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Division of Criminal Justice

# BULLETIN

Winter 1992/1993

Colorado Department  
of Public Safety

# Inmate Population Growing Faster Than Expected: **BUILD MORE PRISONS OR CHANGE POLICY?\***

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In December 1991, the Division of Criminal Justice reported that Colorado's spiraling prison population would begin to level off by 1995. However, because of significant increases in recent prison commitment rates, and revised estimates of the state's population, DCJ's 1992 prison population projections indicate an increase of 2,727 Colorado inmates over the next five years (Table 1).<sup>1</sup>

### Prison Population Expected To Increase: Major Factors

1. Increased commitment rates in 1992 following a decrease in 1991.
2. Significantly increased estimates of 1992 age-at-risk population over 1991 estimates by the State Demographer's Office (SDO).

### 2. SDO's estimates of the age-at-risk (18-34 years) population increased from 1991 to 1992.

Prison population projections apply commitment rates to various age groups within the state's population. The largest proportion of inmates sentenced to DOC are between the ages of 18-34. Since the 1991 prison projections, the SDO revised the estimated size of the 18-34 age group and forecast a smaller decrease than originally planned.

These two changes in the population, as projected by the state demographer, account for approximately 50% of the difference between DCJ's 1991 and 1992 projections.

Commitment rates and average length of stay (ALOS) are the two variables that produce population projections. DCJ continues to assume an ALOS of 40.7 in the 1992 projections, even though changes in policies and practices (such as parole releases) could alter ALOS higher or lower in future years.

### Several Factors During the Past Year May Have Contributed to the Increased Commitment Rates to DOC

#### Increase in Criminal Filings

In FY89-90 and FY90-91, filings appeared to be leveling off with only slight annual increases (3.7% and 2.3%, respectively). However, in FY91-92, filings increased by 9.7%. Further analysis is needed to determine whether the increased filings were in categories historically leading to prison commitments.

These factors are detailed below, followed by a discussion of policy implications:

### 1. Commitment rates increased in 1992 after decreasing in 1991.

The Department of Corrections (DOC) data supplied to DCJ in 1992 showed a one-year increase in the prison commitment rate of 16.7% for men and 28.5% for women. This increase followed an overall 4.7% decrease in commitment rates reflected in DOC data for the previous year.

Recent commitment rates to prison have been erratic. In the past, DCJ assumed a stable admissions rate which allowed annual increases based only on state population growth.

But a trend of increasing commitment rates is now emerging. Projections presented in this bulletin are based on commitments documented by DOC over the past five years. The projections now assume an average 3.5% annual increase over and above the increase in the state population. This increasing commitment rate accounts for approximately 50% of the difference in DCJ's 1991 and 1992 projections reported for January, 1998.

Table 1  
DCJ's 1991 and 1992  
Prison Population Projections<sup>2</sup>

Projected Prison Population* on the following dates:	DCJ's 1992 Projections	DCJ's 1991 Projections
January 1, 1993	9,145	8,855
July 1, 1993	9,398	9,001
January 1, 1994	9,684	9,042
July 1, 1994	9,956	9,134
January 1, 1995	10,176	9,260
July 1, 1995	10,340	9,319
January 1, 1996	10,658	9,326
July 1, 1996	10,895	9,324
January 1, 1997	11,169	9,340
July 1, 1997	11,511	9,342
January 1, 1998	11,872	9,355

\* Jurisdictional population includes sentenced offenders who are under the authority of the Department of Corrections. This includes offenders in prison, in transition community corrections, on intensive supervision parole, on escape status, in the hospital, out to court, and in jail awaiting placement.

Within two years the inmate population is projected to increase by 1,031. Two factors account for most of the increase in the *projected* prison population:

### Why Do We Have The Jail Backlog?

The jail backlog is a result of two factors: the size of the inmate population, and the number of prison beds available to house prisoners. When population exceeds capacity, inmates sentenced to prison stack up in county jails awaiting transfer to the state's Department of Corrections.

Recently, Colorado added 2,000 beds to its prison system. Last fall, DOC staff expected capacity on September 30, 1992 to be 8,273. However, DOC's monthly population summary report (dated October 9, 1992), indicated capacity on September 30 was 7,496 because of unforeseen expansion delays.

In DCJ's 1991 prison population projections (published December 1991), a backlog of nearly 600 inmates was projected for September 30, 1992. The actual backlog for October 29, 1992 was 489. The backlog can be addressed by expanding capacity or by modifying policies. For example, policies might address enhancing release methods such as expanding intensive parole supervision and transitional community corrections placements and increasing the number of inmates released to parole supervision.

### Bootcamp

The Bootcamp program, which opened on March 1, 1991, targets young, non-violent offenders between the ages of 18 and 30. Table 3 shows that for April, 1990 - March, 1991 and April, 1991 - March, 1992, commitments to prison for class 6 felonies increased by over 3% (121 inmates).

**Table 3**  
Males Sentenced To Prison  
For Class 5 Non-violent and  
Class 6 Felonies:  
(Percent of Total Commitments)

Felony Class	Males Committed: 4/90 to 3/91	Males Committed: 4/91 to 3/92
F5 Non-violent	778 (31.0%)	884 (30.2%)
F6	110 (4.4%)	231 (7.9%)
Total Commitments	2507 (100%)	2929 (100%)

During that same period, when the 18-24 year old male population decreased slightly, prison commitments for male offenders in this age group increased nearly 3% from 28.5% in 1990-91 to 31.4% of male commitments 1991-92 (Table 4). Judges may be sending some young offenders to prison, anticipating that they will be placed in the Bootcamp program, who otherwise would not have been committed.

**Table 4**  
Percent of 18-24 Year-Old  
Males Prison Committed  
to Prison, and Percent of Males  
in Colorado: 1990-1991

	4/90-3/91	4/91-3/92
% of Prison Commitments aged 18-24	28.5% (715)	31.4% (920)
% of State Population aged 18-24	14.1% (168,640)	13.9% (170,838)

### Judicial Review Committees

Judges may be feeling the pressures of increased scrutiny related to sentencing decisions. Commissions on Judicial Performance, created in 1988, evaluate trial and appellate judges and justices seeking retention in general elections. One of the factors considered is sentencing practices. For the 1992 elections, the commissions recommended "do not retain" for three judges and offered "no opinion" to retain two others. As a result of these reviews, judges may be modifying sentencing practices to avoid criticism of being "soft on crime."

### Probation Caseloads

The number of adult felons sentenced to probation has increased 64% in five years, from 14,000 in 1987 to 23,000 in 1992. Out of concern for limited supervision resources, judges may impose prison sentences on individuals whom they previously would have placed on probation. When officer's caseloads swell, even progressive case management techniques may not persuade judges to allow community placement.

### The Perception of Excess Capacity May Lead to Increased Sentences

Research indicates that increased prison space is strongly correlated with an increase in prison commitments (National Institute of Justice, *American Prisons and Jails*, 1980). Specifically, the NIJ study found that additional prison capacity was filled within two years of completion, then filled beyond capacity after five years.

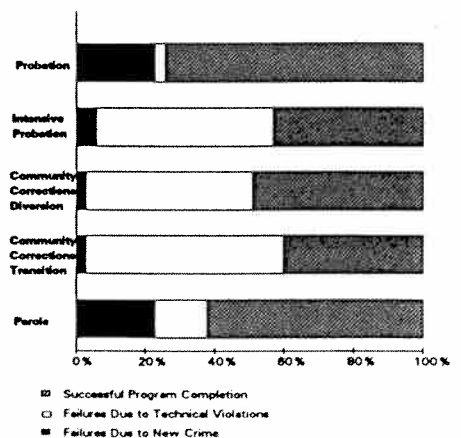
Headlines in the *Denver Post* dated 12/9/91 read: "Prison crowding eases up, Inmate projections put state step ahead." This headline suggested the prison crowding crisis was ending. Judges and parole authorities might thus become less concerned with issues of limited prison space.

### Colorado's Correctional System May Provide Inadequate Alternatives for Offenders Who Fail Community Based Programs

DCJ studies, reflected in Figure 1, indicate that most community corrections and ISP program failures are for technical violations. A significant number of prison spaces are used for offenders who violate conditions of community supervision.

Research indicates offenders sometimes relapse into old behavior patterns while striving to overcome life problems (Marlatt, 1990; Laws, 1988). Prison commitments of offenders who violate conditions of community release could likely be reduced with programming that provides a graduated range of sanctions and containment strategies.

**Figure 1**  
Outcomes for Community-Based Placements



\*Information for this table compiled from Mande 1988, and Mande 1990, and English and Mande (1991).

## Summary

Colorado policy makers and justice officials are again faced with decisions regarding increasing inmate populations. The options are:

1. Continue to build more prisons; or
2. Isolate the forces driving commitment rates higher and intervene with policy or program modifications.

## Endnotes

1. The 1991 DCJ projections are within one percent of the actual jurisdictional population for October 1, 1992. The projected number of inmates was 8,897 and the actual number was 8,961.

2. DCJ's 1992 prison population projections are based on the following assumptions:

### Admissions

1. The data provided by the Department of Corrections accurately describe the number of inmate commitments and characteristics for the 12 month period of April 1, 1991 and ending March 31, 1992.
2. The data provided by the Census Bureau accurately describe the current and projected number, age, gender, ethnicity of Colorado citizens 1992 - 1997.
3. Decision makers at crucial points in the criminal justice process will not change the way they use their discretion, except in explicitly stated ways.
4. Commitment rates for the population-at-risk will increase at an overall average rate of 3.5 percent per year.
5. Revocations to prison for technical parole violations with no new felony conviction will continue at the 1992 number: 509 per year for males; 45 per year for females.
6. The distribution of sentences for commitment categories will not change.

### Average Length of Stay

The attrition rate of new commitments is determined by the average length of stay for each commitment category. The following assumptions underlie this attrition rate:

1. DOC data accurately reflect the components of length of stay, and these components are stable.
2. The average length of stay for incoming prisoners will be 40.7 months.

### Existing Inmate Population Attrition

Projections also account for the release rate of inmates in the jurisdictional population at the beginning of the projection period. For these projections, we are assuming that inmates will be released from institutional custody at a declining rate based on actual releases from the Department of Corrections over the last two years.

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