction.

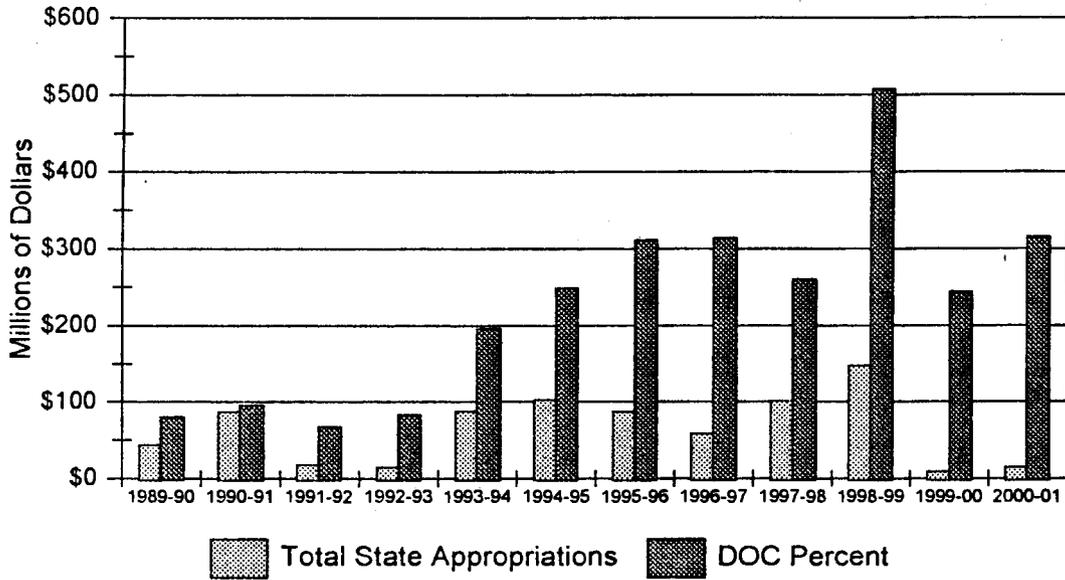
Table 8.7: Capital Construction Appropriations History

Fiscal Year	DOC Controlled Maintenance	DOC Capital Construction ¹	DOC Total	Total State Capital Construction Appropriations	DOC Percent of Total
FY 1989-90	\$922,490	\$42,716,050	\$43,638,540	\$80,790,571	54.0%
FY 1990-91	500,000	86,081,218	86,581,218	95,413,200	90.7%
FY 1991-92	33,000	17,544,710	17,577,710	67,033,877	26.2%
FY 1992-93	707,500	14,265,323	14,972,823	83,508,560	17.9%
FY 1993-94	1,342,340	86,166,596	87,508,936	195,471,209	44.8%
FY 1994-95	803,140	101,840,563	102,643,703	248,345,711	41.3%
FY 1995-96	1,437,276	85,580,416	87,017,692	311,151,157	28.0%
FY 1996-97	1,517,217	57,337,215	58,854,432	313,861,227	18.8%
FY 1997-98	1,610,483	99,538,359	101,148,842	259,879,161	38.9%
FY 1998-99	3,432,540	144,081,263	147,513,803	507,579,550	29.1%
FY 1999-00	5,382,191	3,534,914	8,917,105	243,313,196	3.7%
FY 2000-01	4,029,332	10,489,377	14,518,709	315,443,468	4.6%
Total	\$21,717,509	\$749,176,004	\$770,893,513	\$2,721,790,887	28.3%

1. Includes moneys from the Corrections Expansion Reserve Fund.

Source: Legislative Council Staff.

Graph 8.3: Capital Construction Funding History
DOC vs. Total State Capital Construction Appropriations



Source: Legislative Council Staff.

Chapter 9 — Prison Population Projections

This chapter presents the Legislative Council Staff's December 2000 Department of Corrections (DOC) population forecast. Following are highlights from this chapter:

- the total Department of Corrections (DOC) population is projected to increase 49.8 percent — from 15,999 inmates on June 30, 2000, to 23,966 inmates on June 30, 2006. This corresponds to an average annual growth rate of 7.0 percent. Over this time frame, the male population will increase from 14,733 to 22,098 inmates, a 50.0 percent increase and an average growth rate of 7.0 percent per year. The female population will increase from 1,266 inmates to 1,868 inmates, a 47.6 percent increase and an average growth rate of 6.7 percent per year; and
- by June 30, 2006, the projected shortfall in beds for male inmates is 1,288 beds, while there is a projected surplus for female inmates of 214 beds. These figures incorporate facilities from the DOC Bed Implementation Plan as of September 2000. Several projects have been planned but have not yet been funded or approved by the General Assembly.

ADULT PRISON PROJECTION OVERVIEW

The following sections discuss legislative impacts on the prison population and provide a summary of the projected prison population.

Legislative impact upon the prison population. Table 9.1 illustrates the historical and projected prison population and growth. The strong growth between FY 1984-85 and FY 1989-90 was due to H.B. 85-1320, which doubled the maximum of the presumptive sentencing range for all felony classes. This effectively expanded the sentence length of stay for new commitments, from an average of 20 months to almost 60 months. Of all legislation passed by the General Assembly, H.B. 85-1320 had the most significant impact upon the prison population.

In the next few years, modifications made to the criminal code by the General Assembly mitigated the effects of H.B. 85-1320. Senate Bill 88-148 lowered the sentencing range for violent crimes and S.B. 89-246 created a new class 6 felony with a presumptive sentencing range of one to two years in prison. As a result, S.B. 89-246 changed several class 5 crimes to class 6 crimes and some class 4 felonies to class 5 felonies.

The most dramatic legislation curbing prison population growth was H.B. 90-1327. This bill reduced length of stay with two changes. First, it provided for parole eligibility for those inmates convicted of certain nonviolent crimes who served at least 50 percent of their sentence (those convicted of certain violent crimes could be paroled after serving at least 75 percent of their sentence). House Bill 90-1327 also doubled the amount of earned time inmates could accrue while serving their sentence (from five days to ten days per month), reducing their governing sentence (by up to 25 percent of the sentence) as well as the time to their earliest parole eligibility. After the passage of this bill, the prison population growth decreased significantly, averaging 6.4 percent in the next three fiscal years (FY 1990-91 to FY 1992-93).

In the 1993 legislative session, the General Assembly passed H.B. 93-1302, restructuring the criminal penalty presumptive ranges to shorten the maximum sentence, except for certain crimes that present "an extraordinary risk of harm to society." House Bill 93-1302 also provided for a mandatory period of parole for all inmates sentenced after July 1, 1993.

Prison forecast and recent trends. Between FY 1999-00 and FY 2005-06, the prison population will increase by an annual average rate of 7.0 percent, a slower rate relative to the previous six-year period. Prison population growth is expected to slow because admissions are expected to increase less than had been previously projected. Overall admissions (including supervision returns) grew an estimated 2.9 percent in FY 1999-00, compared with 6.6 percent growth in FY 1998-99 and 7.4 percent growth in FY 1997-98. However, recent estimates reveal that releases (including releases to parole and sentence discharges) also decreased in FY 1999-00, meaning more inmates remained incarcerated. Releases from prison increased an estimated 0.2 percent in FY 1999-00, compared with 8.5 percent growth in FY 1998-99 and 7.9 percent growth in FY 1997-98.

Table 9.1
Historical and Forecasted DOC Population at Fiscal Year End

Fiscal Year	Male Population	Percentage Change	Female Population	Percentage Change	DOC Population	Percentage Change
FY 1984-85	NA		NA		3,637	
FY 1985-86	NA		NA		4,088	12.4%
FY 1986-87	NA		NA		4,746	16.1%
FY 1987-88	NA		NA		5,756	21.3%
FY 1988-89	6,579		392		6,971	21.1%
FY 1989-90	7,215	9.7%	451	15.1%	7,666	10.0%
FY 1990-91	7,598	5.3%	445	-1.3%	8,043	4.9%
FY 1991-92	8,269	8.8%	505	13.5%	8,774	9.1%
FY 1992-93	8,712	5.4%	530	5.0%	9,242	5.3%
FY 1993-94	9,382	7.7%	623	17.5%	10,005	8.3%
FY 1994-95	10,000	6.6%	669	7.4%	10,669	6.6%
FY 1995-96	10,808	8.1%	769	14.9%	11,577	8.5%
FY 1996-97	11,681	8.1%	909	18.2%	12,590	8.8%
FY 1997-98	12,647	8.3%	1,016	11.8%	13,663	8.5%
FY 1998-99	13,547	7.1%	1,179	16.0%	14,726	7.8%
FY 1999-00	14,733	8.8%	1,266	7.4%	15,999	8.6%
6 year average growth rate (FY 1993-94 to FY 1999-00)		7.8%		12.5%		8.1%
FORECAST						
FY 2000-01	15,775	7.1%	1,350	6.6%	17,125	7.0%
FY 2001-02	16,915	7.2%	1,432	6.1%	18,347	7.1%
FY 2002-03	18,121	7.1%	1,543	7.8%	19,664	7.2%
FY 2003-04	19,388	7.0%	1,661	7.6%	21,049	7.0%
FY 2004-05	20,709	6.8%	1,763	6.1%	22,472	6.8%
FY 2005-06	22,098	6.7%	1,868	6.0%	23,966	6.6%
6 year average growth rate (FY 1999-00 to FY 2005-06)		7.0%		6.7%		7.0%

Source: Department of Corrections and Legislative Council Staff

**PROJECTIONS BY GENDER AND ADMISSION TYPE
 AND THE PROJECTED BED SHORTFALL**

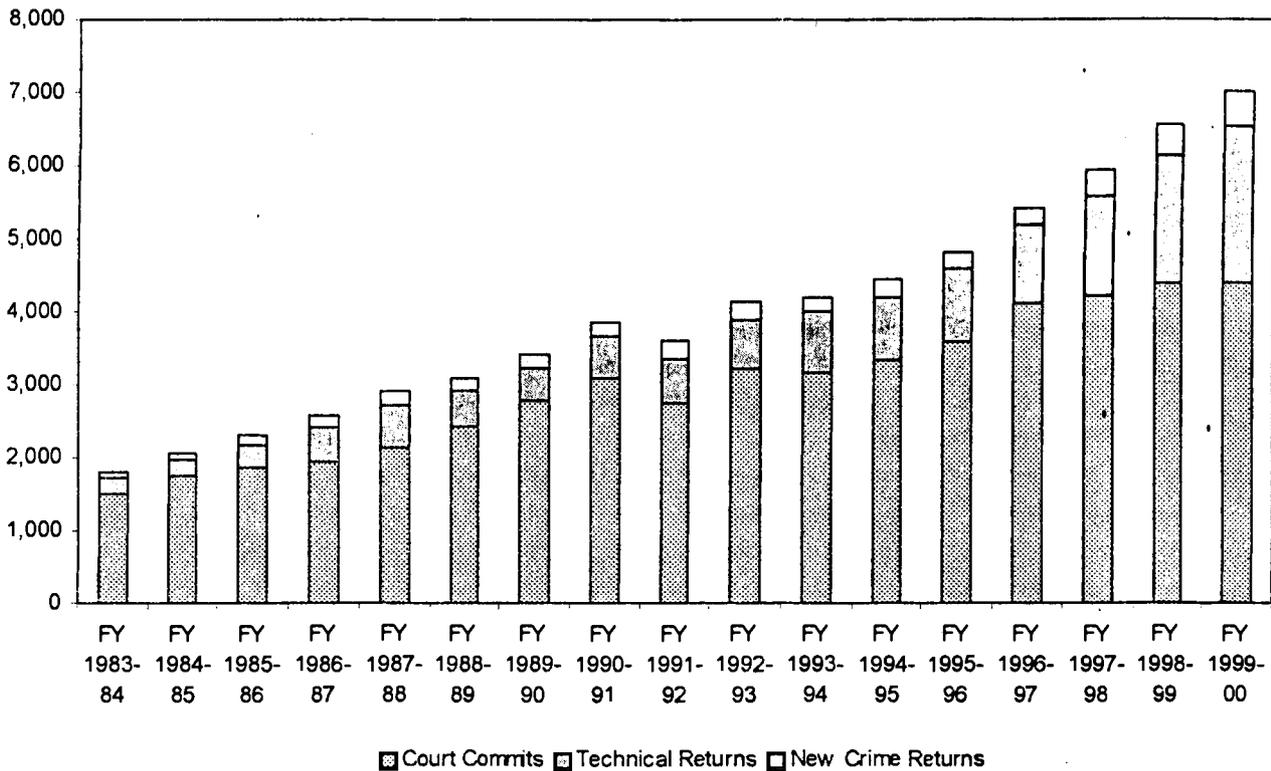
This section discusses the population projections by gender, the comparison of Colorado's prison growth to national trends of incarceration by gender, the growth of parole revocations as a result of an increasing population, and the projected prison bed shortfall over the next six years.

Jurisdictional population by gender. Between June 1994 and June 2000, the male prison population grew at an average rate of 7.8 percent per year. During that same six-year period, the female population grew at an average rate of 12.5 percent per year. We expect that the male population will increase from 14,733 inmates in June 2000 to 22,098 inmates by the end of June 2006, an annual average increase of 7.0 percent. We predict that the female population will grow from 1,266 in June 2000 to 1,868 by June 2006, an annual average increase of 6.7 percent. One reason behind the slowing growth rate for the female population, relative to the past six years, is that the level of criminal filings and convictions has slowed relative to the past. Between FY 1993-94 and FY 1999-00, female convictions rose 73.9 percent. In the next six years, we project female convictions will increase 37.0 percent.

National trends of incarceration by gender. The Colorado prison population increased at a faster rate than the rest of the country from December 1994 to December 1999. The Department of Justice Bureau of Justice Statistics (BJS) reported that male incarceration in all state and federal prisons increased at an average rate of 5.2 percent per year, while Colorado male incarceration increased at an annual average rate of 7.2 percent over that five-year period. The number of females in Colorado prisons also increased at a faster rate than the rest of the country. The Department of Justice BJS reported that over the last five calendar years, the number of female prisoners rose by an average of 7.1 percent per year nationwide compared with 12.3 percent in Colorado. Although most of the nation's growth in the past five years was attributable to western states, incarceration in Colorado increased at an average rate of 7.9 percent between 1994 to 1999. Meanwhile, incarcerations in the southwestern states of Arizona, Nevada, New Mexico, Utah, and Colorado grew at an average rate of 6.9 percent over that five-year period.

Inmate population by admission type. As the prison population and inmate releases increase, parole revocations also increase as a result of a larger parole population, particularly since the implementation of mandatory parole pursuant to House Bill 93-1302. Graph 9.1 below illustrates the growth of admissions, supervision technical returns as a share of admissions, and releases. Supervision technical returns (including parole and probation revocations) have increased between 22.4 percent and 28.7 percent in the last three fiscal years compared with increases ranging from 5.9 percent to 12.4 percent between FY 1994-95 and FY 1996-97. We expect to see an increasing trend in the number of inmates returning to prison for technical returns and for new crimes committed while under supervision. This will increase the overall prison population despite the fact that the average length of stay for returns to prison, particularly technical returns, is much lower than the average length of stay for new commitments. Between June 2000 to June 2006, we expect the number of prisoners with technical returns to increase from 2,289 to 3,487, an average increase of 7.3 percent per year. For parole violators with new crimes, we forecast a similar trend, though not as significant. Supervision returns with new crimes will increase from 1,518 in June 2000 to 2,221 in June 2006, an average annual increase of 6.5 percent.

Graph 9.1: Prison Admissions by Type
New Court Commitments, Technical Returns, and New Crime Returns



Projected prison bed surplus/(shortfall) by gender. Table 9.2 illustrates the Legislative Council Staff prison population projections by gender and admission type. The last columns in Table 9.2 present the projected surplus or shortfall in prison beds by gender throughout the forecast period. The projected shortfall is based on the DOC's Bed Implementation Plan (FY 2000-01 to FY 2005-06). This includes facilities that have been planned but have not yet been approved for funding by the General Assembly. Projected capacity includes the funded DOC prison expansions (Denver Women's Correctional Facility — 436 beds in 2001; and Trinidad — 480 beds in 2001), several unfunded expansions (Fort Lyon — 500 beds in 2001; Denver Reception and Diagnostic Center — 100 beds in 2002; San Carlos — 250 beds in 2003; 1,152 new high custody beds; the use of 180 Youthful Offender System surplus beds), and increased use of private prison facilities (an estimated 2,730 beds between FY 2000-01 and FY 2005-06, including 1,305 available beds and 1,425 new private beds to be built). This bed estimate adjusts population to reflect 3.5 percent of the inmate population as off-grounds or moving between facilities and a 10 percent share of inmate population in community corrections placements.

With the current DOC facility construction plan assumed to be approved, funded, and built, there will be a male prison bed shortage of 1,288 beds by June 2006. This shortage represents 5.4 percent of the male prison population. Meanwhile, with the build-out of the Denver Women's Correctional Facility in FY 2000-01, there will be a female prison bed surplus of 214 by June 2006.

**Table 9.2
Legislative Council Staff December 2000 Prison Population Projections by
Commitment Type and Gender with Projected Prison Bed Surplus/(Shortfall)**

Fiscal Year Ending	Population of Original Crime Commitments			Population of Supervision Violators with New Crimes /a			Population of Technical Violators /a			Total DOC Population			Projected DOC Bed Surplus/ (Shortage) /c	
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female
June 2000 /b	11,260	932	12,192	1,424	94	1,518	2,049	240	2,289	14,733	1,266	15,999		
FORECAST														
June 2001	12,114	996	13,110	1,484	103	1,587	2,177	251	2,428	15,775	1,350	17,125	(257)	326
June 2002	12,977	1,057	14,034	1,591	109	1,700	2,347	266	2,613	16,915	1,432	18,347	(409)	239
June 2003	13,888	1,137	15,025	1,705	118	1,823	2,528	288	2,816	18,121	1,543	19,664	(514)	153
June 2004	14,844	1,223	16,067	1,824	126	1,950	2,720	312	3,032	19,388	1,661	21,049	(609)	399
June 2005	15,839	1,297	17,136	1,949	134	2,083	2,921	332	3,253	20,709	1,763	22,472	(669)	316
June 2006	16,885	1,373	18,258	2,079	142	2,221	3,134	353	3,487	22,098	1,868	23,966	(1,288)	214
6 Year Average Growth Rate (FY1999-00 to FY 2005-06)	7.0%	6.7%	7.0%	6.5%	7.1%	6.5%	7.3%	6.6%	7.3%	7.0%	6.7%	7.0%		

/a This includes returns to prison from probation, community diversion programs, or other placements.

/b Estimated from actual June 2000 monthly population report. At this time DOC does not provide interim reports of population by admission type.

/c Some projects have not been approved or funded by the General Assembly. DOC jurisdictional population adjusted to account for 2.5% of male population off-grounds, 1.0% of all beds are vacant due to the natural movement of offenders through the system, and 10.0% of population in community corrections placements.

Sources: DOC Bed Implementation Plan (FY 2000-01 to FY 2005-06) and Legislative Council Staff.

PRISON ADMISSIONS

Table 9.3 illustrates the projected growth for prison admissions for new crime commitments, the largest group of overall prison admissions. In FY 1999-00, new crime commitments accounted for 66.1 percent of all admissions. However, there has been a recent trend towards slowing admissions. This is due in part to a healthy economy and strong wage growth. The number of people convicted and admitted to prison is influenced by arrests and crime trends, but also by the discretion of district attorneys and judges. While the decreasing level of arrests has pulled down the number of felony filings, convictions remained flat over the last two years, suggesting that fewer arrests have not led to fewer felony convictions.

Over the forecast period, original crime commitments are expected to grow at an average annual rate of 3.8 percent. Female admissions are expected to increase at a faster rate than male admissions over the six-year period. We expect female admissions to increase at an average annual rate of 5.2 percent, while male admissions are expected to increase at an average annual rate of 3.6 percent. The rationale behind a greater growth rate for females than for males is related to the current increasing trend in female incarceration admissions. An increasing number of women are being arrested and incarcerated for drug crimes, theft, and forgery. In FY 1999-00, however, there was a 10.7 percent drop in the number of female admissions. For this reason, the forecast for female admissions was reduced from last year’s 6.7 percent annual average growth rate to a 5.2 percent growth rate. Male admissions also decreased for the second straight year. For this reason, the male admissions forecast was lowered from the 5.4 percent annual average growth rate in last year’s forecast to a 3.6 percent annual average.

**Table 9.3
Admissions from Court Commitments by Gender**

Fiscal Year Ending	Male Admissions	Annual Growth	Female Admissions	Annual Growth	Total Admissions	Annual Growth
June 1997	3,870		418		4,288	
June 1998	3,939	1.8%	457	9.3%	4,396	2.5%
June 1999	3,860	-2.0%	475	3.9%	4,335	-1.4%
June 2000*	3,753	-2.8%	424	-10.7%	4,177	-3.6%
FORECAST						
June 2001	3,946	5.1%	450	6.1%	4,396	5.2%
June 2002	4,093	3.7%	471	4.7%	4,564	3.8%
June 2003	4,238	3.5%	493	4.7%	4,731	3.7%
June 2004	4,381	3.4%	525	6.5%	4,906	3.7%
June 2005	4,519	3.2%	552	5.1%	5,071	3.4%
June 2006	4,653	3.0%	576	4.3%	5,229	3.1%
6-year average growth rate (FY 1999-00 to FY 2005-06)		3.6%		5.2%		3.8%

Source: Department of Corrections and Legislative Council Staff

FACTORS IN PRISON COMMITMENTS

Males and females were further broken down into admissions by felony class and projected independently using several methodologies. There were several explanatory variables considered in modeling prison admissions. Most of these factors can be classified into three groups: state economic variables, state population variables, and state justice and public safety variables. Although there is some expected correlation between these variable types (e.g., it is likely that economic growth affects population growth and population growth affects public safety spending), the admissions model avoided using strongly correlated variables. The following paragraphs describe some of the factors that have influenced prison commitments.

Population. All other things being equal, a larger population results in a greater total number of criminal offenses, arrests, criminal felony filings, and prison commitments. Colorado's population grew at a 2.7 percent annual average growth rate between June 1990 and June 2000. Over this same period, the average annual rate of growth in the prison population was 7.7 percent. As Colorado's population is projected to continue to grow, we expect this to contribute to an increase in the total number of new admissions to prison. State population growth is projected to taper off during the forecast period. Slower population growth is one reason for the decline of prison population growth in rates expected during the last few years of the forecast period.

Reported crime rates. The Colorado Bureau of Investigation's (CBI) crime index, based upon reported incidents, has decreased for several years. Because offenses are correlated to prison commitments, this suggests that prison commitments should be decreasing. However, one should note that the CBI's crime index measures a minority of the crimes committed in the state, primarily violent crimes (murder, rape, robbery, burglary, and auto theft). One of the strongest growth categories for Colorado prison admissions, drug crimes, is excluded from CBI's crime index. Moreover, there is a lag period between slowing crime rates and slowing admissions. It may take over three years for an offense to lead to incarceration. For this reason, the forecast focused on variables that were more proximate to admission to prison, such as filings and convictions.

Felony filings and felony convictions. Two important factors affecting prison admissions are felony filings and convictions. These variables are further along the criminal justice time frame than offenses and arrests and more accurately reflect those defendants that may be sentenced to prison. Felony filings increased 10.6 percent in FY 1996-97 and 14.6 percent in FY 1997-98. However, total felony filings decreased 3.3 percent in FY 1998-99 and an estimated 2.1 percent in FY 1999-00. Typically, a rise in felony filings increases prison admissions with a six- to twelve-month lag for court proceedings (arraignments, trials, dispositions, sentence hearings). In the past, an increase in felony filings has led to increases in felony convictions and prison commitments. Over the past two fiscal years, FY 1998-99 and FY 1999-00, convictions have remained relatively flat while filings decreased, suggesting an increase in the rate of convictions relative to filings.

Mandatory parole. House Bill 93-1302 created mandatory parole with longer parole terms for all inmates that committed offenses after June 30, 1993. With a larger parole population and increased lengths of stay on parole, we expect an increase in the number of admissions for new crimes and technical violations committed while under supervision.

RELEASES AND LENGTH OF STAY

Average length of stay is critical to the prison population forecast because this variable is responsible for determining the release of existing prisoners based on prisoner characteristics such as gender, felony class, and crime type. Table 9.4 illustrates the December 1999 and December 2000 forecast for the average length of stay for new admissions by felony class and crime type. The projected average length of stay increased due to three reasons: trends in commitment sentences, the impact of mandatory parole on estimated length of stay for new prison commitments, and a change in the methodology used to estimate length of stay.

Table 9.4
Average Length of Stay in Months for New Admissions by Class and Crime Type

Felony Class and Crime Type	December 1999 Forecast	December 2000 Forecast
Class 1	LIFE	LIFE
Class 2 sex crimes	104.8	130.7
Class 2 drug crimes	70.2	107.0
Class 2 other crimes	98.7	112.3
Class 3 sex crimes	76.9	76.8
Class 3 drug crimes	46.7	47.1
Class 3 other	64.5	66.9
Class 4 sex crimes	58.4	50.4
Class 4 drug crimes	36.7	35.0
Class 4 other	38.4	40.5
Class 5 sex crimes	32.2	32.5
Class 5 drug crimes	21.0	22.5
Class 5 other	25.2	24.1
Class 6 sex crimes	NA	NA
Class 6 drug crimes	10.9	12.0
Class 6 other	13.2	10.9
Length of Stay by Gender		
Males	36.8	42.0
Females	29.6	36.2

Source: Legislative Council Staff

SECTION IV

Community-Based Corrections

This section explores the three basic categories of community-based corrections in Colorado, or the three basic types of convicted offenders who are supervised in the community: *probationers*, *parolees*, and offenders in *community corrections* facilities. Because of Colorado's decentralized system of criminal justice, each of these types of community-based corrections is under the jurisdiction of a different branch of government as follows:

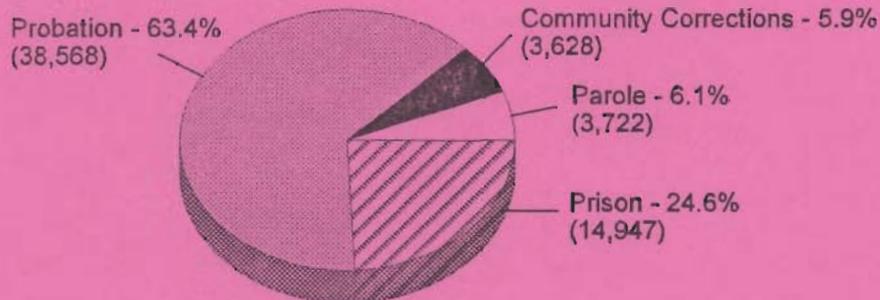
Probation – Judicial Department

Parole – Department of Corrections

Community Corrections – Department of Public Safety

Graph IV.1 compares the populations of these three categories of offenders who are supervised in the community with those who are in prison:

Graph IV.1
Adult Community-Based Corrections Populations/Prison Population
Total Population as of 6/30/99 = 60,865



Section IV contains the following chapters:

Chapter 10 – Probation Services / Funding History

Chapter 11 – Community Corrections

Chapter 12 – Parole Board/Supervision of Parolees

Chapter 10 — Probation Services / Funding History

This chapter explores probation services which are administered by the Judicial Branch. There are 22 judicial districts in the state and each judicial district operates a probation department. In addition to the supervision of offenders, the probation departments are also responsible for submitting pre-sentence investigation reports to the courts. Probation services are under the direction of the chief judge and chief probation officer in each judicial district.

Certain non-violent offenders may be sentenced to probation by the court. The level of community supervision is determined according to the results of a risk assessment, a treatment assessment, and statutory and court-ordered conditions of probation.

This chapter highlights the following:

- while only certain offenders are eligible for a sentence to probation, the sentencing court may waive these eligibility restrictions upon recommendation of a district attorney; in addition, the court may sentence an offender to probation and jail;
- specialized probation programs assist and supervise those offenders needing a higher level of supervision or specialized services while on probation; and
- the probation population (adult and juvenile caseloads) has grown by 109.4 percent since FY 1988-89, while actual expenditures have grown by 189 percent.

COLORADO'S JUDICIAL DISTRICTS

The 63 counties in Colorado are apportioned into 22 judicial districts. Each judicial district has a probation department which provides probation services. Table 10.1 is a listing of the counties within each judicial district and Graph 10.1 is a map of the 22 judicial districts.

Table 10.1: Judicial Districts and Corresponding Counties

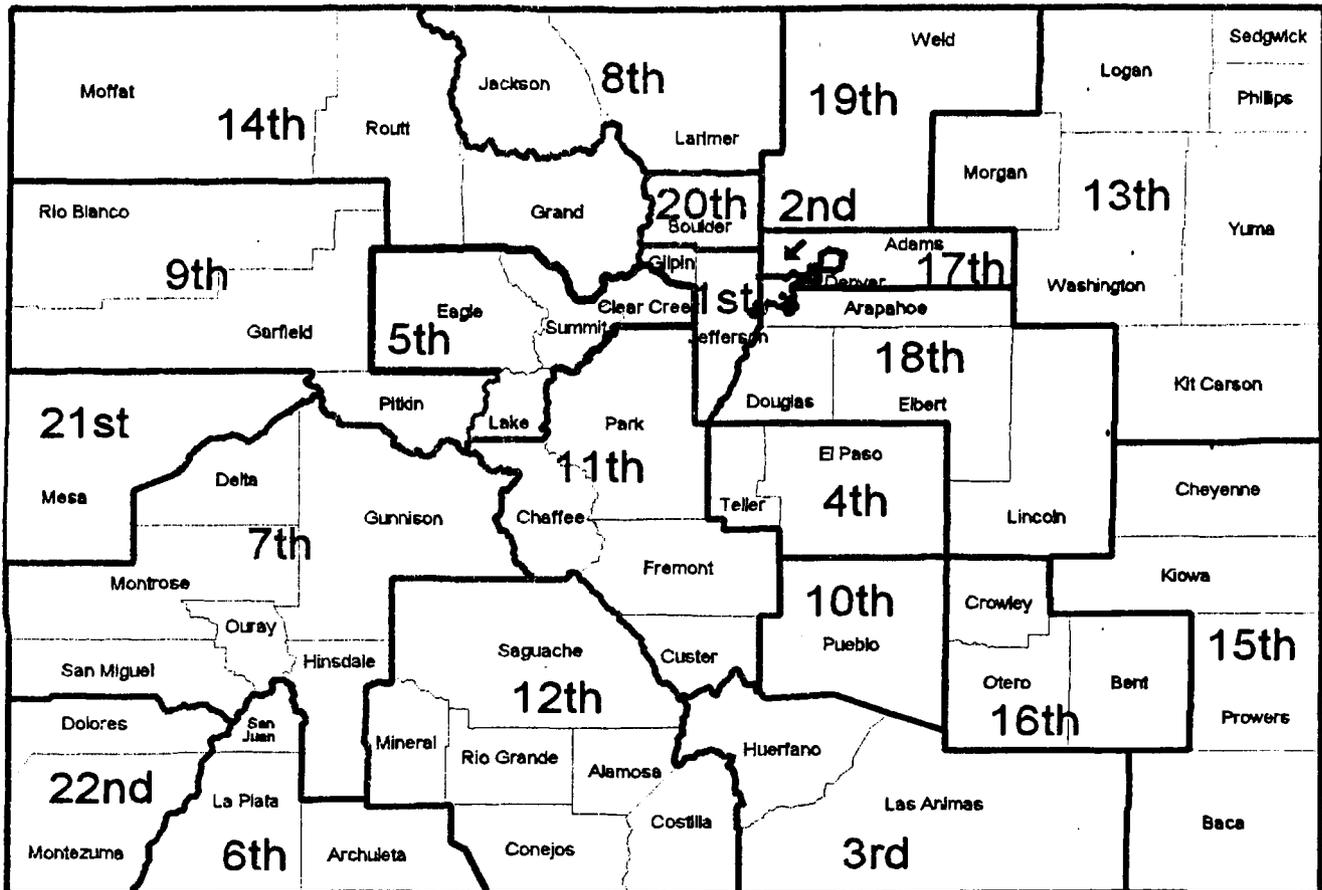
Judicial District	County	Judicial District	County
District 1	Gilpin, Jefferson	District 12	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache
District 2	Denver	District 13	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma
District 3	Huerfano, Las Animas	District 14	Grand, Moffat, Routt
District 4	El Paso, Teller	District 15	Baca, Cheyenne, Kiowa, Prowers
District 5	Clear Creek, Eagle, Lake, Summit	District 16	Bent, Crowley, Otero
District 6	Archuleta, La Plata, San Juan	District 17	Adams
District 7	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	District 18	Arapahoe, Douglas, Elbert, Lincoln
District 8	Jackson, Larimer	District 19	Weld
District 9	Garfield, Pitkin, Rio Blanco	District 20	Boulder
District 10	Pueblo	District 21	Mesa
District 11	Chaffee, Custer, Fremont, Park	District 22	Dolores, Montezuma

PROBATION ELIGIBILITY

All offenders are eligible to apply to the court to receive a sentence to probation, with the following exceptions:

- persons convicted of a class 1 felony;
- persons convicted of a class 2 petty offense;
- persons who have been twice previously convicted of a felony under Colorado law or any state or federal law; and
- persons who have been convicted of one or more felonies in this state, any other state, or the United States within ten years of a prior class 1, class 2, or class 3 felony conviction.

Graph 10.1
Judicial Districts of Colorado



The sentencing court may waive the restrictions on probation eligibility upon recommendation of the district attorney. The district attorney must show the court that the defendant is a non-violent offender, as defined in Section 16-11-101 (1) (b.5) (II) (B), C.R.S. A non-violent offender, as described in statute, has not committed:

- crimes of violence, as defined in Section 16-11-309 (2), C.R.S.;
- manslaughter, as defined in Section 18-3-104, C.R.S.;
- second degree burglary, as defined in Section 18-4-203, C.R.S.;
- theft if the object of value is more than \$500, as defined in Section 18-4-401 (2) (c), (2) (d), or (5), C.R.S.;
- a felony offense committed against a child, as defined in Articles 3, 6 and 7 of Title 18; or

- crimes in other states, that if committed in this state would be a crime of violence, manslaughter, second degree burglary, robbery, theft of property worth \$500 or more, theft from a person by means other than the use of force, threat, or intimidation, or a felony offense committed against a child.

In addition to probation, the sentencing court has the power to commit the defendant to any jail operated by a county or city and county where the offense was committed. The length of the jail term may be for a set time, or for intervals, and is at the discretion of the court. The aggregate length of any jail commitment, continuous or at intervals, is not to exceed 90 days for a felony, 60 days for a misdemeanor, or ten days for a petty offense. Offenders sentenced to a work release program are not subject to these time lines.

PROBATION GUIDELINES

Section 16-11-204, C.R.S., states that the conditions of probation shall be as the court, in its discretion, deems reasonably necessary to ensure that the defendant will lead a law-abiding life. Section 16-11-203, C.R.S., stipulates that the court may sentence an offender to probation, unless due to the nature and circumstances of the offense and due to the history and character of the defendant, the court determines that a sentence to the DOC is more appropriate. The statutes outline the factors that favor a prison sentence:

- there is undue risk that during the probation period the defendant will commit another crime;
- the defendant is in need of correctional treatment that is most effectively provided by imprisonment;
- a sentence to probation would unduly depreciate the seriousness of the defendant's crime or undermine respect for the law;
- the defendant's past criminal record indicates that probation would fail to accomplish its intended purposes; or
- the crime, the facts surrounding it, or the defendant's history and character when considered in relation to statewide sentencing practices relating to persons in circumstances substantially similar to those of the defendant, do not justify the granting of probation.

When considering the factors above, the statutes further guide the sentencing court to weigh the following in determining whether to grant probation:

- whether the criminal conduct caused or threatened serious harm to another person or property;

- whether the offender planned or expected that his/her conduct would cause or threaten serious harm to another person or property;
- whether the defendant acted under strong provocation;
- whether the defendant's conduct was justified by substantial grounds, although they were not sufficient for a legal defense;
- whether the victim induced or facilitated the act committed;
- whether the defendant has a prior criminal history or has been law-abiding for a substantial period of time prior to the offense;
- whether the defendant will or has made restitution to the victim;
- whether the defendant's conduct was the result of circumstances unlikely to recur;
- whether the defendant's character, history, and attitudes indicate he/she is unlikely to reoffend;
- whether the defendant is likely to respond favorably to probationary treatment;
- whether imprisonment would entail undue hardship to the defendant or the defendant's dependents;
- whether the defendant is elderly or in poor health;
- whether the defendant abused a position of public trust or responsibility; or
- whether the defendant cooperated with law enforcement authorities in bringing other offenders to justice.

Once placed on probation, the court may, as a condition of probation, require that the defendant:

- work faithfully at suitable employment or pursue a course of study or vocational training to equip the defendant for suitable employment;
- undergo available medical or psychiatric treatment;
- attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;
- support the defendant's dependents and meet other family responsibilities, including a payment plan for child support;
- pay reasonable costs of court proceedings or costs of probation supervision;
- pay any fines or fees imposed by the court (Senate Bill 00-092 increased the fee to \$35);

- repay all or part of any reward paid by a crime stopper organization;
- refrain from possessing a firearm, destructive device, or any other dangerous weapon;
- refrain from excessive use of alcohol or any unlawful use of a controlled substance;
- report to a probation officer at reasonable times, as directed by the court or the probation officer;
- remain within the jurisdiction of the court, unless granted permission to leave;
- answer all reasonable inquiries by the probation officer and justify to the officer any change of address or employment;
- be subject to home detention;
- be restrained from contact with the victim or victim's family members for crimes involving domestic violence; and
- satisfy any other conditions reasonably related to the defendant's rehabilitation.

In addition, offenders convicted of an offense involving unlawful sexual behavior or for which the factual basis involved an offense involving unlawful sexual behavior must, as a condition of probation, submit to and pay for a chemical blood test to determine the genetic markers.

PROBATION POPULATION

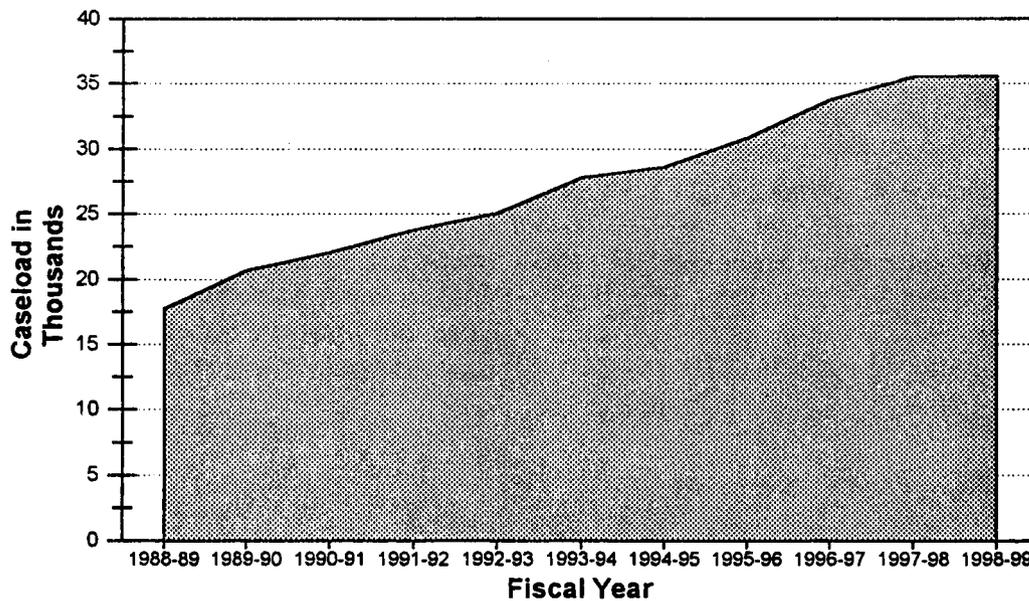
The adult probation population grew 117.5 percent from fiscal year 1988-89 to fiscal year 1998-99 (from 17,728 offenders to 35,568 offenders). Much of the increase may be attributed to population growth and increased criminal filings. Meanwhile, not only has the legislature increased funding for prisons during the past several years, but it has also funded more probation slots, particularly intensive supervision probation (ISP) slots. House Bill 95-1352 funded 750 additional ISP slots, to be phased in over three years, doubling the initial capacity. Table 10.2 and Graphs 10.2 and 10.3 provide a ten-year history of the probation caseload and illustrate the growth during the same time period. From FY 1988-89 to FY 1998-99, the year-end caseload more than doubled (from 17,728 to 35,568 offenders), a 100.6 percent increase.

Table 10.2: Ten-Year History of Probation Caseload

Fiscal Year	Adult Probation Caseload (Year End)	Cumulative Percentage Increase Over FY 1988-89
FY 1988-89	17,728	NA
FY 1989-90	20,645	16.5%
FY 1990-91	22,015	24.2%
FY 1991-92	23,755	34.0%
FY 1992-93	25,077	41.5%
FY 1993-94	27,785	56.7%
FY 1994-95	28,592	61.3%
FY 1995-96	30,856	74.1%
FY 1996-97	33,754	90.4%
FY 1997-98	35,561	100.6%
FY 1998-99	35,568	100.6%

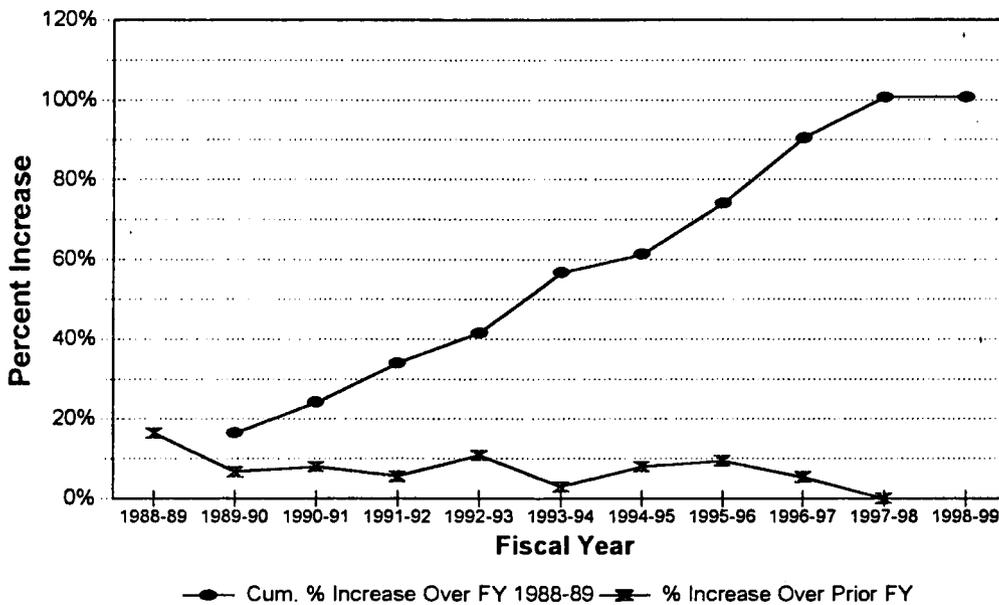
Source: Judicial Department Annual Report.

Graph 10.2: Probation Caseload History (Year End)
FY 1988-89 through FY 1998-99



Source: Judicial Department Annual Report.

**Graph 10.3: Probation Caseload Cumulative Percent Increase
FY 1988-89 through FY 1998-99**



Source: Judicial Department Annual Report.

As a result of legislation passed by the Colorado General Assembly in 1998 it is anticipated that the probation population will increase at an even faster rate in the future. House Bill 98-1156 affects offenders sentenced to probation after conviction of a sexual offense that is a class 2, 3, or 4 felony. The new law requires an offender who is convicted of a felony class 2 or 3 sexual offense to be supervised by the Office of Probation Services for a minimum of 20 years to a maximum of the offender's life. An offender who is convicted of a felony class 4 sexual offense must be supervised for ten years minimum to a maximum of the offender's life. The law applies to offenders who commit the sexual offense on or after November 1, 1998. Although the number of offenders sentenced to probation may not increase as rapidly, the length of time that certain offenders are under the supervision of the department will increase, thus, impacting the overall probation population and the average caseload size.

SPECIALIZED PROBATION PROGRAMS

The probation department offers three main specialized probation programs for adult offenders: Adult Intensive Supervision Probation Program (ISP), Specialized Drug Offender Program, and the Female Offender Program. All of the programs have been implemented, at least on a pilot basis, since 1984. The data provided below were obtained from the Office of Probation Services, *FY 1999 Annual Report*. This is the most recent annual report available and pertains to FY 1998-99.

Adult Intensive Supervision Probation. The goal of the ISP program is to protect the community in a cost-effective manner by providing supervision, surveillance, and appropriate services to offenders who, may otherwise have been incarcerated. ISP provides more frequent contact with probation officers than those on regular probation. ISP was implemented on a statewide basis in 1988 and has been expanded to become the largest special probation program. Data from FY 1998-99 indicate that supervision services were provided to 1,396 offenders. The pre-release recidivism rate was 16.5 percent and the post-release recidivism rate within 12 months of the offenders' successful release from intensive supervision was 7 percent.

Specialized Drug Offender Program. The goal of the Specialized Drug Offender Program is to provide an intensive form of probation supervision to high-risk, substance-abusing offenders whose risk of failure on probation is significant. The program was developed in 1991 as a response to an increased number of severe drug and substance abuse offenders who were placed on ISP. The program integrates the use of a standardized assessment to determine the appropriate level of treatment. The program includes a cognitive-behavioral approach intended to teach offenders to stop and think about potential consequences before acting. Offenders are also subject to random urine screening to monitor compliance with the requirement of abstinence. The program provided supervision and treatment intervention to 282 offenders in FY 1998-99. The pre-release recidivism rate was 11.3 percent and the post release recidivism rate within 12 months of the offenders' successful release from the specialized drug offender program was 2.5 percent.

Female Offender Program. The goal of the Female Offender Program is to provide specialized services and training in five urban judicial districts for female offenders who have failed other programs. This program targets women eligible for commitment to the DOC, either directly or through a probation revocation. The program was initiated in 1991 and operates in the 1st, 2nd, 4th, 17th, and 18th judicial districts which include Gilpin, Jefferson, Denver, El Paso, Teller, Adams, Arapahoe, Douglas, Elbert, and Lincoln counties. These judicial districts account for 66.9 percent of all females committed to the DOC. The program provides direct short-term intervention, gender-specific treatment referral, and group activities for women facing revocation within other specialized programs. The Office of Probation Services indicates that the profile of the female offender is different than that of the male offender, thus creating the need for a specialized program. According to the Judicial Branch, female offenders are more likely to have been victims of sex abuse, unemployed at the time of their arrest, and to be the custodial parent of minor children than are male offenders. Data indicate that in FY 1998-99, supervision was provided through the program to 173 adult female offenders. The pre-release recidivism rate was 10.3 percent and the post-release recidivism rate within 12 months of the offenders' successful release from the female offender program was 16.3 percent.

JUDICIAL BRANCH PROBATION FUNDING HISTORY

The Judicial Branch, Office of Probation Services, receives funding in the Long Bill for probation-related activities. In terms of expenditures, the Office of Probation Services combines both adult and juvenile services. While the total probation population between FY 1988-89 and FY 1998-99 increased by 109.4 percent, the actual expenditures grew by 189 percent, from \$15,146,856 to \$43,772,923. The number of FTE employees assigned to probation also grew over the ten-year period. For FY 1988-89, the office was assigned 430.5 FTE employees versus 809.2 for FY 1998-99, an increase of 88.1 percent.

Table 10.3 provides a ten-year history of actual expenditures, adult and juvenile probation caseloads, FTE allocation and average caseload per FTE for probation. The table illustrates that although the number of FTE for probation increased 88 percent over the ten-year period, the average caseload per FTE employee also increased. Table 10.4 compares actual expenditures for probation to the expenditures adjusted for inflation. Finally, the table provides the cumulative percentage increases for the expenditures, probation population, and FTE relative to FY 1988-89.

Table 10.3: Probation Expenditures and Caseload

Fiscal Year	Adult Probation Population (Year End)	Juvenile Probation Population (Year End)	Expenditure	FTE Employees	Average Caseload Per FTE Employee
FY 1988-89	17,728	5,760	\$15,146,856	430.5	54.6
FY 1989-90	20,645	6,342	\$16,329,337	430.5	62.7
FY 1990-91	22,015	6,873	\$17,798,598	465.0	62.1
FY 1991-92	23,755	7,646	\$23,520,223	479.0	65.6
FY 1992-93	25,077	9,074	\$24,498,890	483.0	70.6
FY 1993-94	27,785	8,611	\$24,946,846	514.6	70.7
FY 1994-95	28,592	9,741	\$27,975,795	537.3	71.3
FY 1995-96	30,856	9,666	\$31,840,746	572.7	70.8
FY 1996-97	33,754	9,933	\$36,182,123	709.2	61.6
FY 1997-98	35,561	10,272	\$38,918,249	741.4	61.8
FY 1998-99	38,568	10,610	\$43,772,923	809.2	60.8

Source: Judicial Department Annual Report, Judicial Department Budget Office

Table 10.4: Probation Expenditures, Adjusted for Inflation, and Caseload *

Fiscal Year	Actual Expenditures	Percent Increase Over FY 1988-89	Inflation-Adjusted Expenditures (FY 1988-89 Dollars)	Percent Increase Over FY 1988-89	Probation Population* (Year End)	Percent Increase Over FY 1988-89	FTE	Percent Increase Over FY 1988-89
FY 1988-89	\$15,146,856	NA	\$15,146,856	NA	23,488	NA	430.5	NA
FY 1989-90	16,329,337	7.8%	15,853,725	4.7%	26,987	14.9%	430.5	0.0%
FY 1990-91	17,798,598	17.5%	16,480,183	8.8%	28,888	23.0%	465.0	8.0%
FY 1991-92	23,520,223	55.3%	21,189,390	39.9%	31,401	33.7%	479.0	11.3%
FY 1992-93	24,498,890	61.7%	21,119,733	39.4%	34,097	45.2%	483.0	12.2%
FY 1993-94	24,946,846	64.7%	20,617,228	36.1%	36,396	55.0%	514.6	19.5%
FY 1994-95	27,975,795	84.7%	22,203,012	46.6%	38,333	63.2%	537.3	24.8%
FY 1995-96	31,840,746	110.2%	24,305,913	60.5%	40,522	72.5%	572.7	33.0%
FY 1996-97**	36,182,123	138.9%	26,604,502	75.6%	43,687	86.0%	709.2	64.7%
FY 1997-98	38,918,249	156.9%	27,998,740	84.8%	45,833	95.1%	741.4	72.2%
FY 1998-99	43,772,923	189.0%	30,610,436	102.1%	49,178	109.4%	809.0	87.9%

* Probation population includes adult and juvenile caseloads.

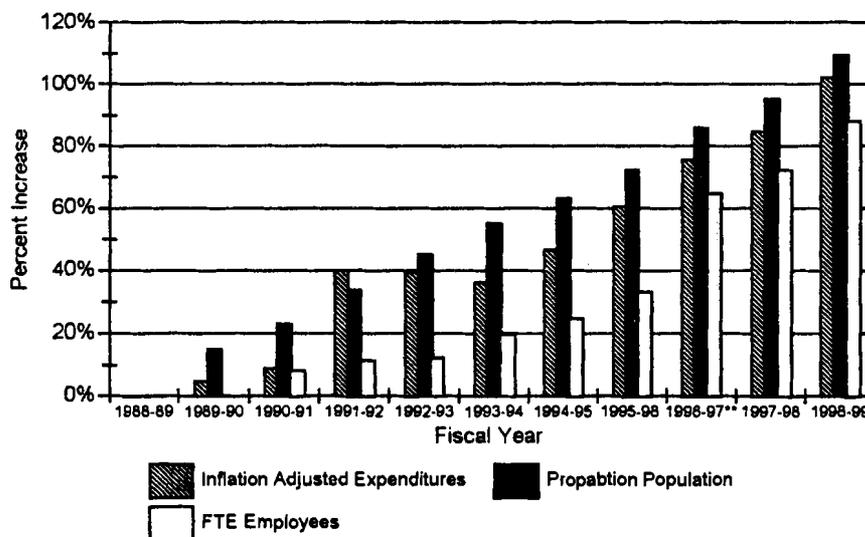
** Actual Appropriation.

Note: The Denver-Boulder consumer price index was used to adjust for inflation.

Source: Judicial Department Annual Report, Judicial Department Budget Office.

Graph 10.4 illustrates and compares the inflation-adjusted expenditures with the probation caseload and FTE employment based on the cumulative percentage increase over FY 1988-89. Graph 10.4 illustrates that, when adjusted for inflation, the growth in the probation population has outpaced the growth in expenditures.

Graph 10.4: Probation Expenditures vs. Caseload Cumulative Percentage Increase Over FY 1988-89



Source: Judicial Department Annual Report.

Chapter 11 — Community Corrections Programs / Facilities / Offender Characteristics / Ten-Year Funding History

This chapter provides an overview of the state's community corrections programs which are administered by the Division of Criminal Justice in the Department of Public Safety. The 32 residential community corrections programs/facilities in Colorado house two basic types of offenders: offenders who are *diverted* from prison such as probationers, and offenders who *transition* from prison such as parolees. Offenders in community corrections can either be sentenced by the courts, can be referred by the Parole Board, or can be referred by the DOC. All offenders in community corrections facilities must be approved for placement by a local community corrections board. There are 22 community corrections boards in the state, one in each judicial district.

This chapter highlights the following:

- local control of community corrections facilities via community corrections boards allows community corrections programs to accept or reject offenders based on the services offered by the program and, conversely, to offer specialized services based upon the needs of the offenders in that community;
- there are two basic types of offenders in community corrections programs — offenders *diverted* from a sentence to prison and offenders who *transition* from a DOC facility. Because of the complex web of referral sources, these two basic types of offenders can be further broken down into eight distinct offender populations in community corrections facilities;
- the community corrections population increased 85.6 percent from June 1990 to June 1999; and
- diversion clients make up the bulk of community corrections clients.

COMMUNITY CORRECTIONS PROGRAMS

What are community corrections programs? Community corrections programs are community-based or community-oriented programs that provide for the supervision of offenders (Section 17-27-101 et seq, C.R.S.) in a residential semi-secure setting. Such programs may provide the following:

- residential or nonresidential services for offenders;
- monitoring of offenders' activities;
- oversight of victim restitution and community service by offenders;
- services to aid offenders in obtaining and holding regular employment;
- services to aid offenders in enrolling in and maintaining academic courses;
- services to aid offenders in participating in vocational training programs;
- services to aid offenders in utilizing the resources of the community;
- services to meet the personal and family needs of offenders;
- services to aid offenders in obtaining appropriate treatment;
- services to aid offenders in participating in whatever specialized programs exist within the community;
- day reporting programs; and
- such other services and programs as may be appropriate to aid in offender rehabilitation and public safety.

COMMUNITY CORRECTIONS PROGRAM OPERATION

Who operates community corrections programs? A unit of local government, the DOC, or any private individual, partnership, corporation, or association is authorized by law to operate a community corrections program (Section 17-27-102 (3), C.R.S.). There are 32 residential community corrections facilities in Colorado. Four community corrections programs are operated by units of local government: Mountain Parks Program at the Denver County Jail, Larimer County Community Corrections in Fort Collins, Time to Change at the Adams County Jail, and Mesa County Community Corrections in Grand Junction. Two community corrections programs, Peer I Therapeutic Community Center and The Haven at Peer I, are operated by the State of Colorado via the University of Colorado Health Sciences Center. The remaining 26 community corrections facilities are operated by private corporations or other private entities.

Six community corrections facilities offer specialized programs: to treat substance abusers; to deal with offenders who regress from community supervision; or to assist inmates preparing for community placement. Peer 1 and The Haven at Peer I (women only) are therapeutic communities for substance abusers. The Residential Treatment Center in Greeley and San Luis Valley Community Corrections in Alamosa are both Community Intensive Residential Treatment (CIRT) facilities. Community Corrections Inc. and Community Alternatives of El Paso County also have intensive drug treatment programs. Community corrections programs contract out for specialized services to treat other offenders such as sex offenders, mental health offenders, and domestic violence offenders.

Table 11.1 is a listing of the 32 community corrections facilities in the state with their location, bed capacity, number of contracted beds, operating entity, and the number of beds in the facility. Some facilities operate at less than capacity because facilities are allowed to use 5 percent of their bed funds for administrative costs. Some facilities operate at above capacity because they take clients from judicial districts without facilities.

Table 11.1: Community Corrections Facilities in Colorado

Judicial District	Name of Facility — Location	Bed Capacity	Contracted Beds			Operating Entity
			Transition	Diversion	Total	
1st	Community Responsibility Center — Lakewood	154	34	128	162	Community Responsibility Center, Inc.
2nd	Independence House (2 facilities) — Denver	129	360	230	590	RRK Enterprises, Inc.
	Correctional Management, Inc. (3 facilities) — Denver	131				Correctional Management, Inc.
	Mountain Parks Program at Denver County Jail — Denver	263				Denver County
	Peer I (2 facilities) — Denver	126				University of Colorado
	Williams Street — Denver	84				Community Corrections Services, Inc.
	Tooley Hall (a Williams Street facility) — Denver	61				Community Corrections Services, Inc.
3rd	No facility	0	0	7	7	These beds are in other judicial districts.
4th	ComCor, Inc. (2 facilities) — Colorado Springs	514	119	131	250	ComCor, Inc.
	Community Alternatives of El Paso Cty. — Colorado Springs	119				Community Corrections Services, Inc.
5th	No facility	0	0	34	34	These beds are in other judicial districts.
6th	Hilltop House — Durango	40	24	181	205	Southwest Community Corrections Coalition, Inc.
7th	No facility	0	0	29	29	These beds are in other judicial districts.
8th	Larimer County Community Corrections — Fort Collins	84	25	54	79	Larimer County
9th	No facility	0	0	28	28	These beds are in other judicial districts.
10th	Minnequa Community Corrections Center — Pueblo	70	40	62	102	Minnequa Community Corrections, Inc.
	Community Corrections Services, Inc. — Pueblo	62				Pueblo Community Corrections Services, Inc.
11th	No facility	0	0	14	14	These beds are in other judicial districts.
12th	San Luis Valley Community Corrections/IRT — Alamosa	78	43	12	55	San Luis Valley Mental Health Corp.
14th	Correctional Alternative Placement Services — Craig	45	20	20	40	Community Corrections Services, Inc.
15th	No facility	0	0	11	11	
16th	No facility	0	0	32	32	

(Continued on next page)

Table 11.1 Continued

Judicial District	Name of Facility — Location	Bed Capacity	Contracted Beds			Operating Entity
			Transition	Diversion	Total	
17th	Loft House — Denver (Adams County)	39				Adams County Corrections Program, Inc.
	Phoenix Center — Henderson	117	62	139	201	Adams County Corrections Program, Inc.
	Time to Change — Brighton	32				Adams County Jail
18th	Arapahoe Community Treatment Center — Englewood	120				Arapahoe County Treatment Center, Inc
	Arapahoe County Residential Center — Littleton	100	155	141	296	CiviGenics, Inc.
	Centennial Community Transition Center — Littleton	92				Correctional Management, Inc.
19th	The Restitution Center — Greeley	146				The Villa
	Residential Treatment Center — Greeley	85	108	78	186	The Villa
	Transition Women's Center — Greeley	15				The Villa
20th	Boulder Community Treatment Center — Boulder	64				Correctional Management, Inc.
	Longmont Community Treatment Center — Longmont	67	28	60	88	Correctional Management, Inc.
21st	Mesa County Work-Release Center — Grand Junction	160	40	56	96	Mesa County
22nd	No facility	0	0	5	5	These beds are in other judicial districts
Total		2,905	1,058	1,447	2,505	

Source: Division of Criminal Justice

COMMUNITY CORRECTIONS BOARDS

What role do community corrections boards play? A community corrections board may be established by resolution or ordinance of a governing body or by a combination of governing bodies (Section 17-27-103, C.R.S.) In other words, locally-elected officials appoint community corrections board members. Community corrections boards may be advisory to the appointing governing body or may function independently of the governing body. There are 22 community corrections boards in the state, one in each judicial district.

Community corrections boards have the following authority:

- to approve or disapprove the establishment and operation of a community corrections program;
- to enter into contracts with the state of Colorado to provide services and supervision for offenders;
- to accept or reject any offender referred for placement in a community corrections program under the jurisdiction of the board;
- to receive grants from governmental and private sources and to receive court-authorized expense reimbursement related to community corrections programs;
- to establish and enforce standards for the operation of a community corrections program;
- to establish conditions or guidelines for the conduct of offenders placed in a community corrections program; and
- to reject, after acceptance, the placement of any offender in a community corrections program and to provide an administrative review process for any offender who is rejected after acceptance by the board.

Community corrections programs operated by units of local government, state agencies, or non-governmental agencies have similar authority to operate a community corrections program and to accept or reject inmates referred to the program. Most community corrections boards have the authority to accept or reject offenders who have been referred for placement, but in some cases (when a facility is operated by a unit of local government), the program makes that decision. There are also cases in which this decision is made jointly by both entities. The level of involvement of boards and the authority delegated to programs varies from one judicial district to another. However, each offender referred to a community corrections program must be approved or rejected by the local community authority whether it be the community corrections board or the community corrections program.

Local control is considered a hallmark of Colorado's community corrections program. Community corrections boards vary in size, makeup, philosophy, and degree of program control. This divergence in boards and programs allows individual community corrections programs to offer specialized services and to accept or reject offenders based on the services offered by the program and the services needed by the offender. For instance, most community corrections facilities will not accept an offender needing intensive specialized drug treatment, but the Residential Treatment Center program in Greeley has an 81-bed drug treatment facility.

ROLE OF THE DIVISION OF CRIMINAL JUSTICE

What is the role of the Division of Criminal Justice in community corrections? The Division of Criminal Justice (DCJ) in the Department of Public Safety is responsible for administering and executing all contracts with units of local government, community corrections boards, or nongovernmental agencies for the provision of community corrections programs and services. In addition, the DCJ is responsible for the following:

- establishing standards for community corrections programs which prescribe minimum levels of offender supervision and services, health and safety conditions of facilities, and other measures to ensure quality services;
- auditing community corrections programs to determine levels of compliance with standards;
- allocating state appropriations for community corrections to local community corrections boards and programs; and
- providing technical assistance to community corrections boards, programs, and referring agencies.

OFFENDERS ELIGIBLE FOR COMMUNITY CORRECTIONS PLACEMENT

How do offenders get into a community corrections program? Offenders are placed in community corrections programs via a complex referral process. There are two basic types of offenders in community corrections programs: those who are *diverted* from a sentence to prison, and those who *transition* from a DOC facility into the community. All offenders in community corrections programs, both diversion and transition offenders, must be approved for acceptance into a facility by the local community corrections program or board.

Both diversion and transition referrals come from three main sources:

- under state law, a **District Court** judge may refer any offender convicted of a felony to a community corrections program unless the offender is required to be sentenced to prison for a violent crime. The District Court sentences offenders directly to a community corrections program as an alternative to a sentence to prison. Occasionally, the District Court sentences an offender directly to community corrections as a condition of probation;
- **Department of Corrections Case Managers** identify eligible DOC inmates for referral to a community corrections program. DOC case managers submit referrals to the Division of Community Corrections in the DOC. Non-violent inmates are referred by DOC case managers for placement in community corrections 19 months prior to the parole eligibility date (PED) and violent offenders are referred nine months prior to the PED. Case managers decide to which community corrections program or board the referral should be submitted. The division places non-violent offenders in a community corrections facility 16 months prior to the PED and violent offenders are placed six months prior to the PED; and
- the **Colorado Board of Parole** may refer a parolee to a community corrections program for placement in a facility either as a condition of parole, as a modification of the conditions of parole, or upon temporary revocation of parole.

Because of this complex referral system, there are several types of offenders in community corrections facilities or programs:

- **residential diversion offenders** — these offenders are sentenced by the District Court to serve all or a portion of their sentence in a community corrections facility;
- **residential transition offenders** — these offenders are DOC inmates who have been referred by the DOC for a placement in a community corrections facility to serve as a transition period back into the community;
- **nonresidential diversion** — these offenders who were sentenced to community corrections have been transferred from residential status to nonresidential status after completing the residential program (such as drug treatment) to which they were sentenced. While on nonresidential status these offenders typically report to a day-reporting center or a drug testing center;
- **residential parole** — these parolees are either in a community corrections facility as a condition of parole, or have been placed in a community corrections facility by the parole officer for stabilization because they appear to be in danger of having their parole revoked;

- *nonresidential parole* — these parolees have been transferred from residential status to nonresidential status after completing the residential program they were ordered to complete. While on nonresidential status they report to either a day-reporting program or to some other treatment program;
- *residential parole revocation* — these parolees' parole has been revoked and are in a community corrections facility for a short time, in lieu of prison, before going back before the parole board;
- *DOC nonresidential Intensive Supervision Program (ISP)* — these are DOC inmates who have no more than 180 days remaining until their parole eligibility date. These inmates are most likely to be released on parole by the parole board and are on intensive supervision such as electronic monitoring and home detention while awaiting an appearance before the board; and
- *DOC residential Intensive Supervision Program* — these are former non-residential ISP inmates who were not adjusting well on non-residential status and were in danger of being revoked back to prison. These inmates are put on residential status in order to stabilize them until they can go back on non-residential ISP status.

COMMUNITY CORRECTIONS POPULATION DATA

Overall population. Table 11.2 and Graph 11.1 provide a ten-year history of the community corrections population. These demographic data compare the various community corrections populations from June 1990 through June 1999. The entire community corrections population has increased 85.6 percent since June 1990 from 1,955 in June 1990 to 3,628 in June 1999. Diversion clients (residential and nonresidential) make up the bulk of the community corrections population.

Residential diversion clients have generally accounted for the largest share of the community corrections population but since June 1997, the number of residential diversion clients has been virtually the same as the number of nonresidential diversion clients (Table 11.2) accounting for between 30 and 32 percent of the community corrections population. Since 1990, the residential diversion population has grown by 79.4 percent while the nonresidential diversion population has grown by 67.8 percent.

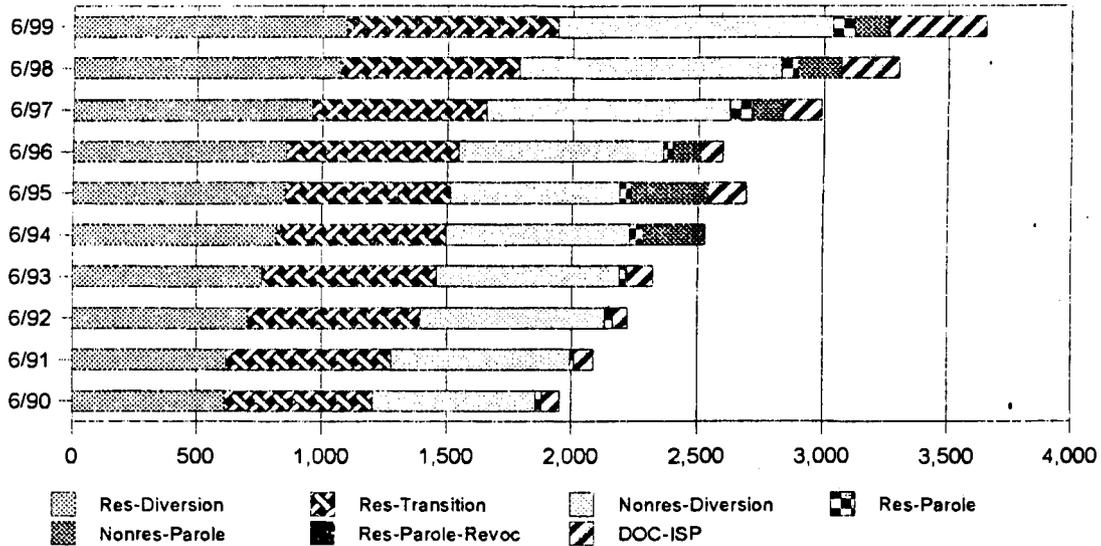
Table 11.2: Community Corrections Population History

Quarter Ending	Residential		Nonres. Diversion	Residential Parole	Nonres. Parole	Residential Parole Revocation	DOC Resident. ISP	DOC Nonres. ISP	Total	Percent Increase Over June 1990
	Diversion	Transition								
June 1990	612	591	653	25	NA	NA	74		1,955	0.0%
% of Total	31.3%	30.2%	33.4%	1.3%	NA	NA	3.8%			
June 1991	619	659	713	19	NA	NA	78		2,088	6.8%
% of Total	29.6%	31.6%	34.1%	0.9%	NA	NA	3.7%			
June 1992	707	688	737	30	NA	NA	60		2,222	13.7%
% of Total	31.8%	31.0%	33.2%	1.4%	NA	NA	2.7%			
June 1993	760	698	729	32	NA	NA	103		2,322	18.8%
% of Total	32.7%	30.1%	31.4%	1.4%	NA	NA	4.4%			
June 1994	820	677	732	54	246	NA	NA		2,529	29.4%
% of Total	32.4%	26.8%	28.9%	2.1%	9.7%	NA	NA			
June 1995	854	659	676	46	304	NA	151		2,690	37.6%
% of Total	31.7%	24.5%	25.1%	1.7%	11.3%	NA	5.6%			
June 1996	856	689	816	39	107	NA	89		2,596	32.8%
% of Total	33.0%	26.5%	31.4%	1.5%	4.1%	NA	3.4%			
June 1997	960	695	966	93	121	NA	154		2,989	52.9%
% of Total	32.1%	23.3%	32.3%	3.1%	4.0%	NA	5.2%			
June 1998	1,071	714	1,042	67	172	4	15	216	3,301	68.8%
% of Total	32.4%	21.6%	31.6%	2.0%	5.2%	0.1%	0.5%	6.5%		
June 1999	1,098	842	1,096	87	135	4	63	303	3,628	85.6%
% of Total	30.3%	23.2%	30.2%	2.4%	3.7%	0.1%	1.7%	8.4%		
Total 10-Year Growth	486	251	443	62	(111)	NA	292		1,673	
10-Year % Increase	79.4%	42.5%	67.8%	248.0%	(45.1)%	NA	394.6%		85.6%	

NA: Not available.

Source: Division of Criminal Justice.

Graph 11.1: Community Corrections Population History
June 1990 through June 1999



Source: Division of Criminal Justice.

Ethnicity. Table 11.3 charts the ethnicity of diversion and transition clients and of all clients in community corrections facilities from FY 1993-94 through FY 1997-98. Anglos have made up the bulk of the community corrections population hovering right around 50 percent from FY 1993-94 through FY 1997-98. While the Black population has increased and then leveled off (from just over 24 percent to 26 percent and then back down to 24 percent), and the Hispanic population has remained nearly steady (around 23 percent), the combined Black and Hispanic population has made up between 47 and 48 percent of the community corrections population.

Gender. Table 11.4 shows the diversion and transition community corrections population and the overall population by gender. Males in community corrections facilities have consistently outnumbered females by a more than five to one ratio. However, the proportion of the male population slightly decreases while the female community corrections population slightly increases.

Age. Table 11.5 breaks out diversion and transition offenders by age ranges. The ages listed are age at intake into the community corrections facility. There have consistently been more diversion clients aged 21 to 25 years than transition clients of any age group in community corrections from FY 1993-94 through FY 1997-98. Overall, the age of the bulk of the community corrections population is increasing. In FY 1993-94, 31- to 35-year-olds were only 22 percent of the population compared to 26- to 30-year-olds who were 24 percent of the population. However, in FY 1995-96 and FY 1997-98, 31- to 35-year-olds comprised a greater percentage of the population than 26- to 30-year-olds.

Table 11.5 illustrates that offenders aged 21-35 consistently make up over 60 percent of the community corrections population though their percentage is dropping. In FY 1993-94, offenders aged 21-35 made up nearly 70 percent of that population dropping to just under 60 percent in FY 1998-99. Offenders over age 36 increased from 25.6 to 34.6 percent during the same time frame.

**Table 11.3: Community Corrections Offender Characteristics:
Ethnicity, FY 1993-94 through FY 1997-98**

Race	Diversion			Transition			Overall					
	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	% of Total	FY 1995-96	% of Total	FY 1997-98	% of Total
Anglo	878	972	1,046	764	755	776	1,642	50.35%	1,727	48.17%	1,822	50.71%
Black	420	458	407	379	475	462	799	24.50%	933	26.03%	869	24.19%
Hispanic	403	450	481	358	393	337	761	23.34%	843	23.51%	818	22.77%
Other	28	41	52	31	41	32	59	1.81%	82	2.29%	84	2.34%
Total	1,729	1,921	1,986	1,532	1,664	1,607	3,261	100.00%	3,585	100.00%	3,593	100.00%

Source: Division of Criminal Justice.

**Table 11.4: Community Corrections Offender Characteristics:
Gender, FY 1993-94 through FY 1997-98**

Gender	Diversion			Transition			Overall					
	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	% of Total	FY 1995-96	% of Total	FY 1997-98	% of Total
Male	1,451	1,589	1,644	1,339	1,432	1,369	2,790	85.40%	3,021	84.27%	3,013	83.83%
Female	281	332	342	196	232	239	477	14.60%	564	15.73%	581	16.17%
Total	1,732	1,921	1,986	1,535	1,664	1,608	3,267	100.00%	3,585	100.00%	3,594	100.00%

Source: Division of Criminal Justice.

**Table 11.5: Community Corrections Offender Characteristics:
Age Range, FY 1993-94 through FY 1997-98**

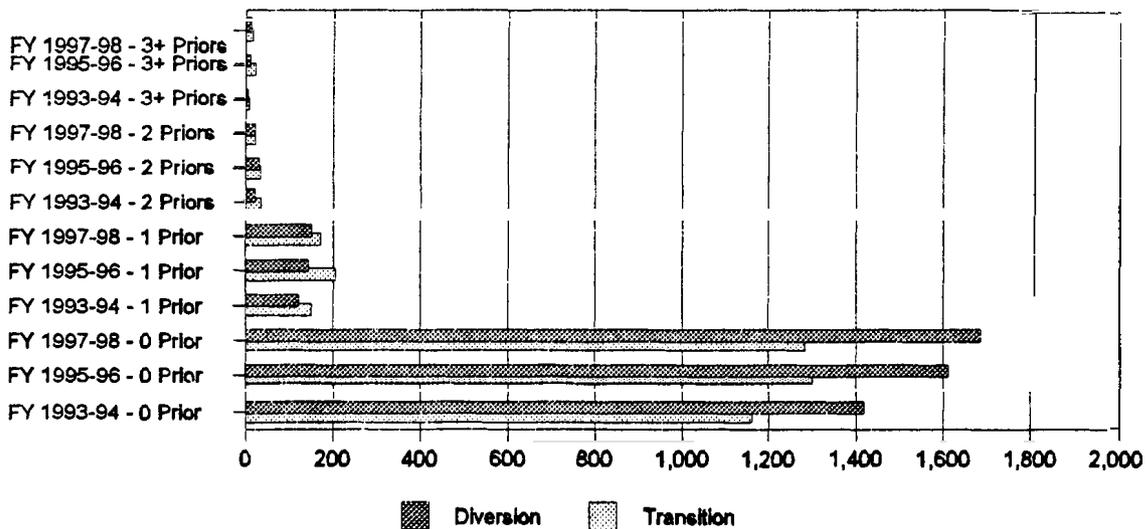
Gender	Diversion			Transition			Overall					
	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	FY 1995-96	FY 1997-98	FY 1993-94	% of Total	FY 1995-96	% of Total	FY 1997-98	% of Total
18-20	154	163	171	33	26	33	187	5.8%	189	5.3%	204	5.7%
21-25	428	473	434	311	283	237	739	22.8%	756	21.1%	671	18.7%
26-30	404	360	399	371	385	332	775	23.9%	745	20.8%	731	20.3%
31-35	345	389	361	366	384	384	711	21.9%	773	21.6%	745	20.7%
36-40	199	304	346	222	291	293	421	13.0%	595	16.6%	639	17.8%
40 +	191	230	275	219	294	329	410	12.6%	524	14.6%	604	16.8%
Total	1,721	1,919	1,986	1,522	1,663	1,608	3,243	100.0%	3,582	100.0%	3,594	100.0%

Source: Division of Criminal Justice.

Prior and current convictions. Graphs 11.2, 11.3, and 11.4 illustrate the criminal history of offenders in community corrections from FY 1993-94 through FY 1997-98. Graph 11.2 shows that consistently, the bulk of offenders in community corrections have no prior violent convictions. In FY 1997-98, nearly 90 percent of offenders in community corrections had no prior violent convictions. Graph 11.2 illustrates that community corrections boards do not accept many violent offenders for placement in a facility.

Graph 11.2 further illustrates that the majority of offenders with no prior violent convictions were diversion offenders. This is not surprising since the purpose of community corrections is to divert first time and non-violent offenders from prison. In FY 1995-96 and FY 1997-98, 50 percent of offenders with no prior violent convictions in community corrections were diversion offenders while 38 percent were transition offenders. In FY 1995-96, 45 percent of community corrections clients with no prior violent convictions were diversion offenders and 37 percent were transition offenders. However, in most fiscal years, among those offenders with one, two, or three or more prior offenses, the majority were transition offenders. For instance, for FY 1993-94 through FY 1997-98, transition offenders with one prior violent conviction consistently outnumbered diversion offenders with one prior conviction. This may be one of the effects of mandatory parole. These repeat offenders are beginning to transition from prison to the community while being supervised in a community corrections facility either while on parole or before being released to parole.

**Graph 11.2: Community Corrections Offender Characteristics
Prior Violent Convictions (FY 1993-94 through FY 1997-98)**



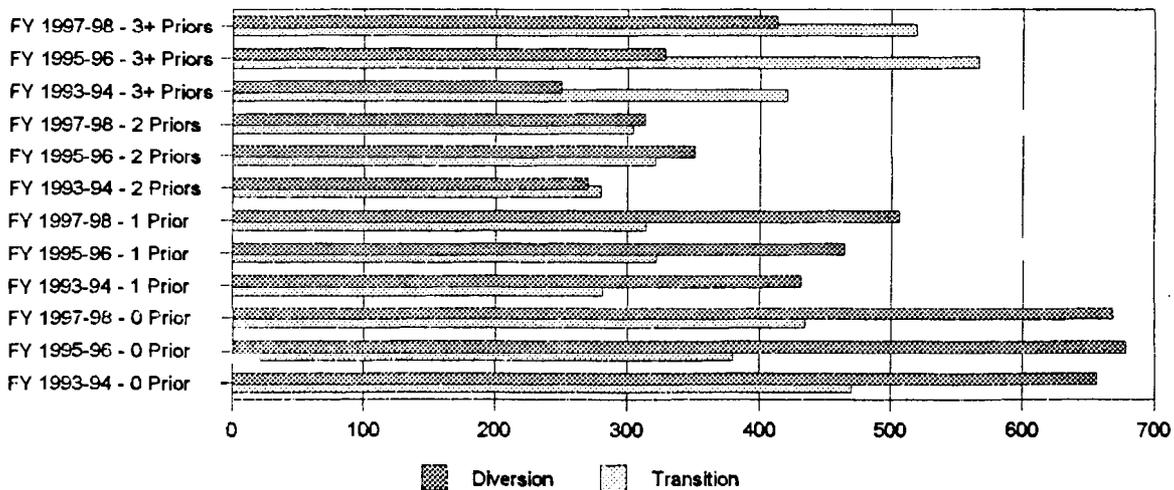
Source: Division of Criminal Justice.

Graph 11.3 shows that consistently, the bulk of community corrections offenders had no prior felony convictions. However, roughly only 32 percent of offenders had no prior felony convictions in FY 1997-98. Twenty-four percent of offenders had one prior felony conviction and

27 percent had three or more prior felony convictions in FY 1997-98. Graph 11.3 shows that community corrections boards are more likely to accept for placement those offenders who have no prior felony convictions.

When comparing diversion offenders with transition offenders, Graph 11.3 further illustrates that diversion offenders with no prior convictions or with one prior felony conviction outnumber transition offenders with no prior convictions or with one prior felony conviction. In FY 1993-94 through FY 1995-96, about 35 percent of community corrections clients with no prior convictions or with one prior conviction were diversion offenders while about 22 percent were transition offenders. However, Graph 11.3 shows that a shift begins to occur for offenders with two prior felony convictions so that transition offenders with three or more prior felony convictions outnumber diversion offenders 14 percent to 8 percent in FY 1993-94 and FY 1994-95 and by 17 percent to 10 percent in FY 1995-96.

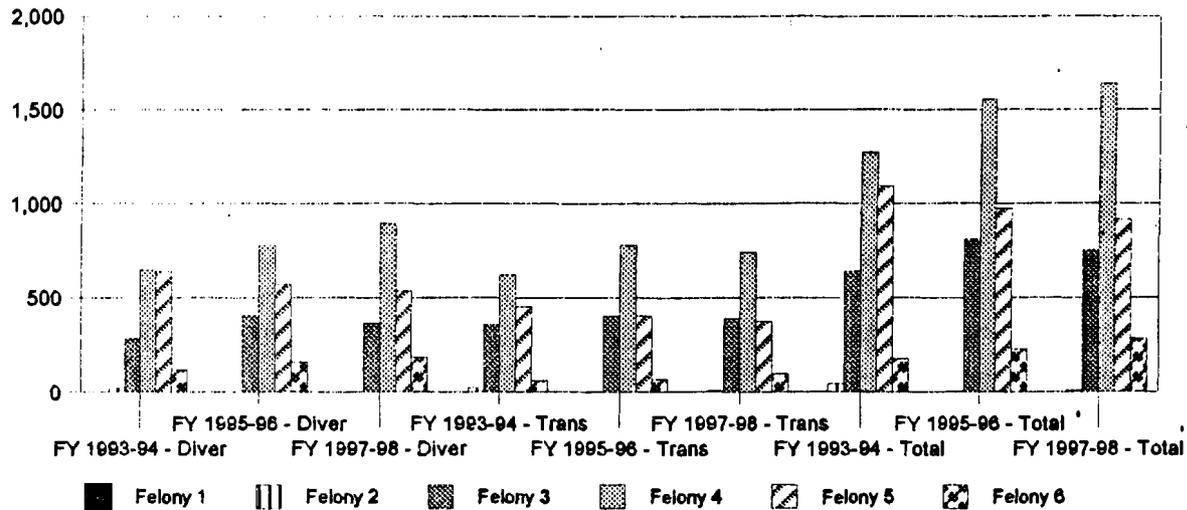
**Graph 11.3: Community Corrections Offender Characteristics
Prior Felony Convictions (FY 1993-94 through FY 1997-98)**



Source: Division of Criminal Justice.

Graph 11.4 breaks out the felony offense classification for which the person was placed in community corrections. This break-out is listed for both diversion and transition clients. The bulk of offenders in community corrections are diversion clients convicted of a class 4 felony or a class 5 felony. Forty-six percent, or 1,638 offenders, were convicted of a class 4 felony in FY 1997-98 and 25 percent, or 913 offenders, were convicted of a class 5 felony in FY 1997-98. Graph 11.4 shows that comparatively few offenders in community corrections were convicted of class 1 or class 2 felonies.

**Graph 11.4: Community Corrections Offender Characteristics
Current Offense Class (FY 1993-94 through FY 1997-98)**



Source: Division of Criminal Justice.

**DIVISION OF CRIMINAL JUSTICE/COMMUNITY
CORRECTIONS FUNDING HISTORY**

The Division of Criminal Justice receives funding in the annual Long Bill for community corrections programs. The line items receiving funding are as follows:

- transition programs;
- diversion programs;
- specialized services;
- day reporting and monitored 3/4 house programs; and
- substance abuse treatment programs.

Table 11.6 and Graph 11.5 provide a ten-year history of appropriations compared with the community corrections population from FY 1989-90 through FY 1999-00. Table 11.6 shows that appropriations for community corrections programs increased 197 percent from FY 1989-90 to FY 1999-00. The community corrections population grew 87 percent during this same time frame. However, when the appropriations figures are adjusted for inflation, appropriations increased only 106 percent from FY 1987-88 to FY 1996-97, a figure that is much closer to the growth in the community corrections population.

Table 11.6: Community Corrections Expenditures and Caseload

Fiscal Year	Long Bill Appropriations	% Increase Over FY 1989-90	CPI Adjusted Expenditures	% Increase Over FY 1989-90	Community Corrections Population (FY End)	% Increase Over FY 1989-90
FY 1989-90	\$11,704,224	NA	11,704,224	NA	1,962	NA
FY 1990-91	16,544,870	41.4%	15,846,947	35.4%	2,115	7.8%
FY 1991-92	20,516,658	75.3%	18,915,836	61.6%	2,264	15.4%
FY 1992-93	20,356,652	73.9%	18,091,330	54.6%	2,324	18.5%
FY 1993-94	22,151,971	89.3%	18,889,530	61.4%	2,533	29.1%
FY 1994-95	23,393,254	99.9%	18,090,256	54.6%	2,547	29.8%
FY 1995-96	23,689,200	102.4%	18,547,731	58.5%	2,599	32.5%
FY 1996-97	25,796,206	120.4%	19,514,430	66.7%	2,994	52.6%
FY 1997-98	28,921,648	147.1%	21,183,598	81.0%	3,301	68.2%
FY 1998-99	29,719,707	153.9%	21,257,209	81.6%	3,628	84.9%
FY 1999-00	34,749,513	196.9%	24,153,623	106.4%	3,660	86.5%
FY 2000-01	38,045,534	225.1%	25,525,690	118.1%	NA	NA

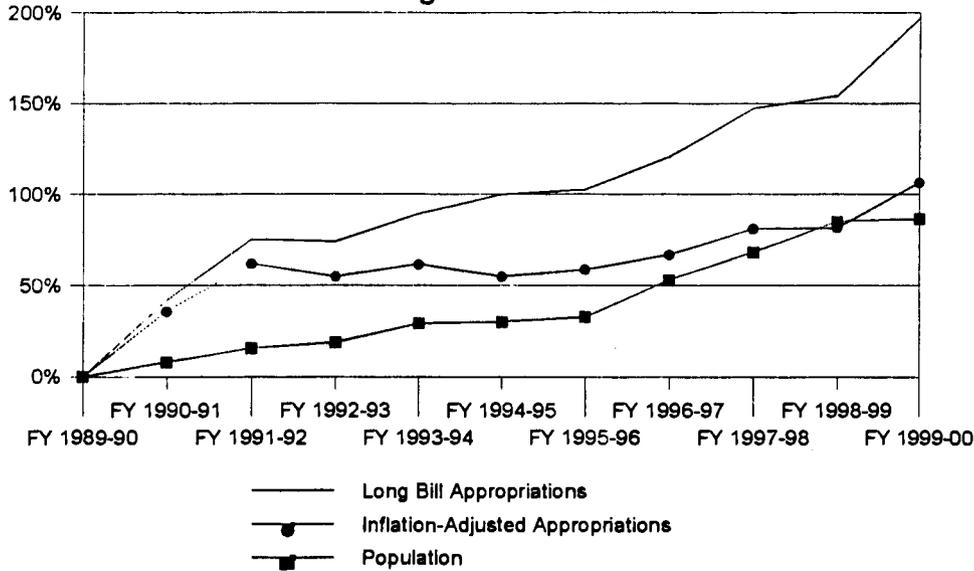
NA: Not applicable or available.

Source: Legislative Council Staff

Note: The Denver-Boulder consumer price index was used to adjust for inflation.

Graph 11.5 again compares community corrections funding history with the caseload. The graph illustrates that, when not adjusted for inflation, the growth in the community corrections appropriations has grown faster than the growth in population. When adjusted for inflation, the gap between appropriations and population narrowed. However, in FY 1998-99, the population outgrew the inflation adjusted appropriations.

Graph 11.5: Community Corrections Appropriations vs. Caseload
Cumulative Percentage Increase Over FY 1989-90



Source: Legislative Council Staff

Chapter 12 — Parole Board / Supervision of Parolees / Parole Population Profile / Ten-Year Funding History

This chapter provides an overview of the various operations involved in the parole system including the operations of the Colorado Parole Board and the Division of Adult Parole Services.

Specifically, this chapter covers the following topics under two sections:

The Parole Process, including:

- parole eligibility;
- pre-parole procedures;
- the Parole Board;
- parole hearings;
- release to parole;
- parole supervision; and
- revocation of parole.

The Parole Population, including:

- parole population profile;
- parole population projections; and
- parole funding history.

PAROLE ELIGIBILITY

Colorado law specifies that any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony, or any unclassified felony, is eligible for parole after serving 50 percent of the imposed sentence, less earned time. Assuming an inmate earns 100 percent of allowable earned time, the earliest possible parole date is after serving 38 percent of the sentence. (Inmates may not reduce their sentence through earned time by more than 25 percent.)

Offenders convicted of more serious violent crimes, however, are not eligible for parole after serving 50 percent of their sentence. Certain violent offenders must serve 75 percent of their sentence, less earned time. These include offenders convicted of:

- second degree murder;
- first degree assault;
- first degree kidnapping unless the first degree kidnapping is a class 1 felony;
- first or second degree sexual assault;
- first degree arson;
- first degree burglary;
- aggravated robbery, and
- a prior crime which is a crime of violence as defined in Section 16-11-309, C.R.S.

The following crimes are included in the list of crimes of violence:

- any crime against an at-risk adult or at-risk juvenile;
- murder;
- first or second degree assault;
- kidnapping;
- sex assault;
- aggravated robbery;
- first degree arson;
- first degree burglary;
- escape; or
- criminal extortion.

"Crime of violence" also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. It should be noted that class 1 felony offenders are not eligible for parole.

Any offender convicted and sentenced for a crime enumerated above who twice previously was convicted for a crime which would have been a crime of violence is eligible for parole after serving 75 percent of the sentence, but no earned time is granted.¹

Table 12.1 illustrates the earliest possible parole date, based on the sentence imposed versus the time served when parole is denied. Both the 50 percent and 75 percent thresholds are illustrated. The table assumes that offenders earn 100 percent of their earned time, which is ten days per month.

Table 12.1: Overview of Earliest Possible Parole Eligibility Date (PED)

Sentence/ Years	Assumes Offender Eligible after Serving:				Maximum Time Served — Assumes Discretionary Parole Denied and 100% Earned Time	
	50% of Sentence, Less Earned Time		75% of Sentence, Less Earned Time		Total Earned Time, Years	Discharge Date, Years
	Total Earned Time, Years	Earliest Possible PED, Years	Total Earned Time, Years	Earliest Possible PED, Years		
1	0.12	0.38	0.19	0.56	0.25	0.75
5	0.62	1.88	0.93	2.82	1.25	3.75
10	1.24	3.76	1.86	5.64	2.50	7.50
15	1.86	5.64	2.78	8.47	3.75	11.25
20	2.47	7.53	3.71	11.29	5.00	15.00
25	3.09	9.41	4.64	14.11	6.25	18.75
30	3.71	11.29	5.57	16.93	7.50	22.50
35	4.33	13.17	6.49	19.76	8.75	26.25

PRE-PAROLE PROCEDURES

All eligible inmates are scheduled to be seen by the Parole Board at least 90 days prior to their parole eligibility date. Before an inmate can be released from a DOC facility or community corrections program, the inmate must have a parole plan that details where he or she will live and work, and who will be responsible for the inmate upon release. DOC case managers are responsible for preparing an inmate's parole plan. The plan then is submitted to the Division of Adult Parole Services for investigation by a parole officer. A parole officer in the appropriate regional office is assigned to verify information in the parole plan. Ideally, the parole officer visits the inmate's

1. As of November 1, 1998, the parole of sex offenders will be governed by the "Colorado Sex Offender Lifetime Supervision Act of 1998," codified in Section 16-13-806, C.R.S. Among other things, the legislation sets a minimum parole period of 20 years for a sex offender convicted of a class 2 or 3 felony, and a minimum of ten years for a sex offender convicted of a class 4, 5, or 6 felony. A sex offender can be placed on parole for the remainder of his natural life if the Parole Board believes indefinite supervision is necessary to protect public safety.

proposed residence, employer, family members, and all other persons identified as potential parole resources. The investigation must be completed within 15 days of the plan's receipt by the division. At the release hearing (discussed further in the next section), the board reviews the inmate's file, hears from the inmate's case manager, and makes a determination of whether parole will be granted.

THE PAROLE BOARD

Size and composition of the Parole Board. The Colorado State Board of Parole consists of seven members who are appointed by the Governor and confirmed by the Senate. Parole Board members perform their duties full-time.

The seven-member board is composed of *two* representatives from law enforcement, *one* former parole or probation officer, and *four* citizen representatives. The statutes require that Parole Board members have knowledge of parole, rehabilitation, correctional administration, the functioning of the criminal justice system, and the issues associated with victims of crime. The statutes further require the three designated Parole Board members (law enforcement and probation representatives) each have at least five years education or experience, or a combination thereof, in their respective fields.

Hearings of the Parole Board. The Parole Board's primary responsibility is to conduct inmate release hearings. Parole Board members conduct four types of hearings:

- **release hearings** – the board, by a single member, considers an inmate's parole application, interviews the inmate, decides whether the inmate should be released on parole, and determines the conditions of parole. This personal interview may be a face-to-face interview or a live telephone or speaker phone interview at the board's discretion. Release hearings are held at the institution or in the community where the offender is physically incarcerated. If the board member decides to release the offender, the approval by signature is required by an additional board member;
- **full board reviews** – the board meets as a full board to consider all cases involving a violent crime, cases with a history of violence, and all other matters recommended for full board review by board members conducting the release hearing. Four board members constitute a quorum and four affirmative votes are necessary to grant parole;
- **rescission hearings** – the board, by a single member, may suspend an established parole release date upon receipt of information not previously considered by the board, or upon receipt of information reflecting improper conduct by the inmate including disciplinary violations. A rescission hearing is then held by a single board member to determine if a decision to parole should be rescinded prior to the inmate actually going out on parole; and

- **revocation hearings** – revocation hearings are held to determine whether parole should be revoked and whether the parolee should be returned to a DOC facility. A revocation hearing is conducted either by a single member of the Parole Board or by an Administrative Hearings Officer (AHO). The single board member or AHO conducting the hearing also makes the decision to revoke or not.

PAROLE RELEASE HEARINGS AND THE DECISION-MAKING PROCESS

The Parole Board considers a number of variables when deciding whether to release an inmate to parole: the inmate's criminal record; the nature and circumstances of the offense for which the inmate was committed to the DOC; the inmate's behavioral history while incarcerated; participation in treatment and programs; and current psychological and medical evaluations. The Parole Board also must consider the inmate's risk assessment score and apply the current parole guidelines, as set out in statute.

The parole guidelines law sets out nine mitigating factors the board may consider when deciding whether to parole an inmate:

- the offender was a passive or minor participant in the crime;
- the victim precipitated the crime or somehow provoked it;
- there was substantial justification for offense;
- the crime was committed under duress or coercion;
- the offender has no past record or a long crime-free period;
- the offender voluntarily acknowledges wrongdoing;
- the offender has family obligations and further incarceration would cause undue hardship on dependents; and
- the offender has attempted compensation to the victim.

The presence of one or more mitigating factors can result in an earlier release date provided there are no aggravating circumstances associated with the current crime.

The parole guidelines legislation lists 15 aggravating factors. The Parole Board divides the factors into two categories: first degree aggravation and second degree aggravation. First degree factors are most likely to result in a delayed release. First degree aggravating factors include:

- the offender inflicted serious bodily injury and high degree of cruelty;
- the offender was armed with deadly weapons;

- the crime involved multiple victims;
- the crime involved particularly vulnerable victims;
- the victim was a judicial or law enforcement officer;
- the offender displays a pattern of violent conduct;
- the offender was on parole or probation for another felony at commission; and
- the offender was in confinement or on escape status at commission.

Second degree factors may delay release, but for a shorter period. Second degree aggravating factors include:

- offender induced others in commission of offense;
- offender took advantage of a position of trust;
- offender either paid to have the crime committed or was paid to commit the crime;
- crime was premeditated;
- crime was drug or contraband related;
- offender was on bond for previous felony during commission; and
- offender has increasingly serious convictions, juvenile or adult.

SUPERVISION ON PAROLE – DIVISION OF ADULT PAROLE

Statutory duties and powers. The Division of Adult Parole is responsible for supervising adult parolees who have been released to the community by the Parole Board. The division is organized into four state-wide regions (Denver, Northeast, Southeast, and Western) and operates 12 offices throughout the state. As of June 30, 1999, sixty-five parole officers supervised just over 3,600 parolees in Colorado. Parole officers are level Ia peace officers and therefore have arrest powers and may carry firearms.

General statutory duties. The Division of Adult Parole is statutorily responsible for the following:

- establishing and administering appropriate programs of education and treatment to assist in offender rehabilitation; and
- keeping a complete record of all domestic and interstate parolees.

Supervision of parolees. The statutes also outline the responsibilities of parole officers. Whenever a parole officer has reasonable grounds to believe that a parolee has violated a condition of parole, he *may* issue a summons requiring the parolee to answer the charges before the Parole Board. Because the statute gives discretion to the parole officer to decide how to proceed after a suspected parole violation, the administrative procedure after a violation is for the parole officer to meet with a supervisor to decide on a response. Administrative rules provide a range of actions which may be taken by a parole officer:

- take no action;
- verbal reprimand;
- increase the level of supervision;
- refer to community corrections;
- refer to DOC contract beds;
- refer to Intensive Supervision Program (ISP);
- issue a summons; or
- arrest the parolee.

The statutes provide that if the parole officer makes an arrest rather than issuing a summons, the parolee is to be held in a county jail. After completing an investigation, the parole officer has the following options:

- file a complaint with the Parole Board and continue to hold the parolee in the county jail;
- order the release of the parolee and request that any warrant be quashed and that any complaint be dismissed and parole restored; or
- order the release of the parolee and issue a summons requiring the parolee to appear before the Parole Board to answer the charges.

The statutes additionally spell out when a parole officer may arrest a parolee in order to begin revocation proceedings. A parole officer may make an arrest when:

- he or she has a warrant for the parolee's arrest;
- he or she has probable cause to believe that an arrest warrant has been issued for the parolee in this or another state for a crime or for violation of a condition of parole;
- the parolee has committed a crime in the presence of the parole officer;
- the parole officer has probable cause to believe that the parolee has committed a crime;

- the parole officer has probable cause to believe that the parolee has violated a condition of parole, or that the parolee is leaving or is about to leave the state, or that the parolee will fail to appear before the board to answer charges of violations of the conditions of parole; or
- the parolee has been tested for illegal controlled substances and the test was positive.

Parolees and drug testing. The General Assembly has statutorily required that all convicted felons in the criminal justice system be assessed for drug use. As a condition of parole, every parolee is required to submit to random drug and alcohol testing.

The statutes spell out specific parole officer responsibilities when a parolee tests positive for illegal controlled substances. For the *first* positive test, the parole officer may:

- make an immediate warrantless arrest;
- immediately increase the level of supervision including intensive supervision;
- begin random screenings for detecting illegal controlled substance use, which may serve as the basis for any other community placement; or
- refer the parolee to a substance abuse treatment program.

For a *second* or subsequent positive test for illegal controlled substances, in addition to making an immediate arrest, increasing the level of supervision, or referring the parolee to a substance abuse treatment program, the parole officer may:

- seek parole revocation; or
- increase the number of drug screenings for the presence of illegal controlled substances.

Parolee supervision classification. A final responsibility of the division is to classify inmates in order to determine the level of parole supervision. The division uses a supervision classification instrument which provides parole officers with a tool to develop an appropriate supervision plan and establish and administer appropriate education and treatment programs and other productive activities to assist in offender rehabilitation. Supervision classification tools also provide parole officers with a prediction as to the risk of reoffending while on parole.

Offenders are generally assessed within the first 30 days of their release from prison and are reassessed every six months. The division classifies inmates in four levels: intensive supervision, maximum, medium, and minimum. Under the Intensive Supervision Program, parolees have one personal contact with the parole officer per week, daily phone contact, and weekly urinalysis tests. Under maximum supervision, parolees must have two personal contacts per month. Under medium supervision, parolees have one personal contact per month. Under minimum supervision,

parolees have no personal contacts per month. Parole officers are required to prepare one written report per month on each parolee classified at the maximum, medium and minimum supervision levels. Parolees classified at the maximum, medium, and minimum supervision levels are also required to undergo periodic random testing for drugs and alcohol. The frequency of such tests is according to the results of an initial assessment of drug and alcohol use.

REVOCATION

Revoking an inmate's parole necessitates interaction between the Division of Adult Parole Services and the Parole Board. The Division of Adult Parole Services is responsible for monitoring the inmate while in the community on parole and for reporting that inmate to the Parole Board when the inmate violates a condition of parole. The Parole Board is responsible for providing the inmate with a hearing and deciding whether the inmate should remain on parole.

Parole officers and the revocation process. Parole officers are generally the starting point for the revocation process. Statutes dictate that a parole officer may arrest a parolee for specific reasons (see page 160).

Pursuant to administrative regulations of the Parole Board, revocation complaints filed by parole officers are either mandatory or discretionary. When a parolee commits certain offenses, the parole officer is required to file a complaint in order to begin revocation proceedings (this does not mean the offender's parole is required to be revoked). For other offenses, the parole officer uses discretion in deciding whether to begin revocation proceedings.

Mandatory complaint offenses include the following:

- possession or use of a firearm or deadly weapon;
- an arrest and charge for any felony;
- a crime of violence as defined in 16-1-104 (8.5), C.R.S.;
- a misdemeanor assault involving a deadly weapon or resulting in bodily injury to the victim;
- third degree sexual assault;
- refusal to submit to urinalysis to determine the presence of drugs or alcohol;
- an arrest for a criminal offense for which the parolee is being held in a county jail;
- an arrest and charge or conviction for any misdemeanor offense against the person;
- an arrest and charge or conviction for any other misdemeanor offense relating to assault, robbery, alcohol possession or use of controlled substance, or arson;

- failure to make an initial report to a parole officer upon release to parole supervision;
- absconding from parole supervision; and
- failure to make restitution payments in accordance with DOC policy governing restitution ordered by the Parole Board.

Parole officers have the discretion to file or not to file a complaint for a parole violation, based on the circumstances, that do not require mandatory action. Administrative regulations provide that discretionary decisions are determined on a case-by-case basis. Such discretionary decisions are made for offenses including but not limited to the following:

- technical parole violations such as failure to file a change of address, refusing to allow a search, or refusing to comply with a special condition of supervision;
- a positive test for the presence of drugs or alcohol; and
- charges or convictions, class 1 or 2 traffic offenses, or misdemeanors which are not crimes against persons and are not otherwise subject to a mandatory arrest.

In making a discretionary decision to file or not to file a complaint for a parole violation, parole officers are required to consider several factors:

- the offender's risk assessment data;
- prior arrests or technical parole violations;
- the history of prior parole or probation failures;
- a pattern or repetitive criminal behavior;
- a history of alcohol/drug use and dependency;
- the likelihood of positive response to counseling/treatment for the observed behavior problems;
- the availability of appropriate community treatment resources;
- family needs and employment status; and
- sentencing structure and the expiration of the sentence.

The Parole Board and revocation hearings. Statutes and administrative regulations provide that revocation hearings are to be conducted by a single Parole Board member or by an Administrative Hearings Officer (AHO). In practice, the AHO conducts nearly all revocation hearings in the state, approximately 87 percent. The board member or the AHO has the authority to issue subpoenas upon request of the parolee, the parole officer, or the district attorney and also has the authority to deny a request for a subpoena when the evidence would be irrelevant to any material issue involving the parole revocation or would be unduly burdensome.

During the hearing, the board member or AHO advises the parolee of his or her statutory rights. After explaining the plea options to the parolee, the board member or AHO requests a separate plea for each count of the complaint. If the parolee enters a plea of "not guilty," witnesses are sworn in and the burden of proof is on the DOC to prove each count of the complaint. If the parolee enters a plea of "guilty," the DOC presents aggravating or mitigating factors and the parolee presents mitigating factors. If the alleged violation is technical in nature, the burden of proof is by a preponderance of the evidence. If the alleged violation is criminal in nature, the burden of proof is beyond a reasonable doubt.

The board member or AHO then makes a verbal or written finding of facts and may take five days to make a decision. In general, if the board member or AHO determines that the parolee committed a condition of parole violation he or she may either revoke the parole, continue the parole in effect, or continue the parole with modified parole conditions. If parole is revoked, the board member or AHO is required to provide the parolee with a written statement of the evidence relied on and the reasons for revoking parole. Specifically, the board member or AHO may make a decision as follows:

- if the board member or AHO determines that the parolee has violated parole by committing a crime, the board member or AHO may revoke the parole and have the parolee transported to a place of confinement designated by the DOC Executive Director;
- if the board member or AHO determines the parolee violated any condition of parole, other than a new crime, he or she may:
 - revoke parole and have the parolee confined in a place designated by the executive director; or
 - revoke parole for a period of up to 180 days and place the offender in a community corrections program, a DOC facility, or any private facility under contract to the DOC; or
 - revoke parole for up to 90 days and confine the parolee in a county jail or in a private facility under contract to the DOC;
- when the board member or AHO finds the parolee guilty of the mandatory complaint charge but decides not to revoke parole, the decision is reviewed by two other members of the board within 15 days of the original decision. The two other members may overturn the original decision and order the parole revoked.

THE PAROLE POPULATION

After a period of decline in the late 1980s and early 1990s, the parole population is increasing and is expected to continue to increase significantly. From 1988 through 1994, the parole population decreased 30 percent. This decrease was primarily due to legislation adopted in 1990 which awarded earned time to offenders while on parole. However, this legislation was amended since that time as reflected by variations in the parole population. Currently, only non-violent offenders may receive earned time while on parole.

Based on parole population projections by Legislative Council Staff, populations are expected to steadily increase. This increase will primarily be due to legislation adopted in 1993 which mandates that all offenders serve a period of parole. Table 12.2 illustrates that parole populations are expected to increase 25.8 percent from June 2000 to June 2005.

**Table 12.2: History of Adult Parole Population
and Five-Year Projections**

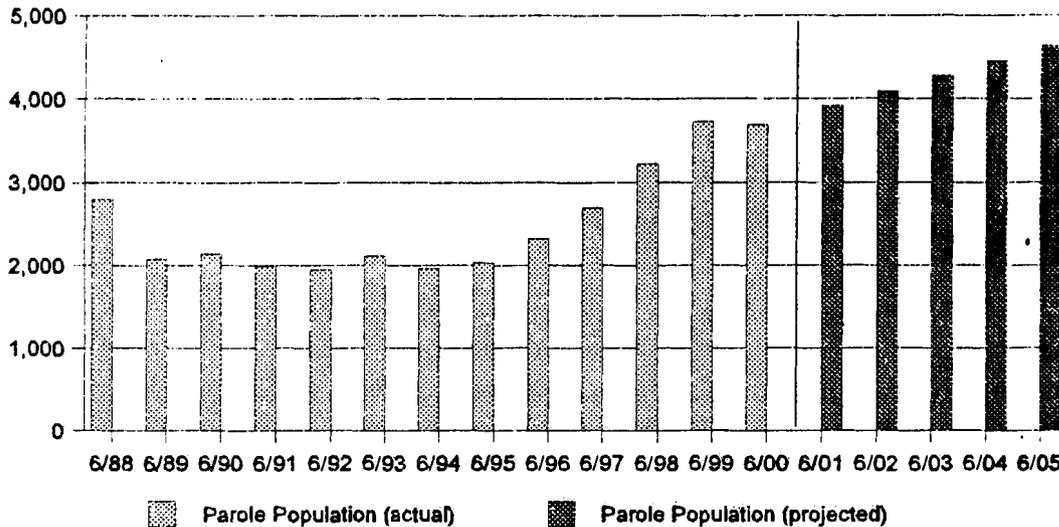
Date	Population	Cumulative Percent Increase Over June 1988	Annual Percentage Growth
June 30, 1988 (actual)	2,796	NA	NA
June 30, 1989 (actual)	2,073	(25.9)%	(25.9)%
June 30, 1990 (actual)	2,137	(23.6)%	3.1%
June 30, 1991 (actual)	1,990	(28.8)%	(6.9)%
June 30, 1992 (actual)	1,943	(30.5)%	(2.4)%
June 30, 1993 (actual)	2,116	(24.3)%	8.9%
June 30, 1994 (actual)	1,958	(30.0)%	(7.5)%
June 30, 1995 (actual)	2,026	(27.5)%	3.5%
June 30, 1996 (actual)	2,322	(17.0)%	14.6%
June 30, 1997 (actual)	2,695	(3.6)%	16.1%
June 30, 1998 (actual)	3,219	15.1%	19.4%
June 30, 1999 (actual)	3,722	33.1%	15.6%
June 30, 2000 (actual)	3,685	31.8%	(1.0)%
June 30, 2001 (projected)	3,915	40.0%	6.2%
June 30, 2002 (projected)	4,095	46.5%	4.6%
June 30, 2003 (projected)	4,275	52.9%	4.4%
June 30, 2004 (projected)	4,455	59.3%	4.2%
June 30, 2005 (projected)	4,635	65.8%	4.0%

NA: Not Applicable.

Source: Legislative Council Staff

Table 12.2 is further illustrated by Graph 12.1 which highlights the expected growth in the parole caseload which is projected for the next five years.

**Graph 12.1: Adult Parole Population
Actual and Projected**



Source: Legislative Council Staff

Two primary factors affect the parole population: changes in the parole board’s discretionary releases to parole, and the implementation of mandatory parole.

Changes in discretionary releases to parole. The parole board decides whether to grant inmates early release to parole (before sentence discharge date) or whether to revoke parole. These decisions can increase or decrease the size of the parole population and have an opposite effect on the size of the prison population. In FY 1999-00, the Parole Board released 23.4 percent of those who appeared before the board for release decisions. This compares with a 30.9 percent release rate in FY 1998-99 and a 29.5 percent release rate in FY 1997-98.

Mandatory parole. A significant reason for the growth in the long-term projected parole population is the implementation of mandatory parole. House Bill 93-1302 created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Before mandatory parole, the Parole Board was encouraged to grant parole for those near the end of their sentences in order to continue providing a supervised placement. Otherwise, inmates could discharge their sentence in prison and could avoid supervision altogether. With mandatory parole, the Parole Board can defer parole until the sentence is complete, at which point the inmate still has a supervision period. One consequence of the implementation of mandatory parole has been that parole is deferred more often. The Parole Board has been able to use mandatory parole as a “safety net” to defer an early parole. Increased parole deferrals have increased the prison length of stay for new commitments.

In FY 1999-00, 33.0 percent of total prison releases were to mandatory parole, compared with 24.9 percent in FY 1998-99, 19.2 percent in FY 1997-98, and 13.2 percent in FY 1996-97. This share of releases is expected to continue increasing throughout the forecast period. Mandatory parole affects all new commitments after FY 1992-93 and increases the number of parolees and their lengths of stay on parole. We are now just beginning to encounter the effects of mandatory parole.

Population profile. Table 12.3 is a profile of the parole population by region as of June 30, 1999. The data reveal the following with regard to the parole population:

- the Denver region accounts for the greatest number of parolees with 1,512 offenders. This represents 41 percent of the entire parole population;
- males comprise 89 percent of the entire parole population. For comparison, males comprise 92 percent of the entire prison population in Colorado;
- parolees aged 20 to 39 comprise 73 percent of the entire parole population. Parolees aged 20 to 29 comprise 34 percent of the parole population and parolees aged 30 to 39 comprise 39 percent of the parole population. Parolees aged 40 to 49 comprise 21 percent of the parole population (up from 18 percent two years ago, further evidence of the aging corrections population);
- the bulk of parolees, 83 percent, were new commitments to the DOC when they were released to parole;
- the bulk of parolees were convicted of class 4 felonies (46 percent), class 5 felonies (27 percent), and class 3 felonies (19 percent) for a total of 92 percent of the parole population; and
- the majority, 24 percent (up from 16 percent two years ago), of parolees were convicted of drug offenses, followed by offenders convicted of theft at 15 percent, and offenders convicted of burglary and escape, each at 10 percent of the parole population.

Table 12.3: Parole Population Profile by Region as of June 30, 1999

CATEGORY	DENVER		NORTHEAST		SOUTHEAST		WESTERN		TOTAL	
	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of State
TOTAL OFFENDERS*	1,512		1,127		686		332		3,657	
Percent of Total		41.3%		30.8%		18.8%		9.1%		100.0%
Average Age		35 years		34 years		34 years		33 years		34 years
GENDER										
Male	1,310	86.6%	1,010	89.6%	618	90.1%	301	90.7%	3,243	88.7%
Female	202	13.4%	117	10.4%	68	9.9%	31	9.3%	418	11.4%
AGE GROUP										
18-19	2	0.1%	4	0.4%	2	0.3%	1	0.3%	9	0.2%
20-29	451	29.8%	399	35.4%	250	36.4%	146	44.0%	1,246	34.1%
30-39	600	39.7%	469	41.6%	257	37.5%	100	30.1%	1,426	39.0%
40-49	358	23.7%	195	17.3%	139	20.3%	62	18.7%	754	20.6%
50-59	88	5.8%	50	4.4%	29	4.2%	21	6.3%	188	5.1%
60 +	13	0.9%	10	0.9%	9	1.3%	2	0.6%	34	0.9%
PRISON STATUS TYPE										
New Commitments	1,198	79.2%	959	85.1%	574	83.7%	293	88.3%	3,024	82.7%
Parole Returns	142	9.4%	74	6.6%	49	7.1%	12	3.6%	277	7.6%
Parole Returns/ New Crime	103	6.8%	54	4.8%	36	5.2%	16	4.8%	209	5.7%
Other	69	4.6%	40	3.5%	27	3.9%	11	3.3%	147	4.0%
FELONY CLASS										
Class 1	1	0.1%	0	0.0%	1	0.1%	0	0.0%	2	0.1%
Class 2	16	1.1%	6	0.5%	11	1.6%	3	0.9%	36	1.0%
Class 3	287	19.0%	198	17.6%	144	21.0%	56	16.9%	685	18.7%
Class 4	701	46.4%	496	44.0%	339	49.4%	133	40.1%	1,669	45.6%
Class 5	422	27.9%	326	28.9%	141	20.6%	99	29.8%	988	27.0%
Class 6	83	5.5%	101	9.0%	50	7.3%	41	12.3%	275	7.5%
Habitual	2	0.1%	0	0.0%	0	0.0%	0	0.0%	2	0.1%
OFFENSE TYPE										
Homicide	37	2.4%	24	2.1%	17	2.5%	5	1.5%	83	2.3%
Robbery	87	5.8%	48	4.3%	47	6.9%	5	1.5%	187	5.1%
Kidnapping	13	0.9%	7	0.6%	6	0.9%	2	0.6%	28	0.8%
Assault	111	7.3%	110	9.8%	46	6.7%	26	7.8%	293	8.0%
Sex Assault	14	0.9%	18	1.6%	8	1.2%	1	0.3%	41	1.1%
Sex Assault/Child	26	1.7%	33	2.9%	19	2.8%	12	3.6%	90	2.5%
Drug Offenses	454	30.0%	231	20.5%	140	20.4%	66	19.9%	891	24.4%
Burglary	136	9.0%	117	10.4%	64	9.3%	43	13.0%	360	9.8%
Theft	189	12.5%	193	17.1%	108	15.7%	56	16.9%	546	14.9%
Forgery	38	2.5%	26	2.3%	13	1.9%	17	5.1%	94	2.6%
Fraud	8	0.5%	19	1.7%	9	1.3%	7	2.1%	43	1.2%
Traffic	27	1.8%	57	5.1%	33	4.8%	24	7.2%	141	3.9%
Escape	173	11.4%	91	8.1%	72	10.5%	18	5.4%	354	9.7%
Habitual	2	0.1%	0	0.0%	0	0.0%	0	0.0%	2	0.1%
Other	197	13.0%	153	13.6%	104	15.2%	50	15.1%	504	13.8%

* Profile number includes absconders not normally reported in parole caseload and excludes most interstate parolees supervised in Colorado.

Source: Department of Corrections' Annual Statistical Report, Fiscal Year 1999.

PAROLE AND COMMUNITY CORRECTIONS FUNDING HISTORY

This section compares appropriations, FTE, and populations for parolees. As pointed out in the prior section outlining offenders in community corrections, certain offenders in community corrections facilities are under the jurisdiction of the Division of Adult Parole Supervision. The population under the jurisdiction of the Division compared in this section is broken out into: parolees being supervised under "regular" parole; and parolees housed in community transition programs. These community transition parolees include residential transition parolees, parolees in community corrections as a condition of parole, parolees in the DOC's intensive supervision program, and nonresidential transition parolees (see prior section on community corrections for definitions of these populations).

Table 12.4 is a ten-year history of the funding and caseload for parole and community transition services. Table 12.4 illustrates that while the average caseload per FTE decreased by 80 percent from FY 1989-90 until FY 1993-94, the average caseload per FTE steadily increased by 18 percent from FY 1993-94 to FY 1998-99.

Table 12.5 illustrates that total parole and community transition populations increased (82 percent) at a much lower rate than the increase in long bill appropriations (195 percent). One explanation for this increase in funding in the face of decreasing populations is that additional funding was needed for additional parole officers in order to reduce caseloads (caseloads decreased from 43 offenders per FTE in FY 1989-90 to 29 offenders per FTE in FY 1998-99). Another explanation is that additional funding was needed to provide enhanced parole services such as intensive supervision programs for an increasing ISP population. Further explanation is that additional funding was needed to provide expanded aftercare services for the Youth Offender System population which is funded from the community transition budget.

Table 12.5 and Graph 12.2 also adjust long bill appropriations for inflation. In prior years, comparing the inflation-adjusted appropriations has shown that in ten years, appropriations increased at a rate nearly 3 times that of the parole and community transition populations. This difference in growth rates could be attributed to additional funding needed to decrease caseloads and to provide enhanced parole services. However, even though caseloads are beginning to creep back up (see Table 12.4), the gap between inflation-adjusted appropriations and the parole and community transition populations is beginning to close. Between FY 1989-90 and FY 1998-99, inflation-adjusted appropriations increased 111 percent and the parole and community transition population increased 83 percent.

**Table 12.4: Overview of Parole and Community
Corrections Transition Appropriations and Caseload**

	Parole Population (June 30)	Long Bill Appropriation	FTE	Community Transition Population (June 30)	Community Transition Appropriations	FTE	Total Population (June 30)	Total Appropriations	Total FTE	Average Caseload Per FTE Employee
FY 1989-90	2,137	2,576,758	66.0	690	NA	NA	2,827	2,576,758	66.0	42.8
FY 1990-91	1,990	3,847,619	85.0	756	NA	NA	2,746	3,847,619	85.0	32.3
FY 1991-92	1,943	4,519,841	83.5	778	NA	NA	2,721	4,519,841	83.5	32.6
FY 1992-93	2,116	4,327,393	80.0	730	NA	NA	2,846	4,327,393	80.0	35.6
FY 1993-94	1,958	5,270,549	93.8	977	\$1,211,931	29.5	2,935	6,482,480	123.3	23.8
FY 1994-95	2,026	5,258,118	93.8	1,009	1,361,442	31.5	3,035	6,619,560	125.3	24.2
FY 1995-96	2,322	5,620,340	93.8	924	1,958,164	39.1	3,246	7,578,504	132.9	24.4
FY 1996-97	2,695	5,777,844	95.8	1,063	2,725,624	42.7	3,758	8,503,468	138.5	27.1
FY 1997-98	3,219	6,720,987	104.5	1,170	4,868,663	47.7	4,389	11,589,650	152.2	28.8
FY 1998-99	3,722	7,589,987	114.2	1,433	7,667,267	64.8	5,155	15,257,254	179.0	28.8

NA: Not Available.

Note: Until FY 1993-94, Parole and Community Transition appropriations and employees were combined.

Source: Legislative Council Staff.

Table 12.5: Parole and Community Corrections Appropriations, Adjusted for Inflation, vs. Caseload

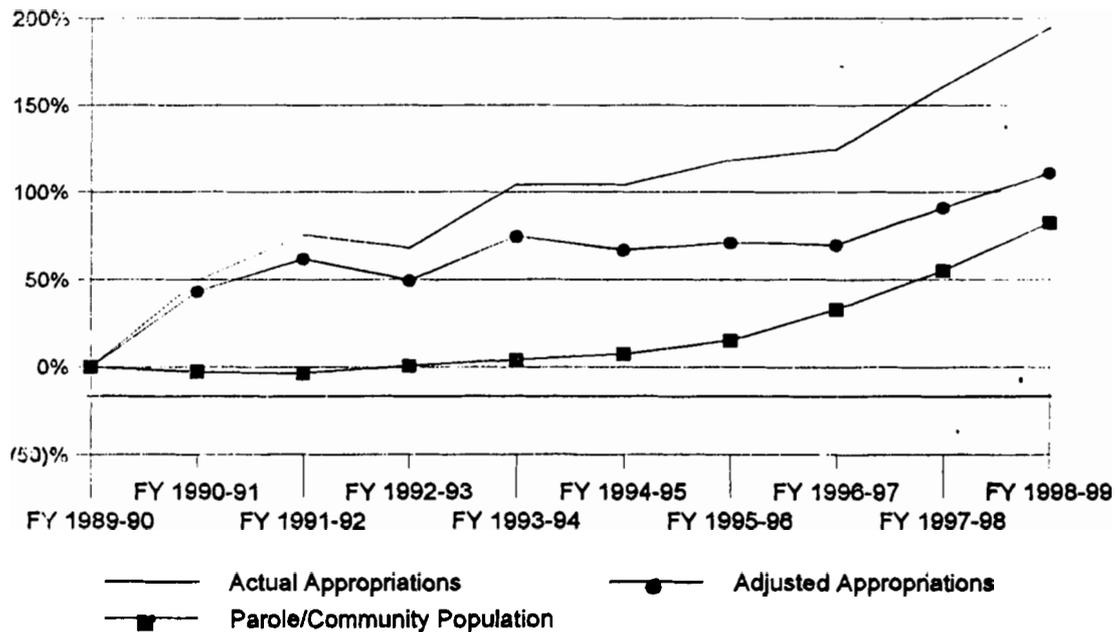
Fiscal Year	Long Bill Appropriations	Percent Increase Over FY 1989-90	CPI-Adjusted Appropriations (FY 1989-90 Dollars)	Percent Increase Over FY 1989-90	Parole and Community Transition Population (June 30)	Percent Increase Over FY 1989-90
FY 1989-90	2,576,758	0.0%	2,576,758	0.0%	2,827	0.00%
FY 1990-91	3,847,619	49.3%	3,685,312	43.0%	2,746	(2.87)%
FY 1991-92	4,519,841	75.4%	4,167,178	61.7%	2,721	(3.75)%
FY 1992-93	4,327,393	67.9%	3,845,834	49.3%	2,846	0.67%
FY 1993-94	5,270,549	104.5%	4,494,327	74.4%	2,935	3.82%
FY 1994-95	5,258,118	104.1%	4,294,006	66.6%	3,035	7.36%
FY 1995-96	5,620,340	118.1%	4,400,510	70.8%	3,246	14.82%
FY 1996-97	5,777,844	124.2%	4,370,849	69.6%	3,758	32.93%
FY 1997-98	6,720,987	160.8%	4,922,772	91.0%	4,389	55.25%
FY 1998-99	7,589,987	194.6%	5,428,786	110.7%	5,155	82.35%

NA: Not applicable.

Note: The Denver-Boulder consumer price index was used to adjust for inflation.

Source: Legislative Council Staff.

Graph 12.2: Parole/Community Corrections Appropriations vs. Population Cumulative Percentage Increase Over FY 1989-90



SECTION V

Victim Programs

This section contains information about victim programs in Colorado. This is the first edition of this report in which information on victim services is included. Future editions of this report will include additional information on victim programs including historical data on the numbers of victims served under the programs, the amounts victim programs collect, and the amounts of money distributed to victims in compensation and services. There are three main programs that serve victims in Colorado:

- victim compensation — victims of violent crime are eligible to apply for and collect moneys for certain kinds of expenses;
- the Victims and Witnesses Assistance and Law Enforcement (VALE) Fund — victims of crime are eligible to apply for and take advantage of services such as counseling and case notification; and
- restitution — comprehensive legislation adopted during the 2000 legislative session ensures that all court cases involving crime victims will address the issue of victim restitution.

Section V contains the following chapter:

Chapter 13 — Victim Programs

Chapter 13 — Victim Programs

This chapter focuses on victim programs including victim compensation and criminal restitution. Victims of violent crime may apply for victim compensation in the judicial district in which they reside. Victims are eligible for up to \$20,000 for out-of-pocket expenses not covered by insurance or up to \$1,000 for emergency needs. Moneys to pay crime victim compensation are collected through a cost assessed to all felony, misdemeanor, and traffic offenders. Crime victims may also take advantage of services provided by agencies that receive moneys from the Victims and Witnesses Assistance and Law Enforcement (VALE) Fund. Moneys to pay these services are collected through a surcharge assessed to all felony, misdemeanor, and traffic offenders.

The Colorado Revised Statutes referring to criminal restitution were completely re-written during the 2000 legislative session. Criminal restitution must now be considered in every case where an offender is convicted of a felony, misdemeanor, petty, or traffic misdemeanor offense. Upon admission to the DOC, a minimum of 20 percent of an inmate's account must be paid toward restitution. Collections investigators within the Judicial Department administer, enforce, and collect on court orders or judgments entered with respect to restitution.

VICTIM ASSISTANCE

Victim and Witness and Law Enforcement Fund (VALE). All felony, misdemeanor, and traffic offenders are required to pay a surcharge to the VALE fund. VALE funds assist service agencies in providing direct services to victims. Among the services provided to crime victims via the VALE fund are early crisis intervention, telephone lines for victim and witness assistance, referral of victims to social service and victim compensation programs, assistance in filling out forms for compensation, educating victims and witnesses about the criminal justice system, assistance in the prompt return of victims' property, notification to victims of the progress of the investigation and other details about the case, intercession with victims' and witnesses' employers and creditors, assistance to elderly victims and disabled victims in arranging transportation to and from court, translator services, counseling for court appearances, protection from threats of harm and intimidation, and special advocate services. Crime victims in need of these services are referred from a variety of sources including law enforcement, district attorneys, and victim advocates. Because there is no application process for these services, victims have immediate access to these services. Victim service agencies received \$8.1 million in grants and scholarships from the VALE fund in FY 1998-99.

Victim compensation. Offenders pay a surcharge to the victim compensation fund from which victims can be awarded money to pay for certain items and expenses. Victims of violent crime may apply for victim compensation in the judicial district in which they reside. Victims are eligible for up to \$20,000 for out-of-pocket expenses not covered by insurance or up to \$1,000 for emergency needs. Moneys to pay crime victim compensation are collected through a cost assessed to all felony, misdemeanor, and traffic offenders. Victim compensation awards are available only for reimbursement of medical and mental health expenses, lost wages and support to dependents, funeral expenses, and to repair or replace doors, locks, and windows on residential property. Victim compensation awards are not available for replacing stolen or damaged personal property. If approved, victim compensation moneys are awarded to victims within 30 to 45 days of application. Victims received nearly \$7.4 million in victim compensation awards in FY 1998-99.

RESTITUTION

Criminal restitution. During the 2000 legislative session, H.B. 00-1169 (Section 16-18.5-101 et seq., C.R.S.), restructured criminal restitution. Criminal restitution must be considered in every case where an offender is convicted of a felony, misdemeanor, petty offense, or traffic misdemeanor offense. Criminal restitution can include:

- all of a victim's out-of-pocket expenses;
- interest;
- loss of use of money;
- anticipated future expenses;

- rewards paid by victims;
- money advanced by law enforcement agencies;
- adjustment expenses;
- extraordinary direct public and all private investigative costs; and
- other losses or injuries proximately caused by an offender's conduct.

HB 00-1169 also established that restitution orders:

- are final civil judgments that remain in effect until paid in full;
- include future interest, attorney fees, and costs;
- operate as a lien on all real and personal property;
- are joint and several obligations of all defendants who caused the loss; and
- are paid after an offender has paid any obligation to the VALE and victim compensation funds.

Upon sentencing an offender, the court orders the defendant to pay restitution to the victim. Because restitution is not ordered until sentencing, and offenders generally do not pay the entire amount of restitution owed at sentencing, victims generally receive restitution in payments over a long period of time. House Bill 1169 mandates that if a defendant does not pay at sentencing the full amount of restitution due, the defendant is required to meet with a collections investigator who collects a \$25 fee, conducts an investigation into the financial circumstances of the defendant, and sets up a payment plan.

The Judicial Branch and Collections Investigators

As a condition of probation, offenders are required to make court-ordered restitution payments. Probation officers are responsible for making sure probationers maintain conditions of probation. Also, each judicial district is staffed with collection investigators who conduct financial interviews with and evaluations of offenders, set up and monitor payment schedules, and enforce orders for payment.

The Judicial Department created a collections investigator program in 1989. Although the program initially focused on the county courts due to the high volume of offenders sentenced at that level who owed fines and court costs, the program's success prompted the Judicial Department to pilot the program in four district courts. According to a 1993 performance audit, the pilots were successful in 1) increasing collections; 2) reducing administrative caseloads for regular probation officers; and 3) evaluating the financial condition and monitoring payment plans for new cases.

The program has grown to include investigators in all 22 judicial districts. Collections investigators coordinate collection activities and ensure prompt payment of fines, costs, and

restitution assessed against defendants. Defendants requesting delays in paying their fines and costs must immediately report to their collections investigator upon sentencing.

The Judicial Department reports that through the collaborative efforts of judges, probation officers, court staff, and collections investigators, there have been consistent gains in collections during the last several years. Existing tools available to collections investigators include, but are not limited to:

- requesting the court to enter the payment schedule as an order of court;
- attempting to collect full payment from the offender prior to the offender's departure from the courthouse at time of sentencing;
- creating a lien on the defendant's real property until restitution is paid in full;
- monitoring payments and initiating action when orders of payment are not followed;
- verifying wage data by accessing the Colorado Department of Labor's employment data base;
- reviewing the defendant's personal, household, and business income, assets and liabilities including any related documents;
- developing reliable systems of payment through garnishment, attachment of bank accounts, automatic payroll deductions, attachment of state income tax refunds;
- returning an offender to court for failing to comply with the court order resulting in probation revocation, jail confinement, or other penalties; and
- if unemployed, directing the defendant to seek gainful employment by a specified date while informing offenders of work programs and providing job search information.

The Judicial Department collected nearly \$15 million in court-ordered restitution in FY 1998-99.

Department of Corrections

Facilities. When an inmate is sentenced to the DOC, the mittimus that accompanies the offender indicates the amount of restitution owed. Upon admission to the DOC, an individual restitution account is created for each inmate. The DOC is authorized to conduct an investigation into the financial circumstances of the defendant in order to determine the defendant's ability to pay restitution. The DOC, on a quarterly basis, transfers moneys from the account to the court clerk for

distribution. At a minimum, 20 percent of all deposits into an inmate's bank account must be deducted and paid toward any outstanding order from a criminal case or for child support. Further, H.B. 00-1169 authorized the DOC to enter into a memorandum of understanding with the Judicial Department or contract with a private collection agency for the collection of restitution from offenders sentenced to the DOC.

The DOC processed \$1,758,219 in restitution during FY1999-00. This amount includes collections from DOC inmates in community corrections facilities, and inmates in the DOC. Some inmates not in a DOC facility but under DOC's jurisdiction (i.e., in community corrections facilities and on parole) are making direct payments to the courts, and those moneys are not reflected in the amount of restitution processed by the DOC.

The Victim Compensation Program. The DOC's Victim Compensation Program (not to be confused with the state's victim compensation fund, see page 177) compensates and assists the victims of crime by employing inmates in federally-certified work programs such as the saddle shop. The Victim Compensation Program is established under the Division of Correctional Industries. Twenty percent of all inmate earnings are deducted from the gross wages of inmates for deposit into the Victim Compensation Fund. Up to 75 percent of an inmate's contribution to the fund can be applied to the payment of victim restitution, and the remainder pays for the expenses of administering the fund. Any moneys remaining in the Victim Compensation Program Fund at the end of any fiscal year are paid to the Victims and Witnesses Assistance and Law Enforcement (VALE) Fund. This program alone collected \$50,203 in FY 1999-00.

Division of Adult Parole Supervision (Parolees)

As a condition of parole, parolees are required to make court-ordered restitution payments. Parole officers are responsible for making sure parolees maintain conditions of parole. Parole officers are also responsible for collecting restitution payments from parolees and transferring those payments to the clerk of the court. House Bill 00-1169 authorized the DOC to enter into a memorandum of understanding with the Judicial Department or contract with a private collection agency for the collection of restitution from offenders released on parole.

Community Corrections

Offenders in community corrections facilities are required to maintain full-time employment and turn in their paychecks to be budgeted for payments and expenses including restitution. The administrator of any community corrections program is required to enforce all criminal orders relating to the payment of restitution, court costs, fees, or community service which is ordered by the sentencing court. The administrator is required to establish a payment contract and schedule for each offender placed in the community corrections program. In each community corrections program, clients sign a contract in which they agree to pay the full amount of restitution and which indicates the percentage of each paycheck that will go towards that end. The community corrections facility forwards the payments to the clerk of the court.

Appendix A — Flow Chart of Colorado's Adult Correctional System

This appendix provides a flow chart of the adult correctional system in Colorado. The chart illustrates the numerous steps required by the court to sentence adult offenders and depicts the wide discretion within the system that the courts have to apply sentences to criminal offenders. The chart is followed by a table which contains an explanation of each step of the flowchart.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
1	Society		
2	Offense Committed		
3	Report to Law Enforcement		
4	Arrest	16-3-101 and 16-3-102	A peace officer may arrest a person when: there is a warrant commanding that the person be arrested; any crime has been or is being committed by such person in the peace officer's presence; or the peace officer has probable cause to believe that the offense was committed by the person to be arrested.
5	Pre-trial Alternatives/ Pre-trial Investigation	16-4-105 (3)	Pre-trial service programs in the District Attorney's office establish procedures for screening arrested persons. The programs provide information to the judge to assist in making an appropriate bond decision. The programs may also include different methods and levels of community-based supervision as a condition of pretrial release. It is at this stage that the judge decides what, if any, pretrial release is appropriate.
5a	Jail	17-26-101	Lawfully committed persons and prisoners are housed in a county jail for detention, safekeeping, and confinement. Each county in the state is required to maintain a jail except counties with populations of less than 2,000.
5b	Bond/Bail	16-4-101 through 16-4-112	All persons are eligible for bond except: (a) for capital offenses when proof is evident or presumption is great; or (b) when, after a hearing held within 96 hours of arrest, the court finds reasonable proof that a crime was committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases: (I) a crime of violence while on probation or parole resulting from the conviction of a crime of violence; (II) a crime of violence while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found; (III) a crime of violence after two previous felony convictions, or one previous felony conviction if the conviction was for a crime of violence in Colorado or any other state when the crime would have been a felony if committed in Colorado which, if committed in this state, would be a felony; (IV) a crime of possession of a weapon by a previous offender; (c) when a person has been convicted of a crime of violence at the trial court level and such person is appealing the conviction or awaiting sentencing for the conviction and the court finds that the public would be placed in significant peril if the convicted person were released on bail.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
5c	Release on Recognizance	16-4-101 16-4-104 16-4-105	A defendant may be released from custody upon execution of a personal recognizance bond which is secured only by the personal obligation of the defendant. A defendant is not eligible for a personal recognizance bond if he or she: <ul style="list-style-type: none"> (a) is on another bond of any kind for a felony or class 1 misdemeanor; (b) has a class 1 misdemeanor conviction within two years or a felony conviction within 5 years of the bond hearing; (c) is a juvenile being charged as an adult by direct file or transfer and has failed to appear on bond in a felony or class 1 misdemeanor within the past 5 years; (d) is presently on release under a surety bond for a felony or class 1 misdemeanor unless the surety is notified and given the opportunity to exonerate him or herself from bond liability; or (e) failed to appear while free on bond in conjunction with a class 1 misdemeanor or a felony and is subsequently arrested. The defendant becomes ineligible for a personal recognizance bond in the case for which the defendant failed to appear.
6	Advisement (or First Appearance)	16-7-207	At the first appearance of the defendant in court, the court informs the defendant of the following: <ul style="list-style-type: none"> (a) no statement need be made and any statement made can and may be used against the defendant; (b) the right to counsel; (c) the right to the appointment of counsel or to consult with the public defender; (d) any plea must be voluntary and not the result of influence or coercion; (e) the right to bail; (f) the right to a jury trial; and (g) the nature of the charges.
7a	Grand Jury Indictment	13-72-101, et seq 13-73-101, et seq 16-5-101, et seq 16-5-201, et seq	The court or a district attorney may convene a grand jury to investigate a crime and to return an indictment. Colorado statutes allow county grand juries, judicial district grand juries, and statewide grand juries to be impaneled.
7b	District Attorney (DA) Information Filing	16-5-208	In all cases where an accused is in county court concerning the commission of a felony and is bound over and committed to jail or is granted bail, the district attorney is responsible for filing an information in the district court alleging the accused committed the criminal offense described in the information. If the district attorney decides not to file charges, he is to file in district court a written statement containing the reasons for not doing so.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
8	Preliminary Hearing	16-5-301	Every person charged with a class 1, 2, or 3 felony and every person accused of a class 4, 5, or 6 felony which requires mandatory sentencing or is a crime of violence or is a sexual offense has the right to demand and receive a preliminary hearing in order to determine whether probable cause exists to believe that the defendant committed the charged offense.
9	Dispositional Hearing	16-5-301	Persons charged with a class 4, 5, or 6 felony, except those requiring mandatory sentencing or which are crimes of violence or sexual offenses, must participate in a dispositional hearing for the purposes of case evaluation and potential resolution.
10	Arraignment	16-7-201 through 16-7-207	At the time of arraignment the defendant may enter one of the following pleas: a) guilty; b) not guilty; c) nolo contendere (no contest) with the consent of the court; or d) not guilty by reason of insanity, in which event a not guilty plea may also be entered.
11a	Not Guilty Plea >>> Proceed to Trial	16-7-205	See chart level 12a.
11b	Guilty Plea >>> Proceed to Sentencing	16-7-205	See chart level 12c.
11c	Deferred Sentencing or Deferred Judgment	16-7-203	After a defendant has pled guilty and the court and DA have agreed, the court may defer sentencing or judgment by continuing the case for up to four years from the date the felony plea was entered (two years from the date the misdemeanor plea was entered). The period may be extended for up to 180 days if failure to pay restitution is the sole condition of supervision which has not been fulfilled and the defendant has shown a future ability to pay. During the period of deferred sentencing, the court may place the defendant under the supervision of the probation department. Upon full compliance with conditions of probation and stipulations agreed to by the defendant and the DA, the plea of guilty previously entered into is withdrawn and the charges dismissed with prejudice. Upon a violation of a condition of probation or a breach of the stipulation, the court must enter judgment and impose a sentence on the guilty plea.

**Explanation for
Adult Correctional System Flow Chart**

Chart Level	Item	Colorado Statutory Citation	Description
	Trial or Plea Bargain	<p>Trial: 16-10-101 through 16-10-401, 18-1-405 and 18-1-406</p>	<p>Trial: The right of a person who is accused of an offense other than a non-criminal traffic infraction or a municipal ordinance violation to have a trial by jury is inviolate and a matter of substantive due process of law. If the defendant is not brought to trial within six months from the date of the not guilty plea, he or she is to be discharged from custody if he/she has not been admitted to bail, and the pending charges are to be dismissed. The defendant may not be indicted again, informed against, or committed for the same offense. If a continuance has been granted for the defense, the period is extended for an additional six months. If the prosecuting attorney is granted a continuance, the trial can be delayed up to six months only if certain circumstances are met which are noted in Section 18-1-405 (6), C.R.S.</p> <p>Every person accused of a felony has the right to be tried by a jury of 12 whose verdict must be unanimous. A person may waive the right to a jury trial except in the case of class 1 felonies.</p>
12a	Trial or Plea Bargain (Continued)	<p>Plea Bargain: 16-7-301 through 16-7-304</p>	<p>Plea Bargain: The DA may engage in plea discussions to reach a plea agreement in those instances where it appears that the effective administration of criminal justice will be served. The DA should only engage in plea discussions in the presence of the defense attorney. When a plea has been reached, the prosecutor informs the court of the terms of the plea agreement and the recommended penalty. The court then advises the defendant that the court exercises independent judgment in deciding whether to grant charge and sentence concessions made in the plea agreement and that the court may sentence the defendant in a manner that is different than that discussed in the plea discussions. The court may then concur or not concur with the proposed plea agreement.</p>
12b	Pre-sentence Investigation	16-11-102	<p>Following each felony (other than a class 1) conviction, or upon court order in a misdemeanor conviction, the probation officer conducts an investigation and makes a written report to the court before sentencing. Pre-sentence reports include a substance abuse assessment or evaluation. The report also includes, but is not limited to, the following information: family background, educational history, employment record, past criminal record including any past juvenile delinquency record involving unlawful sexual behavior, an evaluation of alternative dispositions available, a victim impact statement, and such other information that the court may require. Copies of the report, including any recommendations, are given to the prosecutor and the defense attorney no less than 72 hours prior to the sentencing hearing.</p>

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
12c	Sentencing	16-11-101	The trial court has the following alternatives in imposing a sentence: grant probation; imprisonment for a definite period of time; death; the payment of a fine or to a term of imprisonment or to both a term of imprisonment and the payment of a fine; any other court order authorized by law; or payment of costs. Non-violent offenders may be sentenced to probation, community corrections, home detention, or a specialized restitution and community service program.
13a	Fines, Restitution, Community Service	16-11-501 16-18.5-101 , et seq 17-27.9-103, et seq	Offenders may be sentenced to community service as an alternative to prison if the defendant is eligible for placement in the program. Offenders are not eligible for community service if they have been convicted of a crime of violence (Section 16-11-309, C.R.S.) or any felony offense against a child.
13b	County Jail	18-1-106	Offenders convicted of a misdemeanor offense are punishable by fine or imprisonment. A term of imprisonment for a misdemeanor is not served in a state correctional facility unless the sentence is served concurrently with a term of conviction for a felony. The court may also sentence an offender to a term of jail and probation (Section 16-11-202, C.R.S.), to a term of jail and work release (Section 16-11-212, C.R.S.), or to a term of jail and a fine (Section 18-1-109, C.R.S.).
13c	Probation	16-11-201, et seq	Probation: Offenders are eligible for probation with the following exceptions: (1) those convicted of a class 1 felony or class 2 petty offense; (2) those who have been convicted of two prior felonies in Colorado or any other state; and (3) those convicted of a class 1, 2 or 3 felony within the last ten years in Colorado or any other state. Eligibility restrictions may be waived by the sentencing court upon the recommendation of the DA. In considering whether to grant probation, the court may determine that prison is a more appropriate placement for the following reasons: (1) there is an undue risk that the defendant will commit another crime while on probation; (2) the defendant is in need of correctional treatment; (3) a sentence to probation will unduly depreciate the seriousness of the defendant's crime or undermine respect for law; (4) past criminal record indicates that probation would fail to accomplish its intended purpose; or (5) the crime and the surrounding factors do not justify probation.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
13d	Intensive Supervision Probation (ISP)	16-11-213 (4)	The court may sentence an offender who is otherwise eligible for probation and who would otherwise be sentenced to the DOC to ISP if the court determines that the offender is not a threat to society. Offenders in ISPs receive the highest level of supervision provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, and drug and alcohol screening.
13e	Home Detention	17-27.8-102	Home detention is an alternative correctional sentence in which a defendant convicted of a felony (except a class 1 felony) is allowed to serve the sentence or term of probation at home or another approved residence. Home detention programs require the offender to stay at the residence at all times except for approved employment, court-ordered activities, and medical appointments. A sentencing judge may sentence an offender to a home detention program after considering several factors such as the safety of the victims and witnesses and the public at large, the seriousness of the offense, the offender's prior criminal record, and the ability of the offender to pay for the costs of home detention and provide restitution to the victims.
13f	Community Corrections	17-27-105	Any district court judge may refer an offender convicted of a felony to a community corrections program unless the offender is required to be sentenced as a violent offender. The court may also refer an offender to community corrections as a condition of probation. Any offender sentenced by the court to community corrections must be approved by the local community corrections board for acceptance into the program.
13g	Prison	18-1-105 (1) (a) (V) (A)	Persons convicted of felony offenses are subject to a penalty of imprisonment for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.
13h	Youthful Offender System	16-11-311	Certain juveniles tried and sentenced as adults may be sentenced to the YOS as an alternative to a sentence to prison. In order to sentence a juvenile to the YOS, the court must first impose a sentence to the DOC which is then suspended on the condition that the youthful offender complete a sentence to the YOS, including a period of community supervision. A sentence to the YOS is a determinate sentence of not less than two years nor more than six years. The DOC may also place the youth under community supervision for a period of not less than six months and up to 12 months any time after the date on which the youth has 12 months remaining to complete the determinate sentence.
14a	Unsuccessful Completion		Back to sentencing.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
14b	Successful Completion		Back into society.
14c	Parole Board	17-2-201 et seq	The Parole Board consists of seven members appointed by the Governor and confirmed by the Senate. The board considers all applications for parole and conducts parole revocation hearings. If the board refuses parole, the board must reconsider parole every year thereafter until parole is granted or the offender is discharged. For class 1 or class 2 crimes of violence, class 3 sexual assault, habitual offenders, and sex offenders, the board only has to review parole once every three years.
14d	Local Community Corrections Board	17-27-103 (7)	Local community corrections boards are the governing bodies of community corrections programs. Locally-elected officials appoint community corrections boards. These boards' authority includes the following: to approve or disapprove the establishment and operation of a community corrections program; to enter into contracts to provide services and supervision for offenders; to accept or reject any offender referred for placement in a community corrections facility; to establish and enforce standards for the operation of a community corrections program; and to establish conditions for the conduct of offenders placed in community corrections programs.
15a	Parole/Intensive Supervision Programs	17-22.5-403 17-27.5-101	Offenders sentenced for class 2, 3, 4, 5, or 6 felonies are eligible for parole after serving 50 percent of their sentence, less earned time. Offenders convicted for more serious crimes, as defined by statute, are required to serve 75 percent of their sentence less earned time before being eligible for parole. DOC inmates who have no more than 180 days until their PED are eligible for placement in ISP. In addition, offenders in a community corrections facility who have met residential program requirements and who have no more than 180 days until their PED are eligible for ISP.
15b	Community Corrections	17-27-105 (2)	The executive director of the DOC may transfer any inmate who has displayed acceptable institutional behavior, other than one serving a sentence for a crime of violence, to a community corrections program subject to approval by the community corrections board. Non-violent inmates are referred to community corrections by the DOC 19 months prior to the offender's PED and moved to a community corrections facility 16 months prior to the PED. The DOC may refer violent offenders to a community corrections facility 9 months prior to the PED and may move the offender 180 days prior to the PED.

**Explanation for
Adult Correctional System Flow Chart**

Chart Level	Item	Colorado Statutory Citation	Description
15c	Community Corrections as Condition of Parole	17-27-105 (3) (a)	The State Board of Parole may refer any parolee for placement in a community corrections program, subject to acceptance by the local community corrections board. Such placement may be made a condition of release on parole or as a modification to the conditions of parole after release or upon temporary revocation of parole.
15d	YOS Phase II & III Community Supervision	16-11-311 (3.3) (c) (i) and (ii)	After a youthful offender has completed the core programs, supplementary activities, and educational and prevocational programs in phase I of the YOS, the DOC is authorized to transfer the youthful offender to a Phase II 24-hour custody residential program. Phase III is to be administered for the period of community supervision remaining after completion of phase II. During phase III, the youthful offender is to be monitored as he reintegrates into society.
16a	Revocation	17-2-103	A parolee who violates the conditions of parole, may have that privilege revoked. These conditions include any parolee who is found in possession of a deadly weapon or who is arrested and charged with a felony, a crime of violence, a misdemeanor assault involving a deadly weapon or resulting in bodily injury to the victim, or sexual assault in the third degree.
16b	Successful Discharge		The offender successfully completes the conditions of parole or community corrections and is free to reintegrate into society.
17	Return to Parole Board		See chart level 14a.