

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 third edition of this publication (prior editions were Legislative Council Research Publication No. 399 published in January 1995 and Legislative Council Research Publication No. 414 published in February 1996).

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 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;
and
- the ten-year funding history of Colorado's parole supervision system.

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

Where possible, fiscal year 1997-98 data were used throughout this report. However, in most cases, the most recent data available were from fiscal year 1996-97. In a few cases involving data from the federal government, fiscal year 1994-95 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 1996, the number of reported index crimes in Colorado declined 5.1 percent while the number of adult felony filings in Colorado rose 42.2 percent;
- the adult and juvenile arrest rate increased 11.9 percent and the prison commitment rate increased 13.0 percent in 1996; and
- 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 1976 through 1996. 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 4,924.1 in 1996. Since 1993, however, index crime rates have fluctuated in a more narrow range, with only a minimal reduction in the crime rate from 1993 to 1996. 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.

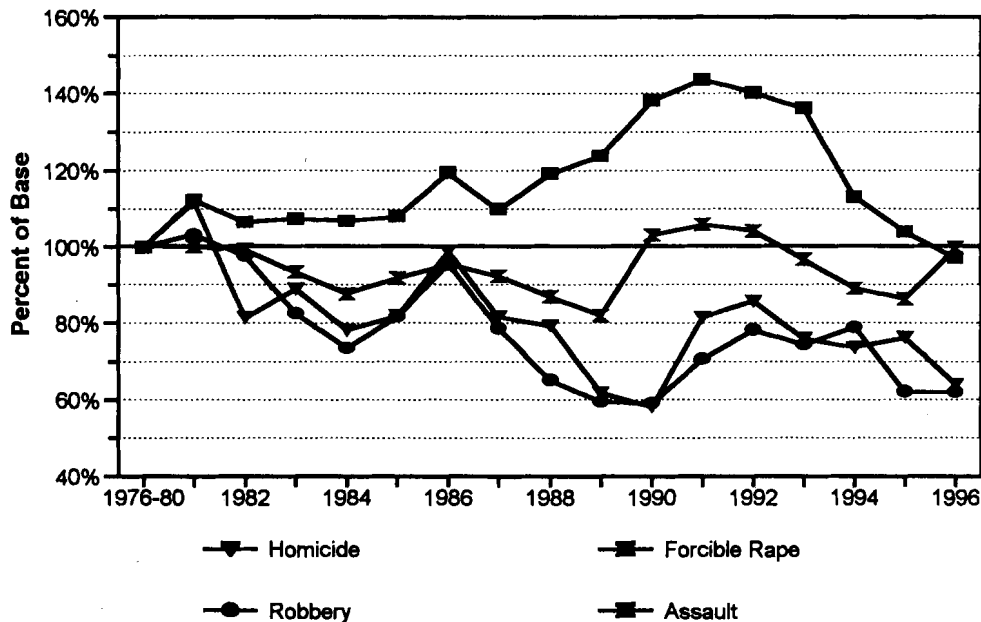
Table 1.1: Colorado Reported Index Crime Rates per 100,000 People

Year	VIOLENT CRIMES					PROPERTY CRIMES				Total Index Crimes
	Total Violent	Homicide	Forcible Rape	Robbery	Assault	Total Property	Burglary	Theft	Auto Theft	
1976	389.0	8.6	31.2	134.6	214.6	5,934.7	1,736.9	3,782.3	415.5	6,323.7
1977	452.4	7.7	39.3	161.8	243.6	6,148.8	1,839.6	3,832.4	476.8	6,601.2
1978	477.5	7.0	47.5	153.4	269.5	6,068.6	1,797.5	3,801.7	469.4	6,546.1
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

Source: Crime data from the Colorado Bureau of Investigation, *Crime in Colorado*, Annual Reports, 1976-1996.

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 1996, reported violent index crimes dropped 26.3 percent, to 413.5 violent crimes per 100,000 residents, its lowest level in 20 years. In 1996, the crime rates for assault and homicide decreased significantly, while the index for forcible rape increased 15.6 percent, to 44.5 crimes per 100,000 residents. There was no change in the reported rate of robberies in 1996. 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

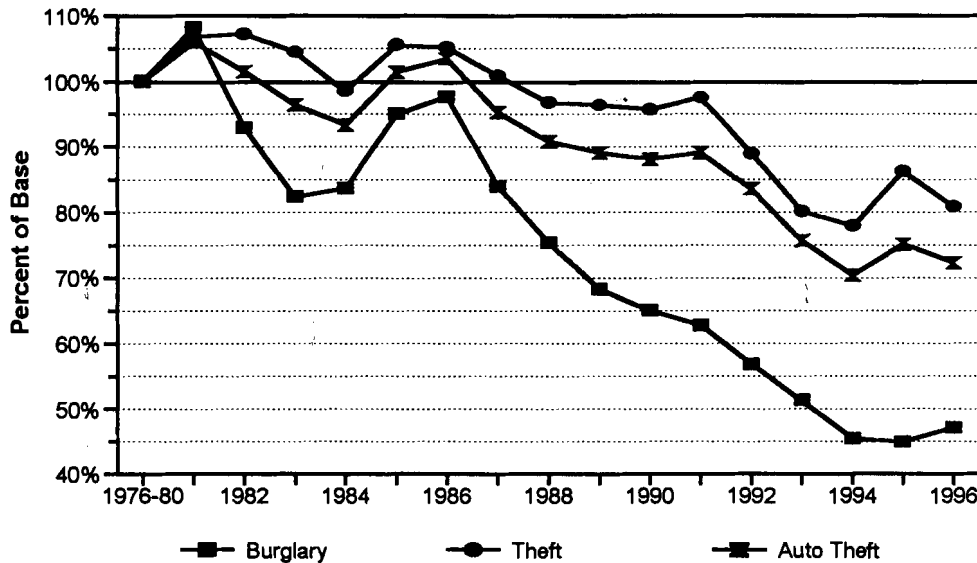


Note: The base rates for comparison purposes are the average rates from 1976 to 1980.

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 4,510.6 by 1996, a decrease of 37.2 percent over the 17-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. However, the burglary crime rate increased 4.9 percent in 1996. 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, but has since increased to 385.1 in 1996. Meanwhile, the *theft* crime rate declined from its 1980 peak of 4,601.1 per 100,000 residents to 3,256.7 per 100,000 residents in 1996, a decrease of 29.2 percent. 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 1996 by crime type, as determined by the national crime victimization survey.

The percentage of reported crimes varies significantly by crime type, with 76.5 percent of motor vehicle thefts and 54.6 percent of aggravated assaults reported. However, only 28.4 percent of thefts were reported in 1996. 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 – 1996

Crime	Percent Reported
Rape	30.7%
Robbery	53.9%
All Assault	41.6%
Aggravated	54.6%
Simple (Non-Aggravated)	37.3%
Burglary	50.8%
Motor Vehicle Theft	76.5%
Theft	28.4%
Total Crimes Reported to Police	36.8%

Source: "Criminal Victimization in the United States," U.S. Bureau of Justice Statistics, 1996.

Reporting rates of crime in Colorado may differ significantly from the nationwide average of 36.8 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 1996 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 1996. 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. In the past year, the number of new commitments to the Department of Corrections for drug-related offenses increased 14.7 percent, from 964 in FY 1995-96 to 1,106 in FY 1996-97.

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 1996. 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 1996, at 7,776.4 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 1996.

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		
	Adult	Juvenile	Total
1991	6,028.6	1,621.4	7,650.1
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

Source: Colorado Bureau of Investigation, *Crime in Colorado* Annual Reports, 1976-1996.

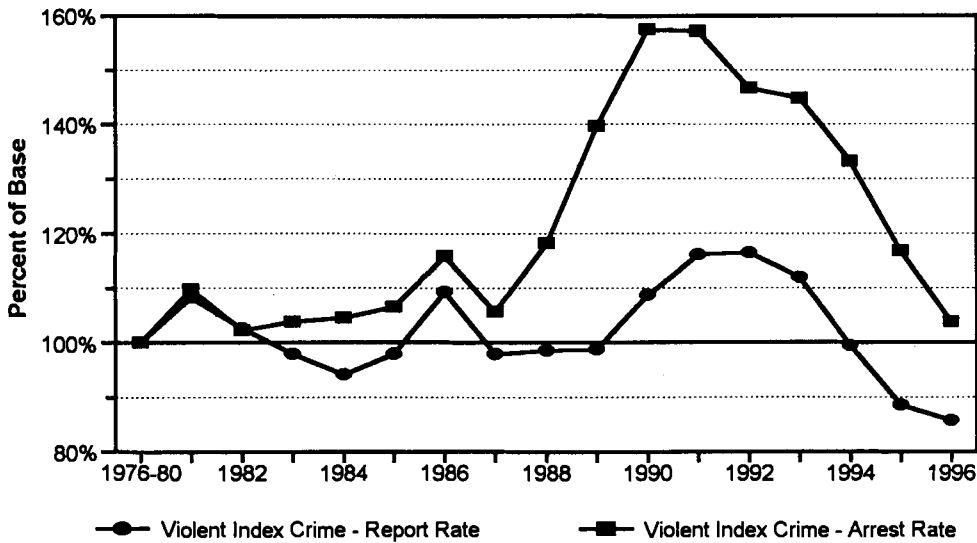
Comparing trends in reported index crime rates with arrest rates for those crimes. Table 1.4 details arrest rates for crimes included in the CBI index. Graphs 1.3 and 1.4 illustrate that arrests outpaced reported crimes for both violent and property index crimes since 1986. Graph 1.3 presents a comparison 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									
	Total	Forcible			Aggrav.			Total	Auto	
	Violent	Homicide	Sexual	Robbery	Assault	Property	Burglary	Theft	Theft	Auto
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

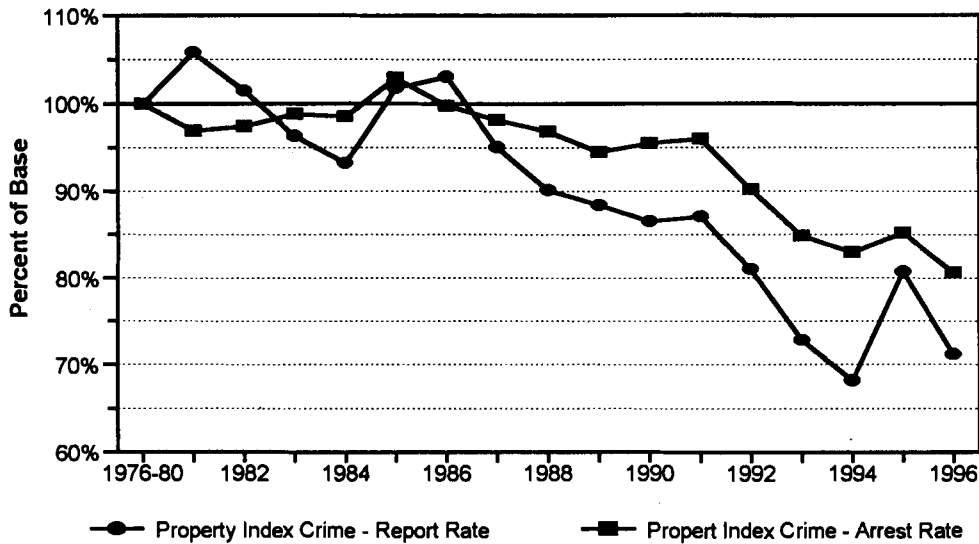
Source: Colorado Bureau of Investigation, *Crime in Colorado* Annual Reports, 1976-1996.

**Graph 1.3: Trends in Violent Index Crime:
Reported Crime & 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 48 arrests per 100 violent index crimes in 1996. Similarly, there were 18 arrests for index property crimes per 100 reported index property crimes in 1980, compared with 21 arrests per 100 index property crimes in 1996. 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 people filed upon in courts for felony crimes, 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 1996-97. In FY 1996-97, the number of adult felony filings increased 10.6 percent from the previous year — from 784.5 per 100,000 residents in FY 1995-96 to 843.4 per 100,000 residents in FY 1996-97. Since FY 1975-76, the number of adult felony filings in Colorado increased 191 percent, compared with the state's population increase of only 46 percent. Thus the rate of adult felony filings per 100,000 Colorado residents nearly doubled during this period.

Juvenile delinquency filings reached 5,823.8 per 100,000 juveniles in FY 1996-97, an increase of 8.5 percent from FY 1995-96. Since FY 1980-81, the number of juvenile delinquency filings has increased 176 percent while the juvenile population has grown 10 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%	843.4	19,063	8.5%	5,823.8

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 near doubling of new prison commitments per 100,000 residents between the late 1970s and the mid-1990s (from 57 to 106) 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

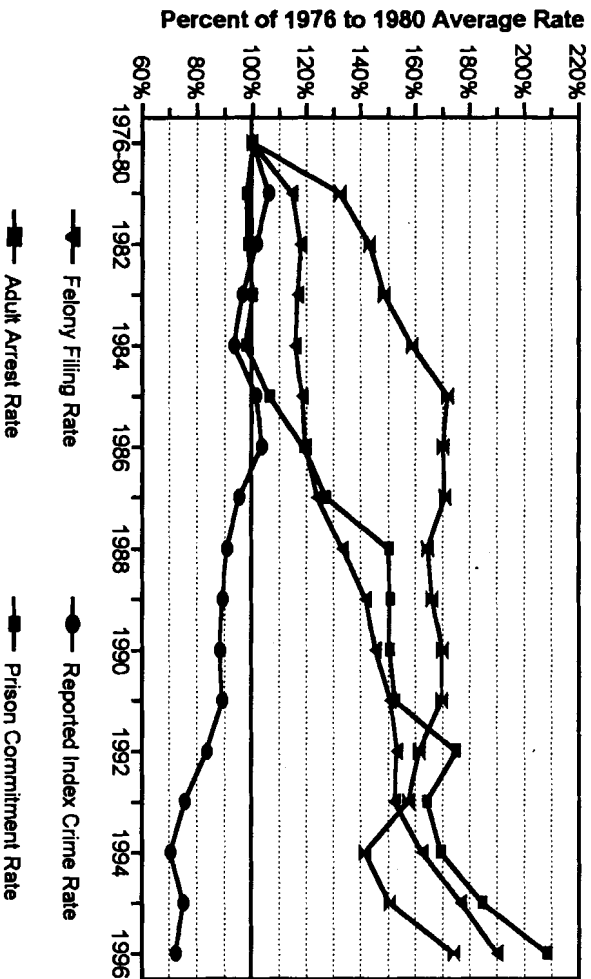
Year	Index Crime Rate*	Adult and Juvenile Arrest Rate	Felony Filing Rate	Prison Commitment Rate
1976-80**	6,812.7	4,982.1	443.9	57.2
1981	7,224.0	5,954.8	509.2	56.1
1982	6,916.7	6,303.3	523.9	56.2
1983	6,567.9	6,481.4	518.7	57.4
1984	6,356.0	6,924.3	514.0	55.9
1985	6,908.8	7,490.2	526.0	60.8
1986	7,052.1	7,452.1	531.0	68.1
1987	6,489.5	7,476.3	550.2	72.8
1988	6,183.4	7,209.5	592.1	85.9
1989	6,070.5	7,374.5	629.5	86.2
1990	6,003.8	7,604.9	644.4	86.1
1991	6,071.0	7,650.1	669.4	87.3
1992	5,691.6	7,282.6	679.6	100.1
1993	5,151.7	7,142.3	675.3	94.0
1994	4,797.6	6,562.3	722.2	96.9
1995	5,113.9	6,948.3	784.5	105.6
1996	4,924.1	7,776.4	843.4	119.3

* 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 1996 was approximately 30 percent below its 1976 to 1980 average, the overall arrest rate was 56 percent higher in 1996 than in the 1976 to 1980 time period. Even more dramatic, the felony filing rate was 90 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 52,393 in FY 1996-97, up 128.1 percent from FY 1986-87;
- since FY 1986-87, the number of adult offenders per 100,000 Colorado residents nearly doubled. In FY 1996-97, 1.3 percent of the state's population were adult offenders under supervision versus only 0.7 percent in FY 1986-87;
- more than half of adult offenders convicted of a felony in Colorado are on probation, followed by 22 percent who are in prison; and
- as of December 31, 1995, Colorado's rate of correctional supervision per 100,000 state residents was 17.6 percent below the national average.

ADULT OFFENDER POPULATION OVERVIEW

The more than 52,000 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 6.3 percent from FY 1995-96 to FY 1996-97, from 49,313 offenders to 52,393 offenders. Since FY 1986-87, the total adult offender population grew by 128.1 percent. Table 2.1 summarizes growth trends in the state's adult offender population.

The majority of Colorado's adult offender population (67 percent) is serving a probation sentence, followed by those serving a prison sentence (22 percent). Community corrections accounted for 6 percent and parolees for 5 percent of the offender population. Since FY 1986-87, the fastest growing segment of the offender population has been the community corrections population, up 169.2 percent from FY 1986-87 to FY 1996-97. The prison population ranked second in growth, increasing 161.6 percent over the same time period, followed by the probation population, which increased 143.2 percent.

However, in analyzing the numerical increase of total offenders, the probation population experienced the largest numerical gain. Probation also accounted for the largest share of the adult offender population. Probation grew from 14,456 offenders in FY 1986-87, to 35,163 offenders in FY 1996-97, an increase of 20,707. Prison inmates posted the second largest numerical increase, growing by 7,129 offenders from FY 1986-87 to FY 1996-97. The parole population decreased during the ten-year period, but is expected to sustain positive growth throughout the next six years because of the implementation of mandatory parole periods of supervision which began in 1993. The parole population has been increasing since FY 1993-94.

Table 2.1: Adult Offender Population Growth – FY 1986-87 to FY 1996-97

	Prison	Parole	Probation	Community Corrections	Total
FY 1986-87	4,412	2,989	14,456	1,112	22,969
Percent Increase	NA	NA	NA	NA	NA
FY 1987-88	5,371	2,796	14,532	1,296	23,995
Percent Increase	21.7%	(6.5)%	0.5%	16.6%	4.5%
FY 1988-89	6,360	2,073	17,728	1,653	27,814
Percent Increase	18.4%	(25.9)%	22.0%	27.6%	15.0%
FY 1989-90	6,952	2,137	21,023	1,913	32,025
Percent Increase	9.3%	3.1%	18.6%	15.7%	15.1%
FY 1990-91	7,299	1,990	22,567	2,115	33,971
Percent Increase	5.0%	(6.9)%	7.3%	10.6%	6.10%
FY 1991-92	8,037	1,943	21,966	2,271	34,217
Percent Increase	10.10%	(2.4)%	(2.7)%	7.4%	0.7%
FY 1992-93	8,451	2,116	24,965	2,363	37,895
Percent Increase	5.2%	8.9%	13.7%	4.1%	10.8%

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Table 2.1 (Continued)

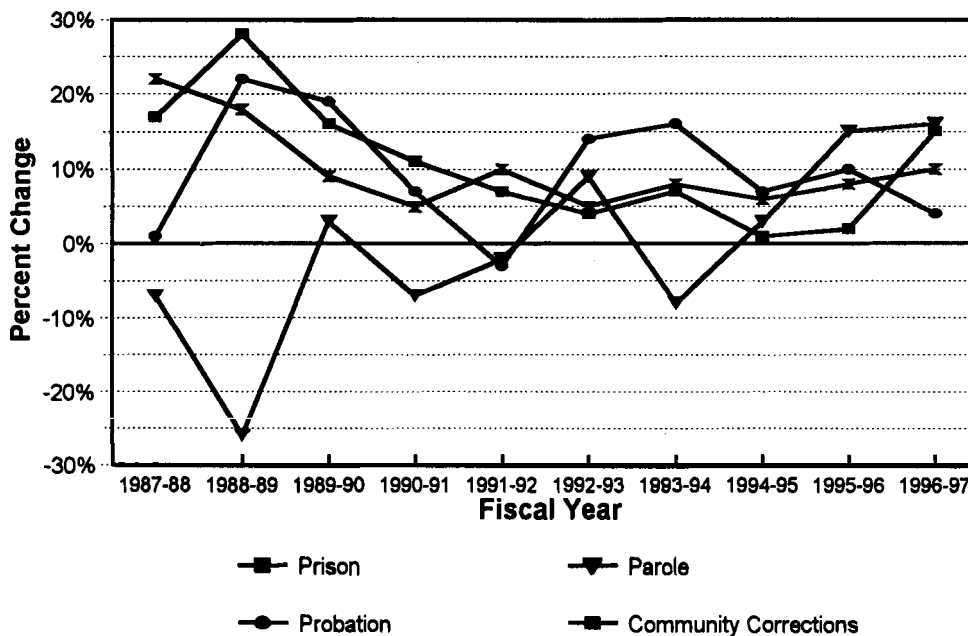
	Prison	Parole	Probation	Community Corrections	Total
FY 1993-94	9,164	1,958	28,836	2,533	42,491
Percent Increase	8.4%	(7.5)%	15.5%	7.2%	12.1%
FY 1994-95	9,727	2,026	30,891	2,547	45,191
Percent Increase	6.1%	3.5%	7.1%	0.6%	6.4%
FY 1995-96	10,511	2,322	33,881	2,599	49,313
Percent Increase	8.1%	14.6%	9.7%	2.0%	9.1%
FY 1996-97	11,541	2,695	35,163	2,994	52,393
Percent Increase	9.8%	16.1%	3.8%	15.2%	6.3%
FY 1986-87 to FY 1996-97	11,541	2,695	35,163	2,994	52,393
Cumulative % Increase	161.6%	(9.8)%	143.2%	169.2%	128.1%

NA: Not Applicable.

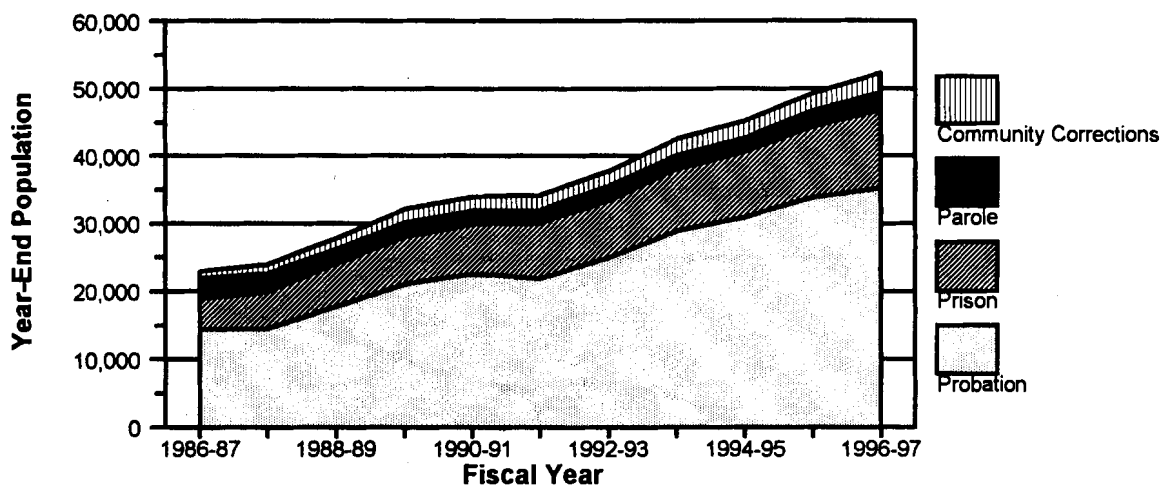
Source: Division of Criminal Justice.

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 1986-87 to FY 1996-97
Percentage Increase



**Graph 2.2: Adult Offender Population – FY 1986-87 to FY 1996-97
Total Year-End Population**



In FY 1986-87, there were 703.9 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 nearly doubled, to 1,345.0 adult offenders per 100,000 Colorado residents. In effect, 1.3 percent of the state’s population were adult offenders under state supervision in FY 1996-97 versus 0.7 percent in FY 1986-87. If the adult offender population had grown at the same pace as the Colorado population, the total adult offender population would have been nearly 25,000 lower in FY 1996-97, or only 52 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**

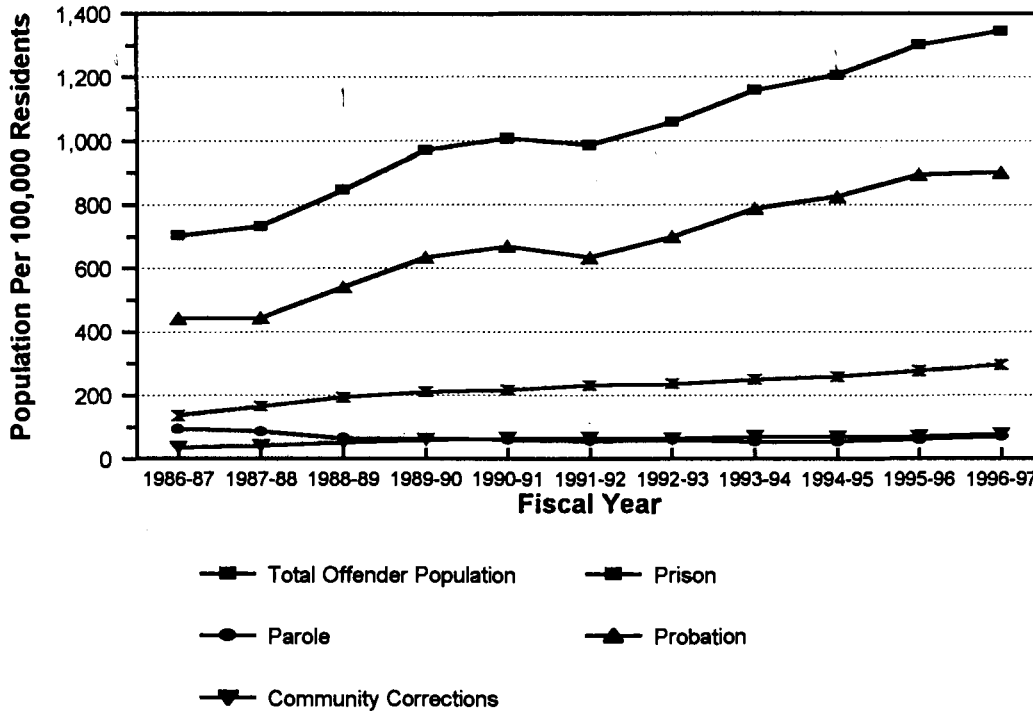
	Prison	Parole	Probation	Community Corrections	Total
FY 1986-87	135.2	91.6	443.0	34.1	703.9
FY 1987-88	164.2	85.5	444.2	39.6	733.5
FY 1988-89	193.6	63.1	539.7	50.3	846.7
FY 1989-90	210.4	64.7	636.3	59.4	970.8
FY 1990-91	216.6	59.0	669.5	62.8	1,007.9
FY 1991-92	232.0	56.1	633.9	65.3	987.3
FY 1992-93	236.8	59.3	699.7	62.2	1,058.0
FY 1993-94	250.3	53.5	787.5	69.2	1,160.5
FY 1994-95	259.6	54.1	824.5	68.0	1,206.2
FY 1995-96	277.7	61.4	895.2	68.7	1,303.0
FY 1996-97	296.3	69.2	902.7	76.9	1,345.0

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 1996-97 than in FY 1986-87. Since FY 1986-87, the Colorado population grew by 19.4 percent, whereas the adult offender population increased 128.1 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 correction systems, as of December 31, 1995, the most recent information available. The data are presented by state for the following four major types of correctional supervision populations: prison, jail, 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 and jails, 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, 1995**

State	Number Per 100,000 Residents									
	Prison	Rank	Jail ^{***}	Rank	Parole	Rank	Probation	Rank	TOTAL	RANK
Alabama	471	8	169	17	228	17	990	32	1,858	30
Alaska	338	23	6	46	111	33	619	45	1,074	47
Arizona	473	7	184	14	136	29	1,076	30	1,869	29
Arkansas	361	20	117	31	265	16	1,220	25	1,953	25
California	416	13	222	8	403	9	1,259	22	2,300	19
Colorado	292	27	177	16	100	34	1,519	19	2,097	21
Connecticut	318	**	0	**	50	48	2,201	9	2,569	16
Delaware	413	**	0	**	150	26	3,036	3	3,599	4
District of Columbia	1,650	1	292	4	1,523	1	2,334	8	5,799	1
Florida	447	11	250	6	127	31	2,367	7	3,191	7
Georgia	470	9	328	2	368	10	2,699	4	3,865	3
Hawaii	217	**	0	**	192	24	1,518	20	1,927	27
Idaho	283	30	135	24	106	35	757	41	1,281	40
Illinois	317	25	124	30	339	12	1,258	23	2,038	22
Indiana	275	31	145	22	83	41	2,073	12	2,576	15
Iowa	207	39	57	45	167	25	783	40	1,214	41
Kansas	274	32	111	32	325	14	884	39	1,594	35
Kentucky	311	26	180	15	147	27	398	51	1,036	48
Louisiana	578	3	377	1	613	6	1,088	29	2,656	14
Maine	107	49	57	44	4	51	923	36	1,091	46
Maryland	404	16	188	12	418	7	1,884	13	2,894	8
Massachusetts	170	47	131	26	100	36	941	34	1,342	38
Michigan	429	12	132	25	197	23	2,110	11	2,868	9
Minnesota	105	50	81	42	63	46	2,490	5	2,739	11
Mississippi	452	10	184	13	78	45	496	47	1,210	43
Missouri	358	21	96	39	330	13	1,030	31	1,814	31
Montana	228	36	81	41	119	32	922	37	1,350	37
Nebraska	183	43	105	33	55	47	1,627	17	1,970	24
Nevada	493	6	215	9	306	15	890	38	1,904	28
New Hampshire	174	45	100	37	92	40	509	46	875	49
New Jersey	340	22	192	10	793	3	2,125	10	3,450	5
New Mexico	231	35	189	11	94	39	698	42	1,212	42
New York	378	19	164	18	409	8	1,276	21	2,227	20
North Carolina	384	18	129	27	343	11	1,815	14	2,671	12
North Dakota	85	51	57	43	24	49	486	48	652	51
Ohio	400	17	105	34	79	42	1,201	26	1,785	33
Oklahoma	552	4	127	28	98	37	1,161	28	1,938	26
Oregon	206	40	125	29	641	5	1,695	15	2,667	13
Pennsylvania	268	33	160	19	799	2	1,166	27	2,393	18
Rhode Island	186	**	0	**	79	42	2,483	6	2,748	10
South Carolina	515	5	157	20	216	19	1,545	18	2,433	17
South Dakota	252	34	87	40	132	30	693	43	1,164	44
Tennessee	287	29	282	5	224	18	931	35	1,724	34
Texas	677	2	307	3	774	4	3,119	1	4,877	2
Utah	174	46	102	36	214	20	664	44	1,154	45
Vermont	179	**	0	**	141	28	1,672	16	1,992	23
Virginia	410	15	225	7	204	21	485	49	1,324	39
Washington	212	38	141	23	22	50	3,048	2	3,423	6
West Virginia	136	48	97	38	79	42	433	50	745	50
Wisconsin	201	41	156	21	200	22	1,254	24	1,811	32
Wyoming	289	28	105	35	97	38	960	33	1,451	36
Total State	379		178		330		1,576		2,463	
Federal Correctional Populations			178		30		1,000		2,188	
United States Total	432		0		30		20		82	

* Comprehensive data on adults in community corrections facilities were not available. For some states these may be included in other
 ** Correctional populations Hawaii, Rhode Island, and Vermont have integrated jail-prison systems. Jail inmates are included in the prison column in these states.

*** Jail figures are for December 31, 1993, the most recent data available.
 Source: Sourcebook of Criminal Justice Statistics, 1996.

According to this measure of offenders, Colorado's overall rate of correctional supervision was 2,097 people per 100,000 state residents on December 31, 1995; this was 17.6 percent below the national average of 2,463 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 23.0 percent below the national average; its probation supervision rate was 3.6 percent below the national average; its parole supervision rate was 67.0 percent below the national average; and its local jail incarceration rate was 0.5 percent below the national average.

Although Colorado's prison incarceration rate was significantly below the national average, it ranked 27th 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 19th among the 50 states and the District of Columbia in its relative probation population, with 1,519 probationers per 100,000 residents. However, this was still below the national average of 1,576 state probationers per 100,000 Americans. Similarly, despite its 16th-highest ranking in terms of per capita jail incarceration, Colorado's jail incarceration rate was roughly equal to the national average. Colorado's above median rankings in the jail and probation categories, despite below average supervision rates per 100,000 residents, result from high rates of jail and 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 34th in the relative parole population because Colorado did not require a mandatory period of parole for prison inmates from 1985 to 1993, while many other states had such a mandatory period. Because mandatory parole was enacted in Colorado in 1993, Colorado's rate of parole supervision and its rank relative to other states is expected to rise rapidly over the next several years.

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 38th 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, keeping their reported prison populations and rankings upward, while skewing their rate of jail incarcerations down. Thus, prison and jail 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 after conviction. Colorado's sentencing laws are complicated and have varying levels of application for various types of offenders.

This chapter will focus on the variables which affect the sentence handed down by a judge. Once an offender has entered prison, this 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
- Habitual Offender Sentences

SENTENCING RANGES

Since the mid- to late-1970s, Colorado's sentencing laws have changed frequently and dramatically. The sentencing scheme underwent the most drastic changes in 1979 and then again in 1985. These changes are considered the most drastic because they 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 1995)
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. Indeterminate sentences provided for broad sentencing ranges. Under indeterminate sentencing, judges had discretion in sentencing an offender within a 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. In 1985, because of nationwide attention to crime, and because of a 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 broad sentencing ranges — 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 the General Assembly agreed upon 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 or heinous crimes. 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
1986 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 1998)	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. After applying extraordinary mitigating or aggravating circumstances to a sentence, the ranges are as follows:

- class 6 felony – six months to three years;
- class 5 felony – six months to six years;
- class 4 felony – one year to 12 years;
- class 3 felony – two years to 24 years;
- class 2 felony – four years to 48 years;
- class 1 felony – life to death.

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

Any offender convicted of a crime of violence is required to 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 also included 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.

If an offender is convicted of a crime of violence, the sentencing ranges are as follows:

- class 6 felony – 15 months to three years;
- class 5 felony – two years to six years;
- class 4 felony – four years to 12 years;
- class 3 felony – eight years to 24 years;
- class 2 felony – 16 years to 48 years;
- class 1 felony – life to death.

Extraordinary Aggravating Circumstances

An offender convicted of a crime with extraordinary aggravating circumstances is required to 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.

If an offender is convicted of a crime with extraordinary aggravating circumstances, the sentencing ranges are as follows:

- class 6 felony – 15 months to three years;
- class 5 felony – two years to six years;
- class 4 felony – four years to 12 years;
- class 3 felony – eight years to 24 years;
- class 2 felony – 16 years to 48 years;
- class 1 felony – life to death.

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 as follows:

- class 6 felony – one year to three years;
- class 5 felony – one year to six years;
- class 4 felony – two years to 12 years;
- class 3 felony – four years to 24 years;
- class 2 felony – eight years to 48 years;
- class 1 felony – life to death.

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 as follows:

- class 6 felony – one year to two years;
- class 5 felony – one year to four years;
- class 4 felony – two years to eight years;
- class 3 felony – four years to 16 years;
- class 2 felony – eight years to 24 years;
- class 1 felony – life to death.

HABITUAL OFFENDER STATUTES

Sentencing for habitual offenders bypasses the presumptive sentencing ranges and requires judges to sentence habitual offenders to a determinate sentence which 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 3.3 summarizes the major changes in the habitual offender statutes since 1979. The habitual offender statutes have not been amended since 1994.

Table 3.3: 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</i>	<i>8 to 12 years</i>	<i>4 to 8 years</i>	<i>2 to 4 years</i>	<i>1 to 2 years</i>	<i>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</i>	<i>8 to 24 years</i>	<i>4 to 18 years</i>	<i>2 to 8 years</i>	<i>1 to 4 years</i>	<i>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</i>	<i>8 to 24 years</i>	<i>4 to 12 years</i>	<i>2 to 6 years</i>	<i>1 to 7 years</i>	<i>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 1998)						
	<i>Life to Death</i>	<i>8 to 24 years</i>	<i>4 to 12 years</i>	<i>2 to 6 years</i>	<i>1 to 3 years</i>	<i>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 or any other 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. As a matter of policy, the General Assembly chose not to apply the little habitual to class 6 felonies.

Sentencing under the little habitual statute is as follows:

- class 5 felony – nine years;
- class 4 felony – 18 years;
- class 3 felony – 36 years;
- class 2 felony – 72 years;
- class 1 felony – life imprisonment.

The "big habitual." Offenders convicted of a fourth felony, regardless of the felony class, in Colorado or any other 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 as follows:

- class 6 felony – six years;
- class 5 felony – 12 years;
- class 4 felony – 24 years;
- class 3 felony – 48 years;
- class 2 felony – 96 years;
- class 1 felony – life imprisonment.

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 1996, 56.8 percent received probation sentences, 33.5 percent received prison sentences, 7.3 percent received other placements, and 2.4 percent received community corrections sentences;
- the likelihood of a convicted felon receiving a prison sentence (versus an alternative placement) rises with both the felon's number of prior felony convictions, the seriousness of the current crime of conviction, and whether or not the offender has had prior correctional supervision;
- as might be expected, felons convicted of violent and sex crimes 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
- between 1989 and 1996, the overall percentage of convicted felons receiving prison placements declined from 41.0 percent in the six months prior to April 1989 to 33.5 percent in 1996.

THE DATA USED

This chapter provides an overview of the sentencing placement of convicted felons. In addition, this chapter provides an analysis of the factors which determine whether an offender will be diverted from prison or will be sentenced to prison.

The information presented in this chapter is based on felony data from the Colorado District Attorneys' Council. Data from eight Front Range judicial districts (including Jefferson, Denver, El Paso, Larimer, Pueblo, Adams, Douglas, Arapahoe, and Weld counties), those districts for which data were available since the late 1980s, are used when trends over time are discussed. These Front Range districts accounted for 84 percent of Colorado's felony filings and 83 percent of the state's prison commitments in FY 1995-96; thus, statewide trends will generally be reflected in these districts. When a one-year period (1996) is discussed, all information available is utilized. This includes data from all judicial districts except districts 3, 13, 20, and 21 (Las Animas, Huerfano, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma, Boulder, and Mesa counties – these counties do not provide this information to the District Attorneys Council).

Throughout this chapter, we limited the analysis to actual felony convictions in order to exclude the large number of offenders receiving deferred judgements, deferred sentences, or deferred prosecutions. (Deferred judgements, deferred sentences, and deferred prosecutions are neither convictions, dismissals, nor acquittals.) Most such judgements result in a period of probation and are then stricken from the offender's record upon successful completion of his or her probation period. When these deferrals are included in the data, the rate of prison and community corrections incarceration decreases significantly for most crimes, especially for first-time and non-violent offenders.

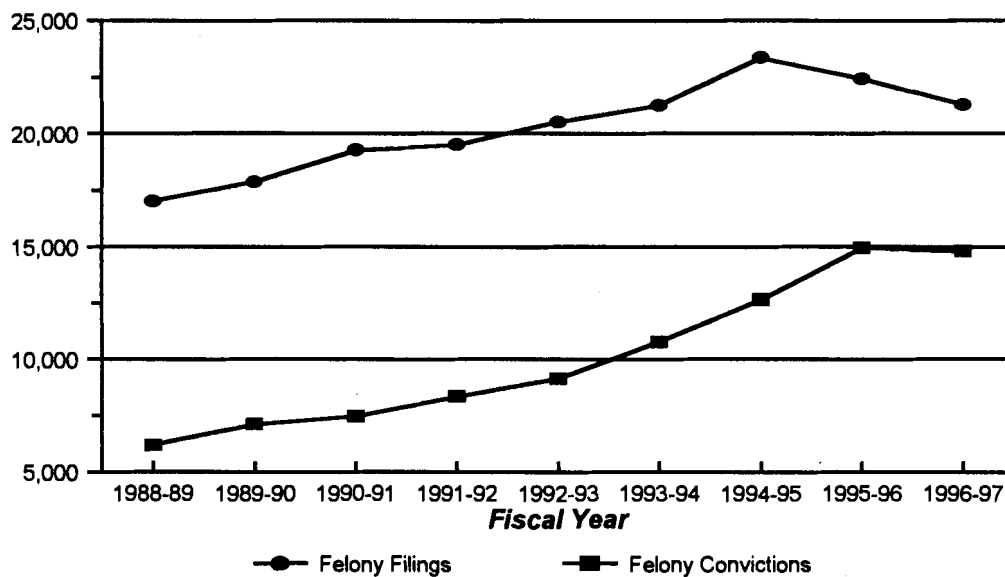
FELONY FILINGS AND CONVICTIONS

Correctional populations are largely driven by the number of felony filings and convictions in the state. Graph 4.1 shows the total number of felony filings and felony convictions in eight Front Range judicial districts between FY 1988-89 and FY 1996-97. The number of felony *filings* in these eight districts grew 25.2 percent, from 17,016 in FY 1988-89 to 21,298 in FY 1996-97. However, the total number of felony filings in FY 1996-97 decreased 5.1 percent from FY 1995-96. Similarly, the number of felony convictions in the eight judicial districts rose 139.4 percent between FY 1988-89 and FY 1996-97, from 6,189 to 14,816. However, the number of felony *convictions* decreased 0.3 percent in FY 1996-97 from FY 1995-96.

The reason why felony convictions rose more rapidly than filings during this 16-year period is uncertain, but may be related to the plea bargaining process, since most felony cases are decided through plea bargains. The conviction numbers only include actual convictions and not the deferred judgements, deferred sentences, and deferred prosecutions that may result from plea bargaining.

Thus, the higher growth rate of convictions may be the result of fewer cases receiving deferred judgements. The rise in felony convictions relative to filings may also be due to somewhat fewer cases being pled down from class 5 felonies to misdemeanors because of the creation of the class 6 felony in 1989. Guilty plea convictions are often one felony class lower than the crime that was originally charged. Prior to the creation of the class 6 felony in 1989, this resulted in many people originally charged with class 5 felonies being convicted of misdemeanor crimes. Since the creation of the class 6 felony, many of these pleas from class 5 charges are now felony class 6 convictions. Thus, more crimes charged as felonies are being convicted as felonies and fewer as misdemeanors. Finally, the increase in felony convictions relative to felony filings may be the result of a higher conviction rate by district attorneys.

Graph 4.1: Felony Filings and Convictions in Eight Front Range Judicial Districts



Source: Colorado District Attorneys' Council Database.

PLACEMENT OF CONVICTED FELONS BY FELONY CLASS AND CRIMINAL HISTORY

Table 4.1 displays the number of convictions by felony class in Colorado in 1996 and the percent of those convictions receiving prison, community corrections, probation, and other placements. The table yields several conclusions:

- The vast majority of felony convictions are for crimes in the less serious felony classes. For example, felony class 1 and 2 convictions together comprised only

1.3 percent of total convictions in 1996, while 33.5 percent of convictions were for felony class 4 crimes and 35.6 percent were for class 5 felonies.

- The majority of convicted felons received probation placements (56.8 percent), and 33.5 percent of felons received prison placements.
- The proportion of felony convictions that received prison placements declined from more than 96 percent for class 1 and 2 felonies to 28.5 percent for class 6 felonies.
- The proportion of convicted felons that received probation sentences rose from 3.9 percent for class 2 felonies to 64.0 percent for class 5 felonies and 68.2 percent for class 6 felonies.

Table 4.1: Placement of Convicted Felons by Felony Class, 1996

Felony Class	Number of Convictions	Percent of all Felony Convictions	Sentence Placement			
			Prison	Community Corrections	Probation	Other*
Class 1	27	0.3%	100.0%	0.0%	0.0%	0.0%
Class 2	103	1.0%	95.1%	1.0%	3.9%	0.0%
Class 3	1,527	13.7%	43.9%	2.4%	52.1%	1.5%
Class 4	3,797	33.5%	36.4%	3.0%	59.7%	0.9%
Class 5	3,926	35.6%	33.5%	2.1%	64.0%	0.4%
Class 6	1,817	16.0%	28.5%	3.0%	68.2%	0.4%
Total	11,197	100.0%	33.5%	2.4%	56.8%	7.3%

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

Source: Colorado District Attorneys' Council Database.

The following two tables analyze the likelihood of a felony conviction resulting in a prison commitment considering two aspects of an offender's criminal history: the number of prior felony convictions (Table 4.2) and the highest prior adult correctional placement (Table 4.3).

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 20.5 percent of those who were convicted of a felony and had no prior adult felony convictions were sent to prison in 1996, while 75.2 percent of those with four or more separate prior adult felony convictions received prison sentences. Moreover, for a felon with no prior convictions, the likelihood of receiving a prison sentence decreased drastically the less serious the crime. For example, a felon convicted of a class 2 felony with no prior conviction had an 86.2 percent chance of going to prison, while a class 6 felon with no prior conviction had a 15.6 percent chance.

Table 4.2: Percentage of Felony Convictions Resulting in a Prison Placement by Felony Class and Number of Prior Felony Convictions, 1996

FELONY		NUMBER OF PRIOR FELONY CONVICTIONS				
Class of Conviction	Total Prison Placements	0	1	2	3	4 or More
Class 1	100.0%	100.0%	100.0%	100.0%	NA	NA
Class 2	95.1%	86.2%	93.3%	100.0%	100.0%	100.0%
Class 3	43.9%	27.4%	43.3%	70.1%	75.0%	75.0%
Class 4	36.4%	22.3%	38.0%	56.2%	68.9%	75.4%
Class 5	33.5%	16.1%	39.3%	56.6%	70.3%	75.0%
Class 6	28.5%	15.6%	29.5%	41.1%	69.2%	70.0%
Total	33.5%	20.5%	38.3%	56.1%	70.5%	75.2%

NA: Not Applicable.

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, 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 32.9 percent of all convicted felons without prior adult correctional supervision were sentenced to prison in 1996, 80.4 percent of those with prior prison incarcerations were committed to prison. Similarly, 33.4 percent of the class 4 felons with no prior supervision received a prison sentence, while those felons with prior correctional experience were more likely to receive a prison placement. For example, 79.3 percent of those class 4 felons who had a prior prison incarceration received a sentence to prison. 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 Felony Convictions Resulting in a Prison Placement by Highest Prior Level of Supervision, 1996

FELONY	HIGHEST PRIOR CORRECTIONAL SUPERVISION				
	Class of Conviction	No Prior Supervision	Probation	Community Corrections	Prison
Class 1		100.0%	100.0%	NA	100.0%
Class 2		95.2%	68.2%	25.0%	87.5%
Class 3		41.6%	55.2%	75.4%	84.3%
Class 4		33.4%	45.3%	70.7%	79.3%
Class 5		29.3%	48.4%	79.7%	85.6%
Class 6		26.1%	31.8%	67.9%	67.3%
Total		32.9%	44.9%	74.2%	80.4%
Number of Convictions		2,221	1,482	647	1,418

NA: Not Applicable.

Source: Colorado District Attorneys' Council Database.

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 1996. 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 included as Table 4.5.

Several patterns become apparent from Tables 4.4 and 4.5. Not surprisingly, the percentage of offenders receiving prison sentences drops significantly as the crime becomes less serious. Among crimes within each felony class, there are some general tendencies as well. For example, 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 county jail, time served, or useful public service. The groups most likely to receive a probation placement are those felons convicted of menacing and extortion (67.0 percent of convictions were to probation), theft (68.8 percent), criminal trespass (72.1 percent), and fraud and check fraud (80.7 percent). The vast majority (73.5 percent) of those convicted of an escape, escape attempt, or contraband infraction from a DOC, county jail, or community corrections facility received a prison sentence.

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 as a probation placement.

Table 4.4: Placement of Convicted Felons by Type of Crime, 1996

Type of Crime	Number	Sentence Placement			
		Prison	Community Corrections	Probation	Other*
Murder (attempt, conspiracy)	106	89.6%	0.0%	3.8%	6.6%
Manslaughter and Criminally Negligent Homicide	70	67.1%	1.4%	24.3%	7.1%
Assault	605	44.5%	1.5%	49.4%	4.6%
Vehicular Homicide and Vehicular Assault	135	35.6%	2.2%	59.3%	3.0%
Menacing and Extortion	367	26.7%	3.5%	67.0%	2.7%
Kidnapping and Custody Violations	81	40.7%	3.7%	53.1%	2.5%
Sexual Assault	714	46.5%	4.8%	45.8%	2.9%
Arson	80	41.3%	5.0%	53.8%	0.0%
Burglary	609	34.0%	4.6%	58.3%	3.1%
Robbery	344	54.7%	4.9%	35.8%	4.7%
Theft	773	26.1%	3.5%	68.8%	1.6%
Motor Vehicle Theft	224	32.1%	3.1%	62.5%	2.2%
Criminal Mischief	249	32.5%	1.6%	62.7%	3.2%
Criminal Trespass	420	23.8%	1.4%	72.1%	2.6%
Forgery	488	33.0%	3.9%	61.3%	1.8%
Criminal Impersonation	138	29.0%	1.4%	66.7%	2.9%
Fraud and Check Fraud	83	16.9%	0.0%	80.7%	2.4%
Child Abuse, Exploitation, Prostitution, and Contributing to Delinquency of a Minor	332	36.7%	3.3%	54.8%	5.1%
Escape and Contraband Offenses	633	73.5%	1.3%	23.9%	1.4%
Vehicular Eluding	122	27.0%	1.6%	55.7%	15.6%
Controlled Substance Offenses (Non-Marijuana)	2,716	20.0%	1.8%	60.5%	17.8%
Controlled Substance Offenses (Marijuana)	202	14.4%	2.0%	57.4%	26.2%
Driving After License Revoked	453	22.1%	5.1%	62.0%	10.8%
Other (Miscellaneous)	1,045	35.5%	2.3%	55.0%	7.2%
Total**	11,010	33.5%	2.7%	55.9%	7.9%

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

** These totals do not equal the numbers in Table 5.1 because individual crimes were not reported for all felony convictions.

Source: Colorado District Attorneys' Council Database.

Table 4.5: Placement of Convicted Felons by Crime of Conviction, 1996

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-3-102	1	1st Degree Murder	30	100.0%	0.0%	0.0%	0.0%
18-3-102	2	(Attempt)	24	83.3%	0.0%	8.3%	8.3%
18-3-102	2	(Conspiracy)	4	100.0%	0.0%	0.0%	0.0%
18-3-103	2	2nd Degree Murder	37	94.6%	0.0%	0.0%	5.4%
18-3-103	3	(Attempt)	7	85.7%	0.0%	0.0%	14.3%
18-3-103	3	(Conspiracy)	2	0.0%	0.0%	100.0%	0.0%
18-3-104	3	Manslaughter	20	70.0%	0.0%	20.0%	10.0%
18-3-104	4	(Attempt)	30	76.7%	0.0%	13.3%	10.0%
18-3-104	4	Manslaughter	9	88.9%	11.1%	0.0%	0.0%
18-3-105	5	Criminally Negligent Homicide	11	18.2%	0.0%	81.8%	0.0%
18-3-106	3	Vehicular Homicide – DUI	22	72.7%	0.0%	27.3%	0.0%
18-3-106	4	Vehicular Homicide	17	70.6%	0.0%	23.5%	5.9%
18-3-107	2	1st Degree Murder – Premeditated, Peace Officer (Attempt)	2	0.0%	0.0%	0.0%	100.0%
18-3-202	3	1st Degree Assault	45	77.8%	0.0%	13.3%	8.9%
18-3-202	4	(Attempt)	60	48.3%	1.7%	43.3%	6.7%
18-3-202	4	(Conspiracy)	54	57.4%	1.9%	31.5%	9.3%
18-3-202	5	1st Degree Assault	14	21.4%	0.0%	71.4%	7.1%
18-3-202	6	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-3-203	4	2nd Degree Assault	170	52.9%	2.4%	40.0%	4.7%
18-3-203	5	(Attempt)	146	30.8%	2.1%	63.0%	4.1%
18-3-203	5	(Conspiracy)	12	16.7%	0.0%	83.3%	0.0%
18-3-203	5	(Solicitation)	0	0.0%	0.0%	0.0%	0.0%
18-3-204	6	2nd Degree Assault	102	33.3%	0.0%	66.7%	0.0%
18-3-205	5	Vehicular Assault	45	8.9%	2.2%	82.2%	6.7%
18-3-205	6	(Attempt)	4	0.0%	0.0%	100.0%	0.0%
18-3-205	4	Vehicular Assault – DUI	47	34.0%	4.3%	61.7%	0.0%
18-3-206	5	Felony Menacing	238	25.6%	2.5%	68.9%	2.9%
18-3-206	6	(Attempt)	49	26.5%	2.0%	69.4%	2.0%
18-3-206	6	(Conspiracy)	55	29.1%	5.5%	61.8%	3.6%
18-3-207	3	Aggravated Criminal Extortion	1	0.0%	0.0%	100.0%	0.0%
18-3-207	4	Criminal Extortion	18	44.4%	16.7%	38.9%	0.0%
18-3-207	5	(Attempt)	6	0.0%	0.0%	100.0%	0.0%
18-3-301	1	1st Degree Kidnapping	1	100.0%	0.0%	0.0%	0.0%
18-3-301	2	(Conspiracy)	1	0.0%	0.0%	0.0%	100.0%
18-3-301	2	1st Degree Kidnapping	6	100.0%	0.0%	0.0%	0.0%
18-3-301	3	(Conspiracy)	2	100.0%	0.0%	0.0%	0.0%
18-3-302	2	2nd Degree Kidnapping	10	90.0%	0.0%	0.0%	10.0%
18-3-302	3	2nd Degree Kidnapping	12	41.7%	0.0%	58.3%	0.0%
18-3-302	4	(Attempt)	13	7.7%	0.0%	92.3%	0.0%
18-3-302	4	2nd Degree Kidnapping	17	41.2%	11.8%	47.1%	0.0%
18-3-302	5	(Attempt)	11	9.1%	0.0%	90.9%	0.0%
18-3-304	5	Violation of Custody	6	0.0%	0.0%	100.0%	0.0%
18-3-304	6	(Attempt)	1	0.0%	100.0%	0.0%	0.0%
18-3-304	6	(Conspiracy)	1	100.0%	0.0%	0.0%	0.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-3-305	4	Enticement of a Child	20	45.0%	0.0%	40.0%	15.0%
18-3-402	2	1st Degree Sexual Assault – Force	10	70.0%	0.0%	30.0%	0.0%
18-3-402	3	1st Degree Sexual Assault	104	75.0%	2.9%	22.1%	0.0%
18-3-402	4	(Attempt)	53	45.3%	0.0%	49.1%	5.7%
18-3-403	4	2nd Degree Sexual Assault	65	53.8%	0.0%	38.5%	7.7%
18-3-403	5	(Attempt)	33	45.5%	0.0%	54.5%	0.0%
18-3-404	4	3rd Degree Sexual Assault – Force	14	57.1%	0.0%	42.9%	0.0%
18-3-404	5	(Attempt)	2	50.0%	0.0%	50.0%	0.0%
18-3-405	3	Sexual Assault on a Child	135	42.2%	14.1%	42.2%	1.5%
18-3-405	4	(Attempt)	6	33.3%	0.0%	66.7%	0.0%
18-3-405	4	Sexual Assault on a Child	115	27.0%	6.1%	63.5%	3.5%
18-3-405	5	(Attempt)	157	41.4%	3.2%	52.9%	2.5%
18-4-102	3	1st Degree Arson	7	42.9%	0.0%	57.1%	0.0%
18-4-102	4	(Attempt)	3	66.7%	0.0%	33.3%	0.0%
18-4-102	4	(Conspiracy)	4	0.0%	0.0%	100.0%	0.0%
18-4-103	4	2nd Degree Arson	19	57.9%	0.0%	42.1%	0.0%
18-4-103	5	(Attempt)	9	11.1%	0.0%	88.9%	0.0%
18-4-105	4	4th Degree Arson	16	31.3%	25.0%	43.8%	0.0%
18-4-105	5	(Attempt)	22	50.0%	0.0%	50.0%	0.0%
18-4-202	3	1st Degree Burglary	27	51.9%	3.7%	40.7%	3.7%
18-4-202	4	(Attempt)	11	27.3%	0.0%	72.7%	0.0%
18-4-202	4	(Conspiracy)	6	0.0%	0.0%	100.0%	0.0%
18-4-203	3	2nd Degree Burglary of a Dwelling	166	38.0%	6.6%	51.8%	3.6%
18-4-203	4	(Attempt)	35	14.3%	5.7%	71.4%	8.6%
18-4-203	4	(Conspiracy)	19	21.1%	0.0%	73.7%	5.3%
18-4-203	4	2nd Degree Burglary (Non-Dwelling)	128	42.2%	10.9%	43.8%	3.1%
18-4-203	5	(Attempt)	104	26.0%	0.0%	71.2%	2.9%
18-4-203	5	(Conspiracy)	30	13.3%	0.0%	86.7%	0.0%
18-4-204	4	3rd Degree Burglary – Drugs	1	0.0%	0.0%	0.0%	100.0%
18-4-204	5	3rd Degree Burglary	47	44.7%	0.0%	55.3%	0.0%
18-4-204	6	(Attempt)	16	37.5%	0.0%	62.5%	0.0%
18-4-204	6	(Conspiracy)	1	100.0%	0.0%	0.0%	0.0%
18-4-205	5	Possession of Burglary Tools	13	23.1%	0.0%	76.9%	0.0%
18-4-205	6	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-4-205	6	Possession of Burglary Tools	4	50.0%	0.0%	50.0%	0.0%
18-4-301	4	Robbery	79	36.7%	2.5%	55.7%	5.1%
18-4-301	5	(Attempt)	34	29.4%	5.9%	61.8%	2.9%
18-4-301	5	(Conspiracy)	6	83.3%	0.0%	16.7%	0.0%
18-4-302	3	Aggravated Robbery	167	67.7%	6.6%	22.8%	3.0%
18-4-302	4	(Attempt)	17	35.3%	5.9%	52.9%	5.9%
18-4-302	4	(Conspiracy)	35	62.9%	2.9%	25.7%	8.6%
18-4-303	2	Aggravated Robbery – Drugs	1	100.0%	0.0%	0.0%	0.0%
18-4-401	3	Theft	23	47.8%	0.0%	47.8%	4.3%
18-4-401	4	(Attempt)	65	36.9%	10.8%	49.2%	3.1%
18-4-401	4	(Conspiracy)	10	70.0%	10.0%	20.0%	0.0%
18-4-401	4	Theft	257	21.8%	3.5%	73.5%	1.2%
		(Attempt)	161	14.3%	0.6%	84.5%	0.6%
18-4-401	5	(Conspiracy)	56	25.0%	0.0%	75.0%	0.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-4-401	3	Theft from the Elderly or Handicapped	3	0.0%	0.0%	100.0%	0.0%
18-4-401	5	Theft from the Elderly or Handicapped	1	0.0%	0.0%	100.0%	0.0%
18-4-401	5	Theft from a Person	26	38.5%	0.0%	61.5%	0.0%
18-4-401	6	(Attempt)	19	10.5%	0.0%	89.5%	0.0%
18-4-401	6	(Conspiracy)	15	53.3%	0.0%	46.7%	0.0%
18-4-402	3	Theft of Rental Property	1	0.0%	0.0%	100.0%	0.0%
18-4-402	4	(Attempt)	3	33.3%	0.0%	33.3%	33.3%
18-4-402	4	Theft of Rental Property	2	0.0%	0.0%	50.0%	50.0%
18-4-402	5	(Attempt)	1	0.0%	0.0%	0.0%	100.0%
18-4-402	5	Theft of Rental Property	31	35.5%	3.2%	61.3%	0.0%
18-4-402	6	(Attempt)	29	44.8%	10.3%	44.8%	0.0%
18-4-409	3	Aggravated Motor Vehicle Theft	16	56.3%	12.5%	31.3%	0.0%
18-4-409	4	(Attempt)	7	0.0%	0.0%	100.0%	0.0%
18-4-409	4	(Conspiracy)	9	0.0%	0.0%	88.9%	11.1%
18-4-409	4	Aggravated Motor Vehicle Theft	93	32.3%	1.1%	62.4%	4.3%
18-4-409	5	(Attempt)	92	34.8%	4.3%	60.9%	0.0%
18-4-409	5	(Conspiracy)	5	0.0%	0.0%	100.0%	0.0%
18-4-409	5	Aggravated Motor Vehicle Theft	1	100.0%	0.0%	0.0%	0.0%
18-4-409	6	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-4-410	3	Theft by Receiving	6	33.3%	33.3%	33.3%	0.0%
18-4-410	4	(Attempt)	1	0.0%	0.0%	0.0%	100.0%
18-4-410	4	Theft by Receiving	28	42.9%	3.6%	53.6%	0.0%
18-4-410	5	(Attempt)	12	25.0%	8.3%	66.7%	0.0%
18-4-410	5	(Conspiracy)	4	25.0%	0.0%	75.0%	0.0%
18-4-412	6		4	25.0%	0.0%	75.0%	0.0%
18-4-501	3	Theft of Medical Records	1	0.0%	0.0%	100.0%	0.0%
18-4-501	4	(Conspiracy)	3	0.0%	0.0%	66.7%	33.3%
18-4-501	4	Criminal Mischief	183	35.0%	1.6%	60.7%	2.7%
18-4-501	5	(Attempt)	52	28.8%	1.9%	65.4%	3.8%
18-4-501	5	(Conspiracy)	10	20.0%	0.0%	80.0%	0.0%
18-4-502	5	1st Degree Criminal Trespass	280	21.8%	1.1%	74.3%	2.9%
18-4-502	6	(Attempt)	93	30.1%	2.2%	65.6%	2.2%
18-4-502	6	(Conspiracy)	47	23.4%	2.1%	72.3%	2.1%
18-5-102	4	1st Degree Forgery	18	38.9%	16.7%	38.9%	5.6%
18-5-102	5	1st Degree Forgery	213	37.6%	4.2%	55.9%	2.3%
18-5-102	6	(Attempt)	64	29.7%	3.1%	65.6%	1.6%
18-5-102	6	(Conspiracy)	29	13.8%	10.3%	75.9%	0.0%
18-5-103	4	2nd Degree Forgery	3	33.3%	0.0%	66.7%	0.0%
18-5-103	5	2nd Degree Forgery	111	33.3%	1.8%	63.1%	1.8%
18-5-103	6	(Attempt)	12	16.7%	0.0%	83.3%	0.0%
18-5-103	6	(Conspiracy)	6	33.3%	0.0%	66.7%	0.0%
18-5-105	5	Possession of a 1st Degree Forged Instrument	2	0.0%	0.0%	100.0%	0.0%
18-5-105	6	Possession of a 1st Degree Forged Instrument	30	30.0%	0.0%	70.0%	0.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-5-113	5	Criminal Impersonation	13	30.8%	0.0%	61.5%	7.7%
18-5-113	6	Criminal Impersonation	125	28.8%	1.6%	67.2%	2.4%
18-5-114	5	Offering a False Instrument for Recording	4	0.0%	0.0%	75.0%	25.0%
18-5-205	4	Fraud by Check	6	50.0%	0.0%	33.3%	16.7%
18-5-205	5	Fraud by Check	40	12.5%	0.0%	87.5%	0.0%
18-5-205	6	(Attempt)	3	0.0%	0.0%	100.0%	0.0%
18-5-205	6	Fraud by Check	29	20.7%	0.0%	79.3%	0.0%
18-5-508	6	Duplicate Receipt Not Marked	1	0.0%	0.0%	100.0%	0.0%
18-5-604	4	Possession of an Imitation Controlled Substance	1	0.0%	0.0%	100.0%	0.0%
18-5-604	5	Possession of an Imitation Controlled Substance	36	5.6%	5.6%	86.1%	2.8%
18-5-604	6	(Attempt)	10	90.0%	0.0%	10.0%	0.0%
18-5-702	5	Unauthorized Use of a Financial Transaction Device	9	33.3%	0.0%	66.7%	0.0%
18-5-702	6	(Attempt)	12	33.3%	0.0%	50.0%	16.7%
18-5-703	6	Criminal Possession of a Financial Transaction Device	20	35.0%	0.0%	65.0%	0.0%
18-5.5-102	5	Computer Crime	6	50.0%	16.7%	33.3%	0.0%
18-5.5-102	6	(Attempt)	2	100.0%	0.0%	0.0%	0.0%
18-6-201	6	Bigamy	1	0.0%	0.0%	0.0%	100.0%
18-6-301	3	Aggravated Incest	20	80.0%	0.0%	20.0%	0.0%
18-6-301	4	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-6-301	4	Incest	32	53.1%	9.4%	37.5%	0.0%
18-6-301	5	(Attempt)	16	50.0%	0.0%	50.0%	0.0%
18-6-401	2	Child Abuse Resulting in Death	5	80.0%	0.0%	20.0%	0.0%
18-6-401	3	Child Abuse with Serious Injury	16	56.3%	18.8%	18.8%	6.3%
18-6-401	4	Child Abuse	24	29.2%	12.5%	58.3%	0.0%
18-6-401	5	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-6-401	5	(Conspiracy)	1	0.0%	0.0%	0.0%	100.0%
18-6-402	3	Traffic in Children	1	0.0%	0.0%	100.0%	0.0%
18-6-701	4	Contributing to the Delinquency of a Minor	76	25.0%	1.3%	67.1%	6.6%
18-6-701	5	(Attempt)	125	28.0%	0.8%	64.0%	7.2%
18-6.5-103	5	3rd Degree Assault of an At-Risk Adult	1	0.0%	0.0%	100.0%	0.0%
18-6.5-103	3	Robbery of an At-Risk Adult	4	50.0%	0.0%	0.0%	50.0%
18-6.5-103	4	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-6.5-103	3	Theft from an At-Risk Adult	2	50.0%	0.0%	50.0%	0.0%
18-6.5-103	4	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-6.5-103	5	Theft from an At-Risk Adult	1	0.0%	100.0%	0.0%	0.0%
18-6.5-103	6	(Attempt)	5	0.0%	0.0%	100.0%	0.0%
18-6.5-103	6	(Conspiracy)	1	0.0%	0.0%	100.0%	0.0%
18-6.5-103	4	Theft from the Person of an At-Risk Adult	4	50.0%	0.0%	50.0%	0.0%
18-6.5-103	5	(Attempt)	1	0.0%	0.0%	0.0%	100.0%
18-7-203	6	Pandering (Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-7-206	3	Pimping	10	50.0%	0.0%	40.0%	10.0%
18-7-206	4	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-7-405.5	3	Inducement of Child Prostitution	2	100.0%	0.0%	0.0%	0.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-8-105	4	Accessory to a Class 1 or 2 Felony Crime	14	64.3%	0.0%	35.7%	0.0%
18-8-105	5	Accessory to a Class 1 or 2 Felony Crime	10	40.0%	0.0%	60.0%	0.0%
18-8-105	5	Accessory to a Class 3 or 4 Felony Crime	20	40.0%	0.0%	60.0%	0.0%
18-8-110	6	False Reporting of Explosives	6	33.3%	0.0%	66.7%	0.0%
18-8-116	5	Disarming a Police Officer	1	0.0%	0.0%	100.0%	0.0%
18-8-116	6	(Attempt)	9	88.9%	0.0%	11.1%	0.0%
18-8-201	3	Aiding in Escape – Not Class 1 or 2 Felony	2	0.0%	0.0%	50.0%	50.0%
18-8-201.1	5	Aiding in Escape from a Mental Institution	37	2.7%	8.1%	86.5%	2.7%
18-8-203	4	1st Degree Introduction of Contraband	19	47.4%	0.0%	52.6%	0.0%
18-8-203	5	(Attempt)	90	96.7%	1.1%	2.2%	0.0%
18-8-203	5	(Conspiracy)	1	0.0%	0.0%	100.0%	0.0%
18-8-203	5	(Solicitation)	177	98.3%	1.1%	0.6%	0.0%
18-8-204	5	2nd Degree Introduction of Contraband	1	0.0%	0.0%	100.0%	0.0%
18-8-204	6	2nd Degree Introduction of Contraband	9	22.2%	0.0%	77.8%	0.0%
18-8-204.1	4	1st Degree Possession of Contraband	32	65.6%	3.1%	31.3%	0.0%
18-8-204.1	5	(Attempt)	6	83.3%	0.0%	16.7%	0.0%
18-8-204.1	6	1st Degree Possession of Contraband	17	70.6%	0.0%	29.4%	0.0%
18-8-208	3	Escape – Convicted Felon	32	75.0%	0.0%	21.9%	3.1%
18-8-208	4	(Attempt)	35	85.7%	0.0%	14.3%	0.0%
18-8-208	4	(Conspiracy)	3	33.3%	0.0%	0.0%	66.7%
18-8-208	4	Escape – Pending Felony	51	62.7%	2.0%	29.4%	5.9%
18-8-208	5	(Attempt)	18	66.7%	0.0%	33.3%	0.0%
18-8-208	5	Escape From Insane Asylum – Felony Crime	20	30.0%	0.0%	70.0%	0.0%
18-8-208	6	(Attempt)	3	33.3%	0.0%	66.7%	0.0%
18-8-208	5	Escape From Fugitive Charges	12	50.0%	0.0%	50.0%	0.0%
18-8-208.1	4	Escape – Attempt – Felony Conviction	13	61.5%	0.0%	38.5%	0.0%
18-8-208.1	0	(Attempt)	7	71.4%	0.0%	28.6%	0.0%
18-8-208.1	5	Escape – Attempt – Felony Pending	45	60.0%	0.0%	37.8%	2.2%
18-8-208.1	0	(Attempt)	3	66.7%	0.0%	33.3%	0.0%
18-8-212	5	Failure to Appear Felony	1	0.0%	0.0%	0.0%	100.0%
18-8-212	6	Violation of Bail Bond	27	33.3%	3.7%	59.3%	3.7%
18-8-302	3	Bribery	5	60.0%	0.0%	20.0%	20.0%
18-8-306	4	Attempting to Influence a Public Servant	8	25.0%	0.0%	62.5%	12.5%
18-4-402	5	Misuse of Official Information	1	0.0%	0.0%	100.0%	0.0%
18-8-407	5	Embezzlement of Public Property	1	0.0%	0.0%	100.0%	0.0%
18-8-609	5	Jury – Tampering	3	0.0%	0.0%	100.0%	0.0%
18-8-610	6	Tampering with Evidence	53	28.3%	1.9%	67.9%	1.9%
18-8-704	4	Intimidating a Witness or Victim	37	48.6%	2.7%	43.2%	5.4%
18-8-704	5	(Attempt)	11	18.2%	0.0%	72.7%	9.1%
18-8-704	5	Bribing a Witness (Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-8-706	3	Retaliating Against a Witness or a Victim	2	0.0%	0.0%	0.0%	100.0%
18-8-706	4	(Attempt)	230	36.1%	0.0%	53.5%	10.4%
18-8-707	4	Tampering with a Witness or a Victim	6	16.7%	0.0%	66.7%	16.7%
18-9-103	4	Arming Rioters – Supply Weapons	1	0.0%	0.0%	0.0%	100.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-9-116.5	4	Vehicular Eluding – Injury Resulting	12	33.3%	0.0%	33.3%	33.3%
18-9-116.5	5	Vehicular Eluding – No Injury	93	24.7%	1.1%	60.2%	14.0%
18-9-116.5	6	(Attempt)	17	35.3%	5.9%	47.1%	11.8%
18-9-118	6	Carrying a Firearm on Public Transportation	1	0.0%	0.0%	100.0%	0.0%
18-9-303	6	Illegal Wiretapping	1	0.0%	0.0%	100.0%	0.0%
18-12-102	5	Possession of an Illegal Weapon	48	54.2%	0.0%	41.7%	4.2%
18-12-106.5	5	Use of a Stun Gun	4	0.0%	0.0%	100.0%	0.0%
18-12-107.5	5	Illegal Discharge of a Firearm	20	40.0%	0.0%	55.0%	5.0%
18-12-107.5	6	(Attempt)	4	25.0%	0.0%	75.0%	0.0%
18-12-108	4	Possession of a Weapon by a Previous Offender – 2nd Offense	9	33.3%	0.0%	66.7%	0.0%
18-12-108	5	Possession of a Weapon by a Previous Offender	28	53.6%	0.0%	39.3%	7.1%
18-12-108	6	(Attempt)	2	50.0%	0.0%	50.0%	0.0%
18-12-108	5	Possession of a Weapon by Previous Juvenile Delinquent	2	100.0%	0.0%	0.0%	0.0%
18-12-108.7	4	Provisioning a Juvenile with a Handgun (Conspiracy)	1	0.0%	0.0%	100.0%	0.0%
18-12-109	4	Possession or Use of Explosives	15	33.3%	6.7%	60.0%	0.0%
18-12-109	5	(Attempt)	21	47.6%	9.5%	38.1%	4.8%
18-13-105	6	Criminal Libel	1	0.0%	0.0%	100.0%	0.0%
18-16-103	5	False Information Upon Sale	2	100.0%	0.0%	0.0%	0.0%
18-16-103	6	(Conspiracy)	34	38.2%	0.0%	61.8%	0.0%
18-16-105	5	False Information Upon Sale – Ownership	4	0.0%	50.0%	50.0%	0.0%
18-16-105	6	False Information Upon Sale – Ownership	7	28.6%	0.0%	42.9%	28.6%
18-16-108	6	Falsifying Sales Information	8	100.0%	0.0%	0.0%	0.0%
18-17-104	2	Organized Crime	5	60.0%	0.0%	40.0%	0.0%
18-18-104	5	Unlawful use of a Schedule I or II Controlled Substance	51	9.8%	0.0%	86.3%	3.9%
18-18-104	6	(Attempt)	5	40.0%	0.0%	40.0%	20.0%
18-18-104	5	Controlled Substance – Use Schedule II	6	0.0%	0.0%	83.3%	16.7%
18-18-105	3	Possession of Schedule I Controlled Substance w/Intent to Distribute	35	25.7%	5.7%	68.6%	0.0%
18-18-105	4	(Attempt)	1	100.0%	0.0%	0.0%	0.0%
18-18-105	4	(Conspiracy)	1	100.0%	0.0%	0.0%	0.0%
18-18-105	3	Possession of Schedule I Controlled Substances	10	20.0%	0.0%	80.0%	0.0%
18-18-105	4	(Attempt)	2	0.0%	0.0%	0.0%	100.0%
18-18-105	2	Distribution of Schedule I Controlled Substances – 2nd Offense	3	66.7%	0.0%	0.0%	33.3%
18-18-105	3	Distribution of Schedule I Controlled Substances	2	50.0%	0.0%	0.0%	50.0%
18-18-105	4	(Attempt)	8	75.0%	0.0%	12.5%	12.5%
18-18-105	2	Possession of Schedule II Controlled Substance – 2nd Offense	10	50.0%	0.0%	50.0%	0.0%
18-18-105	3	(Attempt)	1	0.0%	0.0%	0.0%	100.0%
18-18-105	4	(Attempt)	29	17.2%	3.4%	75.9%	3.4%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-18-105	3	Possession of Schedule II Controlled Substance	116	25.9%	7.8%	64.7%	1.7%
18-18-105	2	Distribution of Schedule II Controlled Substance – 2nd Offense	2	50.0%	0.0%	0.0%	50.0%
18-18-105	3	Distribution of Schedule II Controlled Substance	43	25.6%	2.3%	62.8%	9.3%
18-18-105	4	(Attempt)	50	22.0%	4.0%	66.0%	8.0%
18-18-105	4	(Conspiracy)	46	43.5%	0.0%	43.5%	13.0%
18-18-105	3	Possession of Schedule III Controlled Substance – 2nd Offense (Conspiracy)	1	0.0%	0.0%	100.0%	0.0%
18-18-105	4	Possession of Schedule III Controlled Substance	7	0.0%	0.0%	100.0%	0.0%
18-18-105	4	Possession of Schedule III Controlled Substance (Conspiracy)	1	0.0%	0.0%	0.0%	100.0%
18-18-105	4	Distribution of Schedule III Controlled Substance	58	41.4%	1.7%	44.8%	12.1%
18-18-105	5	(Attempt)	1	0.0%	0.0%	100.0%	0.0%
18-18-105	5	Possession of Schedule IV Controlled Substance	31	22.6%	0.0%	67.7%	9.7%
18-18-105	6	(Attempt)	21	28.6%	4.8%	47.6%	19.0%
18-18-105	5	Distribution of Schedule IV Controlled Substance	7	14.3%	0.0%	85.7%	0.0%
18-18-105	6	(Attempt)	35	31.4%	2.9%	60.0%	5.7%
18-18-106	4	Distribution of Marijuana	21	9.5%	4.8%	76.2%	9.5%
18-18-106	5	(Attempt)	9	88.9%	0.0%	11.1%	0.0%
18-18-106	5	(Conspiracy)	2	0.0%	0.0%	100.0%	0.0%
18-18-106	4	Possession of Marijuana with Intent to Distribute	16	12.5%	0.0%	75.0%	12.5%
18-18-106	5	(Attempt)	1	100.0%	0.0%	0.0%	0.0%
18-18-106	4	Cultivation of Marijuana	5	0.0%	20.0%	20.0%	60.0%
18-18-106	5	(Attempt)	4	25.0%	0.0%	50.0%	25.0%
18-18-106	5	(Conspiracy)	7	0.0%	0.0%	0.0%	100.0%
18-18-106	4	Possession of More Than 8 oz. of Marijuana	55	7.3%	0.0%	85.5%	7.3%
18-18-106	5	Possession of More Than 8 oz. of Marijuana (Conspiracy)	1	0.0%	0.0%	100.0%	0.0%
18-18-106	5	Possession of More Than 8 oz. of Marijuana	4	0.0%	0.0%	100.0%	0.0%
18-18-106	5	Possession of 1 - 8 oz. of Marijuana – 2nd Offense	2	0.0%	0.0%	100.0%	0.0%
18-18-404	5	Use of a Schedule 1 Controlled Substance	47	76.6%	0.0%	6.4%	17.0%
18-18-404	5	Use of a Schedule 2 Controlled Substance	112	25.9%	0.0%	64.3%	9.8%
18-18-404	6	(Attempt)	18	33.3%	0.0%	61.1%	5.6%
18-18-405	3	Possession of Controlled Substance Schedule I	129	8.5%	0.0%	70.5%	20.9%
18-18-405	4	(Attempt)	23	0.0%	4.3%	43.5%	52.2%
18-18-405	3	Distribution of Controlled Substance Schedule I	74	2.7%	1.4%	44.6%	51.4%
18-18-405	4	(Attempt)	5	0.0%	0.0%	0.0%	100.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-18-405	3	Possession of Controlled Substance w/Intention to Distribute Schedule I	6	0.0%	0.0%	0.0%	100.0%
18-18-405	4	Possession of Controlled Substance Schedule II	863	16.9%	1.6%	67.2%	14.3%
18-18-405	5	(Attempt)	77	11.7%	1.3%	63.6%	23.4%
18-18-405	5	(Conspiracy)	5	0.0%	0.0%	100.0%	0.0%
18-18-405	3	Distribution of Controlled Substance Schedule II	22	22.7%	0.0%	54.5%	22.7%
18-18-405	4	(Attempt)	15	6.7%	6.7%	46.7%	40.0%
18-18-405	4	(Conspiracy)	27	0.0%	0.0%	3.7%	96.3%
18-18-405	3	Possession of Controlled Substance w/Intention to Distribute Schedule II	13	7.7%	0.0%	38.5%	53.8%
18-18-405	4	(Attempt)	13	7.7%	0.0%	15.4%	76.9%
18-18-405	3	Controlled Substance Conspiracy Schedule II	38	21.1%	0.0%	2.6%	76.3%
18-18-405	4	Manufacture Controlled Substance Schedule II (Attempt)	1	0.0%	0.0%	0.0%	100.0%
18-18-405	4	Manufacture Controlled Substance Schedule II (Conspiracy)	1	0.0%	0.0%	0.0%	100.0%
18-18-405	4	Possession of Controlled Substance Schedule III	67	25.4%	0.0%	61.2%	13.4%
18-18-405	5	(Attempt)	5	40.0%	20.0%	40.0%	0.0%
18-18-405	4	Possession of Controlled Substance w/Intention to Distribute Schedule III	10	10.0%	0.0%	10.0%	80.0%
18-18-405	4	Controlled Substance Conspiracy Schedule III	16	0.0%	0.0%	6.3%	93.8%
18-18-405	3	Possession of Controlled Substance Schedule III – 2nd Offense	5	40.0%	0.0%	0.0%	60.0%
18-18-405	5	Possession of Controlled Substance Schedule IV	227	13.2%	2.2%	79.7%	4.8%
18-18-405	6	(Attempt)	16	12.5%	0.0%	87.5%	0.0%
18-18-405	5	Distribution of Controlled Substance Schedule IV	10	10.0%	0.0%	70.0%	20.0%
18-18-405	5	(Attempt)	4	25.0%	0.0%	75.0%	0.0%
18-18-405	3	Distribution of Controlled Substance – 28G Cocaine	9	0.0%	0.0%	0.0%	100.0%
18-18-405	3	Possession of 28G Cocaine with Intent to Distribute	3	0.0%	0.0%	0.0%	100.0%
18-18-405	3	Possession of Controlled Substance – 28G Cocaine	5	0.0%	0.0%	40.0%	60.0%
18-18-406	6	Possession 8 oz. or more Marijuana (Attempt)	3	0.0%	0.0%	100.0%	0.0%
18-18-406	4	Cultivation of Marijuana	6	0.0%	0.0%	16.7%	83.3%
18-18-406	5	(Attempt)	13	46.2%	15.4%	30.8%	7.7%
18-18-406	4	Distribution of Marijuana	23	0.0%	0.0%	17.4%	82.6%
18-18-406	5	(Attempt)	8	37.5%	0.0%	50.0%	12.5%
18-18-406	5	(Conspiracy)	3	33.3%	0.0%	66.7%	0.0%

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Table 4.5 (Continued)

Statute Citation	Felony Class	Crime Description	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
18-18-406	4	Possession of Marijuana w/Intent to Distribute	12	0.0%	0.0%	58.3%	41.7%
18-18-406	5	(Attempt)	5	20.0%	0.0%	60.0%	20.0%
18-18-406	5	(Conspiracy)	1	0.0%	0.0%	0.0%	100.0%
18-18-407	2	Special Offender – More Than 100 Pounds Marijuana	1	0.0%	0.0%	0.0%	100.0%
18-18-407	2	Special Drug Offender – Importation of Controlled Substances	5	80.0%	0.0%	0.0%	20.0%
18-18-407	2	Special Drug Offender – Weapon	5	80.0%	0.0%	0.0%	20.0%
18-18-415	5	Obtaining a Controlled Substance through Fraud	60	15.0%	1.7%	71.7%	11.7%
18-18-415	6	(Attempt)	127	22.0%	2.4%	54.3%	21.3%
18-18-415	5	Obtaining a Controlled Substance through Forgery	3	33.3%	0.0%	66.7%	0.0%
18-18-415	4	Obtaining a Controlled Substance through Forgery – 2nd Offense	2	0.0%	0.0%	50.0%	50.0%
18-18-415	5	Obtaining a Controlled Substance through Concealment	1	100.0%	0.0%	0.0%	0.0%
18-18-415	5	Obtaining a Controlled Substance through False Name	2	100.0%	0.0%	0.0%	0.0%
18-18-415	5	False Title to Obtain Controlled Substance	8	62.5%	0.0%	37.5%	0.0%
18-18-415	5	False or Forged Order	44	29.5%	6.8%	56.8%	6.8%
18-18-415	5	False Statement in Prescription	1	0.0%	0.0%	100.0%	0.0%
18-18-422	5	Distribution of an Imitation Controlled Substance	7	42.9%	0.0%	42.9%	14.3%
18-18-422	6	(Attempt)	1	0.0%	0.0%	0.0%	0.0%
18-18-422	6	(Conspiracy)	1	0.0%	0.0%	0.0%	0.0%
6-16-111	5	Charitable Fraud – Scheme to Defraud	4	100.0%	0.0%	0.0%	0.0%
11-51-401	6	Selling Security w/out License	1	0.0%	0.0%	100.0%	0.0%
11-51-501	3	Securities Fraud	6	33.3%	0.0%	33.3%	33.3%
12-22-315	5	Obtain Controlled Substance by Fraud	2	0.0%	0.0%	100.0%	0.0%
12-22-315	4	Obtain Controlled Substance by Fraud – 2nd Offense	2	0.0%	0.0%	0.0%	100.0%
12-22-315	5	False and Forged Prescription	8	12.5%	0.0%	87.5%	0.0%
12-44-102	6	Defrauding an Innkeeper	2	100.0%	0.0%	0.0%	0.0%
2-47.1-802	5	False Statement on Gaming Apparatus (Attempt)	1	0.0%	0.0%	100.0%	0.0%
12-56-103	5	Giving False Information to a Pawnbroker	50	20.0%	6.0%	72.0%	2.0%
12-56-103	6	(Attempt)	30	26.7%	3.3%	63.3%	6.7%
12-56-103	5	Giving False Information to a Pawnbroker – Ownership	89	29.2%	4.5%	55.1%	11.2%
12-56-103	6	(Attempt)	11	45.5%	0.0%	54.5%	0.0%
12-56-103	5	Pawnbroker Failure to Hold Goods – 2nd Offense	1	100.0%	0.0%	0.0%	0.0%
14-4-109	5	Aggravated Motor Vehicle Theft (Attempt)	8	25.0%	0.0%	75.0%	0.0%
		Aggravated Motor Vehicle Theft (Conspiracy)		0.0%	0.0%	100.0%	0.0%

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Table 4.5 (Continued)

Statute CLASSIFICATION	Felony CLASS	CRIME DESCRIPTION	Number	Sentence Placement			
				Prison	Community Corrections	Probation	Other*
14-6-101	5	Nonsupport Child or Spouse	15	46.7%	6.7%	40.0%	6.7%
26-1-127	4	Public Assistance Theft	9	0.0%	0.0%	11.1%	88.9%
26-2-306	5	Trafficking Food Stamps (Attempt)	1	0.0%	0.0%	100.0%	0.0%
26-2-306	5	Food Stamps Series (Attempt)	2	0.0%	0.0%	100.0%	0.0%
33-6-117	5	Willful Destruction of Big Game	3	0.0%	0.0%	100.0%	0.0%
35-43-128	6	Theft of Animals	1	0.0%	0.0%	100.0%	0.0%
42-2-206	5	Driving After Revocation of License	10	30.0%	0.0%	70.0%	0.0%
42-2-206	6	Driving After Revocation of License	443	21.9%	5.2%	61.9%	11.1%
42-2-206	6	Habitual Traffic Offender	49	22.4%	8.2%	61.2%	8.2%
42-4-1401	4	Leave Scene of Accident – Death	1	100.0%	0.0%	0.0%	0.0%
42-4-1601	4	Hit and Run – Death	5	40.0%	0.0%	40.0%	20.0%
42-5-102	5	Stolen Auto Parts – Altered VIN	1	100.0%	0.0%	0.0%	0.0%
TOTALS			11,010**	33.5%	2.7%	55.9%	7.9%

Source: Colorado District Attorney's Council Database.

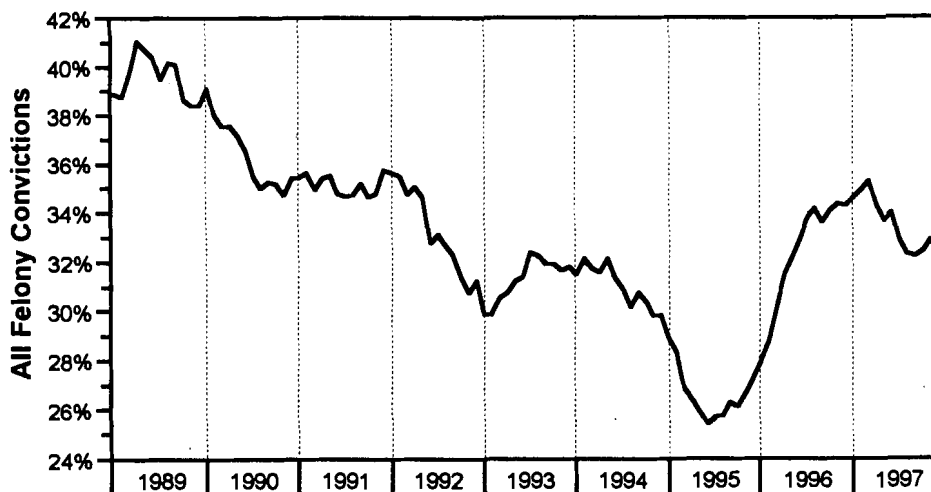
* Other includes county jail, useful public service, deferred sentences, and unknown sentences.

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

TRENDS IN SENTENCING PLACEMENTS: 1989-1997

For the first time since 1989, the percentage of felons sentenced to prison increased. Graph 4.2 presents the percent of felony convictions resulting in a prison placement as a six-month moving average for the eight-year period between 1989 and 1997. (By averaging six months of data into one data point, any extreme highs or lows in the numbers are averaged.) As shown in Graph 5.2, the percentage of convicted felons given prison sentences declined significantly between 1989 and 1995, before beginning to rise at the end of 1995. Between the end of 1995 and the end of 1996, the percent of felons receiving prison placements increased from 27.3 percent to 35.9 percent. Finally, towards the end of 1996 and through the first six months of 1997, the percentage of felons convicted to prison appears to be leveling off.

**Graph 4.2: Percent of Eight Front Range Districts Felony Convictions Resulting in DOC Placement
6-Month Moving Average**



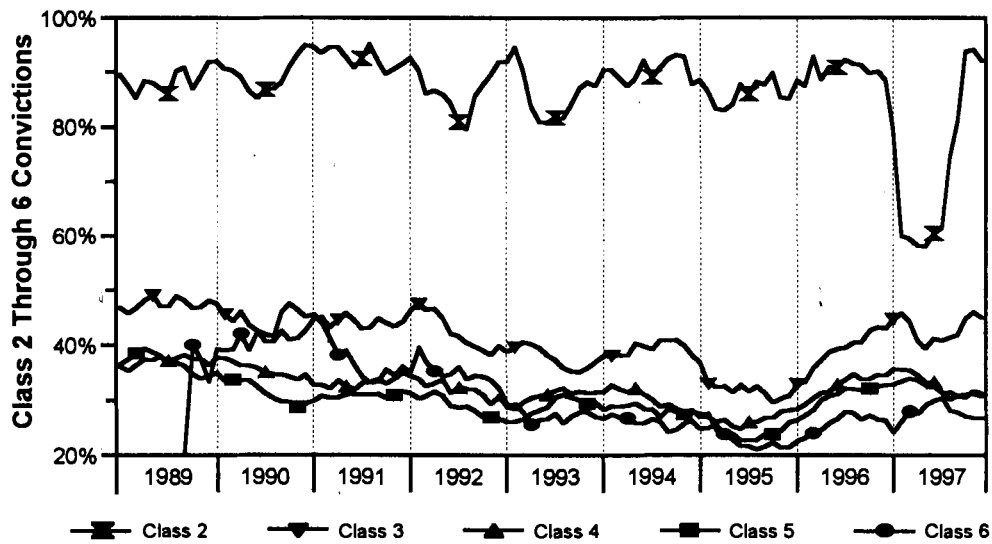
Source: Colorado District Attorneys' Council Database.
 Note: Data for this table are from the eight Front Range districts only.

These data show that the percentage of felons sent to prison increased for each felony class since 1995. There are two possible explanations for the recent increase in the share of felons sentenced to prison. First of all, between 1989 and 1995, there was an increase in sentencing to community corrections and intensive supervision probation (ISP), as these sentencing alternatives became more thoroughly utilized. However, as these community corrections and ISP slots became full and the number of slots did not increase at the same rate as the supervised population, more offenders were sentenced to prison.

The second reason for the increase in the percentage of offenders sentenced to prison may be the decrease in jail backlog. When the jail backlog is high, fewer felons are sentenced to prison. Because the jail backlog was higher from 1989 to mid-1996, this may be a possible explanation for the decrease in the share of felony convictions sentenced to prison between 1989 and 1995. Jail backlog greatly decreased during 1997 and 1998, however. This may have led to the increase in the percent of felons sentenced to prison.

Graph 4.3 displays the trends of convictions resulting in a prison placement by felony class from 1989 through June 1997. For class 3 through class 6 felons, similar trends exist for each felony class that conform to the pattern described above. Convictions resulting in prison placements decreased from 1989 to 1995, but increased between 1995 and 1996 and now appear to be leveling off. However, the trend for class 2 felonies is different. At the beginning of 1997, the percent of class 2 felons sentenced to prison declined significantly. The data show a greater percentage of class 2 felons being sentenced to probation than in previous years.

Graph 4.3: Percent of Convictions Resulting in DOC Placement by Felony Class



Source: Colorado District Attorneys' Council Database.

Note: Nearly all class 1 felonies received a sentence to prison. The class 6 felony was created in 1989, thus accounting for the lack of class 6 data prior to 1989.

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

This chapter analyzes the average *sentence length* and the average *length of stay* of inmates committed to the Department of Corrections (DOC). These factors affect the prison population. Due to earned time and discretionary parole releases, a felon typically does not serve the total length of the sentence imposed. Hence, average length of stay is calculated to measure how long an offender stays in prison. First, this chapter discusses the factors affecting the average 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 for FY 1996-97.

The highlights include the following:

- the average *sentence length* of a new DOC commitment was 5.82 years in FY 1996-97, down 3.2 percent from the previous year. Meanwhile, this average sentence length has decreased each year since FY 1987-88;
- on average, we estimate that the inmates served 57.8 percent of their sentence in FY 1996-97, up from 55.0 percent in FY 1995-96; and
- the average *length of stay* of a new DOC commitment decreased slightly in FY 1996-97, to 3.4 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 sentence length is not a good indication of the amount of time an offender will stay in prison. Some offenders may serve as little as 40 percent of their sentences, 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.

Average length of stay is comprised of two components: sentence length and proportion of sentence served. The sentence length is imposed by the courts within statutory parameters. The statutes allow the courts latitude in sentencing by providing wide sentencing ranges. Sentence lengths are additionally influenced by the court's flexibility to impose sentences outside these ranges under certain circumstances. This flexibility is allowed for crimes that fall in special sentencing categories that have aggravating and mitigating circumstances, and for crimes of violence. The *average sentence length* is expected to stay fairly stable in the future because there have been no recent major sentencing law changes. One exception to this, however, is for sex offenders. In the 1998 Regular Session, the General Assembly passed H.B. 98-1156, which imposes lifetime supervision for sex offenders, essentially a life sentence which will increase the average length of stay for sex offenders. While a sex offender may not stay in prison for life, the offender may be supervised for life and could end up back in prison for future sexual deviant behavior. Another exception is for certain parolees. Also during the 1998 Regular Session, the General Assembly passed H.B. 98-1160 which imposes a period of mandatory parole for parolees who are on parole after being incarcerated because their parole was revoked.

The second factor affecting the average length of stay is the actual proportion of the given sentence served by an inmate. As previously stated, most DOC inmates serve less time in prison than their sentence suggests because of earned time and parole eligibility provisions. 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. The earned time provisions result, on average, in a 20 percent reduction of the prison sentence because not all inmates receive earned time. In addition to earned time reducing an inmate's stay in prison (earned time cannot decrease the sentence by more than 25 percent), most inmates are eligible for parole after serving 50 percent of their sentence less earned time. However, it should be noted that certain violent offenders with prior offenses must serve 75 percent of their prison sentence. Most inmates are eligible for parole after serving approximately 40 percent of their sentence.

Overall, we estimate that an inmate is expected to serve 57.8 percent of his or her sentence. This percentage increased slightly from FY 1995-96 when it was 55.0 percent. One major reason for the increase in the proportion of the sentence served is mandatory parole. The Parole Board determines whether an inmate is released before their mandatory release date. The data suggest that with the advent of mandatory parole, parole is deferred more frequently than without mandatory parole. This happens because the parole board wants to supervise some offenders' transition to life

outside of prison. Since parole is now mandatory, an inmate does not need to be released early to be placed under supervision. Indeed, there was a 10.3 percent increase in parole deferrals in FY 1996-97. Since all incoming DOC inmates will be sentenced under mandatory parole, we expect the proportion of sentence served to increase slightly over the next few years, barring any change in the parole board policies. It is important to note that the increase in deferrals may be due to a variety of factors of which mandatory parole is just one. In addition, the increased deferrals may be because of a change in parole board policy, inmates not having an appropriate parole plan, or inmates not completing treatment or educational programs.

TRENDS IN SENTENCE LENGTH AND LENGTH OF STAY

Sentence Length

Table 5.1 details the average sentence length by felony class during the last 15 years. This information is depicted graphically in Graphs 5.1 and 5.2. The data show that the overall average sentence length peaked in FY 1987-88 at 8.74 years and has since declined to 5.82 years. In FY 1996-97, the overall average sentence length decreased 3.2 percent. It should be noted that class 1 felonies are not figured into the totals because the class has carried a life sentence since FY 1986-87.

Table 5.1: Average Sentence Length of New DOC Commitments by Felony Class, FY 1982-83 through FY 1996-97 (Years)

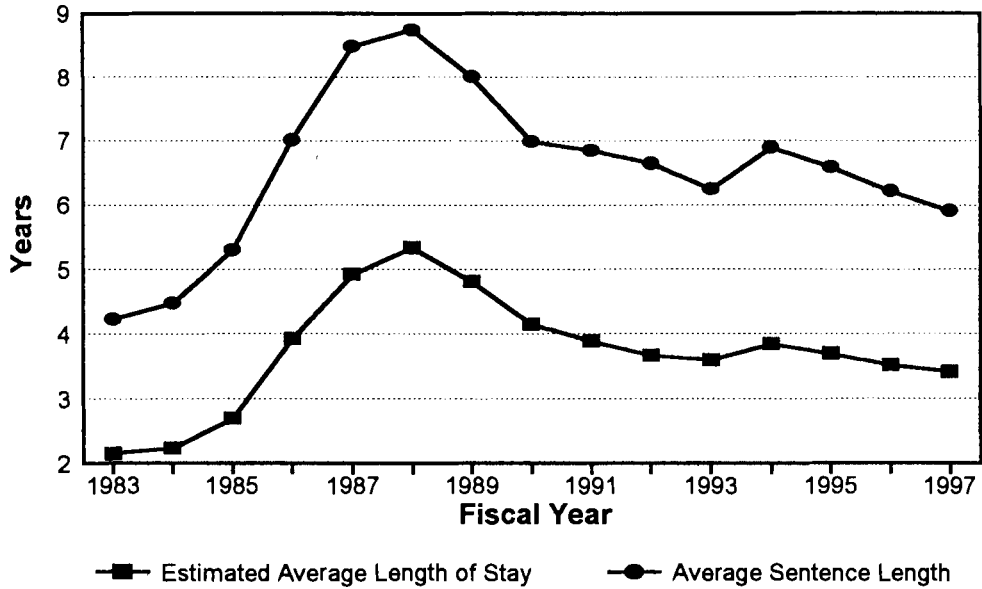
Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6* Felony	Total
FY 1982-83	28.73	16.16	6.21	3.16	1.78	NA	4.23
FY 1983-84	27.67	21.34	6.93	3.37	1.79	NA	4.47
FY 1984-85	27.70	17.90	8.15	4.16	2.53	NA	5.30
FY 1985-86	39.90	22.90	9.89	4.71	3.94	NA	7.01
FY 1986-87	Life	30.59	11.84	6.55	4.10	NA	8.48
FY 1987-88	Life	42.17	12.38	6.38	4.01	NA	8.74
FY 1988-89	Life	41.82	12.09	6.32	3.47	NA	8.00
FY 1989-90	Life	32.76	10.88	5.66	3.16	3.40	6.99
FY 1990-91	Life	33.00	10.59	5.49	3.33	2.45	6.84
FY 1991-92	Life	34.82	11.34	5.26	3.36	2.38	6.65
FY 1992-93	Life	35.39	9.58	5.26	3.15	2.02	6.24
FY 1993-94	Life	43.43	10.81	5.23	3.01	2.24	6.89
FY 1994-95	Life	40.72	10.78	4.99	2.96	1.62	6.59
FY 1995-96	Life	43.00	9.49	4.67	2.87	1.53	6.01
FY 1996-97	Life	35.24	10.03	4.89	2.77	1.71	5.82

* The class 6 felony class was created in 1989.

NA: Not available.

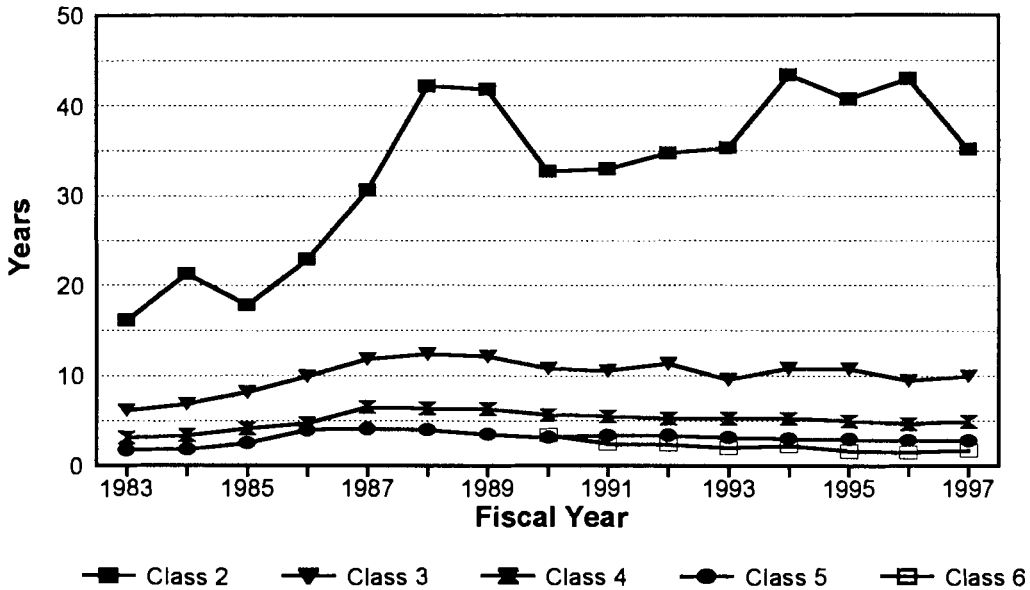
Source: Department of Corrections.

Graph 5.1: Average Sentence Length and Average Length of Stay for New DOC Commitments



Source: Department of Corrections.

Graph 5.2: Average Sentence Length of New DOC Commitments by Felony Class



Source: Department of Corrections.

Average Length of Stay

Table 5.2 and Graphs 5.1 and 5.3 report the trends in average length of stay. Overall, average length of stay has hovered around 55 percent of the sentence length imposed during the last 13 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 1984-85 and FY 1987-88, from 2.69 years in FY 1984-85 to 5.33 years in FY 1987-88. As was the case with the sentence length, the average length of stay declined since FY 1987-88 to 3.42 years in FY 1996-97. During the 1990s, however, the estimated overall average length of stay of incoming inmates remained fairly stable, ranging from 3.42 to 3.88 years, while average sentence length ranged between 5.82 and 6.89 years.

Table 5.2: Estimated Average Length of Stay of New DOC Commitments by Felony Class, FY 1982-83 through FY 1996-97 (Years)

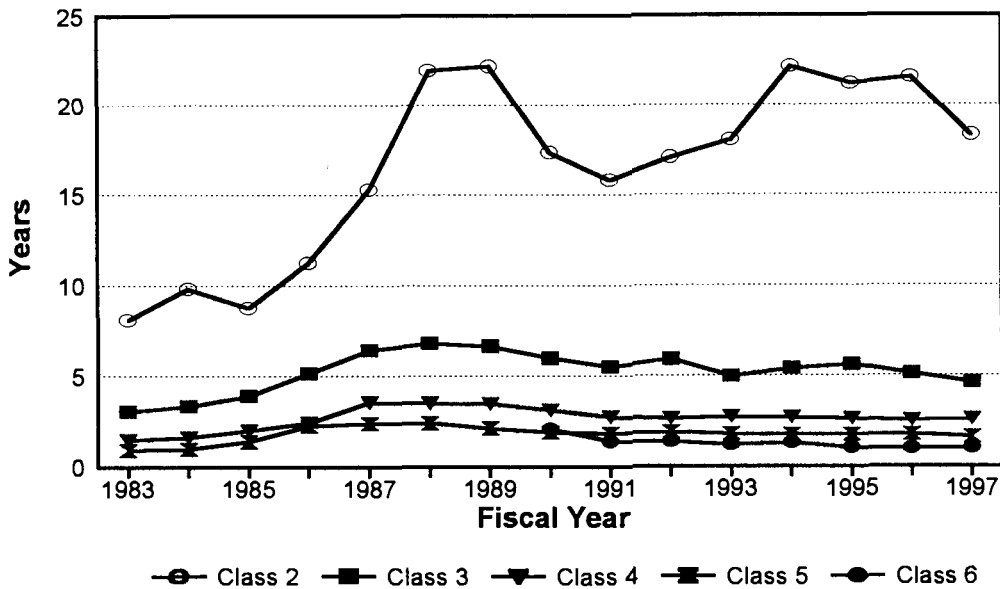
Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6* Felony	Total
FY 1982-83	20.69	8.08	3.04	1.45	0.91	NA	2.15
FY 1983-84	20.20	9.82	3.33	1.58	0.97	NA	2.23
FY 1984-85	20.50	8.77	3.91	1.99	1.39	NA	2.69
FY 1985-86	38.71	11.22	5.15	2.40	2.25	NA	3.92
FY 1986-87	40.00	15.30	6.40	3.54	2.38	NA	4.93
FY 1987-88	40.00	21.93	6.81	3.51	2.40	NA	5.33
FY 1988-89	40.00	22.16	6.65	3.47	2.11	NA	4.82
FY 1989-90	40.00	17.36	5.98	3.11	1.90	2.08	3.83
FY 1990-91	Life	15.84	5.51	2.74	1.83	1.37	3.88
FY 1991-92	Life	17.06	5.90	2.63	1.88	1.36	3.67
FY 1992-93	Life	18.05	4.98	2.74	1.79	1.19	3.60
FY 1993-94	Life	22.15	5.41	2.72	1.75	1.28	3.85
FY 1994-95	Life	21.18	5.60	2.65	1.75	1.02	3.70
FY 1995-96	Life	21.55	5.123	2.52	1.73	.98	3.48
FY 1996-97	Life	19.03	5.62	2.79	1.55	1.01	3.42

* The class 6 felony class was created in 1989.

NA: Not available.

Source: Department of Corrections.

**Graph 5.3: Estimated Average Length of Stay
of New DOC Commitments**



Source: Department of Corrections.

Legislation Affecting Sentence Length and Average Length of Stay

The following factors explain the influences on sentence length and estimated length of stay.

- On July 1, 1985, H.B. 85-1320 was enacted, 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 H.B. 85-1320 were manifested in the increase in the overall average sentence length from 5.3 years in FY 1984-85 to 8.7 years in FY 1987-88 (Table 5.1). Meanwhile, the average length of stay increased from 2.7 years in FY 1984-85 to 5.3 years in FY 1987-88 (Table 5.2).
- On July 1, 1988, S.B. 88-148 was enacted, expanding the aggravated sentencing range. Previously, this range was from greater than the maximum in the presumptive range to twice the maximum in the presumptive range down. Senate Bill 88-148 expanded the range from the midpoint in the presumptive range to twice the maximum in the presumptive range. This expanded range helped to decrease the average sentence length from 8.74 years in FY 1987-88 to 6.99 years in FY 1989-90. Average length of stay showed a corresponding decline.
- On July 1, 1989, S.B. 89-246 was enacted, creating a new class 6 felony. The bill redefined some class 5 felonies to class 6, some class 4 felonies to class 5, and some misdemeanors to class 6. This legislation also contributed somewhat to

the reductions in sentence length and length of stay between FY 1988-89 and FY 1990-91.

- On July 1, 1993, H.B. 93-1302 was enacted, reducing the maximum of the presumptive sentencing range for non-extraordinary risk offenses, including most non-violent crimes. This is the primary reason for the decline in average sentence length and length of stay of class 4, 5, and 6 felons between FY 1992-93 and FY 1995-96.
- The Parole Board has become somewhat more restrictive in its release decisions over the last five years, somewhat mitigating the impact of these sentencing law changes. For all felony classes, the percentage of early releases to parole relative to total inmate releases declined while the percentage of inmates released after serving their full sentences (less earned time) rose between FY 1989-90 and FY 1996-97. Furthermore, as previously stated, the effects of mandatory parole are causing the Parole Board to defer parole requests more often. This is causing a noticeable increase in the proportion of sentence served. An inmate is now serving increasingly more time past his or her parole eligibility date.

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, in FY 1996-97 significantly longer sentences were conferred on those convicted of violent class 3 felonies, such as first-degree assault (17.6 years), first-degree sexual assault (20.7 years), sexual assault on a child (13.0 years), and aggravated robbery (19.8 years), than on those convicted of non-violent class 3 felony offenses, such as second-degree burglary of a dwelling (8.2 years) and controlled substance abuse offenses (5.6 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 currently 4 to 12 years, for violent felonies the presumptive range is 8 to 24 years.

The sentence length of inmates is the primary determinant of the length of time they spend in prison. Some types of inmates, however, generally spend a larger percentage of their sentences in prison than others. Most prominent among these inmates are sex offenders, and offenders in prison for other types of crimes who have had previous convictions for sex offenses. For example, we estimate that class 3 sex offenders spend approximately 66 percent of their sentences incarcerated, while the average length of stay of non-violent class 3 felons is estimated to be only 49 percent of the sentence. The average length of stay for violent non-sex offense class 3 felons is 64 percent of the

sentence imposed. The reasons for this difference include the Parole Board's reluctance to early-release sex offenders to parole, and community corrections boards' frequent unwillingness to accept sex offenders into transition community corrections programs, a common progression from prison to parole for most inmates. Due to H.B. 98-1156 (lifetime supervision for sex offenders), the proportion of sentence served for sex offenders convicted of class 2 through class 4 felonies will most likely decrease (since it could now be a life sentence), but their average length of stay would increase because their possible sentence is now life. The life sentence does not require the offender to be in prison for life, but rather be supervised for life with the possibility of returning to prison for any violation of the release guidelines.

Offenders with shorter sentences and those convicted of less serious crimes do not necessarily serve shorter proportions of their sentences. For example, among class 3 felons released from prison in FY 1996-97 (700 releases) who had been convicted of new crimes, 11.6 percent were released because they had served their entire sentence, less earned time. The remaining were released before they had served their full sentences. Among class 6 felons, however, 45.6 percent of the releases were inmates who had served their full sentences (206 releases), while the remaining 54.4 percent were early releases to parole (246 releases), indicating that many offenders with very short sentences are serving their entire sentences in prison without being paroled. One reason for this phenomenon is that the class 5 and class 6 offenders who are sent to prison might have serious prior criminal histories, resulting in many being at a higher risk for reoffending than those committed to prison for more serious crimes. Very short sentences may also result in many offenders reaching their parole eligibility dates before they have completed substance abuse or other treatment programs, resulting in the deferral of their parole. Thus, we estimate average length of stay for class 6 felons to be 59 percent of their sentences, the highest percentage of any felony class other than class 1 felons (life without parole).

Data Considerations

Table 5.3 presents the average sentence length and estimated average length of stay by crime type for those inmates committed to the DOC in FY 1996-97. Average sentence lengths for felony classes and specific crimes were calculated from DOC data on the sentence lengths of all inmates committed to the DOC for new crimes during each fiscal year. While average length of stay is a fairly simple concept, it is impossible to precisely calculate the measure until all inmates who have entered the DOC in a given year are released. Therefore, the reported average length of stay figures are estimates based on the sentence length of commitments, an anticipated average amount of earned time, and the amount of time beyond a parole eligibility date that the parole board is expected to keep a felon in prison. The lengths of stay by crime were estimated by applying the average percent of sentence served, calculated for a broad class of offenders, to each specific crime. For example, non-violent class 3 felons are estimated to serve 49 percent of their sentence on average. To estimate average length of stay for each crime, this 49 percent estimate was then applied to the average sentence length of various class 3 non-violent crimes, such as controlled substance abuse offenses and second-degree burglary.

These estimates do not take into account the time inmates spend reincarcerated for technical violations of parole. The estimates also do not consider the effects of statutory changes that are applied retroactively and that impact length of stay.

Table 5.3: Average Sentence Length and Estimated Average Length of Stay of New DOC Commitments by Crime Type, FY 1996-97

Statute Citation	Felony Class	Crime Description	Number of Commitments	Average Length of Sentence (Years)	Average Length of Stay (Years)	Percent of Sentence Served
18-3-102	1	1st Degree Murder	24	Life	40.0	NA
18-3-102	2	1st Degree Murder	20	35.6	19.6	55.1%
18-3-103	2	2nd Degree Murder	45	40.8	22.4	54.9%
18-3-103	3	2nd Degree Murder	18	19.1	12.2	63.9%
18-3-104	3	Manslaughter	7	12.7	8.1	63.8%
18-3-104	4	Manslaughter	16	7.6	4.8	63.2%
18-3-104	5	Manslaughter	1	6.0	3.7	61.7%
18-3-105	5	Criminally Negligent Homicide	8	3.2	2.0	62.5%
18-3-106	3	Vehicular Homicide – DUI	18	13.6	8.7	64.0%
18-3-106	4	Vehicular Homicide	10	5.9	3.7	62.7%
18-3-106	5	Vehicular Homicide	1	3.0	1.8	60.0%
18-3-202	3	1st Degree Assault	50	17.6	11.3	64.2%
18-3-202	4	1st Degree Assault	28	5.6	3.5	62.5%
18-3-202	5	1st Degree Assault	22	3.7	2.3	62.2%
18-3-203	3	2nd Degree Assault	1	7.0	4.5	64.3%
18-3-203	4	2nd Degree Assault	147	6.2	3.9	62.9%
18-3-203	5	2nd Degree Assault	35	6.2	3.8	61.3%
18-3-203	6	2nd Degree Assault	25	2.0	1.2	60.0%
18-3-205	4	Vehicular Assault – DUI	14	5.6	3.5	62.5%
18-3-205	5	Vehicular Assault	16	3.8	2.3	60.5%
18-3-206	5	Felony Menacing	187	3.0	1.8	60.0%
18-3-206	6	Felony Menacing	17	1.6	0.9	56.3%
18-3-209	3	2nd Degree Assault on Elderly or Handicapped	1	18.0	11.5	63.9%
18-3-209	6	2nd Degree Assault on Elderly or Handicapped	1	1.0	0.6	60.0%
18-3-301	1	1st Degree Kidnapping	3	Life	40.0	NA
18-3-301	2	1st Degree Kidnapping	1	75.0	41.3	55.1%
18-3-302	2	2nd Degree Kidnapping	6	33.8	18.6	55.0%
18-3-302	3	2nd Degree Kidnapping	9	19.7	12.6	64.0%
18-3-302	4	2nd Degree Kidnapping	13	6.5	4.1	63.1%
18-3-302	5	2nd Degree Kidnapping	2	2.8	1.7	60.7%
18-3-304	5	Violation of Custody	5	2.8	1.5	53.6%
18-3-305	4	Enticement of a Child	2	7.5	5.5	73.3%
18-3-402	2	1st Degree Sexual Assault – Force	8	43.5	28.7	66.0%
18-3-402	3	1st Degree Sexual Assault	29	20.7	13.7	66.2%
18-3-402	4	1st Degree Sexual Assault	6	7.0	5.1	72.9%
18-3-403	4	2nd Degree Sexual Assault	35	6.0	4.4	73.3%
18-3-403	5	2nd Degree Sexual Assault	10	2.9	2.0	69.0%

(Continued on next page)

Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Commitments	Average Length of Sentence (Years)	Average Length of Stay (Years)	Percent of Sentence Served
18-3-404	4	3rd Degree Sexual Assault – Force	5	5.2	3.8	73.1%
18-3-404	5	3rd Degree Sexual Assault – Force	1	4.0	2.8	70.0%
18-3-405	3	Sexual Assault on a Child	85	13.0	8.6	66.2%
18-3-405	4	Sexual Assault on a Child	119	6.5	4.7	72.3%
18-3-405	5	Sexual Assault on a Child	32	3.2	2.2	68.8%
18-4-102	3	1st Degree Arson	4	9.0	5.8	64.4%
18-4-103	4	2nd Degree Arson	6	4.3	2.7	62.8%
18-4-103	5	2nd Degree Arson	2	2.5	1.5	60.0%
18-4-104	5	3rd Degree Arson	1	2.0	1.2	60.0%
18-4-105	4	4th Degree Arson	2	6.0	3.8	63.3%
18-4-202	3	1st Degree Burglary	12	8.8	4.7	53.4%
18-4-202	4	1st Degree Burglary	3	6.0	3.2	53.3%
18-4-203	3	2nd Degree Burglary of a Dwelling	111	8.2	4.0	48.8%
18-4-203	4	2nd Degree Burglary (Non-Dwelling)	168	4.7	2.5	53.2%
18-4-203	5	2nd Degree Burglary (Non-Dwelling)	21	3.1	1.7	54.8%
18-4-204	5	3rd Degree Burglary	6	2.8	1.5	53.6%
18-4-204	6	3rd Degree Burglary	2	1.4	0.8	57.1%
18-4-205	5	Possession of Burglary Tools	6	2.5	1.4	56.0%
18-4-301	4	Robbery	70	5.9	3.7	62.7%
18-4-301	5	Robbery	7	3.1	1.9	61.3%
18-4-302	3	Aggravated Robbery	58	19.8	12.7	64.1%
18-4-302	4	Aggravated Robbery	18	8.2	5.2	63.4%
18-4-303	2	Aggravated Robbery	1	24.0	13.2	55.0%
18-4-304	3	Robbery of the Elderly or Handicapped	1	4.0	2.6	65.0%
18-4-401	3	Theft	26	7.7	3.8	49.4%
18-4-401	4	Theft	278	4.7	2.5	53.2%
18-4-401	5	Theft from a Person	71	2.8	1.5	53.6%
18-4-401	6	Theft from a Person	15	1.7	1.0	58.8%
18-4-402	3	Theft of Rental Property	1	8.0	3.9	48.8%
18-4-402	4	Theft of Rental Property	1	4.0	2.1	52.5%
18-4-402	5	Theft of Rental Property	4	2.6	1.4	53.8%
18-4-409	3	Aggravated Motor Vehicle Theft	11	7.4	3.6	48.6%
18-4-409	4	Aggravated Motor Vehicle Theft	71	4.4	2.3	52.3%
18-4-409	5	Aggravated Motor Vehicle Theft	25	3.4	1.8	52.9%
18-4-410	3	Theft by Receiving	3	4.3	2.1	48.8%
18-4-410	4	Theft by Receiving	32	4.3	2.3	53.5%
18-4-410	5	Theft by Receiving	4	2.6	1.4	53.8%
18-4-412	6	Theft of Medical Records	1	1.0	0.6	60.0%
18-4-501	3	Aggravated Criminal Mischief	2	7.5	3.7	49.3%
18-4-501	4	Criminal Mischief	36	4.0	2.1	52.5%
18-4-501	5	Criminal Mischief	9	2.8	1.5	53.6%
18-4-502	5	1st Degree Criminal Trespass	146	2.7	1.5	55.6%
18-4-502	6	1st Degree Criminal Trespass	23	1.5	0.9	60.0%
18-5-102	4	1st Degree Forgery	2	2.8	1.5	53.6%
18-5-102	5	1st Degree Forgery	60	2.8	1.5	53.6%
18-5-102	6	1st Degree Forgery	17	1.8	1.1	61.1%
18-5-103	5	2nd Degree Forgery	15	2.2	1.2	54.5%

(Continued on next page)

Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Commitments	Average Length of Sentence (Years)	Average Length of Stay (Years)	Percent of Sentence Served
18-5-105	5	Possession of a 1st Degree Forged Instrument	8	2.0	1.1	55.0%
18-5-109	6	Possession of a Forgery Device	1	2.0	1.2	60.0%
18-5-113	5	Criminal Impersonation	60	1.5	0.8	53.3%
18-5-114	6	False Instrument for Recording	1	7.0	4.1	58.6%
18-5-205	4	Fraud by Check	2	4.0	2.1	52.5%
18-5-205	5	Fraud by Check	8	2.4	1.3	54.2%
18-5-205	6	Fraud by Check	11	1.9	1.1	57.9%
18-5-206	4	Defrauding a Secured Creditor	1	4.0	2.1	52.5%
18-5-206	5	Defrauding a Secured Creditor	1	2.0	1.1	55.0%
18-5-604	5	Distribution of an Imitation Controlled Substance	1	1.0	0.5	50.0%
18-5-702	5	Unauth. Use of a Financial Transaction Device	1	3.7	2.0	54.1%
18-5-702	6	Unauth. Use of a Financial Transaction Device	1	1.0	0.6	60.0%
18-5-703	6	Criminal Possession of a Financial Trans. Device	2	1.0	0.6	60.0%
18-6-301	4	Incest	1	4.0	2.9	72.5%
18-6-301	5	Incest	1	2.0	1.4	70.0%
18-6-302	3	Aggravated Incest	4	18.5	12.2	65.9%
18-6-401	2	Child Abuse Resulting in Death	2	36.0	19.8	55.0%
18-6-401	3	Child Abuse with Serious Injury	5	12.6	8.1	64.3%
18-6-401	4	Child Abuse	14	7.1	4.5	63.4%
18-6-701	4	Contributing to the Delinquency of a Minor	10	4.1	2.2	53.7%
18-6-701	5	Contributing to the Delinquency of a Minor	1	4.0	2.2	55.0%
18-6.5-103	4	Robbery of an At-Risk Adult	4	3.0	1.9	63.3%
18-6.5-103	5	Assault of an At-Risk Adult	1	3.0	1.8	60.0%
18-6.5-103	5	3rd Degree Assault of an At-Risk Adult	2	3.0	1.8	60.0%
18-6.5-103	6	3rd Degree Assault of an At-Risk Adult	4	1.8	1.1	61.1%
18-6.5-103	3	Theft from an At-Risk Adult	1	15.0	7.4	49.3%
18-6.5-103	4	Theft from an At-Risk Adult	2	4.0	2.1	52.5%
18-6.5-103	5	Theft from an At-Risk Adult	4	3.0	1.6	53.3%
18-6.5-103	6	Theft from an At-Risk Adult	1	1.5	0.9	60.0%
18-6.5-103	6	Criminal Negligence Toward At-Risk Adult	1	1.3	0.8	61.5%
18-7-302	6	Indecent Exposure	3	3.0	1.8	60.0%
18-7-402	3	Soliciting Child Prostitution	1	12.0	7.9	65.8%
18-8-116	6	Disarming a Police Officer (Attempt)	1	3.0	1.8	60.0%
18-8-201	4	Aiding Escape	1	2.0	1.1	55.0%
18-8-201	5	Aiding Escape	1	2.0	1.1	55.0%
18-8-203	4	1st Degree Introduction of Contraband	4	3.9	2.1	53.8%
18-8-203	5	1st Degree Introduction of Contraband	1	1.5	0.8	53.3%
18-8-204	6	2nd Degree Introduction of Contraband	3	2.5	1.5	60.0%
18-8-204	4	1st Degree Possession of Contraband	2	3.5	1.9	54.3%
18-8-204	5	1st Degree Possession of Contraband	1	2.0	1.1	55.0%
18-8-204	6	1st Degree Possession of Contraband	8	2.0	1.2	60.0%
18-8-206	2	Assault During an Escape Attempt	1	13.5	40.0	296.3%
18-8-208	3	Escape – Convicted Felon	16	4.6	2.3	50.0%
18-8-208	4	(Attempt)	37	4.3	2.3	53.5%
18-8-208	5	Escape – Pending Felony	39	2.9	1.6	55.2%
18-8-208.1	4	Aiding Escape	88	4.0	2.1	52.5%
18-8-208.1	5	Aiding Escape	105	2.4	1.3	54.2%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Commitments	Average Length of Sentence (Years)	Average Length of Stay (Years)	Percent of Sentence Served
18-8-212	6	Violation of Bail Bond	10	2.8	1.7	60.7%
18-8-302	3	Bribery	2	5.5	2.7	49.1%
18-18-611	6	Tampering with a Physician	1	1.0	0.6	60.0%
18-8-704	4	Intimidating a Victim	3	3.3	1.7	51.5%
18-8-706	3	Retaliation Against a Witness or Victim	2	5.0	2.5	50.0%
18-8-707	4	Tampering with a Witness	1	6.0	3.2	53.3%
18-8-707	5	Tampering with a Witness	1	2.3	1.2	52.2%
18-9-102	5	Enticing a Riot	1	2.0	1.1	55.0%
18-9-103	4	Arming Rioters	1	2.0	1.1	55.0%
18-9-1111	6	Harassment/Stalking	8	2.0	1.2	60.0%
18-9-116.5	3	Vehicular Eluding – Resulting in Death	1	6.0	3.8	63.3%
18-9-116.5	4	Vehicular Eluding – Injury Resulting	7	5.4	3.4	63.0%
18-9-116.5	5	Vehicular Eluding – No Injury	41	2.8	1.5	53.6%
18-9-119	4	Failure to Leave Property	1	2.0	1.1	55.0%
18-9-121	5	Ethnic Intimidation	1	1.0	0.5	50.0%
18-12-102	4	Possession of an Illegal Weapon	1	2.0	1.1	55.0%
18-12-102	5	Possession of an Illegal Weapon	6	3.8	2.1	55.3%
18-12-102	6	Possession of an Illegal Weapon	3	1.1	0.6	54.5%
18-12-107.5	5	Illegal Discharge of a Firearm	3	1.9	1.0	52.6%
18-12-108	5	Possession of a Weapon by a Previous Offender	14	3.1	1.7	54.8%
18-12-108.5	5	Illegal Possession of a Handgun by a Juvenile	1	1.5	0.8	53.3%
18-12-108.7	5	Providing/Permitting Juvenile to Possess Handgun	1	2.0	1.1	55.0%
18-12-109	4	Possession or Use of Explosives	4	6.1	3.2	52.5%
18-12-109	5	Possession or Use of Explosives	1	2.0	1.1	55.0%
18-16-108	6	Fraud of Valuable Articles	1	3.8	2.2	57.9%
18-17-102	2	Crime Control Act	5	16.0	7.7	48.1%
18-18-404	5	Unlawful Use of Contraband	42	2.0	1.1	55.0%
18-18-404	6	Unlawful Use of Contraband	1	1.2	0.7	58.3%
18-18-405	2	Dist/Manf/Dis/Sale Class 1 Substances	7	39.4	18.9	48.0%
18-18-405	3	Dist/Manf/Dis/Sale Class 1 Substances	24	6.6	3.2	48.5%
18-18-405	4	Dist/Manf/Dis/Sale Class 1 Substances	73	4.3	2.3	53.5%
18-18-405	5	Dist/Manf/Dis/Sale Class 1 Substances	17	2.7	1.5	55.6%
18-18-405	6	Dist/Manf/Dis/Sale Class 1 Substances	2	1.8	1.1	61.1%
18-18-405	2	Possession I, II	4	11.5	5.5	47.8%
18-18-405	3	Possession I, II	129	5.8	2.8	48.3%
18-18-405	4	Possession I, II	26	4.1	2.2	53.7%
18-18-405	4	Possession II	358	4.1	2.2	53.7%
18-18-405	5	Possession II	15	3.1	1.7	54.8%
18-18-405	3	Dist/Manf/Dis/Sale Class III Substances	1	10.0	4.9	49.0%
18-18-405	4	Dist/Manf/Dis/Sale Class III Substances	32	4.6	2.4	52.2%
18-18-405	5	Dist/Manf/Dis/Sale Class III Substances	1	3.0	1.6	53.3%
18-18-405	3	Possession III – Repeat	1	5.0	2.5	50.0%
18-18-405	4	Possession III – Repeat	19	4.4	2.3	52.3%
18-18-405	4	Possession IV – Repeat	1	5.0	2.7	54.0%
18-18-405	5	Possession IV – Repeat	48	2.5	1.4	56.0%
18-18-405	6	Possession IV – Repeat	17	1.5	0.9	60.0%
18-18-405	2	Controlled Substance Abuse Offenses	15	5.0	2.4	48.0%

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Table 5.3 (Continued)

Statute Citation	Felony Class	Crime Description	Number of Commitments	Average Length of Sentence (Years)	Average Length of Stay (Years)	Percent of Sentence Served
18-18-405	3	Controlled Substance Abuse Offenses	21	5.6	2.7	48.2%
18-18-405	4	Controlled Substance Abuse Offenses	16	3.9	2.1	53.8%
18-18-405	5	Controlled Substance Abuse Offenses	3	2.2	1.2	54.5%
18-18-406	4	Cultivate Marijuana	6	4.6	2.4	52.2%
18-18-406	3	Disp/Manf/Pos/Sale Marijuana	3	14.0	6.9	49.3%
18-18-406	4	Disp/Manf/Pos/Sale Marijuana	51	4.8	2.5	52.1%
18-18-406	5	Disp/Manf/Pos/Sale Marijuana	5	1.9	1.0	52.6%
18-18-406	4	Transfer/Dispense Marijuana	1	2.0	1.1	55.0%
18-18-406	4	Possession Marijuana >= 8 oz.	3	5.6	3.0	53.6%
18-18-406	5	Possession Marijuana >= 8 oz.	17	2.0	1.1	55.0%
18-18-406	6	Possession Marijuana >= 8 oz.	1	1.3	0.8	61.5%
18-18-406	6	Possession 1 – 8 oz. Marijuana	1	1.0	0.6	60.0%
18-18-406	4	Marijuana Offense	2	3.0	1.6	53.3%
18-18-406	5	Marijuana Offense	4	2.5	1.4	56.0%
18-18-407	2	Special Drug Offense	4	28.0	13.4	47.9%
18-18-415	5	Obtaining a Controlled Substance through Fraud	15	2.8	1.5	53.6%
18-18-415	6	Obtaining a Controlled Substance through Fraud	7	1.0	0.6	60.0%
18-18-422	4	Imitation Controlled Substance Offenses – Repeat	1	5.0	2.7	54.0%
18-18-422	5	Imitation Controlled Substance Offenses	9	3.0	1.6	53.3%
18-18-422	5	Imitation Controlled Substance Offenses	3	2.3	1.2	52.2%
12-44-102	6	Procuring Food to Defraud	1	4.0	2.4	60.0%
12-56-104	5	Giving False Information to a Pawnbroker	31	2.7	1.5	55.6%
16-13-101	2	Habitual Criminal – Little	22	31.7	17.4	54.9%
42-2-206	6	Driving After Revocation Prohibited	206	1.7	1.0	58.8%
42-4-1401	4	Hit and Run Accident Involving Death	1	2.5	1.6	64.0%
42-5-104	5	Theft of Auto Parts	1	2.0	1.1	55.0%
42-5-104	6	Theft of Auto Parts	1	1.0	0.6	60.0%
18-2-101	2	Criminal Attempt at Class 1 Felony	2	36.0	19.8	55.0%
18-2-101	4	Criminal Attempt at Class 3 Felony	32	3.7	2.0	54.1%
18-2-101	5	Criminal Attempt at Class 4 Felony	76	2.5	1.4	56.0%
18-2-101	6	Criminal Attempt at Class 5 Felony	28	1.5	0.9	60.0%
18-2-201	2	Criminal Conspiracy at Class 1 Felony	2	2.0	1.0	50.0%
18-2-201	3	Criminal Conspiracy at Class 2 Felony	1	6.0	2.9	48.3%
18-2-201	4	Criminal Conspiracy at Class 3 Felony	14	10.0	5.3	53.0%
18-2-201	5	Criminal Conspiracy at Class 4 Felony	4	14.0	7.6	54.3%
18-2-201	6	Criminal Conspiracy at Class 5 Felony	2	3.0	1.8	60.0%
18-8-105	4	Criminal Accessory to Felony	6	7.7	4.1	53.2%
18-8-105	5	Criminal Accessory to Felony	5	2.3	1.2	52.2%
18-2-301	2	Criminal Solicitation to Felony	2	27.5	13.2	48.0%

Source: Department of Corrections and Legislative Council Staff estimates.

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 by facility.

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 – 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 and the full 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:

- more than 90 percent of both new prison commitments and the existing inmate population are male. New commitments and prison incarceration rates for males are ten times those of females. Although females comprise less than ten percent of new prison commitments and inmates, these are growing at a rapid clip;
- although the average age of inmates is increasing because of longer sentences, the most rapid growth in new commitments during the 1990s has been among 15- to 19-year olds; and
- minorities have higher prison incarceration rates for both the inmate and new commitment populations relative to Anglos. New commitment and prison incarceration rates for Blacks were 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 1992-93 and FY 1996-97. During FY 1996-97, there were 4,678 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 1996-97, 90.5 percent of new prison commitments in Colorado were male and 9.5 percent were female (Table 6.1). While the proportion of male and female commitments has remained fairly stable since FY 1992-93, the slight increase in female commitments — from 8.8 percent of new commitments in FY 1992-93 to 9.5 percent in FY 1996-97 — 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 1992-93		FY 1996-97	
	Number	Percent of Total	Number	Percent of Total
Male	3,081	91.2%	4,235	90.5%
Female	268	8.8%	443	9.5%
Total	3,349	100.0%	4,678	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 1996-97 is 31.4 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 1992-93 and FY 1996-97. Several significant characteristics stand out:

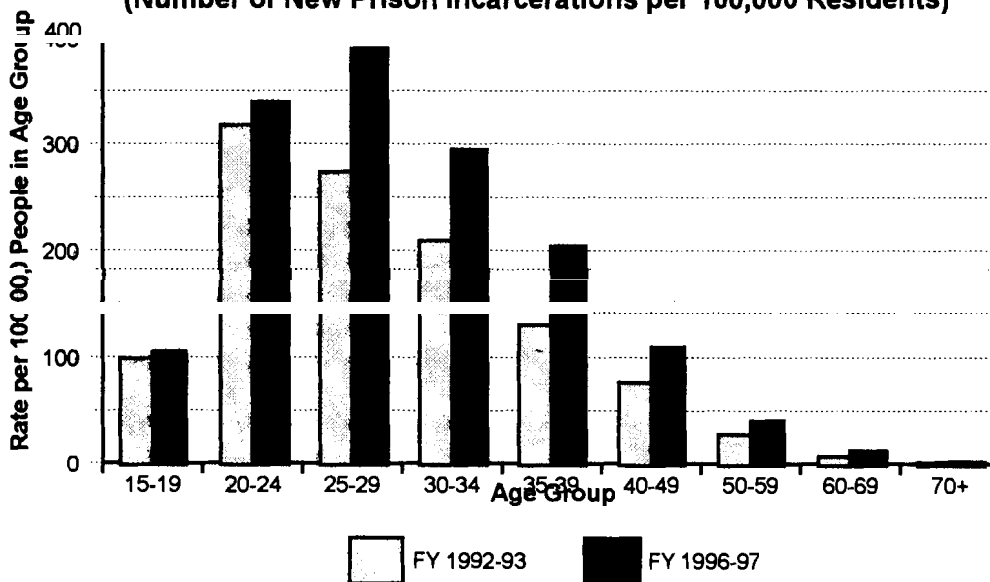
- Offenders age 20 to 29 comprised 40.1 percent of new prison commitments in FY 1996-97 versus 45.0 percent of the new commitment population in FY 1992-93. Despite this decline, this age group has the highest incarceration rate of any age group — 362.6 prison commitments per 100,000 state residents. Commitment rates tend to peak in the 20- to 29-year old age group and then decline rapidly among people in their 30s and 40s.
- Between FY 1992-93 and FY 1996-97, the overall commitment rate per 100,000 residents rose 26.5 percent, from 125.0 commitments per 100,000 residents to 158.1 commitments per 100,000 residents.

Table 6.2: New Commitments by Age

Age	FY 1992-93			FY 1996-97		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
15-19	240	7.2%	98.3	295	6.3%	104.6
20-24	775	23.1%	318.0	958	20.5%	339.7
25-29	734	21.9%	273.8	917	19.6%	390.1
30-34	686	20.5%	208.5	906	19.4%	294.7
35-39	427	12.8%	130.5	733	15.7%	204.2
40-49	388	11.6%	76.3	690	14.7%	109.3
50-59	81	2.4%	27.7	144	3.1%	40.2
60-69	15	0.4%	6.6	29	0.6%	11.8
70+	3	0.1%	1.3	6	0.1%	2.3
Total	3,349	100.0%	125.0	4,678	100.0%	158.1

Source: Department of Corrections.

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 non-Hispanic whites (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:

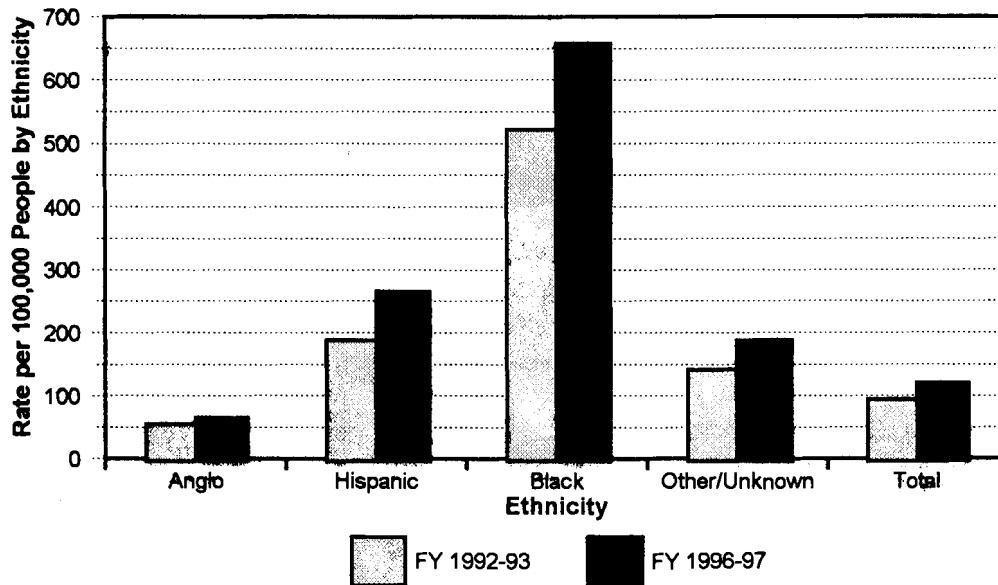
- Between FY 1992-93 and FY 1996-97, the number of new Anglo prison commitments rose 30.8 percent (from 1,557 to 2,036), the number of Black prison commitments rose 34.1 percent (from 800 to 1,073), and the number of Hispanic prison commitments rose 63.4 percent (from 845 to 1,381).
- The prison commitment rates (new commitments per 100,000 residents) of Colorado's three largest ethnic groups differed greatly. The commitment rate for Blacks (657.8 per 100,000 Black residents) in FY 1996-97 was approximately 10 times the rate for Anglos (65.4 per 100,000 Anglo residents). The commitment rate for Hispanics (265.4 per 100,000 Hispanic residents) in FY 1996-97 was more than four times the rate for Anglos.
- Between FY 1992-93 and FY 1996-97, the commitment rate per 100,000 state residents rose for all ethnic groups. However, the commitment rates have been rising more rapidly for minority groups. While the prison commitment rate per 100,000 residents rose from 54.4 to 65.4 among Anglos between FY 1992-93 and FY 1996-97, it rose from 521.7 to 657.8 among Blacks, and from 188.1 to 265.4 among Hispanics during that time period.

Table 6.3: New Commitments by Ethnicity

Ethnicity	FY 1992-93			FY 1996-97		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
Anglo	1,557	46.5%	54.4	2,036	43.5%	65.4
Hispanic	845	25.2%	188.1	1,381	29.5%	265.4
Black	800	23.9%	521.7	1,073	22.9%	657.8
Other	147	4.4%	142.1	188	4.0%	187.8
Total	3,349	100.0%	93.9	4,678	100.0%	120.1

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 1992-93 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, 1997, the DOC jurisdictional population was 12,317. 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 1992-93 and FY 1996-97. Several characteristics of inmates and trends with respect to gender are as follows:

- At the end of FY 1996-97, 92.9 percent of Colorado’s prison inmates were male and 7.1 percent were female. The female percentage is up from the end of FY 1992-93 when it stood at 5.5 percent. Between FY 1992-93 and FY 1996-97, the female inmate population rose at an average annual rate of 12.9 percent (from 478 to 875), while the male inmate population rose at an average annual rate of 6.7 percent (from 8,276 to 11,442).
- Females comprise a smaller percentage of the inmate population than new commitments. In FY 1996-97, 7.1 percent of inmates were female, while 9.5 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 1992-93		Colorado Population FY 1992-93	DOC Inmate Population FY 1996-97		Colorado Population FY 1996-97
	Number	Percent of Total	Percent of Total	Number	Percent of Total	Percent of Total
Male	8,276	94.5%	45.0%	11,442	92.9%	46.0%
Female	478	5.5%	55.0%	875	7.1%	54.0%
Total	8,754	100.0%	100.0%	12,317	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 1996-97, the average age of both male and female DOC inmates was 34 (Table 6.5). This represents an increase of three years since the end of FY 1986-87 for both genders. 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 years).

Table 6.5: Average Age of Inmate Population by Gender

Gender	FY 1986-87	FY 1990-91	FY 1996-97
Male	31	32	34
Female	31	33	34
Total	31	32	34

Source: Department of Corrections.

Ethnicity: Minorities Have Higher Incarceration Rates Among Inmates than Anglos

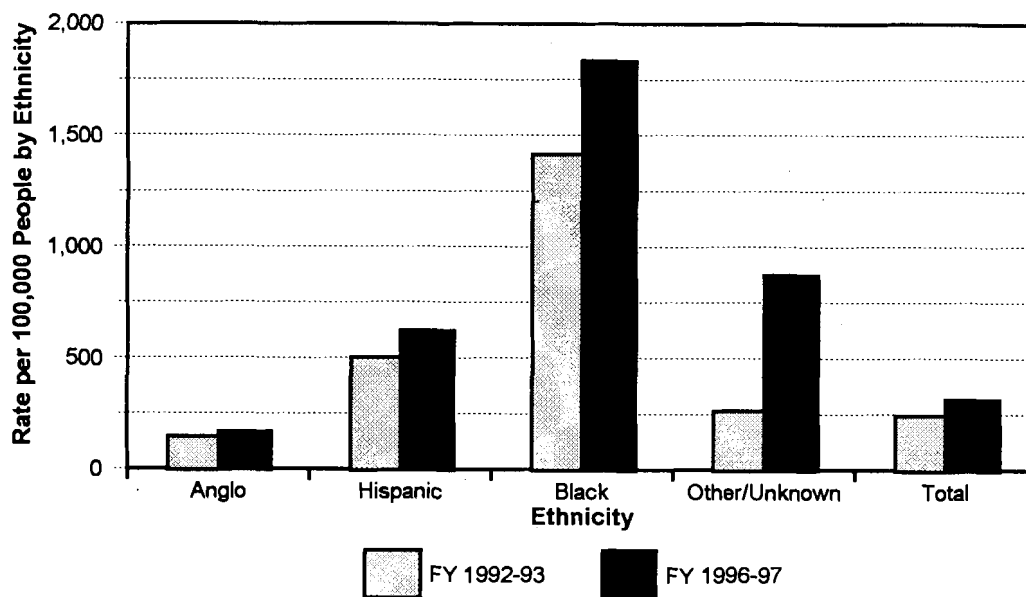
The profile of the prison inmate population also differs from that of the overall Colorado population in terms of ethnicity, as shown in Table 6.6 and Graph 6.3. As was the case with the ethnic distribution of new prison commitments, the most noticeable feature of the inmate ethnic profile is the higher 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 1992-93 and FY 1996-97, the number of Anglo inmates rose 28.1 percent (from 4,068 to 5,210), the number of Black inmates rose 38.2 percent (from 2,167 to 2,993), and the number of Hispanic inmates rose 43.7 percent (from 2,245 to 3,227).
- The incarceration rates of Colorado's three largest ethnic groups differ greatly. The prison incarceration rate among Blacks (1,834.8 per 100,000 Black residents) at the end of FY 1996-97 was more than 10 times the rate among Anglos (167.4 per 100,000 Anglo residents). The incarceration rate among Hispanics (620.1 per 100,000 Hispanic residents) as of June 30, 1997 was almost four times the rate among Anglos.
- Throughout the period from FY 1986-87 to FY 1996-97, Blacks comprised a significantly higher percentage of the female inmate population than of the male inmate population. Meanwhile, Hispanics have comprised a significantly smaller percentage of the female inmate population than the male inmate population. The percentage of Anglos among male and female inmates has been relatively unchanged during the ten-year period.
- 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 1992-93			FY 1996-97		
	Number	Percent of Total	Rate per 100,000	Number	Percent of Total	Rate per 100,000
Anglo	4,068	46.5%	142.2	5,210	42.3%	167.4
Hispanic	2,245	25.6%	499.6	3,227	26.2%	620.1
Black	2,167	24.8%	1,230.1	2,993	24.3%	1,834.8
Other	274	3.1%	506.6	875	7.1%	873.5
Total	8,754	100.0%	221.5	12,305	100.0%	315.8

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



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 in the last decade. 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 6.6 percent average annual rate between FY 1986-87 and FY 1996-97;
- between FY 1986-87 and FY 1996-97, the inmate population grew at an 11.2 percent average annual rate. The number of inmates incarcerated for violent offenses increased at a slightly faster rate than those incarcerated for non-violent offenses;
- while 47.5 percent of the male prison population was incarcerated for violent offenses, only 27.8 percent of the female prison population was incarcerated for violent offenses in FY 1996-97; and
- of the inmates sentenced to prison in 1995 for non-violent offenses, only 17.6 percent were truly non-violent, first-time offenders. The remainder of the offenders had prior violent convictions, prior felony convictions, prior juvenile violent or non-violent felony convictions, or had pled down from a violent crime.

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 6.6 percent average annual rate from FY 1986-87 to FY 1996-97. The annual increase in admissions for non-violent offenses was 7.3 percent versus the 4.9 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 11.2 percent average annual rate between FY 1986-87 and FY 1996-97.

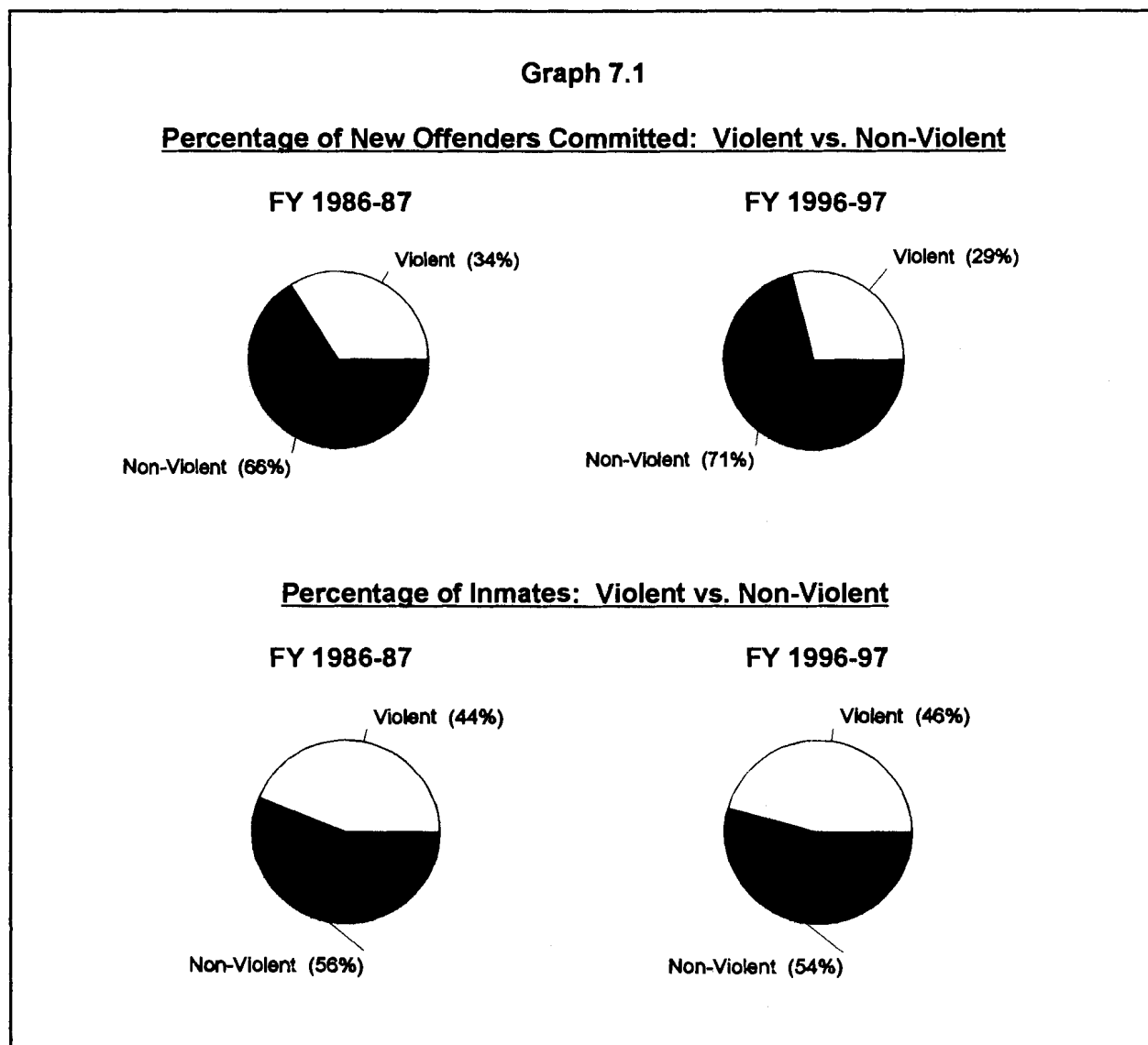
Although both categories grew rapidly, there was a slightly larger increase in inmates in prison for violent offenses than for non-violent offenses (11.7 percent compared with 8.8 percent). Graph 7.1 shows that inmates in prison for violent crimes grew from 44 percent of the inmate population in FY 1986-87 to 46 percent of the population in FY 1996-97. However, new commitments for violent offenses decreased from 34 percent of the admissions in FY 1986-87 to 29 percent in FY 1996-97. 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 1996-97, 40.7 percent, followed by class 5 felony crimes, 26.4 percent (Graph 7.2). Felons convicted of class 4 crimes accounted for 37.0 percent of the *inmate population* in FY 1996-97, versus 46.8 percent in FY 1986-87 (Graph 7.3);
- class 3 felons grew significantly as a proportion of the *inmate population* since FY 1986-87, accounting for 29.0 percent of inmates in FY 1996-97, compared with 15.2 percent in FY 1986-87. During this period, there was little change in the proportion of class 3 *new commitments*; and
- class 2 felons experienced a more than doubling of their share of the *inmate population*.

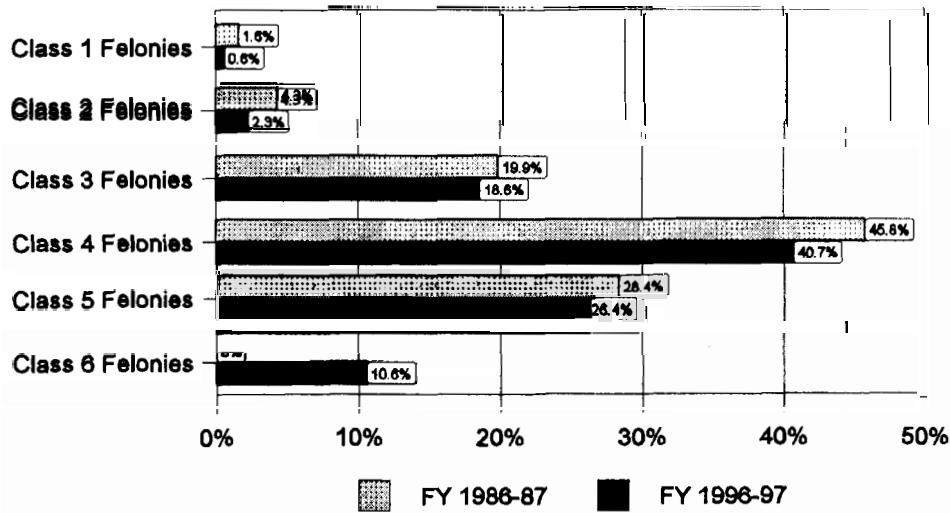
The increases for class 1, 2, and 3 shares of the inmate population during this period are the result of the longer sentences instituted in 1985 filtering through the inmate population. These longer sentences have the largest effect on more serious felonies. More recently, in 1993, sentences were

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 the 11-year 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. Thus, some of the comparisons during the 11-year period of class 4, 5, and 6 felonies may be skewed.



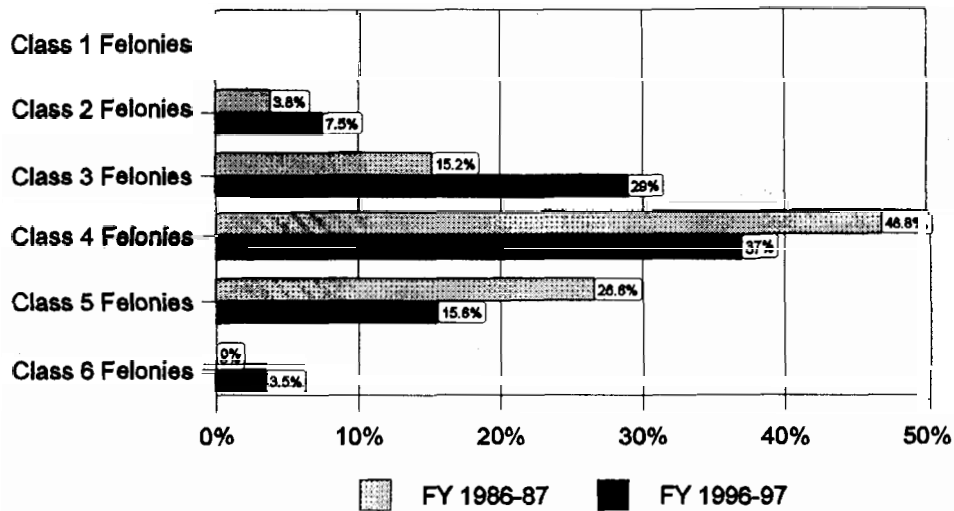
Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

**Graph 7.2: New Commitment Felony Class Distribution
FY 1986-87 and FY 1996-97**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*
 Note: The class 6 felony was created in 1989.

**Graph 7.3: Inmate Population Felony Class Distribution
FY 1986-87 and FY 1996-97**



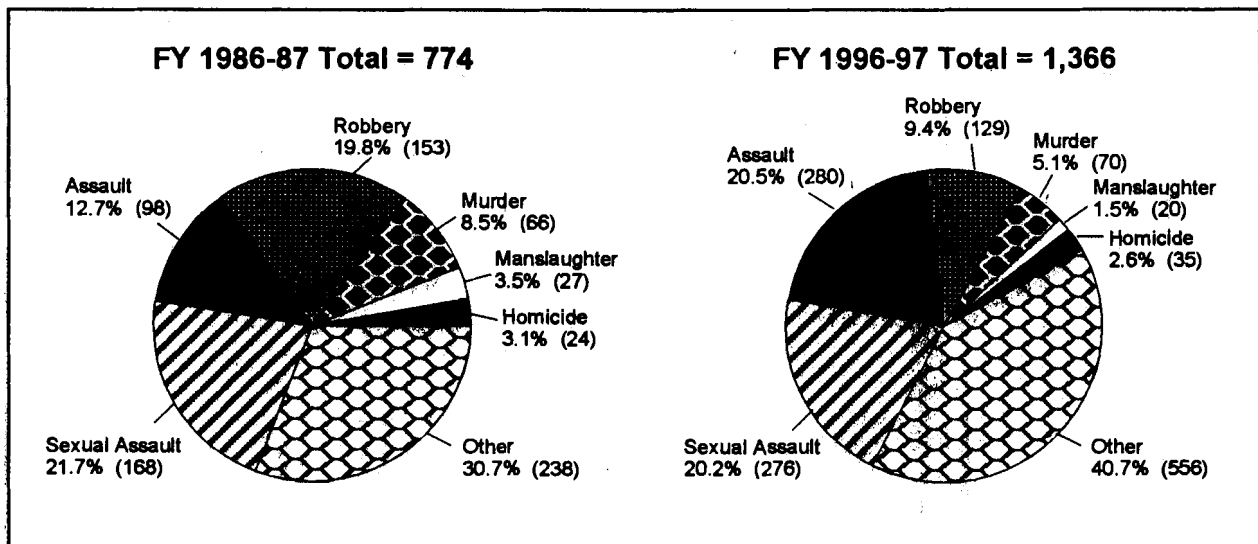
Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.
 Note: The class 6 felony was created in 1989.

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 1986-87 and FY 1996-97, while new commitments for non-violent offenses grew at a 7.3 percent average annual rate.

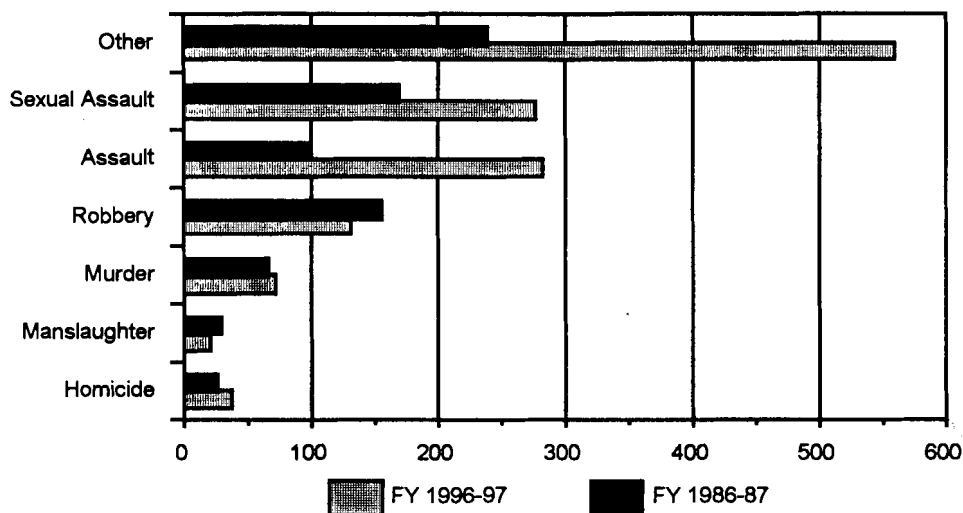
New commitments for violent offenses. Graphs 7.4 and 7.5 illustrate the changes in the types of offenders committed to the DOC for violent offenses between FY 1986-87 and FY 1996-97. The overall number of new commitments for violent offenses grew 70.0 percent between FY 1986-87 and FY 1996-97. Among violent crimes, commitments for assaults showed the greatest increase, growing at a 10.0 percent annualized pace. In FY 1996-97, assaults accounted for 20.5 percent of new commitments for violent offenses versus 12.7 percent in FY 1986-87. Meanwhile, prison commitments for manslaughter and robbery each declined between FY 1986-87 and FY 1996-97, with manslaughter declining the most among violent crimes.

**Graph 7.4: Number of New Offenders Committed for Violent Offenses
FY 1986-87 and FY 1996-97**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.
Other: kidnapping, menacing, arson, weapons/explosives offense, child abuse, and extortion.

**Graph 7.5: Number of New Commitments for Violent Offenses
FY 1986-87 through FY 1996-97**



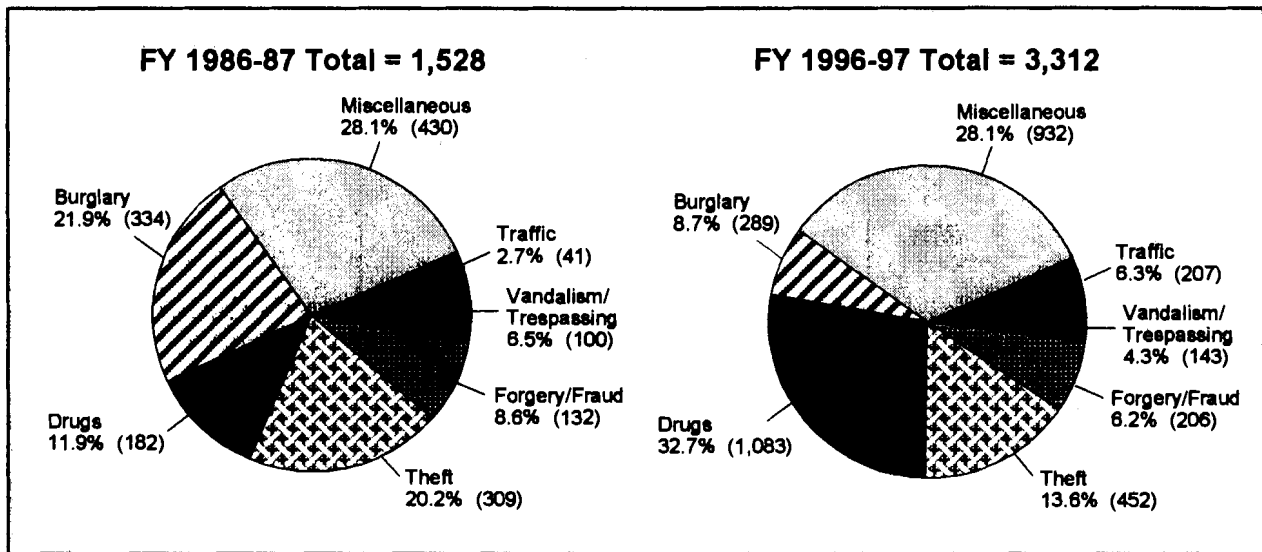
Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

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

New commitments for non-violent offenses. Prison commitments for non-violent crimes rose 116.8 percent during the eleven-year period analyzed. This represents a 7.3 percent annual growth rate. Offenders sentenced to prison for non-violent crimes accounted for 70.8 percent of new commitments during FY 1996-97, but comprised a smaller share (54.0 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 1986-87 and FY 1996-97. Drug offenses experienced the strongest growth in new, non-violent prison commitments between FY 1986-87 and FY 1996-97, growing at a 17.6 percent annual rate. Drug offenses now account for 32.7 percent of new, non-violent-crime commitments, compared with 11.9 percent in FY 1986-87. Following drug offenses were traffic offenses, growing at a 15.9 percent annualized pace. Traffic offenses accounted for 2.7 percent of new commitments for non-violent offenses in FY 1986-87 versus 6.3 percent in FY 1996-97. Most traffic offenders sentenced to prison are habitual drunk drivers who have been convicted of driving after their drivers' licenses have been revoked.

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 have remained relatively stable, with some declining somewhat (burglary, robbery) and others trending slowly upward (theft, forgery, fraud, vandalism, trespass). Prison commitments for drug crimes have grown very rapidly, as controlled substance abuse crimes have proliferated. 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.

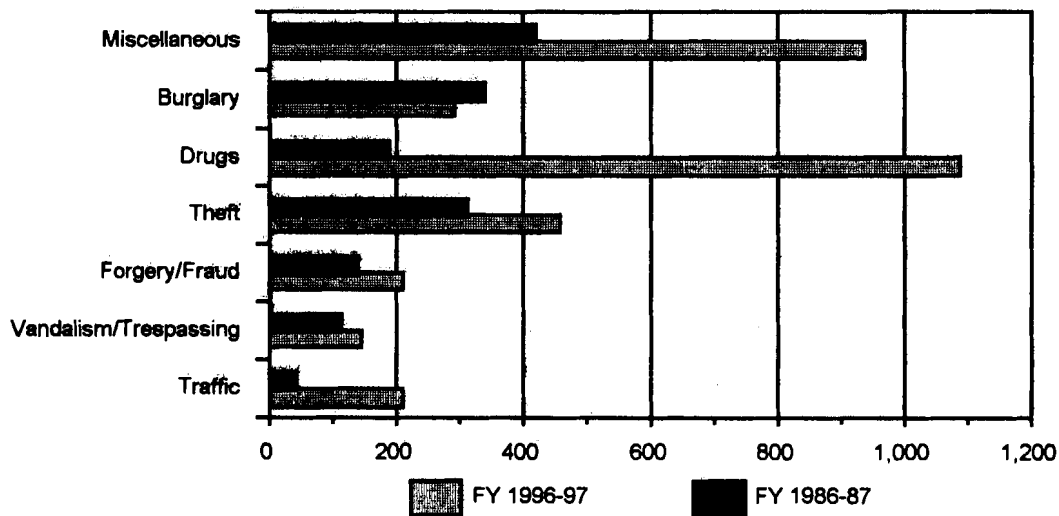
**Graph 7.6: Number of New Offenders Committed for Non-Violent Offenses
FY 1986-87 and FY 1996-97**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

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

**Graph 7.7: Number of New Commitments for Non-Violent Offenses
FY 1986-87 and FY 1996-97**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

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

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 a 11.7 percent average annual rate between June 30, 1987 and June 30, 1997 (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.

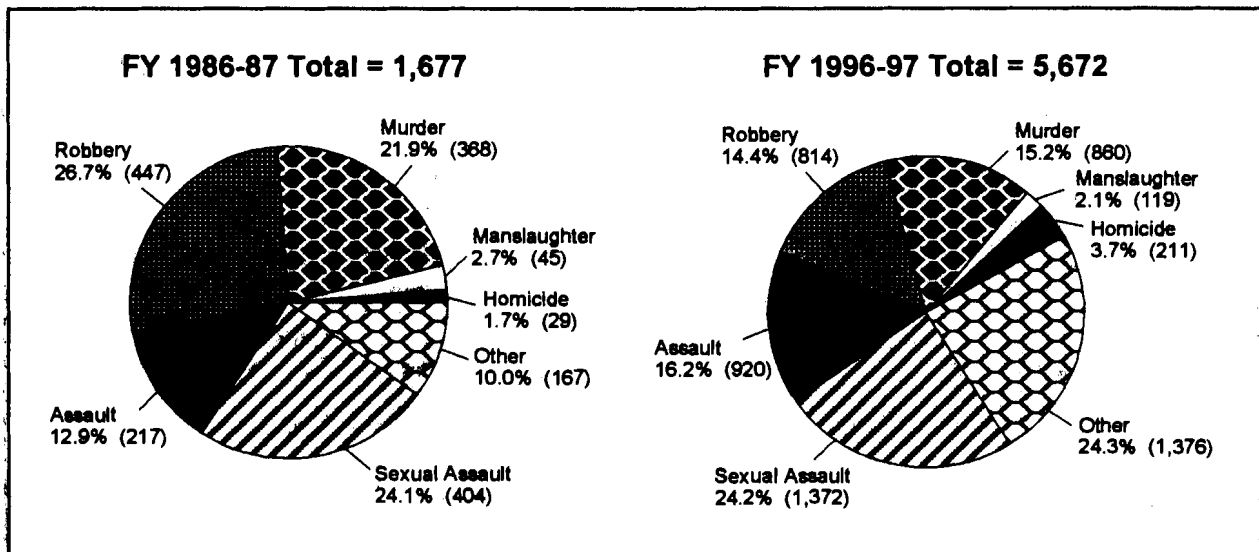
Graph 7.9 depicts the population imprisoned for violent offenses by type of crime. At the end of FY 1996-97, prisoners sentenced for sexual assault comprised 24.2 percent of population of inmates with violent offenses, followed by assault (16.2 percent). However, the category we refer to as "other" violent crimes constituted the largest share (24.3 percent) of inmates with violent offenses than any of the other specific crimes. The "other" category consists largely of offenders committed to prison for attempts and conspiracies to commit violent crimes, but also includes crimes for which relatively few inmates are sentenced to prison annually, including kidnapping, arson, menacing, weapons offenses, and child abuse. The number of inmates in prison for assault convictions grew more rapidly than any other violent crime type except the "other" category, increasing at a 13.4 percent compound annual rate between June 30, 1987 and June 30, 1997.

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



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

Graph 7.9: Number of Inmates in Prison for Violent Offenses



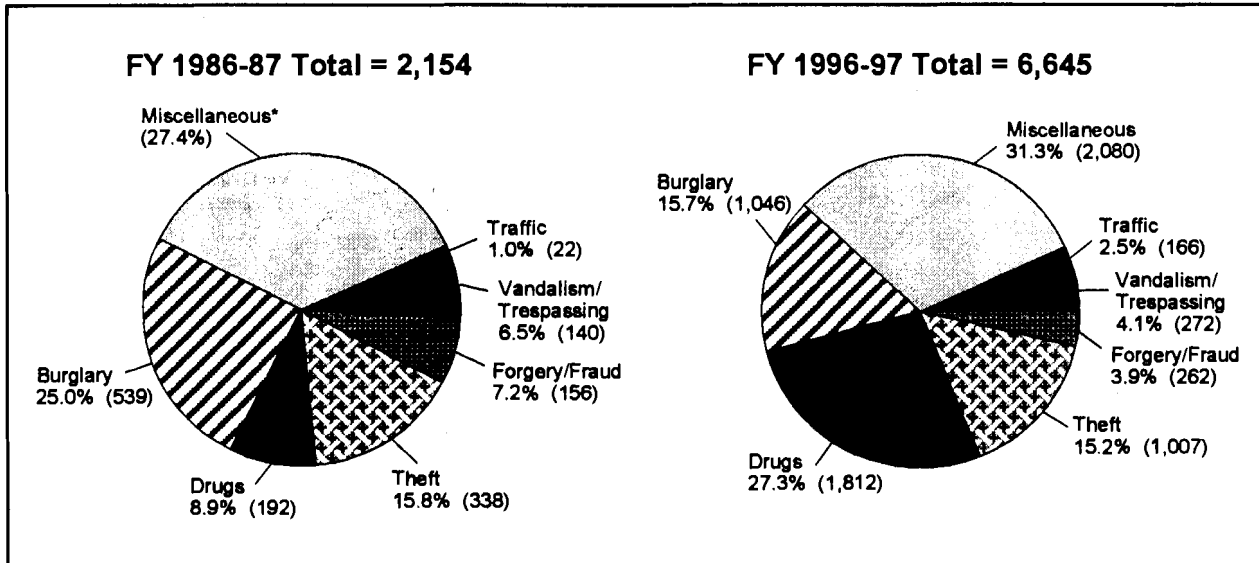
Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

Other = Kidnapping, Menacing, Arson, Weapons/Explosives Offenses, Child Abuse, and Extortion.

Population of inmates imprisoned for non-violent crimes. The number of inmates imprisoned for non-violent crimes increased at a 10.8 percent annualized pace between June 30, 1987 and June 30, 1997 (Graph 7.10). This rate of growth is significantly 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 drug and traffic offenses showed strong growth during this period. Convicted drug offenders comprised 27.3 percent of the inmates in prison for non-violent offenses as of June 30, 1997 and have registered a 22.6 percent annualized growth rate since June 30, 1987. 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 at and conspiracies to commit non-violent crimes, together make up 31.3 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



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

* Because of the way miscellaneous offenses were categorized in FY 1986-87, this number includes some violent miscellaneous offenses.

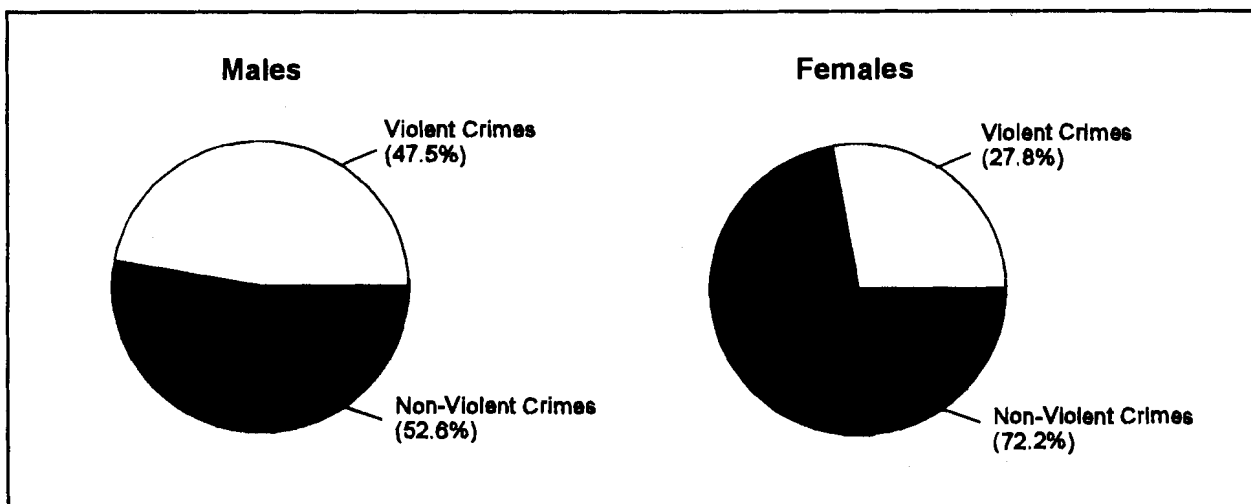
Miscellaneous: Attempt, Conspiracy, Accessory, Mischief, Court/Corrections Offenses, Family Crimes, Escape/Contraband, Habitual, and Other Miscellaneous Offenses.

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, approximately half (47.5 percent) of the male inmates were in prison for violent offenses, but just over one quarter (27.8 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 12.1 percent of male inmates are imprisoned for sex offenses, only 1.7 percent of female inmates are in prison for such crimes. Robbery and assault crimes together account for 14.3 percent of male inmates, but only 5.9 percent of female inmates.

Graph 7.11: DOC Inmates – Offenses by Gender
June 30, 1997



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

More than half of female prison inmates (58.8 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 only 31.1 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.

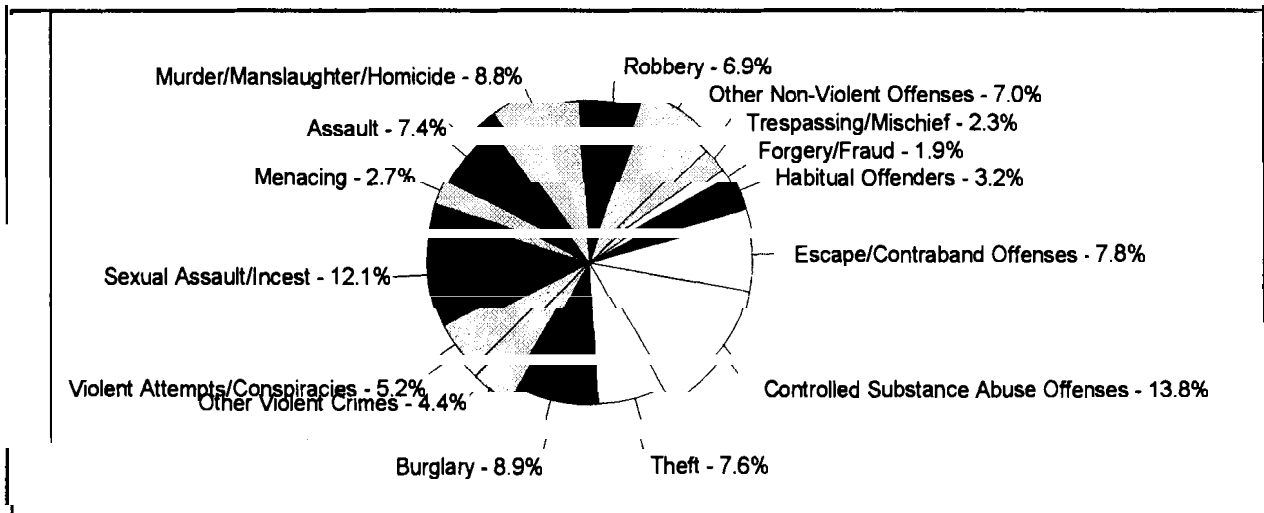
As noted in other chapters, female inmates accounted for 7.1 percent of the DOC population as of June 30, 1997. Thus, when considering the information presented in the graphs on the following pages, it should be kept in mind that the percentages shown are relative to the total prison population of each 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, forgery, and fraud, there are far more male inmates imprisoned for those crimes than females.

Table 7.1: Inmate Population by Gender and Crime

Most Serious Crime of Conviction	Male Inmates	Percent of Male Inmates	Female Inmates	Percent of Female Inmates
Robbery	790	6.9%	24	2.7%
Murder/Manslaughter/Homicide	1,010	8.8%	76	8.7%
Assault	841	7.4%	28	3.2%
Menacing	304	2.7%	10	1.1%
Sexual Assault/Incest	1,385	12.1%	15	1.7%
Violent Attempts/Conspiracies	590	5.2%	39	4.5%
Other Violent Crimes	509	4.4%	51	5.8%
Burglary	1,021	8.9%	25	2.9%
Theft	873	7.6%	134	15.3%
Controlled Substance Abuse Offenses	1,574	13.8%	238	27.2%
Escape/Contraband Offenses	887	7.8%	103	11.8%
Habitual Offenders	366	3.2%	7	0.8%
Forgery/Fraud	223	1.9%	39	4.5%
Trespassing/Mischief	263	2.3%	9	1.0%
Other Non-Violent Offenses	806	7.0%	77	8.8%
Total	11,442	100.0%	875	100.0%

Source: Department of Corrections, *Statistical Report Fiscal Year 1997*

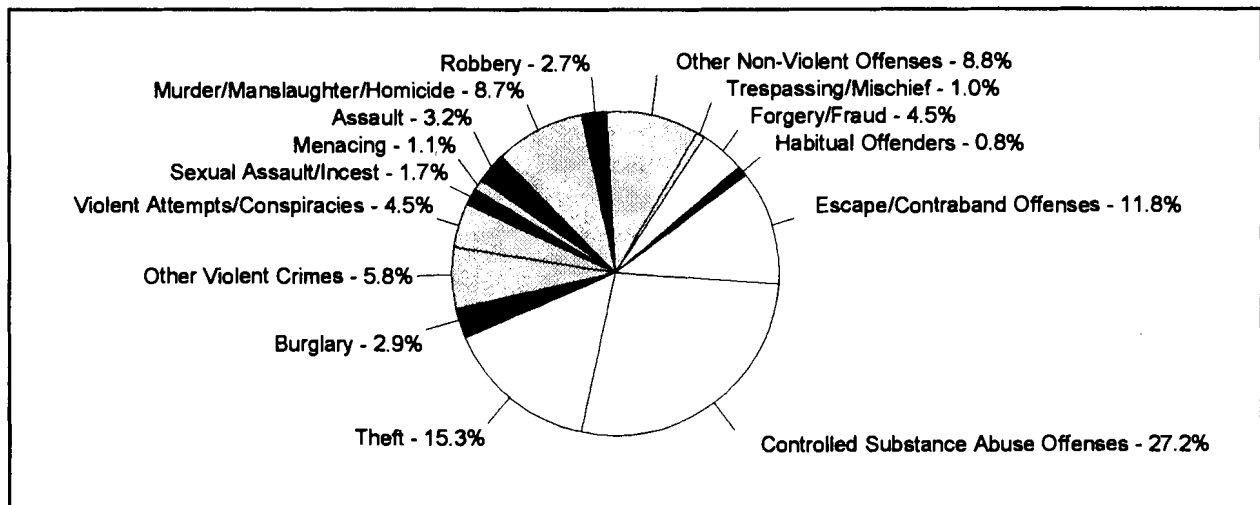
**Graph 7.12: Male DOC Inmates – by Crime of Conviction
June 30, 1997**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

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.

**Graph 7.13: Female DOC Inmates – by Crime of Conviction
June 30, 1997**



Source: Department of Corrections, *Statistical Report Fiscal Year 1997*.

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.

THE CRIMINAL HISTORY PROFILES OF PERSONS COMMITTED TO PRISON FOR NON-VIOLENT OFFENSES

Recently, there has been much discussion regarding the sentencing of non-violent offenders to less costly alternatives such as community corrections programs, probation, intensive supervision probation, and useful public service. This section analyzes the criminal history profiles of offenders sentenced to prison for non-violent convictions.

Table 7.2 and Graph 7.14 provide information on the prior criminal histories of offenders convicted of non-violent crimes. The data indicate that a substantial number of inmates incarcerated for non-violent offenses have prior criminal histories, some of which include prior violent offenses and prison incarcerations. For example, as shown in Table 7.2, 25.7 percent of those sentenced to prison for a non-violent crime had one or more prior adult convictions for a violent crime; and 41.7 percent had a prison incarceration either in Colorado or another state.

Based on these data, it is possible to narrow the definition of non-violent offender based on offenders' criminal history. Graph 7.14 progressively excludes more and more non-violent offenders based on the characteristics of the criminal episode for which they went to prison and their criminal history. The "percent remaining" represents the percent of non-violent prison admissions that do not have any of the prior elements of criminal history listed in Graph 7.14. The table and graph show that

many of these offenders currently being sentenced to prison for a conviction on a non-violent offense have a long history of criminal behavior, sometimes involving violence, either as adults or juveniles. If we were to exclude from the definition of non-violent all offenders who were convicted of a non-violent offense on a plea bargain down from a violent offense or those who had prior convictions for violent offenses either as an adult or a juvenile, only 67.4 percent of the inmates entering the DOC for non-violent offenses would still be considered "non-violent" (Graph 7.14). When we take into account the total criminal histories of non-violent offenders sentenced to prison, only 17.6 are truly non-violent, first-time offenders. This share has increased significantly since 1994 when only 4.8 percent of all prison commitments were non-violent, first-time offenders. The increase cannot be attributed to a single major change in the criminal profiles. In general, however, the prison population is made up of more non-violent, first-time offenders, most likely the result of the increase in admissions for drug crimes.

Table 7.2: Percent of Non-Violent Prison Admissions Having Prior Criminal Justice System Experiences

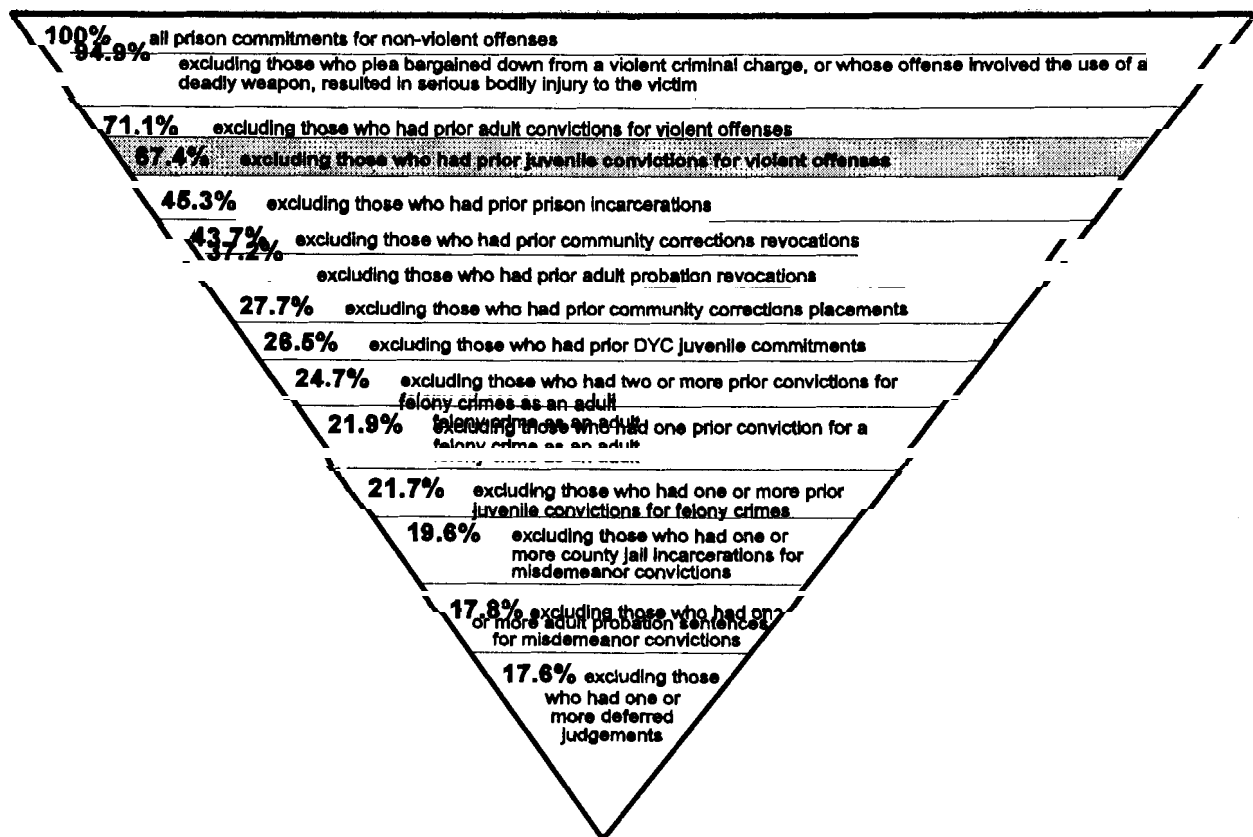
		Number of Incidents:							
		1 or more	2 or more	3 or more	4 or more	5 or more	6 or more	7 or more	8 or more
Adult Arrests:									
	Prior Violent	36.4%	18.8%	9.7%	5.7%	4.3%	2.7%	2.1%	1.6%
	Prior Non-Violent	75.3%	68.4%	63.2%	59.3%	54.9%	48.8%	43.3%	39.3%
Adult Convictions:									
	Felony	71.5%	48.0%	29.8%	15.8%	8.5%	5.1%	3.8%	2.2%
	Violent	25.7%	9.7%	4.9%					
	Non-Violent	72.3%	61.7%	50.6%	41.9%	35.2%	27.3%	22.3%	17.2%
	Prior Robbery Conviction	6.9%							
	Prior Sex Offense Conviction	1.6%							
	Prior Assault with a Weapon Conviction	0.2%							
	Prior Assault without Weapon Conviction	1.4%							
Correctional Supervisions:									
	Prior Prison Incarcerations	41.7%	27.9%	14.2%	9.3%	5.7%	3.2%		
	Prior Community Corrections Superivisions	31.6%	7.1%	1.6%					
	Prior Jail Supervisions	45.3%	30.0%	19.2%	11.9%	9.7%	4.9%	4.0%	3.4%
	Prior Adult Probation Supervisions	54.9%	29.1%	15.2%	8.1%	4.2%			
Revocations:									
	Prior Parole Revocations	13.2%	3.8%	1.8%					
	Prior Probation Revocations	32.4%	10.5%	3.0%					
	Prior Community Corrections Revocations	11.5%	1.4%						
Juvenile History:									
	Juvenile Conviction – All Crimes	15.8%							
	Juvenile Conviction – Violent Crime	7.9%							
	Juvenile Conviction – Non-violent Crime	21.7%							
	Commitment to Division of Youth Corrections	16.0%							
	Juvenile Probation / Parole Supervision	19.2%							
	Juvenile Probation / Parole Revocation	6.9%							

Source: Division of Criminal Justice 1995 Court Database.

Table 7.2 also includes data on the arrest records of those offenders sentenced to prison for non-violent offenses. It should be noted that an arrest does not necessarily indicate guilt, and it is likely that some of the arrests included in the data did not result in charges being filed or in a conviction for a crime. Thus, arrest data may imply a higher level of prior criminal activity than actually took place. Conversely, data on prior *convictions* may understate past criminal activity because many first-time offenders receive deferred judgments for the crimes they commit. Such prior crimes would not show up in the data as felony convictions if the offender managed to keep a clean criminal record during the probation period following the deferred judgment. Also, as part of the plea bargaining process, charges for separate crimes or crimes committed in different jurisdictions are often dropped for a guilty plea to a single crime.

To complete this analysis, we used a fairly broad definition of violent crimes to determine the non-violent inmate population: all crimes against persons, including felony menacing, simple robbery, manslaughter, and child abuse, as well as the crimes listed under Section 16-11-309, C.R.S. The source of the data used in this analysis is the Division of Criminal Justice’s Court Database, a 20 percent representative sample of felony court cases filed in 1995 in nine Colorado judicial districts (including Jefferson, Denver, El Paso, Larimer, Pueblo, Adams, Arapahoe, Weld, and Mesa counties). Among the cases in the sample that resulted in a conviction for a non-violent offense, 20.4 percent were sentenced to prison.

Graph 7.14: Percent Remaining or Prison Commitments for Non-Violent Offenses by Seriousness of Criminal History



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 19 separate facility complexes as well as the Colorado Correctional Alternatives Program (boot camp) and the Youthful Offender System (YOS). As of June 30, 1998, the DOC housed 9,225 inmates in state facilities; 2,488 state inmates in private prisons in Bent County, Colorado, Huerfano, Colorado and Appleton, Minnesota; 459 inmates in county jails; and 1,170 inmates in community corrections transitional placements and intensive supervision programs. This totals to a jurisdictional population of 13,342, up 6.8 percent from the previous year when the DOC jurisdictional population was 12,496. (This does not include YOS or the off-grounds and escapee population of 321 inmates. Off-grounds population includes inmates temporarily housed in hospitals or county jails for court appearances.)

This chapter highlights the following:

- since FY 1988-89, new commitments to the DOC have increased by 69.6 percent, to reach an all-time high of 4,678 new commitments in FY 1996-97;
- the jurisdictional population of the DOC has doubled in the last ten years, from 6,971 offenders in FY 1988-89 to 13,663 offenders in FY 1997-98 (this includes ISP, community supervision, and jail backlog).
- the operating budget of the DOC increases every year. In the last ten years, the operating budget increased 293 percent, while the jurisdictional population of the DOC has increased at a lower rate, 137 percent; and
- In FY 1998-99, the capital construction appropriation to the DOC reached an all-time high of \$144,619,780, 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 69.6 percent from FY 1988-89 to FY 1996-97, from 2,759 commitments in FY 1988-89 to 4,678 commitments in FY 1996-97. For each fiscal year since FY 1988-89, 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 10.6 percent of offenders committed in FY 1996-97. 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 0.7 percent in FY 1996-97. 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 have remained relatively stable in their representation over the last nine years. Table 8.1 provides an overview of new commitments to the DOC by felony class for FY 1988-89 through FY 1994-95.

**Table 8.1: Total New Commitments to the DOC by Felony Class
FY 1988-89 through FY 1996-97***

	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 1988-89
FY 1988-89	28	72	531	1,073	1,022	0	0	0	33	2,759	NA
% of Total	1.0%	2.6%	19.3%	38.9%	37.0%	0.0%	0.0%	0.0%	1.2%		
FY 1989-90	24	76	613	1,070	1,004	32	17	9	0	2,845	3.1%
% 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	6.6%
% 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	25.6%
% 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	21.4%
% 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	28.4%
% of Total	1.0%	2.7%	18.7%	36.5%	31.6%	8.8%	0.2%	0.4%	0.1%		

(Continued on next page)

Table 8.1 (Continued)

	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 1988-89
FY 1994-95 % of Total	35 0.9%	97 2.5%	770 20.0%	1,423 37.0%	1,130 29.4%	360 9.4%	4 0.1%	25 0.7%	2 0.1%	3,846	39.4%
FY 1995-96 % of Total	33 0.7%	99 2.2%	895 20.3%	1,744 39.5%	1,182 26.7%	439 9.9%	1 0.0%	24 0.5%	2 0.0%	4,419	60.2%
FY 1996-97 % of Total	27 0.6%	109 2.3%	870 18.6%	1,904 40.7%	1,233 26.4%	497 10.6%	1 0.0%	35 0.7%	2 0.0%	4,678	69.6%

NA: Not Applicable.

* This table shows a nine year trend, as data for FY 1987-88 were unavailable.

Source: Department of Corrections, *Statistical Report*.

Average Length of Stay. Table 8.2 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 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 1987-88 through FY 1996-97

Fiscal Year	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony**
FY 1987-88	40 years	21 years 11 months	6 years 10 months	3 years 6 months	2 years 5 months	NA
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 month	2 years 5 months	1 year 3 months	11.9 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.

Source: Legislative Council, *Staff Forecasts*.

NA: Not applicable.

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

FACILITY	FY 1988-89		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	
	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population	Security	Population
CO State Penitentiary		NA		NA		NA		NA		NA		NA		NA		NA		NA		NA
Centennial Corr. Fac.	Max	333	Max	322	Max	334	Max	302	Max	332	Close	332	Close	498	AdSeg	501	AdSeg	504	AdSeg	752
Shadow Mtn. Corr. Fac.	Close	379	Close	383	Close	383	Close	NA	Close	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Limon Corr. Fac.		NA		NA	Med	474	Med	921	Med	922	Med	943	Med	866	Med	947	Med	944	Med	938
Arkan. Valley Corr. Fac.	Med	973	Med	968	Med	978	Med	975	Med	980	Med	998	Med	920	Med	995	Med	1,002	Med	995
Buena Vista Corr. Fac.	Med	820	Med	815	Med	791	Med	788	Med	821	Med	704	Med	635	Med	733	Med	731	Med	741
CO Territorial Corr. Fac.	Med	717	Med	722	Med	617	Med	598	Med	603	Med	594	Med	605	Med	693	Med	688	Med	689
Fremont Corr. Fac.	Med	673	Med	676	Med	674	Med	1,064	Med	1,043	Med	1,073	Med	1,067	Med	1,168	Med	1,170	Med	1,160
Buena Vista Mod. Unit	Min-Res	207	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
Arrowhead Corr. Ctr.		NA	Min-Res	240	Min-Res	361	Min-Res	360	Min-Res	360	Min-Res	360	Min-Res	357	Min-Res	305	Min-Res	383	Min-Res	478
Four Mile Corr. Ctr.	Min-Res	246	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
Pre-Release Corr. Ctr.	Min-Res	163	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
Pueblo Minimum Ctr.		NA		NA		NA		NA		NA	Min	56	Min	169	Min	202	Min	205	Min	236
Skyline Corr. Ctr.	Min-Res	184	Min-Res	191	Min	198	Min	200	Min	200	Min	199	Min	193	Min	199	Min	200	Min	201
CO Corr. Ctr.	Min	115	Min	147	Min	148	Min	148	Min	148	Min	149	Min	144	Min	147	Min	150	Min	149
Delta Corr. Ctr.	Min	140	Min	156	Min	295	Min	299	Min	297	Min	296	Min	277	Min	297	Min	387	Min	474
Rifle Corr. Ctr.	Min	120	Min	150	Min	150	Min	148	Min	150	Min	150	Min	140	Min	150	Min	147	Min	192
CO Corr. Altern. Prgm.		NA		NA	Min	50	Min	88	Min	118	Min	88	Min	89	Min	88	Min	95	Min	103
CO Women's Corr. Fac.	Mixed	240	Mixed	285	Mixed	279	Mixed	295	Mixed	296	Mixed	282	Mixed	224	Mixed	239	Mixed	267	Mixed	287
Columbine Ctr.	Min	28	Min	30	Min	28		NA		NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Denver Rec. Diag. Ctr.		NA		NA	Mixed	344	Mixed	488	Mixed	486	Mixed	414	Mixed	381	Mixed	369	Mixed	394	Mixed	389
San Carlos Corr. Fac.		NA		NA		NA		NA		NA		NA		NA	Mixed	239	Mixed	247	Mixed	247
TOTAL FACILITIES		5,338		5,722		6,764		7,300		7,453		7,836		7,438		8,343		8,618		9,225
Community		583		641		663		685		702		677		644		653		769		804
Intensive Supervision		28		70		81		52		89		164		178		206		268		366
Jail Backlog		561		636		173		385		427		749		658		573		568		168
Other /1		461		594		362		352		571		579		1,751		1,802		2,368		3,100
		6,971		8,043		8,774		9,242		10,005		11,577		12,590		13,663				
FACILITY POPULATION CATEGORIZED BY SECURITY LEVEL																				
AD-SEG		NA		NA		NA		NA		NA		489	6.24%	498	6.01%	501	5.85%	504	8.15%	752
MAXIMUM	7.23%	333	6.24%	322	5.63%	334	4.94%	302	4.14%	332	4.45%	NA		NA		NA		NA		NA
CLOSE	8.43%	379	7.10%	383	6.69%	383	5.66%	NA		NA		332	4.24%	329	3.97%	331	3.83%	330	2.50%	231
MIXED	3.98%	240	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
MEDIUM	65.25%	3,183	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
R-MINIMUM		800	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
MINIMUM	15.11%	403	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
		5,338		5,722		6,764		7,300		7,453		7,836		7,438		8,343		8,618		9,225

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, July 1998.

* See page 122 for an explanation of security level.s

Population Data

Inmate population. Table 8.3 provides a ten-year history of the DOC jurisdictional population, by facility. It also summarizes the placement of offenders by security level: administrative segregation, close, medium/mixed, restrictive-minimum, and minimum (see page 108 for an explanation of these security levels). As indicated in the table, the majority of offenders have consistently been housed in medium security facilities (49.0 percent) over the last ten years. Restrictive-minimum and minimum facilities house a relatively equal percentage of offenders, 15.6 percent and 14.7 percent, respectively.

TEN-YEAR FUNDING HISTORY

General Fund Appropriations

General Fund appropriations for the Department of Corrections (DOC) grew substantially during the last ten years, from \$76.4 million in FY 1987-88 (representing 3.6 percent of all General Fund appropriations) to \$300.5 million in FY 1997-98 (6.7 percent of all General Fund appropriations). The ten-year increase from FY 1987-88 to FY 1997-98 represents a General Fund appropriation growth rate of 293.4 percent. Accompanying the growth in General Fund appropriations was an increase of 7,907 inmates over the ten years, from a jurisdictional population of 5,756 inmates on June 30, 1987, to 13,663 inmates on June 30, 1998. This represents a 137.4 percent increase. Most of the inmate growth is attributable to the changes in sentencing policies outlined in Chapters 3 and 5 of this report. While 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.

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

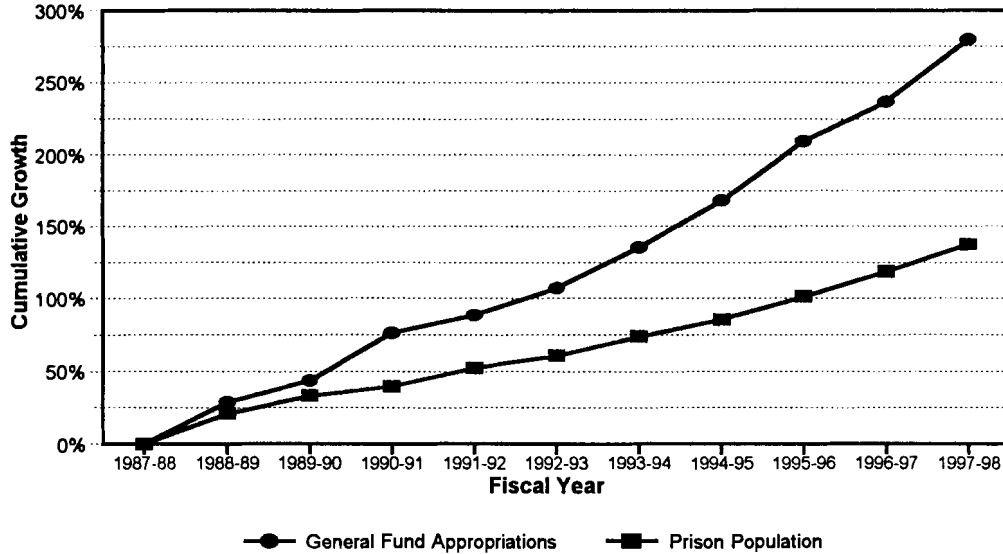
Fiscal Year	Total DOC General Fund Appropriations	Percent Increase Over FY 1987-88	Inflation-Adj. DOC General Fund Approps. (FY 1987-88 \$)	Percent Increase Over FY 1987-88	DOC Jurisdictional Population (Year End)	Percent Increase Over FY 1987-88
FY 1987-88	\$76,372,516	NA	\$76,372,516	NA	5,756	NA
FY 1988-89	98,405,594	28.8%	96,476,073	26.3%	6,971	21.1%
FY 1989-90	109,500,596	43.4%	104,286,282	36.5%	7,666	33.2%
FY 1990-91	134,633,663	76.3%	122,394,239	60.3%	8,043	39.7%
FY 1991-92	144,008,556	88.6%	126,323,295	65.4%	8,774	52.4%
FY 1992-93	158,154,997	107.1%	132,903,359	74.0%	9,242	60.6%
FY 1993-94	179,764,849	135.4%	146,150,284	91.4%	10,005	73.8%
FY 1994-95	204,513,046	167.8%	158,537,245	107.6%	10,669	85.4%
FY 1995-96	236,368,478	209.5%	176,394,387	131.0%	11,577	101.1%
FY 1996-97	257,026,652	236.5%	184,911,260	142.1%	12,590	118.7%
FY 1997-98	300,457,509	293.4%	210,110,146	175.1%	13,663	137.4%

NA: Not Applicable.

Source: Department of Corrections, *Statistical Report*.

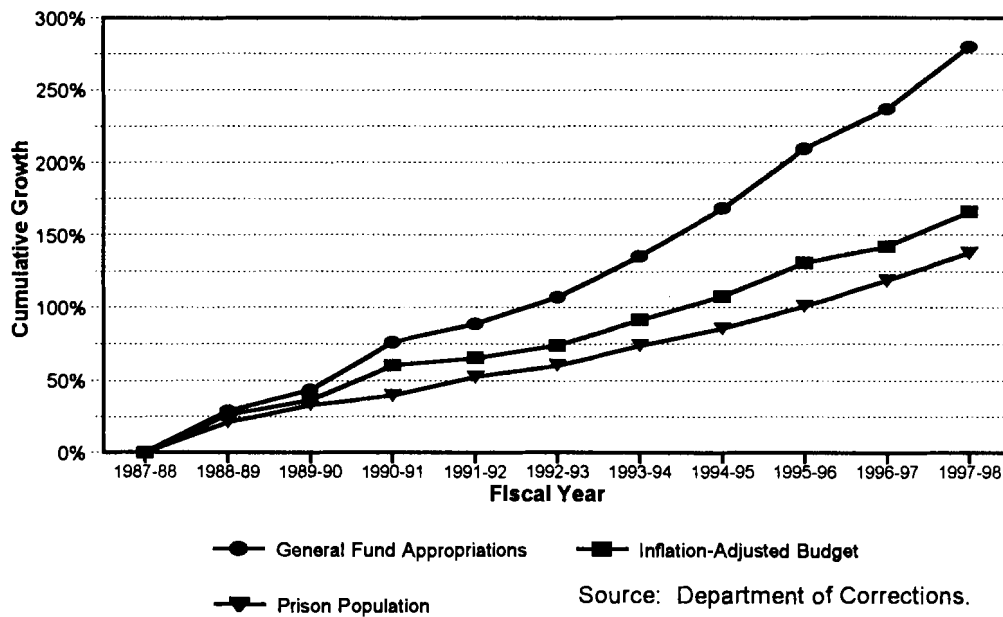
Graph 8.1 shows that the growth in DOC General Fund appropriations far outpaced the growth in the DOC population. However, the appropriations have not been adjusted for inflation. Graph 8.2 adjusts the ten-year appropriations for inflation. The adjusted figures reflect that the appropriations still grew at a faster rate than the population, but not significantly faster. While from FY 1987-88 to FY 1997-98, the prison population increased by 137.4 percent, the inflation-adjusted appropriations grew by 165.7 percent.

**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 1997-98. It should be noted that each of the facilities is operated at a particular security level, such as: reception/diagnostic, administrative segregation, close, medium/mixed, restrictive-minimum, and minimum. Generally, the higher the security level, the more costly it is to house the offender. The security level is designed to house varying custody levels of offenders. A brief description of the offenders that would be housed in each facility follows:

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 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.

Facilities. Table 8.5 lists the state's adult correctional facilities, the year the facility opened, custody levels, current capacities, and planned expansions. As of June 1998, the state had a capacity of 9,396 beds, with an additional 4,290 beds planned for completion by December 2000. As of June 30, 1998, the state facilities were operating at 98 percent of capacity. However, there were also 2,533 inmates in private facilities and a jail backlog of 168.

**Table 8.5: Chronology of Department of Corrections Facilities/
Facility Expansion as of June 30, 1998**

Facility	Year Opened	Custody Level	Capacity/ Expansion
Territorial	1871	Medium	592
Buena Vista	1892	Medium	965
Fremont	1962	Medium	1,085
Delta	1964	Minimum	304
Skyline	1964	Minimum	200
Women's (Canon City)	1968	Mixed	294
Colorado Correctional Center	1969	Minimum	150
Rifle	1979	Minimum	150
Four Mile	1981	Minimum-Restricted	300
Pre-Release	1983	Minimum-Restricted	164
Centennial	1980	Close	336
Arkansas Valley	1987	Medium	1,007
Arrowhead	1990	Minimum-Restricted	364
Limon	1991	Medium	953
Denver Reception and Diagnostic Center	1991	Mixed	400
Correctional Alternative Program (Boot Camp)	1991	Minimum	100
Colorado State Penitentiary	1993	Administrative Segregation	504
Pueblo Minimum Center	1994	Minimum	178
Youthful Offender System*	1994	NA	96
San Carlos	1995	Mixed	250
Fremont Expansion (Phase I)	1995	Medium	96
Territorial Expansion	1995	Medium	94
CO State Penitentiary Expansion	1997	Close	252
Pueblo Minimum Center Expansion	1997	Minimum	28
Arrowhead Expansion	1997	R-minimum	120
Four Mile Expansion	1997	R-minimum	288
Delta Expansion	May 1998	Minimum	180
Rifle Expansion	June 1998	Minimum	42
Current Total FY 1997-98			9,396
New Facilities / Planned Facility Expansion			
Territorial Expansion	July 1998	Medium	9
Youthful Offender System*	July 1998	NA	300
Denver Women's Facility, Phase I	August 1998	Mixed	248
Sterling Mixed Facility, Phase I	November 1998	Mixed	96
Buena Vista Modular Unit Expansion	February 1999	Minimum	78
Fremont Facility Expansion	March 1999	Medium	44
Sterling Mixed Facility, Phase II	July 1999	Mixed	1,261
Four-Mile Correctional Center-Modulars	August 1999	Minimum-Restricted	(108)
Fremont Facility Expansion	February 2000	Medium	226
Denver Women's Facility, Phase II	March 2000	Mixed	216
Sterling Mixed Facility, Phase III	March 2000	Mixed	1,088
Trinidad Mixed Facility, Phase I	May 2000	Mixed	480
Denver Women's Facility, Phase III	December 2000	Mixed	436
TOTAL PLANNED EXPANSION			4,290
PROJECTED CAPACITY BY MARCH 2000			13,686

NA: Not Applicable.

NOTE: Above totals do not include community transition placements.

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

* Though the YOS is a DOC facility, no adults are housed in the YOS and the beds are not counted in the totals

In addition to the above state-run facilities, the DOC has contracted with the Bent County Detention Facility for 735 minimum-restricted beds, with the Huerfano County Correctional Facility for 752 medium security beds, and also with the Prairie Correctional Facility in Minnesota for up to 1,046 medium security beds.

Table 8.6 lists each of the facilities operated by the DOC during FY 1997-98 and the total expenditures. The information is categorized by security level and provides the following: average bed capacity; percent of DOC capacity; total FY 1997-98 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

Facility — Males	FY 1997-98 Average Bed Capacity	Percent of Total DOC Capacity	FY 1997-98 Total Facility Expenditures	FY 1997-98 Average Daily Cost Per Offender Per Facility	FY 1997-98 Annual Cost Per Offender Per Facility
ADMINISTRATIVE SEGREGATION					
Colorado State Penitentiary	579	6.5%	\$19,981,298	\$94.55	\$34,510
CLOSE					
Centennial Correctional Facility	277	3.1%	\$9,970,454	\$98.61	\$35,994
MIXED / MEDIUM					
Denver Reception Diagnostic Center	388		\$15,027,040	\$106.11	\$38,729
Limon Correctional Facility	943		19,641,810	57.07	20,829
Arkansas Valley Correctional Facility	992		20,724,612	57.24	20,546
Buena Vista Correctional Facility*	1,047		22,750,786	59.77	21,816
Colorado Territorial Correctional Facility	678		18,170,317	73.42	26,800
Fremont Correctional Facility	1,162		24,669,141	58.16	21,230
San Carlos Correctional Facility	247		13,260,226	147.08	53,685
Subtotal	5,457	61.2%	\$134,243,932		\$29,090
RESTRICTIVE-MINIMUM					
Arrowhead Correctional Facility	479		\$10,348,819	\$59.19	\$21,605
Four Mile Correctional Center	569		9,901,608	47.68	17,402
Pre-Release Correctional Center	160		2,741,089	46.94	17,132
Subtotal	1,208	13.6%	\$22,991,516		\$18,713
MINIMUM					
Pueblo Minimum Center	210		\$4,250,797	\$55.46	\$20,242
Skyline Correctional Center	199		3,665,031	50.46	18,417
Colorado Correctional Center	148		2,533,435	46.90	17,118
Delta Correctional Center	414		8,309,793	54.99	20,072
Rifle Correctional Center	149		3,180,205	58.48	21,344
Subtotal	1,120	12.6%	\$21,939,261		\$19,439
WOMEN / MIXED CUSTODY					
Colorado Women's Correctional Facility	270	3.0%	\$6,808,155	\$69.08	\$25,215
TOTALS	8,911	NA	\$215,934,615	\$66.39	\$24,232

NA: Not Applicable.

* Buena Vista Correctional Facility includes both restricted minimum beds, medium security beds and boot camp.

Source: Department of Corrections.

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 1987-88 to FY 1998-99 have accounted for 32.7 percent of total state appropriations for capital construction (this does not include federal funds). 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 \$732 million on DOC capital construction. The bulk (64.9 percent) of these appropriations have occurred in the last five years.

Table 8.7: Capital Construction Appropriations History

Fiscal Year	DOC Controlled Maintenance	DOC Capital Construction	DOC Total	Total State Capital Construction Appropriations	DOC Percent of Total
FY 1987-88	\$1,465,000	\$2,580,100	\$4,045,100	\$50,244,488	8.1%
FY 1988-89	945,325	0	945,325	39,379,010	2.4%
FY 1989-90	922,490	42,716,050 ¹	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	45.8%
FY 1994-95	803,140	102,011,563 ²	102,814,703	246,130,711	41.8%
FY 1995-96	1,437,276	86,366,416 ³	87,803,692	311,151,157	28.2%
FY 1996-97	1,517,217	57,387,215 ⁴	58,904,432	333,495,227	17.7%
FY 1997-98	1,912,391	99,588,359 ⁴	101,500,750	261,393,615	31.0%
FY 1998-99	3,680,806	145,149,632	148,830,438	515,025,074	28.9%
Total	\$15,266,485	\$739,857,182	\$755,123,667	\$2,279,036,699	33.1%

1. Includes moneys included in the General Fund appropriation but not transferred to the Capital Construction Fund.

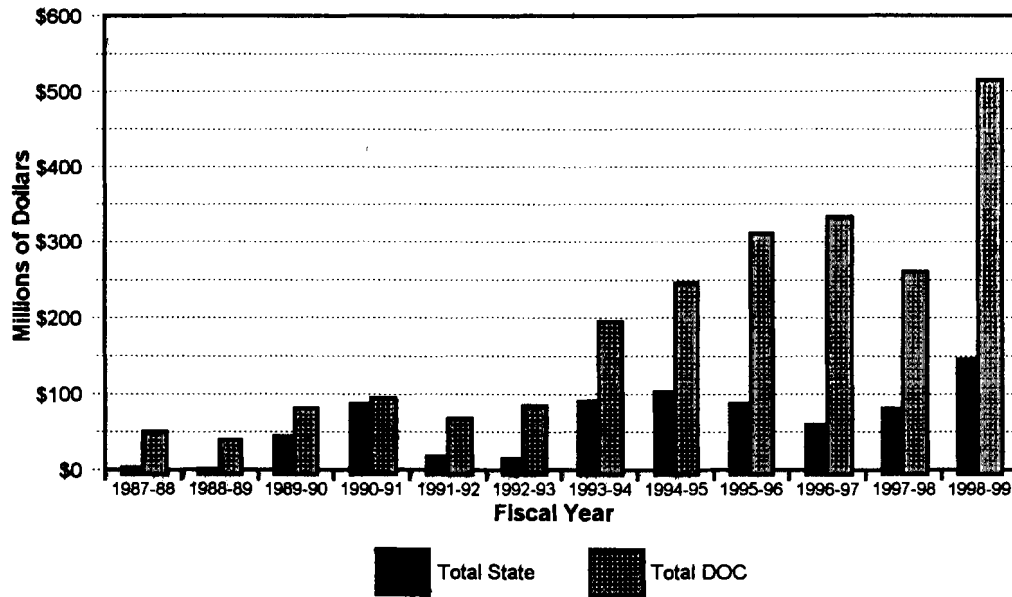
2. Includes moneys from the Corrections Reserve Fund.

3. Includes moneys from the Canteen Fund.

4. Includes \$50,000 of Cash Funds Exempt.

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 1998 Department of Corrections (DOC) population forecast. First, the historical and projected prison population is presented. Second, this chapter reports the prison forecast by gender and admission type and the prison bed shortfall. This is followed by discussions and projections for three major determinants of the DOC population: admissions, length of stay, and the parole population. Relevant legislation passed during the 1998 legislative session is discussed throughout the chapter.

Following are highlights from this chapter:

- the **total Department of Corrections (DOC) jurisdictional population** is forecast to increase 43.5 percent by July 1, 2005 — from 13,666 inmates on July 1, 1998 to 19,609 inmates on July 1, 2005. The **male** jurisdictional population will increase from 12,650 to 17,850 inmates, up 41.1 percent, and the **female** jurisdictional population will increase from 1,016 inmates to 1,759 inmates, up 73.1 percent;
- the total DOC **prison bed shortfall** is projected to grow to 2,983 beds by July 1, 2005. The projected **shortfall** in beds for **male** inmates is 2,633 beds, while that for **female** inmates is 350 beds. These figures do not incorporate facilities that have been planned but have not yet been funded; and
- the total **parole population** in Colorado is forecast to increase 130.2 percent during the forecast period, from 3,219 on July 1, 1998 to 7,409 on July 1, 2005.

HISTORICAL AND PROJECTED DOC POPULATION GROWTH

Table 9.1 presents the historical and projected DOC population growth from FY 1982-83 to FY 2004-05. We project that the prison population will grow at a compound annual average rate of 5.3 percent between FY 1997-98 and FY 2004-05, with growth decelerating toward the end of the forecast period. The annual average rate of growth has slowed slightly from the September 1998 forecast, mainly because the DOC prison population is not growing as fast as projected. By July 1, 2005, the prison population is forecast to reach 19,609 inmates, an average increase of 849 inmates per year during the seven-year forecast period.

Table 9.1
Historical and Projected DOC Population Growth

Date	DOC Population	Number Change	Percent Change
7/1/82	3,114	No Data	No Data
7/1/83	3,415	301	9.7%
7/1/84	3,680	265	7.8%
7/1/85	3,637	(43)	-1.2%
7/1/86	4,088	451	12.4%
7/1/87	4,746	658	16.1%
7/1/88	5,756	1,010	21.3%
7/1/89	6,971	1,215	21.1%
7/1/90	7,663	692	9.9%
7/1/91	8,043	380	5.0%
7/1/92	8,774	731	9.1%
7/1/93	9,242	468	5.3%
7/1/94	10,005	763	8.3%
7/1/95	10,669	664	6.6%
7/1/96	11,577	908	8.5%
7/1/97	12,630	1,053	9.1%
7/1/98	13,666	1,036	8.2%
Projections			
7/1/99 P	14,413	747	5.5%
7/1/00 P	15,386	973	6.8%
7/1/01 P	16,279	893	5.8%
7/1/02 P	17,249	970	6.0%
7/1/03 P	18,168	919	5.3%
7/1/04 P	18,985	817	4.5%
7/1/05 P	19,609	624	3.3%

P = Projected.

Source: Legislative Council Staff.

The current projection for the July 1, 2004 prison population is 591 inmates lower than our September 1998 forecast. One reason for the slower growth in the prison population is the changing mix in the types of inmates entering the DOC. We are seeing more supervision violators with either new crimes or technical violations and more female inmates, all of which historically have had shorter lengths of stay. Moreover, the decrease can also be attributed to a shorter length of stay and a higher-than-forecast number of releases from prison. Indeed, through November 1998 of the current fiscal year, the Parole Board released an average of 106 inmates per month to mandatory parole, compared with their monthly average of 80 in the prior fiscal year. All of these factors caused the prison population to decline. Thus, we revised the forecast downward to reflect the changing trends in release patterns.

Although we revised our prison population forecast lower throughout the forecast period, we still anticipate strong growth in the prison population. The main factors contributing to this growth in the DOC population are mandatory parole and increases in felony filings. These growth factors will be mitigated by decreases in felony convictions, violent crimes, and the reported crime rate. Moreover, increases in sentencing alternatives have slowed the rate of growth of the prison population.

Mandatory parole has been a major influence in increasing the prison population. Because mandatory parole necessarily increases the parole population, the number of parolees with either new crimes or technical violations will increase significantly throughout the forecast period. The supervision population is primarily comprised of the parole population, but also includes the population released from prison to probation and the court-ordered discharge population. We are witnessing a changing mix in the prison population, with a greater-than-expected increase in the number of supervision violators with either technical violations or new crimes in the prison population. The increase in the supervision population is expected to be further bolstered with the advent of two bills passed during the 1998 regular legislative session: House Bill 98-1160 requires one-year post release supervision for certain parolees and House Bill 98-1156 provides for lifetime supervision of paroled sex offenders. An increased supervised population also increases the number of parole violators returning to prison, thus increasing the overall prison population. Finally, the increase in the number of felony filings should have an impact on the growth of the prison population.

There are some factors that will exert a downward influence on the prison population. Felony convictions and the occurrence of violent crimes both influence the prison population significantly. Felony convictions and violent crimes have been decreasing during the past few years. In FY 1996-97, felony convictions decreased 0.3 percent for the eight Front Range judicial districts including Jefferson, Denver, El Paso, Larimer, Pueblo, Adams, Douglas, Arapahoe, and Weld counties. Similarly, the state's violent crime rate decreased 10.2 percent, according to the Colorado Bureau of Investigation. Finally, the increase in use of alternative placements will slow the rate of growth of the prison population.

DECEMBER 1998 DOC POPULATION PROJECTIONS BY GENDER AND ADMISSION TYPE AND THE PROJECTED PRISON BED SHORTFALL

This section presents the DOC population projections by gender and admission type. Furthermore, it illustrates the projected prison bed shortfall by gender based on the funded prison capacity, including new facilities funded during the 1998 legislative session. Table 9.2 displays both of these projections. The DOC prison population is forecast to increase 43.5 percent between FY 1997-98 and FY 2004-05, an increase of 5,943 inmates. This translates into an annual average growth rate of 5.3 percent. The December 1998 DOC population projection does not differ significantly from the September 1998 forecast. However, the mix of the population in terms of gender and admission type differs significantly from our September forecast. The male inmate population decreased while the female inmate population increased significantly. Similarly, the forecast by admission type changed. Projections of admissions for the original crime commitment population and for supervision violators (parolees, probationers, and community corrections clients) with new crimes were both revised downward, while the estimated population of supervision violators admissions with technical violations was revised upward.

Inmate population by gender. The male prison population is forecast to increase at a compound annual average growth rate of 5.0 percent during the forecast period, while the female population will grow at an 8.2 percent compound annual average rate. The male population will increase from 12,650 to 17,850, a 41.1 percent gain, while the female population will increase 73.1 percent, from 1,016 to 1,759 inmates. We continue to significantly increase projections for the female inmate population because its rate of growth is faster than anticipated. Female inmates have been growing as a share of the prison population, comprising 7.4 percent of the population in October 1998 versus 5.3 percent at the start of the decade. Meanwhile, the July 1, 1998 male population was lower than the forecast. The male inmate population was revised downward due mainly to the greater number of releases.

Inmate population by admission type. The DOC population is forecast by three admission types: original crime commitments, new crimes committed by the supervision population, and technical violations by the supervision population. New felony crimes include the categories of original commitments for new crimes and commitments of supervision violators with new crimes. Admissions for technical violations include those on parole, probation, or court-ordered discharge who commit a technical violation of their release agreement. These technical violations might not otherwise constitute a crime for someone not under DOC supervision. Admissions to prison of supervision violators will be a significant influence on the future inmate population as mandatory parole increases the parole population, and therefore, increases the number of parole violators returned to prison for both new crimes and technical violations. Projections by inmate type follow.

Table 9.2
Legislative Council Staff's December 1998 Prison Population Projections by
Commitment Type and Gender and Projected Prison Bed Surplus/(Shortfall)

Date	Original Crime Commitments		Supervision Violators with New Crimes		Technical Violators		TOTAL DOC POPULATION			PROJECTED DOC BED SURPLUS/(SHORTAGE)*		
	Male	Female	Male	Female	Male	Female	Male	Female	Total	Male	Female	Total
July 1, 1998	10,321	866	1,163	57	1,220	93	1,259	12,650	1,016	(201)	(160)	(361)
October 1, 1998	10,380	890	1,165	61	1,226	110	1,426	12,861	1,061	(163)	(36)	(199)
January 1, 1999	10,440	917	1,170	64	1,234	120	1,460	12,950	1,101	(1,222)	(100)	(1,322)
April 1, 1999	10,472	931	1,184	69	1,253	141	1,542	13,057	1,141	(1,160)	(147)	(1,308)
July 1, 1999	10,529	957	1,186	73	1,289	153	1,638	13,230	1,183	(695)	(188)	(883)
October 1, 1999	10,612	981	1,193	80	1,331	160	1,723	13,426	1,221	(378)	(225)	(603)
January 1, 2000	10,709	1,013	1,172	87	1,371	168	1,795	13,620	1,268	(567)	(261)	(828)
April 1, 2000	10,867	1,036	1,193	91	1,408	174	1,858	13,868	1,301	459	(79)	380
July 1, 2000	10,965	1,064	1,249	93	1,442	182	1,895	14,047	1,339	794	(106)	688
October 1, 2000	11,112	1,090	1,202	95	1,486	189	1,946	14,260	1,374	597	(130)	467
January 1, 2001	11,245	1,107	1,252	104	1,527	195	1,997	14,470	1,406	660	(8)	652
April 1, 2001	11,327	1,123	1,250	109	1,576	200	2,067	14,661	1,432	474	(33)	441
July 1, 2001	11,413	1,139	1,252	112	1,597	205	2,130	14,823	1,456	316	(57)	259
October 1, 2001	11,500	1,168	1,268	116	1,642	209	2,200	15,017	1,483	127	(92)	35
January 1, 2002	11,590	1,181	1,271	124	1,693	213	2,259	15,205	1,518	(56)	(117)	(173)
April 1, 2002	11,730	1,188	1,218	129	1,733	216	2,308	15,426	1,533	(271)	(131)	(402)
July 1, 2002	11,896	1,203	1,209	136	1,783	218	2,367	15,692	1,557	(531)	(155)	(686)
October 1, 2002	12,095	1,216	1,311	139	1,829	221	2,414	15,978	1,576	(809)	(173)	(982)
January 1, 2003	12,201	1,227	1,328	143	1,885	224	2,457	16,176	1,594	(1,002)	(190)	(1,192)
April 1, 2003	12,297	1,239	1,336	146	1,930	226	2,522	16,377	1,611	(1,198)	(207)	(1,405)
July 1, 2003	12,390	1,248	1,338	148	1,960	228	2,570	16,544	1,624	(1,361)	(220)	(1,581)
October 1, 2003	12,489	1,260	1,349	151	2,010	231	2,621	16,738	1,642	(1,550)	(237)	(1,787)
January 1, 2004	12,592	1,273	1,365	155	2,058	234	2,676	16,937	1,662	(1,743)	(256)	(1,999)
April 1, 2004	12,684	1,285	1,369	157	2,104	238	2,727	17,120	1,680	(1,922)	(274)	(2,196)
July 1, 2004	12,771	1,292	1,363	161	2,157	241	2,765	17,291	1,694	(2,088)	(287)	(2,375)
October 1, 2004	12,852	1,309	1,361	165	2,216	244	2,813	17,472	1,718	(2,265)	(311)	(2,576)
January 1, 2005	12,907	1,317	1,324	169	2,252	246	2,844	17,588	1,732	(2,378)	(324)	(2,702)
April 1, 2005	12,957	1,325	1,282	174	2,291	249	2,882	17,707	1,748	(2,494)	(340)	(2,834)
July 1, 2005	13,009	1,331	1,340	177	2,329	251	2,940	17,850	1,759	(2,633)	(350)	(2,983)

* Calculated LCS jurisdictional population projections adjusted for off-grounds populations and funded projects in the DOC's Facility Construction Plan.

The population of inmates incarcerated for their *original crime* comprises the largest part of the DOC prison population, 73.1 percent. However, this percentage has decreased significantly over the past few years. This population is forecast to increase from 11,187 as of July 1, 1998 to 14,340 as of July 1, 2005, reflecting a compound annual average growth rate of 3.6 percent, somewhat slower than the overall inmate population growth.

The forecast for the *supervision commitment* population displays a much faster rate of growth than that of original commitments. The commitment of supervision violators for new crimes is forecast to increase at a compound annual average rate of 9.7 percent (from 1,220 to 2,329) and the commitment of technical violators is forecast to increase at a compound annual average rate of 12.9 percent (1,259 to 2,940) by July 1, 2005. Both of these populations grew faster than expected in FY 1997-98. Much of the increases is attributable to the burgeoning parole population because of mandatory parole. We anticipate that the parole population will more than double over the next seven years, thus increasing the pool of potential violators, and parole violators will increase commensurately. This forecast differs from the September 1998 forecast; the supervision violators with new crimes decreased while the supervision violators with technical violations increased. Between July 1, 1998 and October 1, 1998, the population of supervision violators with technical violations increased 13.3 percent.

Projected prison bed surplus/(shortfall) by gender. Prison bed shortfall projections by gender are displayed in the far right column of Table 9.2. The bed shortfall projection is based on the Legislative Council Staff's December 1998 prison population projection and the funded prison expansions included in the DOC's facility construction plan. We project a prison bed shortage of 2,983 beds by July 1, 2005, which represents 15.2 percent of the prison population. The male prison bed shortfall is expected to be 2,633 beds, or 14.8 percent of the male jurisdictional population, while the female prison bed shortfall is expected to be 350 by July 1, 2005, or 19.9 percent of the female prisoners. The significant bed shortfalls occur even though the state opened a new women's correctional facility in 1998 and will add 3,529 new male beds during the period.

We expect a shortfall of prison beds during the first year of the forecast period, followed by a surplus of beds in April 2000 through January 2001. Following January 2001, a shortfall situation resumes. However, the DOC plans to use 1,000 additional contract beds during this time in order to alleviate some of the shortfall. This forecast assumes 1,500 contract beds are now on-line to alleviate the shortfall. The capacity figures differ slightly from those used in the September 1998 forecast due to the delay in construction of Phase I of the Trinidad Correctional Facility. The delay will cause the 475-bed Phase I of Trinidad to come online in July 2000, instead of July 1999.

ADMISSIONS TO PRISON

Table 9.3 displays our forecast of prison admissions by type of admission and Table 9.4 presents our forecast of prison admissions by crime type. Prison admissions by admission type are forecast using three broad categories: original commitments for new crimes, commitments of supervision violators with new crimes, and commitments for technical violations of supervision.

Prison Admissions by Admission Type

Table 9.3 compares the December 1998 forecast of admissions by admission type with the September 1998 forecast. The September 1998 forecast was only 8 admissions lower than the actual number of admissions. Overall, the forecast of commitment admissions was lowered slightly from our September 1998 forecast. We forecast that prison admissions will increase from 6,089 in FY 1997-98 to 8,040 in FY 2004-05, or grow at a compound annual average rate of 4.1 percent.

Original crime commitment admissions are projected to increase from 4,413 in FY 1997-98 to 5,200 admissions in FY 2004-05, increasing at compound annual average growth of 2.4 percent. The forecast of original crime admissions did not change significantly from the September 1998 forecast. The rate of growth of admissions is expected to decelerate throughout the period. This group accounts for the majority of the prison admissions.

Commitments of *supervision violators with new crimes* will increase at the fastest pace among the groups analyzed, growing at an annualized rate of 9.9 percent. While we expect this category to increase at a rapid rate, we have slightly decreased the forecast from the September 1998 forecast because FY 1997-98 admissions of supervision violators with new crimes are coming in less than had been projected. This group is a relatively small share of new admissions, 6.7 percent. Growth for the *commitments of technical violators* is also forecast to increase at a strong pace of 7.1 percent per year. Technical supervision violators comprise 20.9 percent of new admissions. One reason for the lower-than-forecast number of supervision commitments with new crimes and the higher number of technical violators may be that a percentage of supervision violators with new crimes are committed to prison as technical violators. In some circumstances, supervision violators with new crimes have their parole revoked for a technical violation, instead of being sent through the court system for their new crime.

Prison Commitment by Crime Type

Table 9.4 reports prison commitments by crime type. The Legislative Council Staff projects prison commitments by 12 crime types. These projections do not include technical violators, but rather include commitments for new crimes only. Drug crimes make up the largest share of the new commitments: 22.4 percent. This crime category is forecast to increase 27.8 percent between FY 1997-98 and FY 2004-05, or at a compound annual average growth of 3.8 percent. The increase in drug crime admissions is largely responsible for the increases in the female inmate population since a majority of female inmates are incarcerated on drug crime convictions. In addition, we lowered our forecast for many of the violent crimes such as murder and manslaughter, sex crimes, and assault and menacing.

Table 9.3
Comparison of Legislative Council Staff's September 1998 and December 1998 Prison Admissions Projections by Commitment Type

Date	Original Commitments for New Crimes			Commitments of Supervision Violators with New Crimes			Admissions for Technical Violations			TOTAL DOC ADMISSIONS		
	9/98	12/98	Difference	9/98	12/98	Difference	9/98	12/98	Difference	9/98	12/98	Difference
FY 1997-98	4,321	* 4,413	92	413	* 407	(6)	1,347	* 1,269	(78)	6,081	6,089	8
FY 1998-99	4,445	4,545	100	514	484	(30)	1,469	1,480	11	6,428	6,509	81
FY 1999-00	4,576	4,668	92	622	577	(45)	1,558	1,659	101	6,756	6,904	148
FY 2000-01	4,709	4,785	76	694	611	(83)	1,694	1,758	64	7,097	7,154	57
FY 2001-02	4,848	4,895	47	742	669	(73)	1,792	1,864	72	7,382	7,428	46
FY 2002-03	4,970	5,007	37	799	713	(86)	1,905	1,951	46	7,674	7,671	(3)
FY 2003-04	5,102	5,103	1	857	758	(99)	1,973	2,015	42	7,932	7,876	(56)
FY 2004-05	NA	5,200	NA	NA	787	NA	NA	2,053	NA	NA	8,040	NA

* Actual FY 1997-98.

NA: Not Applicable.

Source: Legislative Council Staff.

Table 9.4
Projected New DOC Commitments by Type of Crime *

Crime	FY 1997-98	FY 1998-99	FY 1999-00	FY 2000-01	FY 2001-02	FY 2002-03	FY 2003-04	FY 2004-05	Percent Change FY 1997-98 to FY 2004-05
Murder and Manslaughter	154	156	157	158	160	160	161	162	5.2%
Sex Crimes	341	363	372	377	385	391	397	405	18.8%
Robbery	166	174	179	182	186	191	195	199	19.9%
Assault and Menacing	488	495	516	531	560	571	585	597	22.3%
Burglary and Trepass	636	642	650	662	681	692	700	708	11.3%
Theft	644	663	678	689	704	716	724	733	13.8%
Fraud and Forgery	274	298	324	341	358	370	383	395	44.2%
Drug Crimes	1,306	1,352	1,425	1,471	1,520	1,576	1,626	1,669	27.8%
Driving after Revocation of License	246	254	260	272	281	294	302	310	26.0%
Escape Offenses	359	381	394	407	413	424	434	440	22.6%
Miscellaneous Crimes **	164	208	248	264	272	289	307	321	95.7%
Habitual Offenders	42	43	42	42	44	46	47	48	14.3%
Total New Commitments	4,820	5,029	5,245	5,396	5,564	5,720	5,861	5,987	24.2%

* Admissions projections by crime type include supervision violators with new crimes.

** Miscellaneous includes vandalism, criminal mischief, public order offenses, kidnapping, arson, and other crimes that each contribute relatively few commitments to the DOC.

Source: Legislative Council Staff.

Influences on Prison Commitments

There are many factors that influence prison admissions. These include population, reported crime rates, the number of felony filings, the criminal histories of the population, sentencing alternatives, prison capacity, and mandatory parole. These influences are discussed in the paragraphs that follow:

Population. Population affects prison admissions because the larger the population, the larger the prospective pool of criminals and thus, criminal activity and prison commitments. Colorado's population increased at a 2.1 percent annual average growth rate between FY 1989-90 and FY 1997-98. This growth is projected to taper off during the forecast period. Slower population growth is one reason for the moderation of commitment growth in the latter part of the forecast period.

Reported crime rates. The Colorado Bureau of Investigation's index crime rate has decreased for several years, which partially accounts for the slower growth rate of admissions. However, the CBI's index crime rate measures only 39 percent of the crimes committed in the state, primarily violent crimes. Importantly, one of the strongest growth categories for Colorado prison admissions, drug crimes, is not included in the crime rate information. Therefore, official crime rates may be declining, while prison admissions grow. However, the lower crime rate has slowed the rate of increase in prison commitments.

Felony filings and felony convictions. An important factor affecting prison admissions is felony filings. Felony filings have been increasing during the past few years, rising 14.6 percent in FY 1997-98. This results in a larger pool of prospective offenders that may be sentenced to prison. Typically, increased felony filings bolster prison admissions with a 6- to 12-month lag. Usually, felony filings translate into increases in felony convictions.

Number of people with serious prior criminal histories. The criminal histories of the population also influence the number of people being sent to prison. Usually, first-time offenders are not sent to prison, except for the most serious crimes. However, those offenders with a prior criminal history are more likely to be sent to prison, even for a lesser felony. As the number of people in Colorado's population with felony convictions, probation placements, and previous prison commitments continues to increase, so will the number of likely candidates for commitment to prison.

Sentencing alternatives. As a result of expanded sentencing alternatives, the proportion of offenders sent to prison for felonies has declined since 1989. In 1996, 33.5 percent of convicted felons were sent to prison, substantially lower than the 40.2 percent ratio of 1989. The majority of convicted felons receive probation placements (56.8 percent), while 2.4 percent receive a community corrections placement.

Adequacy of prison capacity. Historically, large increases in prison capacity are followed by significant increases in prison commitments. Periods with little or no increase in prison capacity have witnessed slower growth in the prison population. In the latter instance, the number of convicted

felons who could be sent to prison is much greater than the number that is actually sent to prison. Colorado will significantly increase its prison capacity throughout the forecast period. Based upon current appropriations, a total of 4,148 new beds will be added to the DOC by FY 2004-05.

Similarly, the size of the jail backlog influences the number of convicted felons sentenced to prison. As the jail backlog increases, the likelihood of an inmate being sent to prison decreases because of capacity constraints. The DOC tries to keep jail backlog to a minimum. While the jail backlog is not as large as it has been in past years, the backlog has increased over the past eight months. Jail backlog has increased from 68 as of October 31, 1997 to 155 as of November 30, 1998.

Mandatory Parole. House Bill 93-1302 created mandatory parole and requires longer parole terms for all inmates being released from the DOC. 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.

LENGTH OF STAY

In addition to admissions, length of stay exerts an important influence on the prison population. The length of stay is influenced by two main factors: actual sentence length and the share of the sentence served. Average length of stay for an *incoming DOC admission* is expected to decrease to 35.4 months throughout the forecast period. This compares with last year's level of 38.4 months. The average length of stay decreased for felony classes 3 and 6 in FY 1997-98, but increased slightly for felony classes 2, 4, and 5 relative to last year's revised estimate. However, the average length of stay of the *existing population* is much higher and is not drastically changing. We estimate that the average length of stay of the existing population is approximately 51.1 months. This number is higher than the average length of stay for new admissions because it is influenced by the greater number of class 1 felons in the existing prison population relative to class 1 felony admissions.

Table 9.5 reports the overall average length of stay per *incoming prison inmate* during the forecast period by felony class. The average length of stay reported in Table 9.5 is the average length of stay per admission. Our projections are based on current sentencing laws and assume that the overall average length of stay will not vary greatly during the forecast period. The last major changes in sentencing laws occurred during the 1993 legislative session and these impacts are beginning to be manifested in the decrease of overall average length of stay of incoming inmates. One recent law change will have an effect on length of stay of incoming inmates, however. House Bill 98-1156, passed during the regular 1998 legislative session, imposes lifetime supervision on class 2 through 4 sex offenders. Under lifetime supervision, a sex offender must complete numerous educational and therapeutic programs before being released to supervision for life. This offender can then be returned

to prison at any time during his life for violating a condition of parole for the offender's lifetime. This bill will affect average length of stay in two ways. First, the actual length of stay will increase for offenders sentenced under this bill. Secondly, the bill increases the pool of supervised criminals that may have their parole revoked and imposes stricter standards for such offenders. As a result, this increases the number of supervision violators that will be remanded to prison.

Table 9.5
Projected Average Length of Stay of Prison Commitments
by Felony Class, FY 1998-99 through FY 2004-05

Felony Class	Average Length of Stay (Months)
Class 1	Life
Class 2	240.0
Class 3	49.9
Class 4	29.8
Class 5	16.8
Class 6	10.7
Overall Average	35.4

Source: Legislative Council Staff.

Recent trends in the factors affecting the two primary components of length of stay — sentence length and proportion of sentence served — are discussed in the following paragraphs and are discussed in more detail in chapter 5.

Sentence Length

Sentence length is the basis for determining average length of stay. It is influenced by a variety of factors including sentencing statutes, presumptive sentencing ranges, special sentencing categories, aggravating and mitigating circumstances, and crimes of violence. During the late 1980s, sentence lengths increased dramatically as a result of House Bill 85-1320, which doubled presumptive range maximums. However, House Bill 93-1302 offset some of those effects by shortening the maximum sentence length for non-extraordinary risk felony class 3, 4, 5, and 6 crimes. This reduction primarily affected non-violent crimes.

The average sentence length per new admission increased in FY 1997-98, after following a decreasing trend for the past several years. For FY 1997-98, the average sentence length for all new commitments was 69.7 months, compared to 64.1 months in FY 1996-97. (Average length of stay is less than the sentence length imposed because of parole eligibility provisions and earned time). In FY 1997-98, class 2 felony offenders received, on average, a sentence of 444.4 months and class 3 felony offenders received a sentence of 118.8 months. The sentence length imposed for class 4 felony offenders increased 1.2 percent, from 58.7 months in FY 1996-97 to 59.4 months in FY 1997-98. However, the sentence length for class 5 felony offenders decreased from 33.4

months to 32.4 months, while the sentence length for class 6 felons decreased on average, from 20.5 months in FY 1996-97 to 20.1 months in FY 1997-98. While the overall average sentence length increased in FY 1997-98, this is largely influenced by the large increase in the sentence length of class 2 felons. In spite of the increase in the average sentence length, we estimate that the average length of stay of the incoming admissions will decrease, the result of inmates serving a lesser share of their sentence.

Proportion of Sentence Served

The second factor in determining the average length of stay is the actual proportion of the given sentence served by an inmate. Most DOC inmates serve less time in prison than their sentence suggests. This occurs because of earned time and parole eligibility provisions. Inmates may receive 10 days of earned time for each 30 days of incarceration against their sentence. The earned time provisions result, on average, in a 20 percent reduction of the prison sentence (however, no more than 25 percent of the offender's sentence may be reduced by earned time). Furthermore, most inmates are eligible for parole after serving 50 percent of their sentence less earned time, except for certain violent offenders with prior violent offenses who are eligible after serving 75 percent of their prison sentence, less earned time. Thus, most inmates are eligible for parole after serving approximately 40 percent of their sentence.

In FY 1997-98, inmates served 45.6 percent of their sentences on average, much lower than last year's projection of 57.8 percent of the sentence. The decrease in the percent of sentence served is the primary factor slowing the rate of growth of the DOC population. This percentage is expected to increase slightly once the full effects of House Bill 98-1156, which imposes lifetime supervision of sex offenders, are realized.

PAROLE POPULATION

The parole population projection is presented in Table 9.6, which displays the parole population supervised in Colorado versus the total number of parolees originating in Colorado. The figures differ because a significant number of parolees leave the state, a relatively small number of parolees from other states come here, and because some parolees abscond.

Our forecast calls for a 130.2 percent increase in the parolees supervised in Colorado throughout the forecast period: from 3,219 parolees on July 1, 1998 to 7,409 parolees on July 1, 2005. The parole population is growing at an average annual rate of 12.5 percent, slightly higher than our September 1998 forecast. The rate of growth in parolees increased significantly during the past fiscal year, a trend we expect to continue. Furthermore, the main reason for the strong growth in the projected parole population is mandatory parole. As previously noted, mandatory parole affects all new commitments after 1993 and both increases the number of parolees and their lengths

of stay on parole. We are now just beginning to encounter the effects of mandatory parole. The average number of monthly releases to mandatory parole has increased 32.5 percent through November 1998, from 80 releases per month in FY 1997-98 to 106 releases per month thus far in FY 1998-99.

Table 9.6
Legislative Council Staff's December 1998 Parole
Population Projections

Date	Domestic Parole Caseload	Interstate Parolees in Colorado	Total Parolees Supervised in Colorado	Out of State Parolees (From Colorado)	Parole Absconders	Total Parolees Originating in Colorado
July 1, 1998	2,903	316	3,219	1,200	233	4,336
October 1, 1998	3,107	330	3,437	1,275	255	4,587
January 1, 1999	3,380	330	3,710	1,274	245	4,899
April 1, 1999	3,558	330	3,888	1,341	258	5,156
July 1, 1999	3,734	330	4,064	1,407	271	5,411
October 1, 1999	3,838	330	4,168	1,446	278	5,563
January 1, 2000	4,055	330	4,385	1,528	294	5,877
April 1, 2000	4,196	330	4,526	1,581	304	6,081
July 1, 2000	4,320	330	4,650	1,628	313	6,261
October 1, 2000	4,403	330	4,733	1,659	319	6,381
January 1, 2001	4,491	330	4,821	1,692	325	6,508
April 1, 2001	4,624	330	4,954	1,742	335	6,701
July 1, 2001	4,800	330	5,130	1,809	348	6,957
October 1, 2001	4,991	330	5,321	1,881	362	7,233
January 1, 2002	5,213	330	5,543	1,964	378	7,555
April 1, 2002	5,461	330	5,791	2,058	396	7,914
July 1, 2002	5,677	330	6,007	2,139	411	8,228
October 1, 2002	5,891	330	6,221	2,220	427	8,538
January 1, 2003	6,108	330	6,438	2,302	443	8,852
April 1, 2003	6,326	330	6,656	2,384	458	9,168
July 1, 2003	6,552	330	6,882	2,469	475	9,496
October 1, 2003	6,697	330	7,027	2,524	485	9,706
January 1, 2004	6,806	330	7,136	2,565	493	9,864
April 1, 2004	6,890	330	7,220	2,596	499	9,985
July 1, 2004	6,973	330	7,303	2,628	505	10,106
October 1, 2004	7,025	330	7,355	2,647	509	10,181
January 1, 2005	7,047	330	7,377	2,655	511	10,213
April 1, 2005	7,072	330	7,402	2,665	512	10,249
July 1, 2005	7,079	330	7,409	2,668	513	10,260

Components of the Parole Population

The parole population in Colorado is comprised of several different categories of parolees, as are illustrated in Table 9.6. From the number of total parolees originating in Colorado, inmates leaving Colorado and paroling to other states and parole absconders are subtracted to arrive at the

domestic parole caseload. Then, interstate parolees coming to Colorado are added to domestic parolees to arrive at the final number of parolees under supervision in Colorado. The components of this population are discussed as follows.

Domestic parole caseload. The domestic parole caseload comprises the largest share of parolees supervised in Colorado, accounting for 90.2 percent of the supervision population as of July 1, 1998. It is assumed this percentage will not change during the forecast period. Because of mandatory parole, the domestic parole caseload is forecast to grow at a compound annual average rate of 13.6 percent between FY 1997-98 and FY 2004-05.

Interstate parolees in Colorado. Interstate parolees in Colorado are those who were paroled from prison in another state but came to Colorado and are now under supervision here. The number of interstate parolees is expected to remain stable over the forecast period at approximately 330.

Colorado parolees supervised out-of-state. A parolee from Colorado that moves out-of-state is not supervised in Colorado and is therefore not considered part of Colorado's parole population. As of July 1, 1998, 23.8 percent of parolees originating in Colorado were paroling outside of Colorado. A large portion of this population is illegal aliens who are deported by the Immigration and Naturalization Service after they are released from prison.

Parole absconders. Parole absconders account for approximately 5.0 percent of the parole population originating in Colorado. This number has remained fairly stable over the past few years. Parole absconders are parolees whose whereabouts are unknown and who are not reporting to their parole officer. As the parole population continues to grow, the number of parole absconders is forecast to grow as well.

Influences on the Parole Population

The major influences on the growth in the parole population are the creation of mandatory parole, the passing of one-year post release supervision, longer parole terms, the increase in the prison population, and parole board discretion.

Mandatory Parole. In 1993, House Bill 93-1302 created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Prior to mandatory parole, a large percentage of the inmate population discharged their sentence without serving parole. Now, with mandatory parole, each inmate released from prison that committed a crime after July 1, 1993 is released to parole with a determinate length of stay. In FY 1997-98, 18.7 percent of the prison releases were to mandatory parole, up from 13.2 percent in FY 1996-97. This share of releases will increase throughout the forecast period.

The mandatory lengths of stay on parole vary by felony class. For class 6 felons, the sentence length on parole is one year. The parole length is two years for class 5 felons, three years for class 4 felons, and five years for class 2 and 3 felons (see page ix for chart with mandatory parole lengths).

Before the imposition of mandatory parole, the average length of stay on parole was 11 months. Now, with the current felony class distribution of new admissions, we estimate the average length of stay on parole will be 35.2 months for those sentenced under House Bill 93-1302. With the longer parole period, there is more of a chance for parolees to be revoked, which will decrease the average length of stay on parole and the parole population, but will increase the prison population and the average length of stay in prison. Meanwhile, in 1995, House Bill 95-1087 was enacted which slightly offsets the effects of mandatory parole by granting earned time while on parole to some non-violent offenders. House Bill 95-1087 reduces the length of stay on parole for non-violent offenders by an estimated 20 percent and by 8 percent for the entire parole population.

One-year post release supervision. During the 1998 legislative session, House Bill 98-1160 was enacted. The bill created a mandatory, 12-month period of post-release supervision for parole violators. Inmates who are returned to prison after being released on parole must complete either their mandatory parole period or a 12-month supervision period after being re-released to parole, whichever is longer. Ultimately, this bill will only affect technical parole violators, since violators with new crimes will be sentenced for the new crime. The bill intended to prevent an inmate from being released from prison without a period of supervision. Felony class 2 through 5 offenders and felony class 6 offenders with a prior felony conviction are affected by this bill. In FY 1997-98, 51.2 percent of technical parole violators discharged their remaining parole sentence in prison. However, since they will no longer be able to do so, there necessarily must be an impact on the parole population. The impact begins in FY 2001-02, and grows substantially throughout the forecast period.

Rising prison commitments. Ultimately, the growth in the parole population results from an increase in the prison population. We project that the number of commitments to the DOC will increase 4.1 percent per year, thus directly influencing the parole population.

Parole board discretion. There are discretionary influences in the size of the parole population related to decisions made by the Parole Board. 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. The number of deferred parole board decisions increased 2.4 percent in FY 1997-98: from 6,467 in FY 1996-97 to 6,623 in FY 1997-98. Conversely, there was a 12.6 percent increase in the number of releases to parole granted on the inmate's parole eligibility date, from 306 in FY 1996-97 to 350 in FY 1997-98. Finally, the number of inmates who waived a parole hearing decreased from 3,543 in FY 1996-97 to 3,337 in FY 1997-98, down 4.7 percent. The current projections take into account these three factors, which increase the parole population and contribute to a lower prison population.

SECTION IV

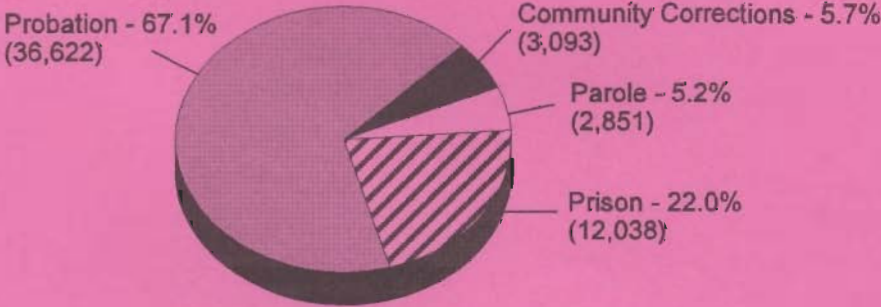
Community-Based Corrections

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 12/31/97 = 54,604



Section IV contains the following chapters:

- Chapter 10 – Probation Services
- Chapter 11 – Community Corrections
- Chapter 12 – Parole Board/Supervision of Parolees

Chapter 10 — Probation Services

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 117.8 percent since FY 1986-87, while actual expenditures have grown by 163.5 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

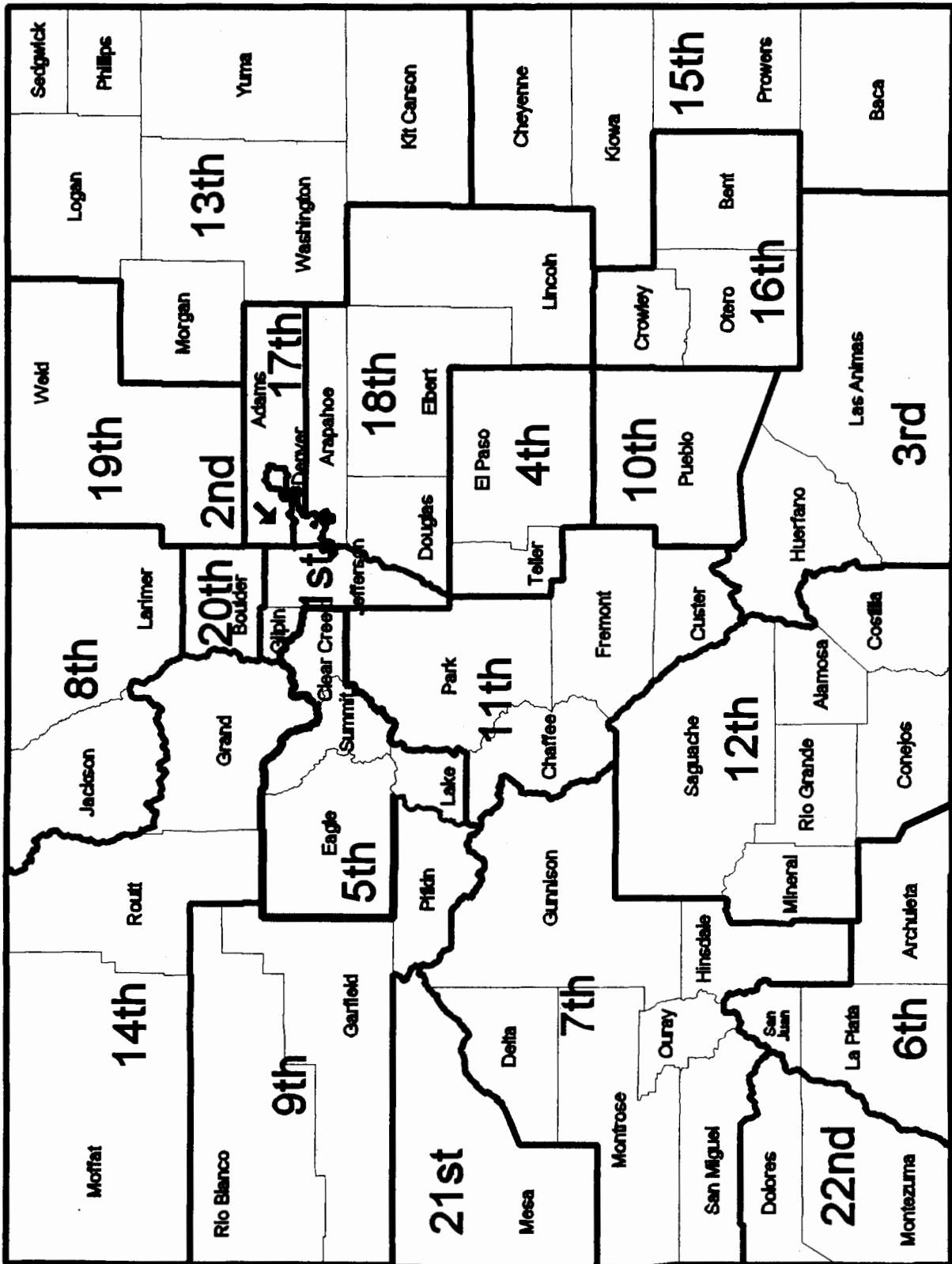
Judicial District	County	Judicial District	County
District 1	Gilpin, Jefferson	District 12	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache
District 2	Denver	District 13	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma
District 3	Huerfano, Las Animas	District 14	Grand, Moffat, 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. This threshold applies to convictions prior to the conviction for which the offender is applying for probation; and

Graph 10.1
Judicial Districts of Colorado



- 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.

The sentencing court may waive the restrictions on probation eligibility upon recommendation of the district attorney. The district attorney must show to 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. The district attorney must also demonstrate that any prior felony convictions were not for:

- 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 committed 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 10 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;
- 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;
- 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 probation population grew 133.5 percent from fiscal year 1986-87 to fiscal year 1996-97 (from 14,456 offenders to 33,754 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

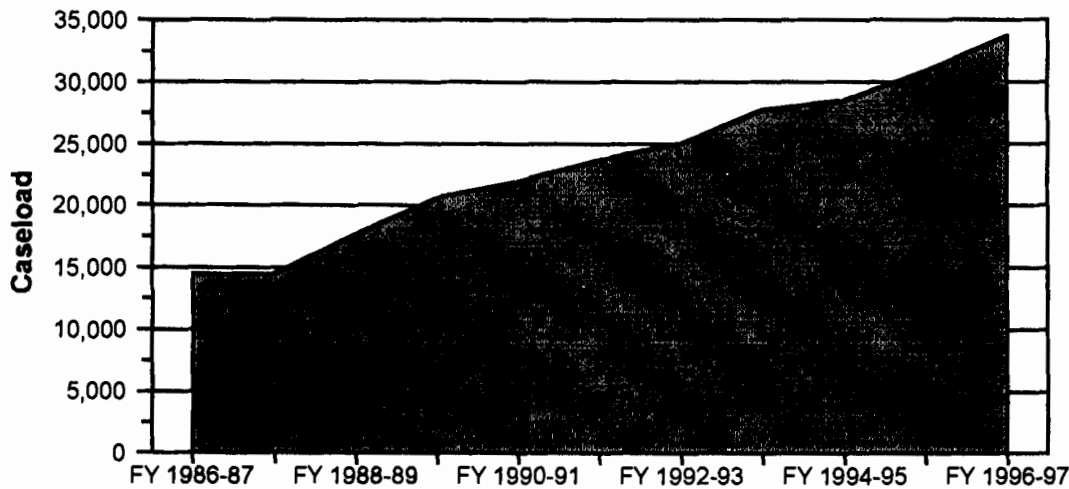
intensive supervision probation (ISP) slots. House Bill 95-1352 funded 750 additional ISP slots, to be phased in over three years, doubling the initial capacity. The ISP population grew substantially from 378 offenders in FY 1989-90 to 1,081 offenders in FY 1996-97. Table 10.2 and Graphs 10.2 and 10.3 provide a ten-year history of the probation caseload and illustrate the growth during the same time period. While the majority of the cumulative growth in probation occurred during the first five years, probation caseloads grew fastest during the last five years. From FY 1986-87 to FY 1991-92, the year-end caseload grew by 9,299 offenders (from 14,456 to 23,755 offenders), a 63.4 percent increase. However, from FY 1991-92 to FY 1996-97, the caseload grew by 9,999 offenders (from 23,755 to 33,754 offenders), a 42.1 percent increase.

Table 10.2: Ten-Year History of Probation Caseload

Fiscal Year	Adult Probation Caseload (Year End)	Cumulative Percentage Increase Over FY 1986-87
FY 1986-87	14,456	NA
FY 1987-88	14,532	0.5%
FY 1988-89	17,728	22.6%
FY 1989-90	20,645	42.8%
FY 1990-91	22,015	52.3%
FY 1991-92	23,755	64.3%
FY 1992-93	25,077	73.5%
FY 1993-94	27,785	92.2%
FY 1994-95	28,592	97.8%
FY 1995-96	30,856	113.4%
FY 1996-97	33,754	133.5%

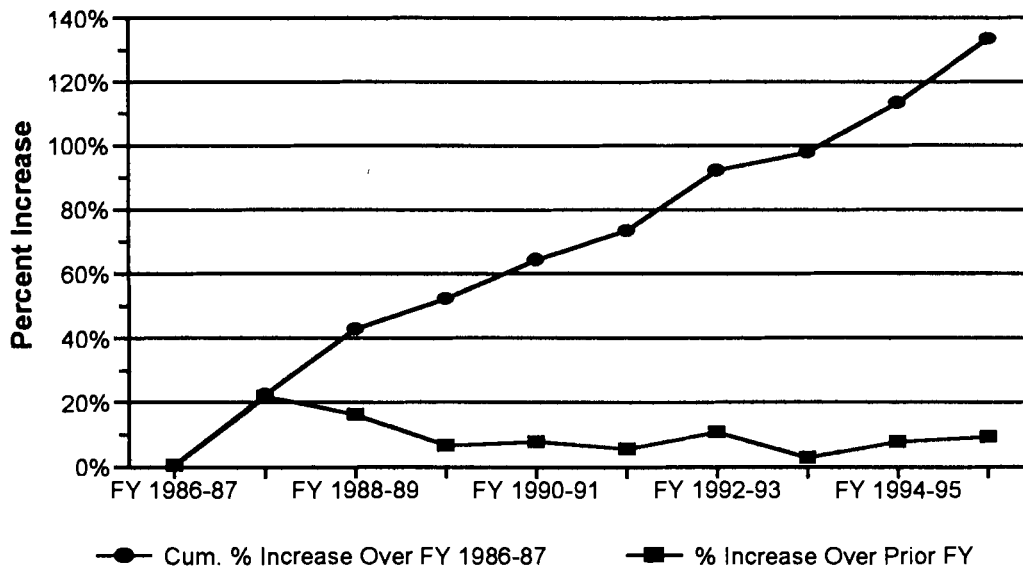
Source: Judicial Department Annual Report.

**Graph 10.2: Probation Caseload History (Year End)
FY 1986-87 through FY 1996-97**



Source: Judicial Department Annual Report.

**Graph 10.3: Probation Caseload Cumulative Percent Increase
FY 1986-87 through FY 1996-97**



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. 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. 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 10 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.

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, *Annual Report of Special Probation Program*, 1997. This is the most recent annual report available and pertains to FY 1996-97.

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. At the end of FY 1996-97, a three-phase expansion of the program was fully implemented, doubling capacity from 558 offenders to 1,081 offenders. Data from FY 1996-97 indicate that supervision services were provided to 2,070 offenders, an increase of 24.3 percent over the previous year, and the average length of stay on ISP was 365 days (1 year). For the same year, 989 offenders were discharged from the program; of those terminations, 427 were successful (43.2 percent). Unsuccessful terminations may be the result of revocations due to new crimes, violation of the conditions of probation, or absconsion.

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 is currently operational in 16 judicial districts and integrates the use of a standardized assessment to determine the appropriate level of treatment. The program includes a 35-week cognitive skills building program to assist probationers with behavior modification. Offenders are also subject to random urine screening to monitor compliance with the requirement of abstinence. The program provided intensive supervision and treatment intervention to 819 offenders in FY 1996-97. Of the 479 offenders discharged from the program during FY 1996-97, 234 offenders were successful (a 48.9 percent success rate).

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 76 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. Statistics on female offenders from the Judicial Branch, as obtained by the National Women's Law Center, disclose that 40 percent of women in prison have a history of physical or sexual abuse before the age of 18, 53 percent were unemployed when arrested, and 80 percent had physical custody of their children at the time of incarceration. Data indicate that in FY 1996-97, supervision was provided through the program to 371 adult female offenders. Of those female offenders who received supervision, 183 offenders were discharged from the program, resulting in 97 successful completions (a 53.0 percent success rate).

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 1986-87 and FY 1996-97 increased by 117.8 percent, the actual expenditures grew by 163.5 percent, from \$13,371,414 to \$36,182,123. However, when the expenditures are adjusted for inflation, the budget during the same period actually increased only 84.7 percent. The number of FTE employees assigned to probation also grew over the ten-year period. For FY 1986-87, the office was assigned 386.0 FTE employees versus 709.2 for FY 1996-97, an increase of 83.8 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 83.8 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 1986-87.

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 1986-87	14,456	5,602	\$13,731,414	386.0	52.0
FY 1987-88	14,532	5,313	14,561,067	407.5	48.7
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	25,023	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

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 1986-87	Inflation-Adjusted Expenditures (FY 1986-87 Dollars)	Percent Increase Over FY 1986-87	Probation Population* (Year End)	Percent Increase Over FY 1986-87	FTE	Percent Increase Over FY 1986-87
FY 1986-87	\$13,731,414	NA	\$13,731,414	NA	20,058	NA	386.0	NA
FY 1987-88	14,561,067	6.0%	14,158,759	3.1%	19,845	(1.1)%	407.5	5.6%
FY 1988-89	15,146,856	10.3%	14,388,528	4.8%	23,488	17.1%	430.5	11.5%
FY 1989-90	16,329,337	18.9%	15,097,713	10.0%	26,987	34.5%	430.5	11.5%
FY 1990-91	17,798,598	29.6%	15,704,219	14.4%	28,888	44.0%	465.0	20.5%
FY 1991-92	23,520,223	71.3%	20,094,408	46.3%	31,401	56.6%	479.0	24.1%
FY 1992-93	24,498,890	78.4%	20,081,348	46.2%	34,097	70.0%	483.0	25.1%
FY 1993-94	24,946,846	81.7%	19,651,279	43.1%	36,396	81.5%	514.6	33.3%
FY 1994-95	27,975,795	103.7%	21,013,151	53.0%	38,333	91.1%	537.3	39.2%
FY 1995-96	31,840,746	131.9%	23,081,898	68.1%	40,522	102.0%	572.7	48.4%
FY 1996-97**	36,182,123	163.5%	25,361,207	84.7%	43,687	117.8%	709.2	83.8%

* Probation population includes adult and juvenile caseloads.

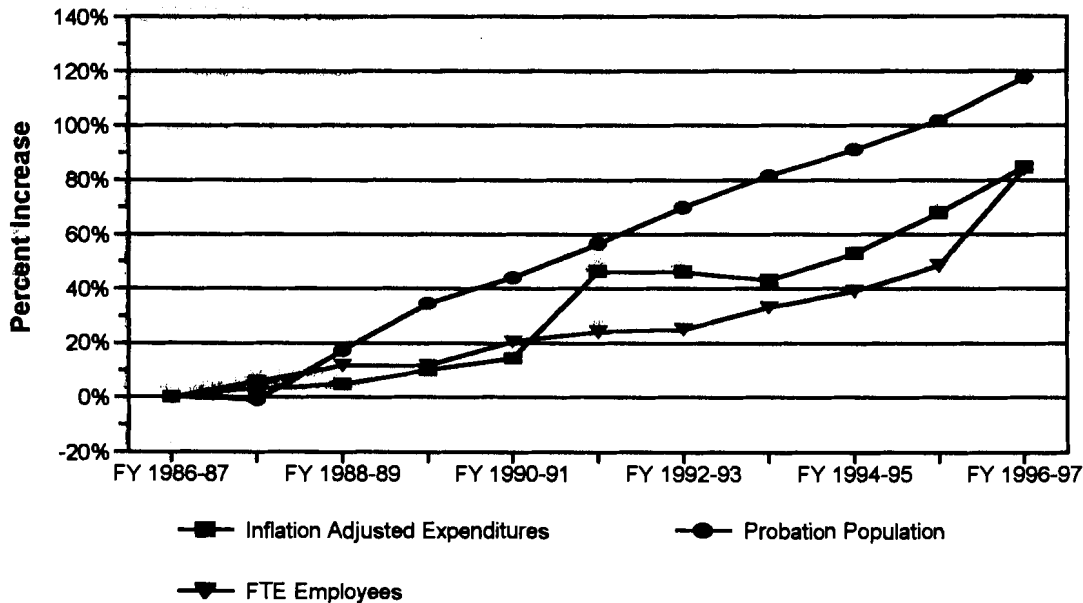
** Actual Appropriation.

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 1986-87. 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 1986-87



Source: Judicial Department Annual Report.

Chapter 11 — Community Corrections Programs

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 31 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 certain 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 by a local community corrections board. There are 22 community corrections boards in the state.

This chapter highlights the following:

- local control 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 seven distinct offender populations in community corrections facilities;
- the community corrections population increased 131 percent from June 1988 to June 1997; and
- diversion clients make up the bulk of community corrections clients.

COMMUNITY CORRECTIONS PROGRAMS

What are community corrections programs? A community corrections program is a community-based or community-oriented program that provides for the supervision of offenders (Section 17-27-101 et seq, C.R.S.). Such programs may provide the following:

- residential or nonresidential services for offenders;
- monitoring of the activities of offenders;
- 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 31 residential community corrections facilities in Colorado. Three 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, 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.

Table 11.1: Community Corrections Facilities in Colorado

Judicial District	Name of Facility	Location of Facility	Number of Beds	Operating Entity
1st	Community Responsibility Center	Lakewood	122	Community Responsibility Center, Inc.
2nd	Independence House (2 facilities)	Denver	129	RRK Enterprises, Inc.
	Alpha Center (3 facilities)	Denver	131	Stout Street Foundation
	Mountain Parks Program at Denver County Jail	Denver	100	Denver County
	Tooley Hall	Denver	126	Community Corrections Services, Inc.
	Peer I (2 facilities)	Denver	126	University of Colorado
	Williams Street	Denver	125	Community Corrections Services, Inc.
4th	ComCor	Colorado Springs	260	ComCor, Inc.
	Williams Street	Colorado Springs	75	Community Corrections Services, Inc.
6th	Hilltop House	Durango	30	Southwest Community Corrections Coalition, Inc.
8th	Larimer County Community Corrections	Fort Collins	69	Larimer County
10th	Minnequa Community Corrections Center	Pueblo	70	Minnequa Community Corrections, Inc.
	Community Corrections Services, Inc.	Pueblo	62	Pueblo Community Corrections Services, Inc.
12th	San Luis Valley Community Corrections	Alamosa	50	San Luis Valley Mental Health Corp.
	San Luis Valley Intensive Residential Treatment	Alamosa	20 *	San Luis Valley Mental Health Corp.
14th	Correctional Alternative Placement Services	Craig	45	Community Corrections Services, Inc.
17th	Loft House	Denver (Adams County)	45	Adams County Corrections Program, Inc.
	Phoenix Center	Henderson	110	Adams County Corrections Program, Inc.
18th	Arapahoe Community Treatment Center	Englewood	193	Arapahoe County Treatment Center, Inc.
	Arapahoe County Residential Center	Littleton	114	CiviGenics, Inc.
	Correctional Management	Littleton	90	Correctional Management, Inc.
19th	The Restitution Center	Greeley	97	The Villa
	Residential Treatment Center	Greeley	81 *	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	Correctional Management, Inc.
21st	Mesa County Work-Release Center	Grand Junction	92	Mesa County

* Drug treatment only.

Four community corrections facilities offer specialized programs to deal with substance abusers, offenders who regress from community supervision, or inmates preparing for community placement. Peer I and The Haven (women only) at Peer I 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 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 31 community corrections facilities in the state with their location and an approximation of the number of beds in the facility.

COMMUNITY CORRECTIONS BOARDS

What role do community corrections boards play? By statute, 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 nongovernmental agencies have similar authority to operate a community corrections program and to accept or reject inmates referred to the program. Because some community corrections programs are operated by boards and others are operated by local governments, in some cases community corrections boards have the authority to accept or reject offenders who have been referred for placement, and in other cases the facility 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.

This 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 local control 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.
- 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 as a transition period back into the community;

- **condition of probation offenders (residential)** – these offenders are sentenced by the District Court to probation but are required to serve a portion of their sentence to probation in a community corrections facility as a condition of their probation;
- **transition parole offenders (residential)** – 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 revocation;
- **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 they typically report to a day-reporting center or a drug testing center.
- **nonresidential transition** – 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.
- **DOC Intensive Supervision Program** – 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.

COMMUNITY CORRECTIONS POPULATION DATA

Overall population. Table 11.2 and Graph 11.1 provide a 10-year history of the community corrections population. These demographic data compare the various community corrections populations from June 1988 through June 1997. The entire community corrections population has increased 131.0 percent since June 1988 from 1,296 in June 1988 to 2,994 in June 1997. Diversion clients (residential and nonresidential) make up the bulk of the community corrections population.

Since June 1993, residential diversion clients have generally accounted for the largest share of the community corrections population but in June 1997, the number of residential diversion clients was virtually the same as the number of nonresidential diversion clients (Table 11.2) at 32 percent each of the community corrections population. Since 1988, the residential diversion population has grown by 122.7 percent while the nonresidential diversion population has grown by 100.8 percent.

Offenders in community corrections as a condition of probation or parole have comprised a comparatively small portion of the community corrections population. Since June 1988, offenders sentenced to community corrections as a condition of probation has increased overall from 2 to 5 persons even though that population reached a high of 42 persons in June 1992 (Table 11.2). Offenders in community corrections as a condition of parole have increased from 12 in June 1989 to 93 in June 1997, a 675 percent increase.

The number of nonresidential transition offenders decreased 50.8 percent since June 1994 from 246 to 121 offenders in June 1997.

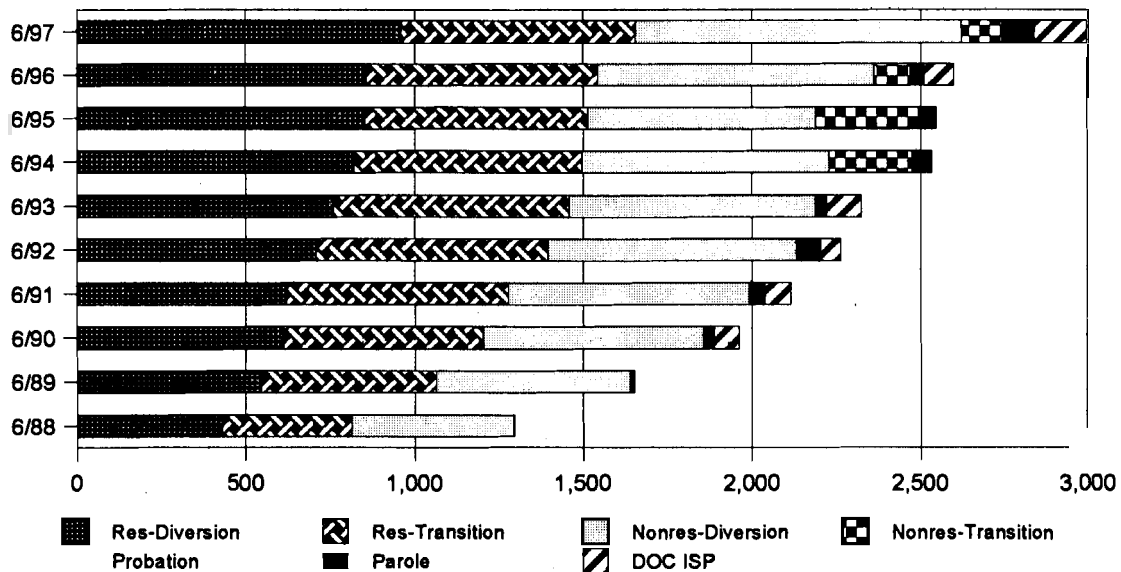
Table 11.2: Community Corrections Population History

Quarter Ending	Residential		Condition of		Nonres. Diversion	Nonres. Transition	DGC Intensive Supervision Program	Total	Percent Increase Over June 1988
	Diversion	Transition	Probation	Parole					
June 1988	431	382	2	NA	481	NA	NA	1,296	NA
% of Total	33.3%	29.5%	0.2%	NA	37.1%	NA	NA		
June 1989	545	519	2	12	575	NA	NA	1,653	27.5%
% of Total	33.0%	31.4%	0.1%	0.7%	34.8%	NA	NA		
June 1990	612	591	7	25	653	NA	74	1,962	51.4%
% of Total	31.2%	30.1%	0.4%	1.3%	33.3%	NA	3.8%		
June 1991	619	659	27	19	713	NA	78	2,115	63.2%
% of Total	29.3%	31.2%	1.3%	0.9%	33.7%	NA	3.7%		
June 1992	707	688	42	30	737	NA	60	2,264	74.7%
% of Total	31.2%	30.4%	1.9%	1.3%	32.6%	NA	2.7%		
June 1993	760	698	2	32	729	NA	103	2,324	79.3%
% of Total	32.7%	30.0%	0.1%	1.4%	31.4%	NA	4.4%		
June 1994	820	677	4	54	732	246	NA	2,533	95.4%
% of Total	32.4%	26.7%	0.2%	2.1%	28.9%	9.7%	NA		
June 1995	854	659	8	46	676	304	NA	2,547	96.5%
% of Total	33.5%	25.9%	0.3%	1.8%	26.5%	11.9%	NA		
June 1996	856	689	3	39	816	107	89	2,599	100.5%
% of Total	32.9%	26.5%	0.1%	1.5%	31.4%	4.1%	3.4%		
June 1997	960	695	5	93	966	121	154	2,994	131.0%
% of Total	32.1%	23.2%	0.2%	3.1%	32.3%	4.0%	5.1%		
Total 10-Year Growth	529	313	3	81	485	(125)	80	1,698	
10-Year % Increase	122.7%	81.9%	150.0%	675.0%	100.8%	(50.8)%	108.1%	131.0%	

NA: Not available.

Source: Division of Criminal Justice.

**Graph 11.1: Community Corrections Population History
June 1988 through June 1997**



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 1995-96. Anglos have made up the bulk of the community corrections population hovering right around 50 percent from FY 1993-94 through FY 1995-96. While the Black population has increased (from just over 24 percent to 26 percent), and the Hispanic population has remained nearly steady (around 24 percent), the combined Black and Hispanic population has made up over 48 percent of the community corrections population and others (Native American and Asian among others) have made up 2 percent of the 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 five to one ratio. However, the male population steadily decreases slightly while the female community corrections population steadily increases slightly

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 1995-96. Overall, offenders aged 26-30 made up the bulk of the community corrections population in FY 1993-94 (24 percent), dropping to 21 percent of the population in FY 1995-96. In FY 1994-95, offenders aged 21-25 made up the bulk of the population at 24 percent.

Table 11.5 illustrates that offenders aged 21-35 consistently make up over 60 percent of the community corrections population. In FY 1993-94, offenders aged 21-35 made up nearly 70 percent of the community corrections population.

**Table 11.3: Community Corrections Offender Characteristics:
Ethnicity, FY 1993-94 through FY 1995-96**

Race	Diversion			Transition			Overall					
	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	% of Total	FY 1994-95	% of Total	FY 1995-96	% of Total
Anglo	878	893	972	764	751	755	1,642	50.35%	1,644	49.56%	1,727	48.17%
Black	420	439	458	379	345	475	799	24.50%	784	23.64%	933	26.03%
Hispanic	403	457	450	358	364	393	761	23.34%	821	24.75%	843	23.51%
Other	28	31	41	31	37	41	59	1.81%	68	2.05%	82	2.29%
Total	1,729	1,820	1,921	1,532	1,497	1,664	3,261		3,317		3,585	

Source: Division of Criminal Justice.

**Table 11.4: Community Corrections Offender Characteristics:
Gender, FY 1993-94 through FY 1995-96**

Gender	Diversion			Transition			Overall					
	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	% of Total	FY 1994-95	% of Total	FY 1995-96	% of Total
Male	1,451	1,522	1,589	1,339	1,273	1,432	2,790	85.40%	2,795	84.21%	3,021	84.27%
Female	281	300	332	196	224	232	477	14.60%	524	15.79%	564	15.73%
Total	1,732	1,822	1,921	1,535	1,497	1,664	3,267		3,319		3,585	

Source: Division of Criminal Justice.

**Table 11.5: Community Corrections Offender Characteristics:
Age Range, FY 1993-94 through FY 1995-96**

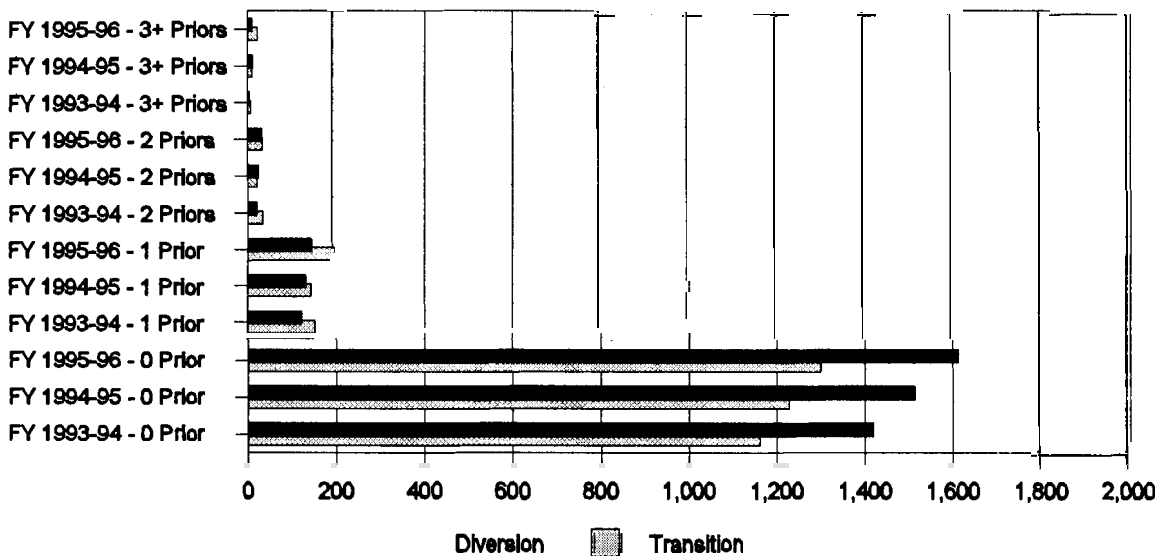
Gender	Diversion			Transition			Overall					
	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	FY 1994-95	FY 1995-96	FY 1993-94	% of Total	FY 1994-95	% of Total	FY 1995-96	% of Total
18-20	154	123	163	33	33	26	187	5.8%	156	4.7%	189	5.3%
21-25	428	488	473	311	294	283	739	22.8%	782	23.6%	756	21.1%
26-30	404	370	360	371	347	385	775	23.9%	717	21.6%	745	20.8%
31-35	345	363	389	366	319	384	711	21.9%	682	20.5%	773	21.6%
36-40	199	260	304	222	272	291	421	13.0%	532	16.0%	595	16.6%
40 +	191	219	230	219	231	294	410	12.6%	450	13.6%	524	14.6%
Total	1,721	1,823	1,919	1,522	1,496	1,663	3,243	100.0%	3,319	100.0%	3,582	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 1995-96. Graph 11.2 shows that consistently, the bulk of offenders in community corrections have no prior violent convictions. In FY 1995-96, 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.

By type of offender in community corrections, 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 1993-94 and FY 1994-95, 49 percent of offenders with no prior violent convictions in community corrections were diversion offenders while 40 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 1, 2, or 3+ prior offenses, the majority were transition offenders. For instance, for FY 1993-94 through FY 1995-96, transition offenders with one prior violent conviction consistently outnumbered diversion offenders with one prior conviction.

**Graph 11.2: Community Corrections Offender Characteristics
Prior Violent Convictions (FY 1993-94 through FY 1995-96)**

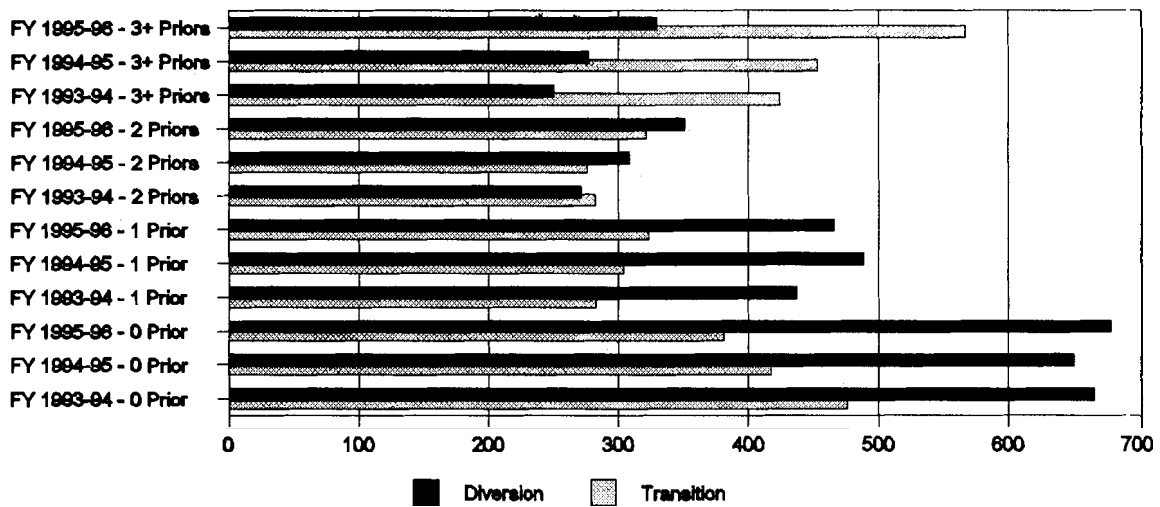


Source: Division of Criminal Justice.

Graph 11.3 shows that consistently, the bulk of community corrections offenders had no prior felony convictions. However, roughly only 34 percent of offenders had no prior felony convictions in FY 1994-95. Twenty-five percent of offenders had one prior felony conviction and 23 percent had three or more prior felony convictions in FY 1994-95. 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 2 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.

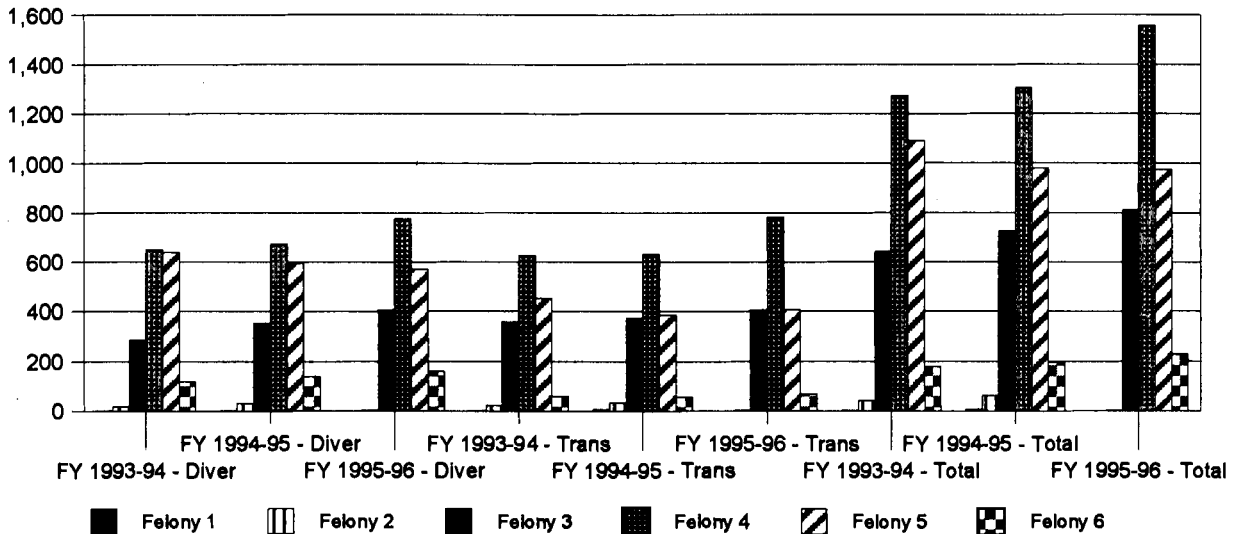
**Graph 11.3: Community Corrections Offender Characteristics
Prior Felony Convictions (FY 1993-94 through FY 1995-96)**



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-four percent or 1,557 offenders were convicted of a class 4 felony in FY 1995-96 and 27 percent or 976 offenders were convicted of a class 5 felony in FY 1995-96. However, it is interesting to note that from FY 1993-94 through FY 1995-96, the number of *transition* offenders convicted of class 3 felonies has grown. In FY 1995-96, the number of class 3 felony transition offenders was the same as the number of class 5 felony transition offenders at 405 offenders each. 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 1995-96)**



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;
- loans for new facilities;
- 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 1987-88 through FY 1996-97. Table 11.6 shows that appropriations for community corrections programs increased 215 percent from FY 1987-88 to FY 1996-97. The community corrections population grew 131 percent during this same time frame. However, when the appropriations figures are adjusted for inflation, appropriations increased only 126 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 1987-88	CPI Adjusted Expenditures	% Increase Over FY 1987-88	Community Corrections (FY End) Population	% Increase Over FY 1987-88
FY 1987-88	\$ 8,187,972	NA	\$ 8,029,209	NA	1,296	NA
FY 1988-89	10,843,539	32.4%	10,397,860	29.5%	1,653	27.5%
FY 1989-90	11,704,224	42.9%	10,808,375	34.6%	1,962	51.4%
FY 1990-91	16,544,870	102.1%	14,671,216	82.7%	2,115	63.2%
FY 1991-92	20,516,658	150.6%	17,528,474	118.3%	2,264	74.7%
FY 1992-93	20,356,652	148.6%	16,725,120	108.3%	2,324	79.3%
FY 1993-94	22,151,971	170.5%	17,446,193	117.3%	2,533	95.4%
FY 1994-95	23,393,254	185.7%	17,651,290	119.8%	2,547	96.5%
FY 1995-96	23,689,200	189.3%	17,203,665	114.3%	2,599	100.5%
FY 1996-97	25,796,206	215.1%	18,122,747	125.7%	2,994	131.0%
FY 1997-98	28,921,648	253.2%	19,692,030	145.3%	NA	NA
FY 1998-99	29,719,707	263.0%	19,618,327	144.3%	NA	NA

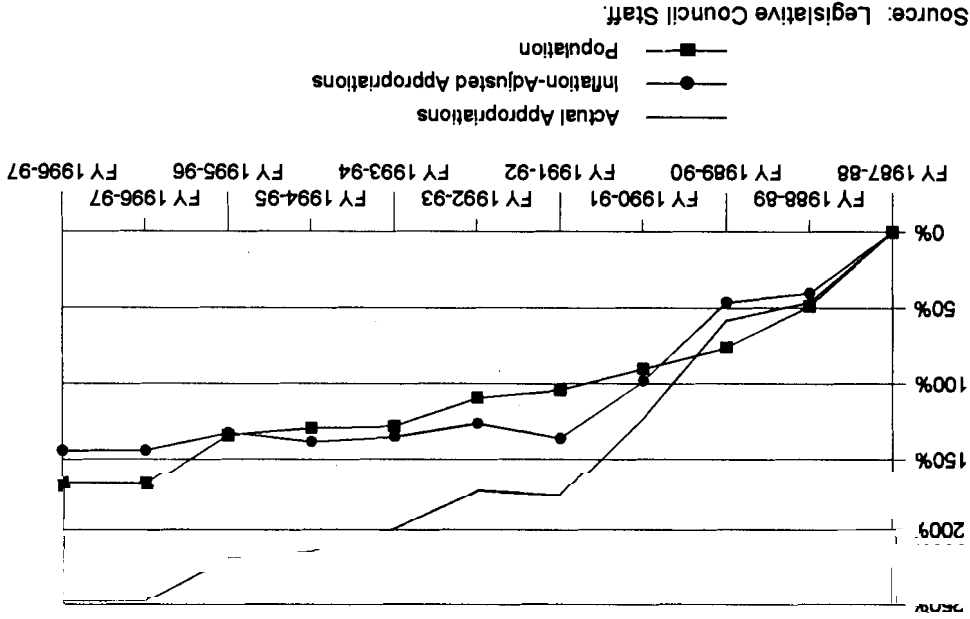
NA: Not applicable or available.

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

Source: Legislative Council Staff.

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 population has grown faster than the growth in appropriations. When adjusted for inflation, the gap between appropriations and population narrowed, and during FY 1991-92 through 1994-95, appropriations outpaced the population. However, in FY 1995-96 and FY 1996-97, the population outgrew the inflation-adjusted appropriations.

Graph 11.5: Community Corrections Appropriations vs. Caseload
Cumulative Percentage Increase over FY 1987-88



Source: Legislative Council Staff.

Actual Appropriations
Inflation-Adjusted Appropriations
Population

Chapter 12 — Parole Board/Supervision of Parolees

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 will cover the following topics under three 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 at 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 10 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 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 Law Judge (ALJ). The single board member or ALJ 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 SERVICES

Statutory duties and powers. The Division of Adult Parole Services 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. Sixty-five parole officers supervise approximately 3,300 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 Services is statutorily responsible for the following:

- establishing and administering appropriate programs of education and treatment to assist in offender rehabilitation; and
- establishing and maintaining an information unit which includes an appropriate telecommunications system to provide law enforcement agencies accurate supervision information concerning any parolee under the DOC's jurisdiction.

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 166).

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 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 the administrative law judge (ALJ). In practice, the ALJ conducts nearly all revocation hearings in the state, approximately 87 percent. The board member or the ALJ 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 ALJ advises the parolee of his or her statutory rights. After explaining the plea options to the parolee, the board member or ALJ 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 ALJ 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 ALJ 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 ALJ 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 ALJ may make a decision as follows:

- if the board member or ALJ determines that the parolee has violated parole by committing a crime, the board member or ALJ 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 ALJ 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 ALJ 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 dramatically 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 69.3 percent from June 1999 to June 2003.

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

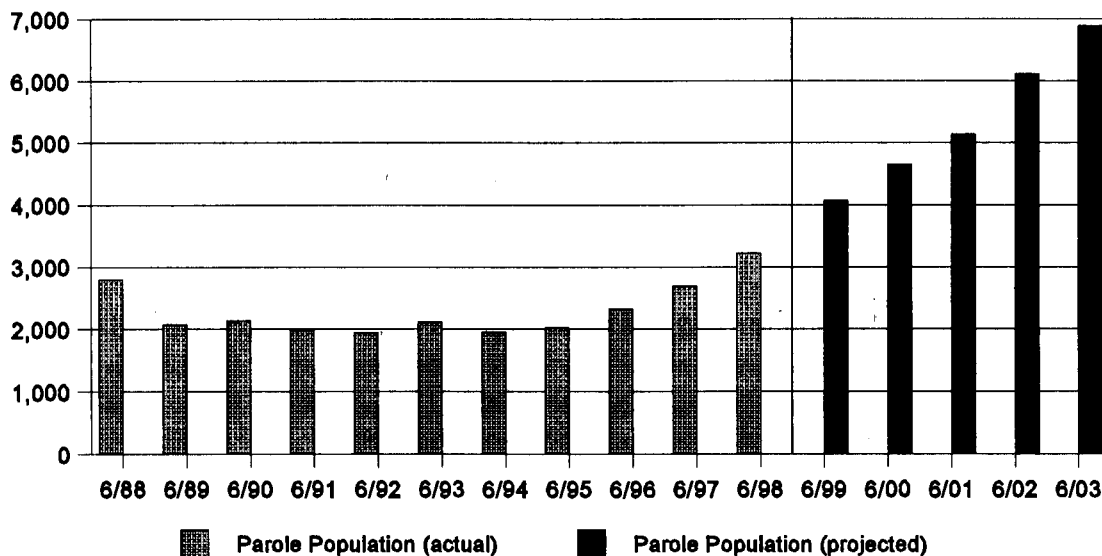
Date	Population	Cumulative Percent Increase Over June 1988
June 30, 1988 (actual)	2,796	NA
June 30, 1989 (actual)	2,073	(25.9)%
June 30, 1990 (actual)	2,137	(23.6)%
June 30, 1991 (actual)	1,990	(28.8)%
June 30, 1992 (actual)	1,943	(30.5)%
June 30, 1993 (actual)	2,116	(24.3)%
June 30, 1994 (actual)	1,958	(30.0)%
June 30, 1995 (actual)	2,026	(27.5)%
June 30, 1996 (actual)	2,322	(17.0)%
June 30, 1997 (actual)	2,695	(3.6)%
June 30, 1998 (actual)	2,719	15.1%
June 30, 1999 (projected)	4,064	45.4%
June 30, 2000 (projected)	4,650	66.3%
June 30, 2001 (projected)	5,130	83.5%
June 30, 2002 (projected)	6,007	114.8%
June 30, 2003 (projected)	6,882	146.1%

NA: Not Applicable.

Source: Legislative Council Staff.

Table 12.2 is further illustrated by Graph 12.1 which highlights the expected dramatic 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.

Table 12.3 is a profile of the parole population by region as of June 30, 1997. The data reveal the following with regard to the parole population:

- the Denver region accounts for the greatest number of parolees with 1,081 offenders. This represents 42.2 percent of the entire parole population;
- males comprise 90 percent of the entire parole population. For comparison, males comprise 93 percent of the entire prison population in Colorado;
- parolees aged 20 to 39 comprise 77 percent of the entire parole population. Parolees aged 20 to 29 comprise 37 percent of the parole population and parolees aged 31 to 39 comprise 40 percent of the parole population. Parolees aged 40 to 49 comprise 18 percent of the parole population.
- the bulk of parolees, 84 percent, were new commitments to the DOC when they were released to parole;
- the bulk of parolees were convicted of class 4 felonies (40 percent), class 5 felonies (31 percent), and class 6 felonies (9 percent) for a total of 80 percent of the parole population convicted of lower class felony offenses; and
- the majority, 16 percent, of parolees were convicted of drug offenses, followed by offenders convicted of conspiracy to commit a non-violent felony at 12 percent, offenders convicted of theft at 11 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, 1997

CATEGORY	DENVER		NORTHEAST		SOUTHEAST		WESTERN		TOTAL	
	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of State
TOTAL OFFENDERS*	1,081		804		467		212		2,564	
Percent of Total		42.2%		31.4%		18.2%		8.3%		100.0%
Average Age		34 years		33 years		34 years		32 years		34 years
GENDER										
Male	951	88.0%	738	91.8%	419	89.7%	197	92.9%	2,305	89.9%
Female	130	12.0%	66	8.2%	48	10.3%	15	7.1%	259	10.1%
AGE GROUP										
18-19	3	0.3%	2	0.2%	2	0.4%	1	0.5%	8	0.3%
20-29	370	34.2%	320	39.8%	162	34.7%	101	47.6%	953	37.2%
30-39	419	38.8%	318	39.6%	208	44.5%	74	34.9%	1,019	39.7%
40-49	229	21.2%	126	15.7%	71	15.2%	26	12.3%	452	17.6%
50+	60	5.6%	38	4.7%	24	5.1%	10	4.7%	132	5.1%
PRISON STATUS TYPE										
New Commitments	884	81.8%	683	85.0%	400	85.7%	183	86.3%	2,150	83.9%
Parole Returns	89	8.2%	50	6.2%	21	4.5%	13	6.1%	173	6.7%
Parole Returns/ New Crime	65	6.0%	40	5.0%	31	6.6%	11	5.2%	147	5.7%
Other	43	4.0%	31	3.9%	15	3.2%	5	2.4%	94	3.7%
FELONY CLASS										
Class 1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Class 2	10	0.9%	7	0.9%	2	0.4%	1	0.5%	20	0.8%
Class 3	195	18.0%	127	15.8%	126	27.0%	27	12.7%	475	18.5%
Class 4	434	40.1%	309	38.4%	200	42.8%	77	36.3%	1,020	39.8%
Class 5	366	33.9%	253	31.5%	108	23.1%	73	34.4%	800	31.2%
Class 6	74	6.8%	103	12.8%	31	6.6%	34	16.0%	242	9.4%
Habitual	2	0.2%	5	0.6%	0	0.0%	0	0.0%	7	0.3%
OFFENSE TYPE										
Homicide	19	1.8%	14	1.7%	10	2.1%	4	1.9%	47	1.8%
Robbery	68	6.3%	20	2.5%	34	7.3%	3	1.4%	125	4.9%
Kidnapping	4	0.4%	2	0.2%	3	0.6%	0	0.0%	9	0.4%
Assault	83	7.7%	39	4.9%	21	4.5%	9	4.2%	152	5.9%
Sex Assault	5	0.5%	5	0.6%	1	0.2%	1	0.5%	12	0.5%
Sex Assault/Child	9	0.8%	4	0.5%	5	1.1%	3	1.4%	21	0.8%
Drug Offenses	194	17.9%	126	15.7%	72	15.4%	25	11.8%	417	16.3%
Burglary	92	8.5%	96	11.9%	52	11.1%	23	10.8%	263	10.3%
Theft	104	9.6%	90	11.2%	55	11.8%	32	15.1%	281	11.0%
Forgery	36	3.3%	27	3.4%	14	3.0%	7	3.3%	84	3.3%
Fraud	9	0.8%	10	1.2%	7	1.5%	3	1.4%	29	1.1%
Traffic	19	1.8%	52	6.5%	17	3.6%	23	10.8%	111	4.3%
Escape	142	13.1%	74	9.2%	41	8.8%	10	4.7%	267	10.4%
Attempt/Conspiracy/ Solicitation – Violent	53	4.9%	39	4.9%	24	5.1%	9	4.2%	125	4.9%
Attempt/Conspiracy/ Solicitation – NV	131	12.1%	111	13.8%	53	11.3%	23	10.8%	318	12.4%
Habitual – Small	1	0.1%	3	0.4%	0	0.0%	0	0.0%	4	0.2%
Habitual – Big	0	0.0%	1	0.1%	0	0.0%	0	0.0%	1	0.0%
Other	112	10.4%	91	11.3%	58	12.4%	37	17.5%	298	11.6%

Source: Department of Corrections' Annual Statistical Report, Fiscal Year 1997.

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

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 48 percent from FY 1987-88 to FY 1993-94, the average caseload per FTE has risen 18 percent since FY 1993-94.

Table 12.5 illustrates that total parole and community transition populations increased (18 percent) at a much lower rate than the increase in long bill appropriations (120 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 46 offenders per FTE in FY 1987-88 to 28 offenders per FTE in FY 1996-97). Another explanation is that additional funding was needed to provide enhanced parole services such as intensive supervision programs (the ISP population nearly doubled from 89 offenders in June 1996 to 195 offenders in March 1998).

Table 12.5 and Graph 12.2 also adjust long bill appropriations for inflation. Comparing the inflation-adjusted appropriations shows that appropriations increased nearly 60 percent in ten years while the parole and community transition populations increased only 18 percent. Again, this difference in growth rates can be attributed to additional funding needed to decrease caseloads and to provide enhanced parole services.

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 1987-88	2,796	\$2,626,755	69.0	382	NA	NA	3,178	\$2,626,755	69.0	46.1
FY 1988-89	2,073	2,515,288	66.0	531	NA	NA	2,604	2,515,288	66.0	39.5
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	38.2	3,758	8,503,468	134.0	28.0

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 1987-88	CPI-Adjusted Appropriations (FY 1987-88 Dollars)	Percent Increase Over FY 1987-88	Parole and Community Transition Population (June 30)	Percent Increase Over FY 1987-88
FY 1987-88	\$2,626,755	NA	\$2,575,823	NA	3,178	NA
FY 1988-89	2,515,288	(4.2)%	2,411,907	(6.4)%	2,604	(18.06)%
FY 1989-90	2,576,758	(1.9)%	2,379,531	(7.6)%	2,827	(11.04)%
FY 1990-91	3,847,619	46.5%	3,411,888	32.5%	2,746	(13.59)%
FY 1991-92	4,519,841	72.1%	3,861,541	49.9%	2,721	(14.38)%
FY 1992-93	4,327,393	64.7%	3,555,406	38.0%	2,846	(10.45)%
FY 1993-94	5,270,549	100.6%	4,150,918	61.1%	2,935	(7.65)%
FY 1994-95	5,258,118	100.2%	3,967,493	54.0%	3,035	(4.50)%
FY 1995-96	5,620,340	114.0%	4,081,626	58.5%	3,246	2.14%
FY 1996-97	5,777,844	120.0%	4,059,140	57.6%	3,758	18.25%

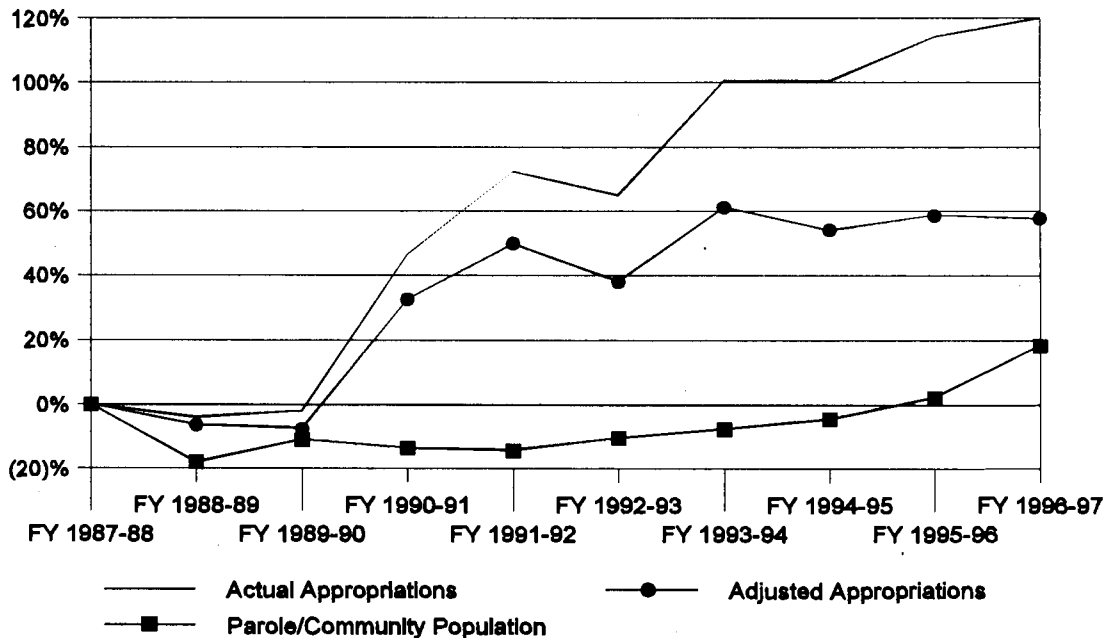
NA: Not applicable.

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

* Projected.

Source: Legislative Council Staff.

Graph 12.2: Parole/Community Corrections Appropriations vs. Population Cumulative Percentage Increase Over FY 1987-88

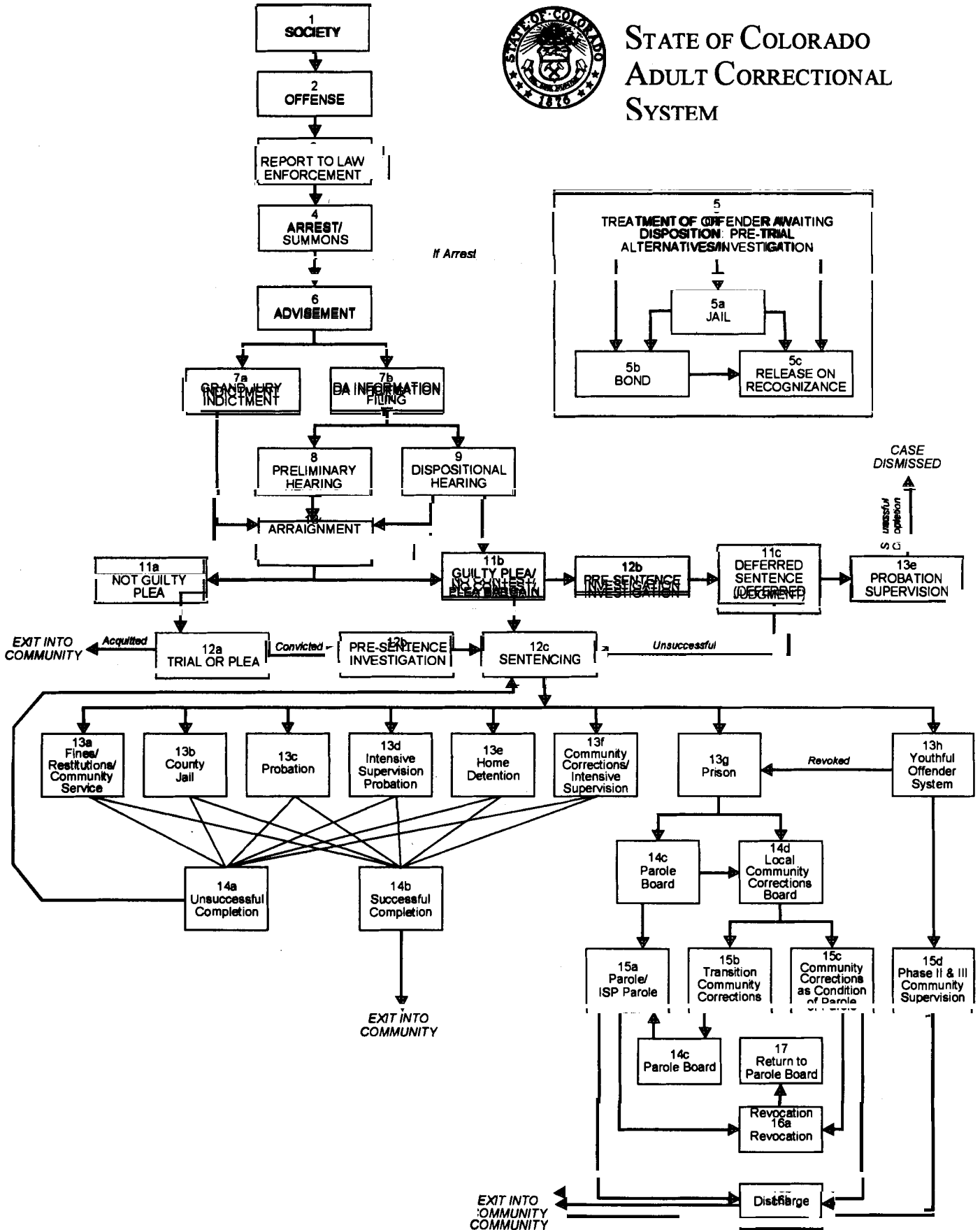


Appendix A — Flowchart of Colorado's Adult Correctional System

This appendix provides a flowchart 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.



STATE OF COLORADO ADULT CORRECTIONAL SYSTEM



Explanation for Adult Correctional System Flowchart			
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 16-4-111	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; or (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 Flowchart			
Chart Level	Item	Colorado Statutory Citation	Description
5c	Release on Recognizance	16-4-101 (13) 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: (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: (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 Flowchart			
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.
	>>> 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	16-7-403	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 Flowchart			
Chart Level	Item	Colorado Statutory Citation	Description
12a	Trial or Plea Bargain	Trial: 16-10-101 through 16-10-601, 18-1-405 and 18-1-406	<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)	Plea Bargain: 16-7-301 through 16-7-304	<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, 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 Flowchart			
Chart Level	Item	Colorado Statute 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 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 Flowchart			
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.
13a	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.

Explanation for Adult Correctional System Flowchart			
Chart Level	Item	Colorado Statutory Citation	Description
14a	Unsuccessful Completion		Back to sentencing.
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 Flowchart			
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.