

Colorado Division of Criminal Justice

Adult and Juvenile

Correctional Populations Forecasts

Pursuant to 24-33.5-503 (m), C.R.S.

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Introduction

Background

The Colorado Division of Criminal Justice (DCJ), pursuant to 24-33.5-503(m), C.R.S., is mandated to prepare correctional population projections for the Legislative Council and the General Assembly. Per statute, DCJ has prepared projections of these populations since the mid-1980s. This report presents forecasts for the Colorado adult prison and parole populations through FY 2024, and for the Colorado juvenile commitment, detention and parole populations through FY 2022. Also included are estimates regarding average length of stay for inmates admitted during the previous fiscal year. These are used to calculate cost savings resulting from proposed legislation and policy changes.

Organization of This Report

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM). The adult prison population forecasts for fiscal years 2019 through 2025, including estimates of prison admissions and releases by type are then presented, followed by a discussion of factors and assumptions applied to the current projections. The following section presents the parole caseload forecasts for fiscal years 2019 through 2025.

Following the adult population forecasts, estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2018 are presented.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2019 through 2023. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, estimated numbers of new commitments, and year-end average daily caseload (ADC) forecasts for the juvenile parole population. These are followed by year-end and quarterly detention ADP forecasts.

The Colorado Criminal Justice Forecasting Model

Justice and Demographic Information

Data from multiple sources are incorporated into the forecasting model to simulate the flow of individuals into the system, as well as the movement of those already in the system. These data include offender-based information concerning admissions to and releases from the Colorado Department of Corrections (DOC), as well as the population currently incarcerated.¹ Colorado population forecasts are provided by the Demographer's Office of the Department of Local Affairs. Criminal and juvenile case prosecution, conviction, sentencing and probation revocation data are obtained from the Colorado Judicial Branch's information management system and from annual reports issued by the Judicial Department.^{2,3}

Adult Prison Population Forecasting Methodology

Future prison populations are modeled for three cohorts: new court commitments to prison, parole returns to prison, and the population currently incarcerated. The cohort of new commitments is comprised of estimates of the composition and number of future admissions, including not only those newly sentenced to prison but also offenders who fail probation or community corrections and are subsequently incarcerated due to technical violations. These estimates are based on historical trends of prison admissions, crime rates, criminal case filings, conviction rates, sentencing practices, probation placements and probation revocation rates. Recent changes in laws or policies are also taken into account.

This projected future admissions cohort is disaggregated into approximately 70 offender profile groups according to governing offense type, felony class and sentence length. The duration of each offender group's stay in prison is estimated using data concerning the length of stay for offenders with similar profiles released in prior years, adjusted to reflect recent changes in law or policy. Cumulative survival distributions are developed and applied to each of the offender profile/sentence length groups to determine a rate of release and the size of the remaining population.

The cohort of currently incarcerated offenders is treated in a similar manner. This cohort is also disaggregated into approximately 70 offender profile and sentence length groups, with cumulative survival distributions calculated to estimate their rate of release. These survival distributions are

¹ Source: Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

² Data concerning criminal court filings are extracted from the Judicial Branch's information management system and analyzed by DCJ's Office of Research and Statistics.

³ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

adjusted to reflect changes in law or policy that may impact those currently incarcerated, which may differ from those influencing the future admissions cohort. The release of offenders currently in prison (referred to as the stock population), the estimates of future admissions, and the anticipated release of those admissions are combined to forecast the size of incarcerated populations in the future.

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

Assumptions Affecting the Accuracy of the DCJ Projections

Forecasting future prison populations is not an exact science, as factors which can affect growth are often unpredictable and somewhat speculative. The projection figures for the Colorado Department of Corrections' incarcerated and parole populations and for the Division of Youth Services' commitment and parole populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time offenders are incarcerated or the number of individuals receiving such a sentence.
- ❑ The General Assembly will not expand or reduce community supervision programs in ways that affect commitments.
- ❑ Decision makers in the justice system will not change the way they use their discretion, except in explicitly stated ways that are accounted for in the model.
- ❑ The data provided by the Colorado Department of Corrections (DOC) accurately describe the number and characteristics of offenders committed to, released from, and retained in DOC facilities.
- ❑ Incarceration times and sentencing data provided by DOC are accurate.
- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming seven years, except in ways that are accounted for in the current year's projection model.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions provided by the Colorado Demographer's Office are accurate.

- ❑ District court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.

- ❑ No catastrophic event such as war, disease or economic collapse will occur during the projection period.

Colorado Adult Prison Population and Parole Caseload Projections

ADULT INMATE POPULATION FORECAST

Overall, the Colorado prison population is expected to increase by 20.5% between fiscal years 2018 and 2025, from an actual year-end inmate population of 20,136 to a projected population of 24,261. This rate of growth is substantially slower than that predicted at this time last year.

During FY 2019, the overall inmate population is projected to remain very stable, increasing by only 0.4%. However, strong growth is expected over the subsequent six years, averaging 3.2% per year. The number of men in prison is expected to increase 15.2%, from 18,125 to 20,886 (15.2%) by the end of FY 2025, while the number of women in prison is expected to increase dramatically, from 2,011 to 3,375 (67.8%) across the same time frame.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2018, and compares the current projections to the DCJ December 2017 and Summer 2018 projection figures. As shown, after decades of continuous growth, the population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013. However, this decline stabilized in the fourth quarter of FY 2013, and was followed by a period of growth across FY 2014 into early FY 2015. Once again, this trend reversed, with the population declining at an accelerating rate through March of 2016 when the population reached 19,550. This is the lowest figure observed since prior to January 2004. However, the population began increasing through the remainder of FY 2016 and throughout FY 2017. The population declined during the first quarter of FY 2018, followed by a pattern of growth throughout the remainder of the year. The population has remained somewhat stable to date in FY 2019 and is expected to continue this pattern throughout the year. Renewed growth is anticipated in FY 2020, continuing throughout the forecast horizon.

IN BRIEF:

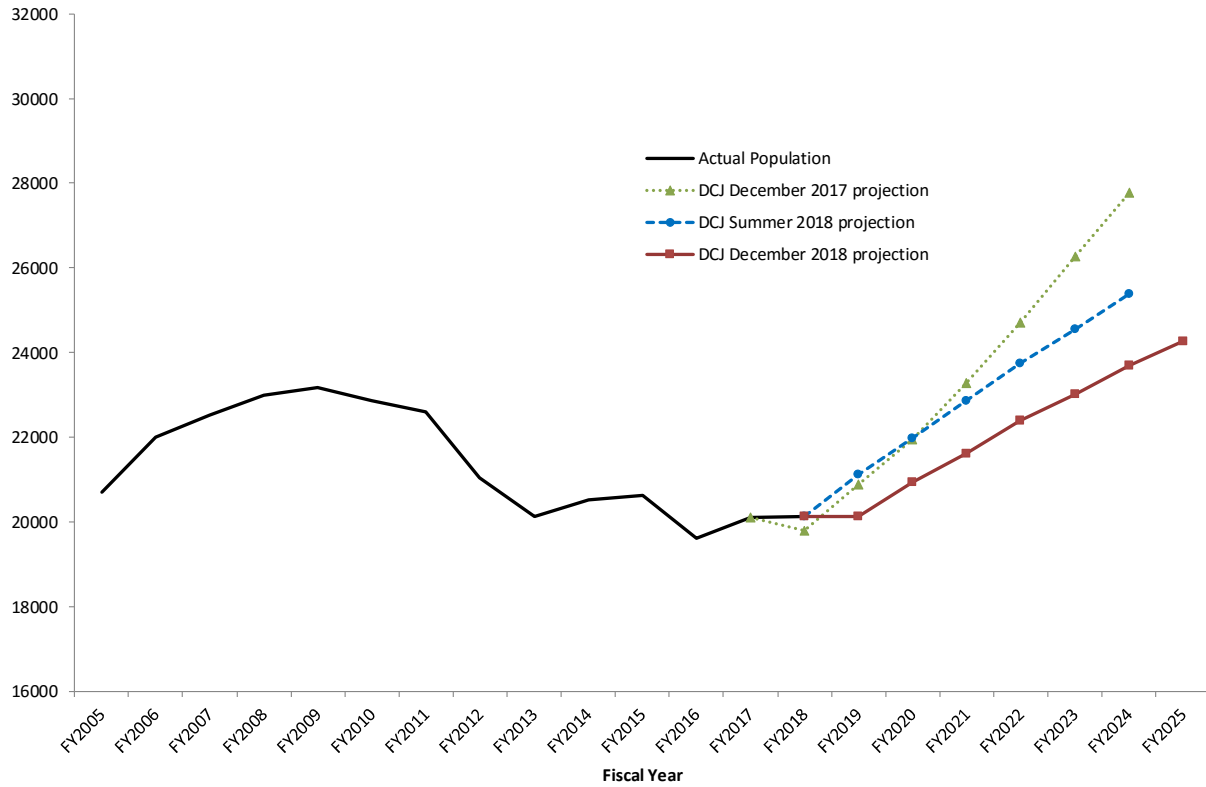
The number of adult inmates in Colorado is expected to increase very slightly, by 0.4%, across FY 2019, from 20,126 to 20,144 offenders by year-end. However, growth is expected to resume in the following years, such that the population is expected to increase 20.5% between fiscal years 2019 and 2025, to a total inmate population of 24,261.

This increase is particularly evident among female inmates. The number of women in prison is expected to increase 67.8% by the end of FY 2025, while the number of men in prison is expected to increase 15.2% during this timeframe.

The domestic parole caseload is expected to increase 3.3% in the upcoming year, from 8,752 to 9,039 parolees by the end of FY 2019. However, the number of parolees is expected to decrease to 8,648 by the end of FY 2020, followed by increases in each of the following five years. Overall, the caseload is expected to rise 14.1% between FY 2018 and FY 2025.

As shown in Figure 1, the total population is expected to remain very stable in the first year. In FY 2020 and beyond, the growth in the prison population accelerates, but at a slower rate than previously anticipated.

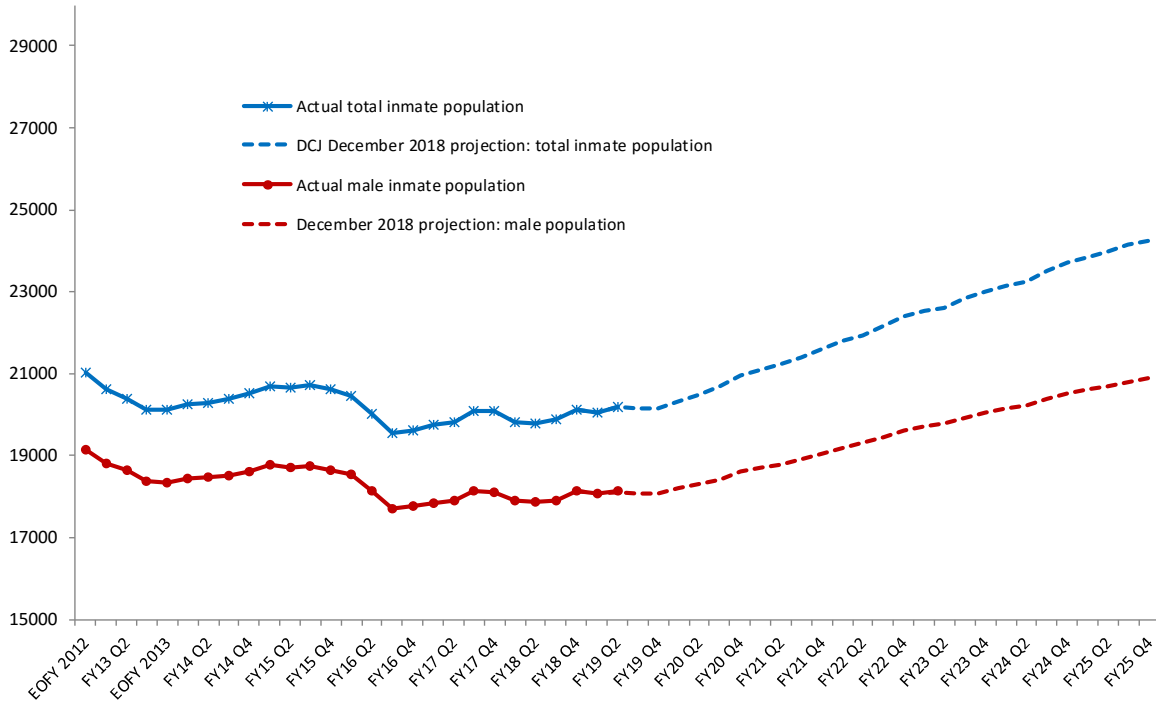
Figure 1: Actual and projected total prison population FY 2005 through FY 2025: Comparison of DCJ December 2017, Summer 2018 and December 2018 Prison Population Forecasts



Data source: Actual population figures FY 2005 through FY 2018: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

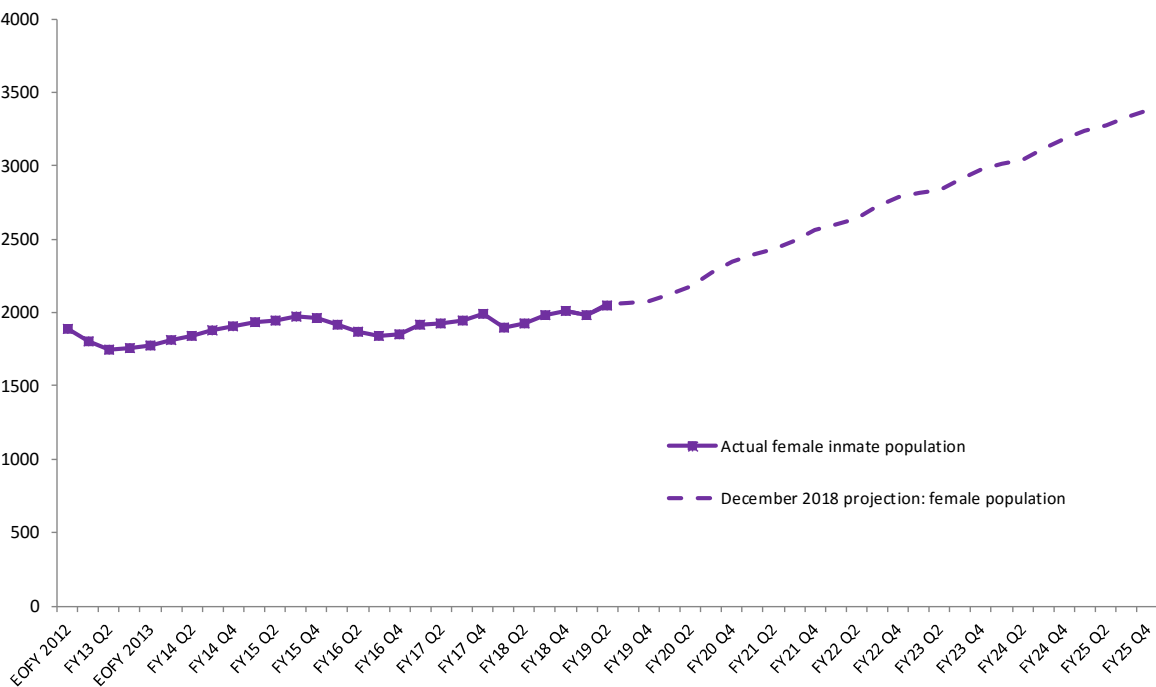
Figure 2, below, displays the quarterly total and male prison populations between the end of FY 2012 through the first half of FY 2019 (December, 2018), and the projected population at the end of each quarter through FY 2025. Figure 3 displays the actual and projected trends in the female inmate population over this same time frame.

Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2025



Data source: Actual population figures June 30, 2012 through December 31, 2018 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 3: Actual and projected quarterly female prison population FY 2012 through FY 2025



Data source: Actual population figures June 30, 2012 through December 31, 2018 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2018, as well as the projected population through the end of fiscal year 2025. Table 2 displays total and gender-specific projected growth in the prison population by quarter across fiscal years 2019 through 2025. Annual projected numbers of admissions by type are given in Table 3, followed by the projected number of releases in Table 4.

Historical and projected trends in admission types for fiscal years 2012 through 2025 are graphically displayed in Figure 4. Release trends for the same time frame can be found in Figures 5 and 6.

Table 1: DCJ December 2018 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2025

Fiscal Year End	Total Inmate Population		Male Population		Female Population	
	Count	Annual Growth	Count	Annual Growth	Count	Annual Growth
2005*	20,704	5.80%	18,631	4.59%	2,073	18.12%
2006*	22,012	6.32%	19,792	6.23%	2,220	7.09%
2007*	22,519	2.30%	20,178	1.95%	2,341	5.45%
2008*	22,989	2.09%	20,684	2.51%	2,305	-1.54%
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010*	22,860	-1.41%	20,766	-0.62%	2,094	-8.56%
2011*	22,610	-1.09%	20,512	-1.22%	2,098	0.19%
2012*	21,037	-6.96%	19,152	-6.63%	1,885	-10.15%
2013*	20,135	-4.29%	18,355	-4.16%	1,780	-5.57%
2014*	20,522	1.92%	18,619	1.44%	1,903	6.91%
2015*	20,623	0.49%	18,655	0.19%	1,968	3.42%
2016*	19,619	-4.87%	17,768	-4.75%	1,851	-5.95%
2017*	20,101	2.46%	18,108	1.91%	1,993	7.67%
2018*	20,136	0.17%	18,125	0.09%	2,011	0.90%
2019	20,144	0.04%	18,071	-0.30%	2,073	3.10%
2020	20,950	4.00%	18,603	2.95%	2,347	13.18%
2021	21,607	3.14%	19,048	2.39%	2,559	9.06%
2022	22,406	3.70%	19,617	2.99%	2,789	8.98%
2023	23,015	2.72%	20,037	2.14%	2,978	6.77%
2024	23,695	2.96%	20,513	2.38%	3,182	6.85%
2025	24,261	2.39%	20,886	1.82%	3,375	6.07%

*Actual population figures. Data sources: Colorado Department of Corrections Annual Statistical Reports and Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Table 2: DCJ December 2018 Quarterly Adult Prison Population Projections: June 2018 through June 2025

Fiscal Year	End of Month	Total Inmate Population		Male Population		Female Population	
		Count	Growth	Count	Growth	Count	Growth
2018	June 2018*	20,136	1.23%	18,125	1.18%	2,011	1.67%
2019	September 2018*	20,041	-0.47%	18,058	-0.37%	1,983	-1.39%
2019	December 2018	20,175	0.67%	18,117	0.33%	2,058	3.78%
2019	March 2019	20,140	-0.17%	18,074	-0.24%	2,066	0.40%
2019	June 2019	20,144	0.02%	18,071	-0.02%	2,073	0.35%
2020	September 2019	20,328	0.91%	18,203	0.73%	2,125	2.50%
2020	December 2019	20,484	0.77%	18,307	0.57%	2,177	2.45%
2020	March 2020	20,687	0.99%	18,417	0.60%	2,270	4.26%
2020	June 2020	20,950	1.27%	18,603	1.01%	2,347	3.37%
2021	September 2020	21,096	0.70%	18,703	0.54%	2,393	1.96%
2021	December 2020	21,213	0.56%	18,778	0.40%	2,436	1.81%
2021	March 2021	21,407	0.91%	18,920	0.76%	2,487	2.11%
2021	June 2021	21,607	0.93%	19,048	0.68%	2,559	2.90%
2022	September 2021	21,793	0.86%	19,188	0.74%	2,605	1.78%
2022	December 2021	21,945	0.70%	19,306	0.61%	2,639	1.30%
2022	March 2022	22,157	0.97%	19,433	0.66%	2,725	3.26%
2022	June 2022	22,406	1.12%	19,617	0.95%	2,789	2.36%
2023	September 2022	22,521	0.51%	19,702	0.43%	2,819	1.09%
2023	December 2022	22,615	0.42%	19,779	0.39%	2,836	0.59%
2023	March 2023	22,831	0.95%	19,917	0.70%	2,914	2.74%
2023	June 2023	23,015	0.81%	20,037	0.60%	2,978	2.20%
2024	September 2023	23,156	0.61%	20,139	0.51%	3,017	1.31%
2024	December 2023	23,256	0.43%	20,216	0.38%	3,040	0.76%
2024	March 2024	23,503	1.06%	20,385	0.84%	3,118	2.57%
2024	June 2024	23,695	0.82%	20,513	0.63%	3,182	2.05%
2025	September 2024	23,851	0.66%	20,614	0.49%	3,237	1.73%
2025	December 2024	23,972	0.51%	20,698	0.41%	3,274	1.14%
2025	March 2025	24,133	0.67%	20,803	0.51%	3,330	1.71%
2025	June 2025	24,261	0.53%	20,886	0.40%	3,375	1.35%

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

Table 3: DCJ December 2018 Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2025

Fiscal Year End	Prison Admissions				Total Admissions
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	
2005*	5,789	835	2,649	160	9,433
2006*	6,149	1,034	2,792	193	10,168
2007*	6,380	1,014	3,047	188	10,629
2008*	6,296	1,221	3,353	168	11,038
2009*	5,922	1,131	3,776	163	10,992
2010*	5,345	1,039	4,164	156	10,704
2011*	5,153	962	3,678	142	9,935
2012*	4,926	813	3,248	129	9,116
2013*	5,144	815	3,558	103	9,620
2014*	5,235	877	4,054	103	10,269
2015*	5,248	808	3,614	86	9,756
2016*	5,100	804	2,837	62	8,803
2017*	5,698	930	2,455	66	9,149
2018*	6,172	1,072	2,660	68	9,972
2019	6,396	1,069	2,521	77	10,062
2020	6,593	1,101	2,536	79	10,309
2021	6,775	1,132	2,424	81	10,412
2022	6,967	1,164	2,503	83	10,717
2023	7,160	1,196	2,547	86	10,989
2024	7,357	1,230	2,667	88	11,342
2025	7,546	1,261	2,731	90	11,628

*Actual prison admission figures. Data source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Table 4: DCJ December 2018 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2025

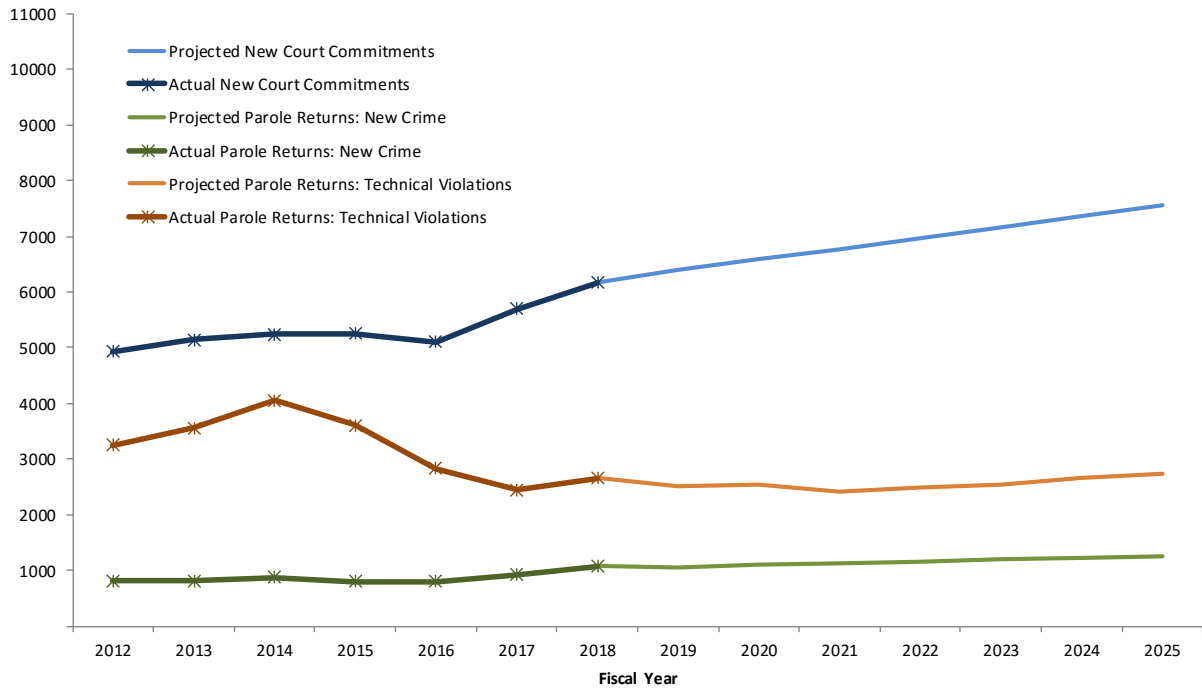
Fiscal Year End	Releases to Parole			Sentence Discharge	Other ²	Total Discharges
	Mandatory	Discretionary ¹	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	1,452	315	10,803
2010*	6,466	2,868	9,334	1,415	284	11,033
2011*	6,413	2,095	8,508	1,427	225	10,160
2012*	5,584	3,607	9,191	1,284	183	10,658
2013*	5,140	3,806	8,946	1,397	163	10,506
2014*	5,020	3,220	8,240	1,510	162	9,912
2015*	5,278	2,658	7,936	1,577	146	9,659
2016*	5,228	3,084	8,312	1,361	168	9,841
2017*	4,793	2,557	7,350	1,191	146	8,687
2018*	5,333	3,436	8,769	1,052	123	9,944
2019	5,139	3,681	8,820	1,103	141	10,064
2020	5,047	3,380	8,427	969	120	9,516
2021	5,135	3,566	8,701	933	126	9,761
2022	5,217	3,639	8,855	945	129	9,929
2023	5,445	3,829	9,274	970	135	10,380
2024	5,589	3,905	9,494	1,004	139	10,637
2025	5,794	4,070	9,864	1,035	144	11,043

1. Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase in discretionary releases between 2005 and 2008, and the decrease between 2008 and 2010 is an artifact of this change in coding.

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

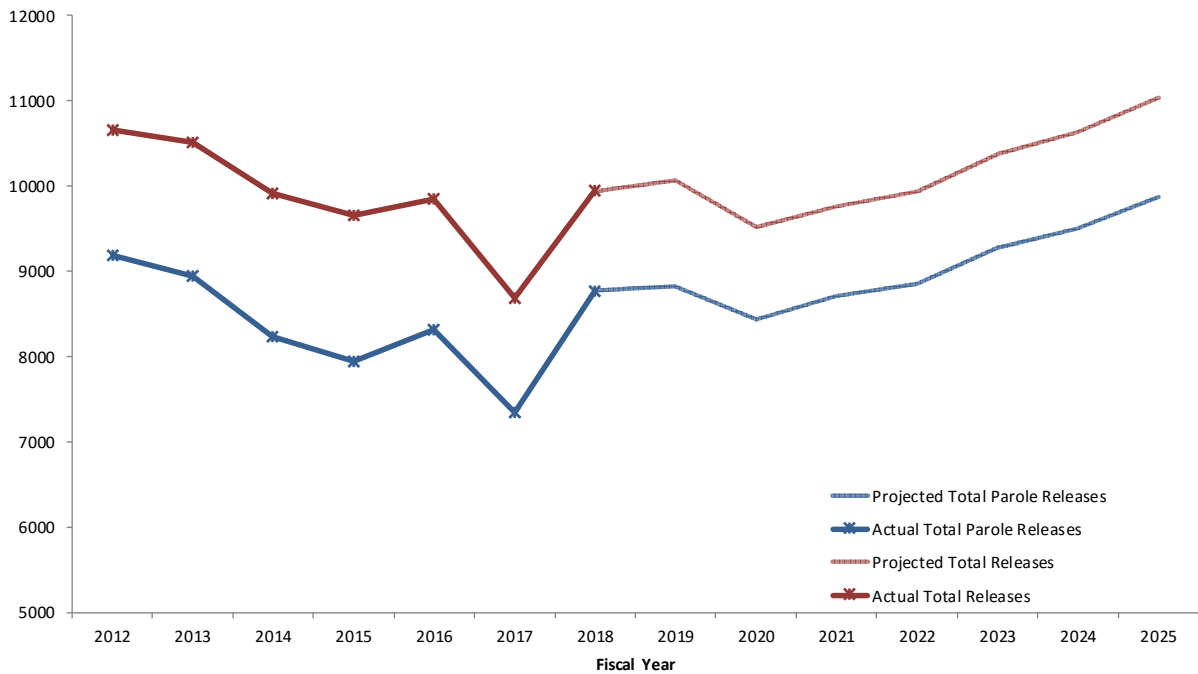
*Actual prison discharge figures. Data Source: Colorado Department of Corrections Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Figure 4: Colorado prison admissions by type: Actual and projected FY 2012 through FY 2025



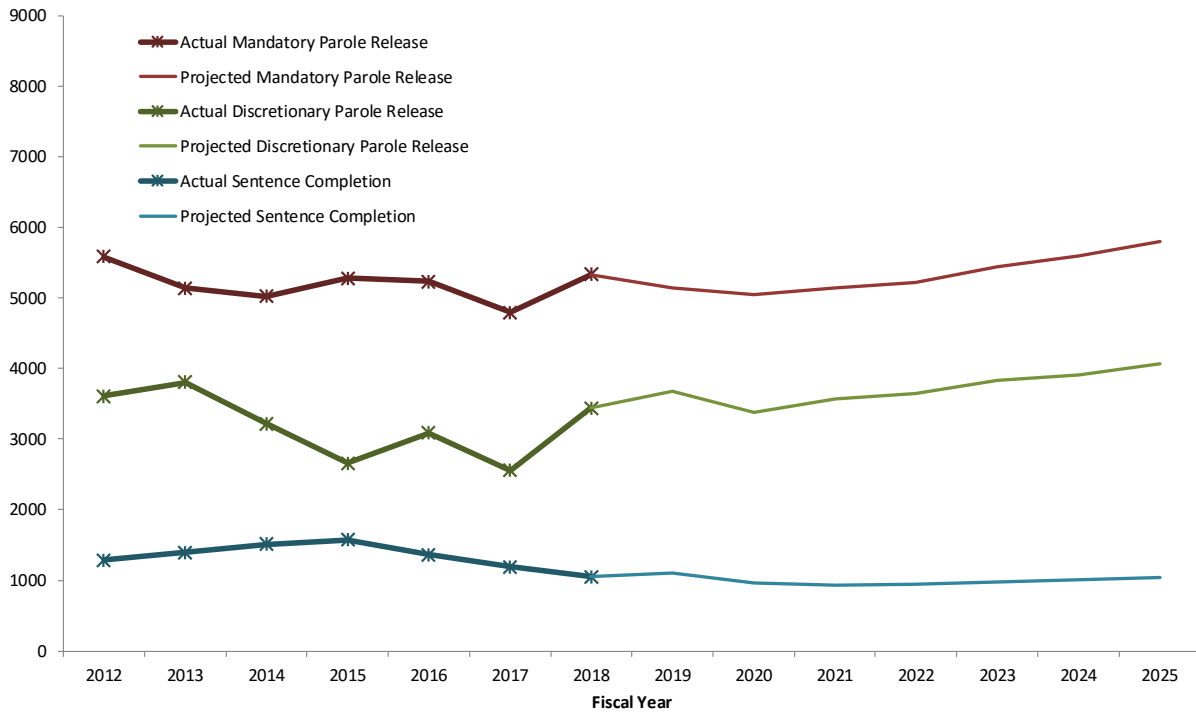
Data source: Actual prison admission figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

Figure 5: Colorado prison releases: Actual and projected FY 2012 through FY 2025



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

Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2025



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

FACTORS INFLUENCING THE DCJ DECEMBER 2018 PRISON POPULATION FORECAST

At the time of the July 2018 interim forecast, projections were adjusted upward in response to the actual growth, and increasing rate of growth, observed in the last half of FY 2018. However, the rate of growth in future years was significantly moderated from that expected for the December 2017 forecast based on early indicators. More data related to these and additional indicators are now available, resulting in further moderation of expected prison population growth (see Figure 1).

Current year

- The population remained very stable between in July and mid-August, 2018. Subsequently, a fall of approximately 100 inmates during the 10 days between the 20th and the 30th of August 2018 was observed, coinciding with the appointments of new board positions. Additionally, the Board had a full board week during which over 200 cases were reviewed.
- In September, growth resumed until the last few days of the month. At this point, the population fell by 154 inmates over 4 days, attributable to a sharp drop in admits during that week - admissions of all types dropped 17.6% in September, coinciding with the need to move offenders from jail backlog thereby hindering with the ability of DRDC to process other intakes.
- Over the following 6 weeks the population increased throughout October through mid-November, then fell by 161 inmates between the 16th and the 29th. The majority of this was in the final week, with a fall of 100 inmates between the 26th and the 29th. This may have been due to the occurrence of 3 holidays during November, as admissions typically fall during the holiday season.

Negative growth is expected through January and February of 2019, due to the short-lived effect of increases in mandatory re-paroles due to HB 17-1326, which limits the amount of time certain inmates can be returned to prison for parole violations. It is also possible that HB 18-1410, which may result in earlier releases to parole for a proportion of inmates, will contribute to a decline in the population. Moderate growth is expected to resume in March.

Fiscal years 2020 through 2025

In the longer term, expected growth has been moderated from that expected at the time of the DCJ Winter 2017 prison population forecasts, due to a multitude of factors. These include:

- **Patterns of new commitments**
Current new commitments are highly correlated with historical patterns of criminal court filings. Filings have increased every year since FY 2013, most dramatically in FY 2016 and FY 2017. However, this growth rate slowed to 4.8% in FY 2018. Most relevantly, the recent increases in filings have been concentrated on lower-level felonies, carrying lesser penalties and resulting in shorter prison sentences. These patterns are reflected in current new court commitments, and are expected to become more apparent in upcoming years.

- **Parole Board Actions**

As stated above, new board positions were made official on August 20, 2018. Inadequate data are available at this point to determine whether the pattern of releases observed shortly after these appointments will continue in the future. However, it is anticipated that discretionary releases will continue at a higher level than observed in prior years, partially due to HB 18-1410.

In the wake of HB 18-1410, the Board has made an effort to identify more potential releases of inmates who are within 90 days of their mandatory release date, shifting them from a mandatory to a discretionary release.

Additionally, the Board expects greater adherence to the Parole Board Release Guidelines and CARAS release recommendations than has occurred in the past. Upcoming revisions to both the CARAS and the PBRGI, expected to be implemented in FY 2020, are expected to further increase adherence to recommendations, resulting in more discretionary parole releases.

- **Releases**

There was a 14.5% increase in releases in FY2018 over the prior year, which was most evident among discretionary parole releases which increased by 34.4%. Even excluding the spike of releases which occurred in August (as discussed above), such releases have trended upward over the past six months.

This rate of increase in releases is not sustainable, given the slow growth in admissions and in the size of the inmate population observed in FY 2018 and expected in FY 2019. Additionally, the pool of inmates eligible for discretionary release will likely be somewhat depleted. Therefore, releases are expected to decline in late FY 2019 and FY 2020, resulting in greater growth in the inmate population in fiscal years 2020 and beyond.

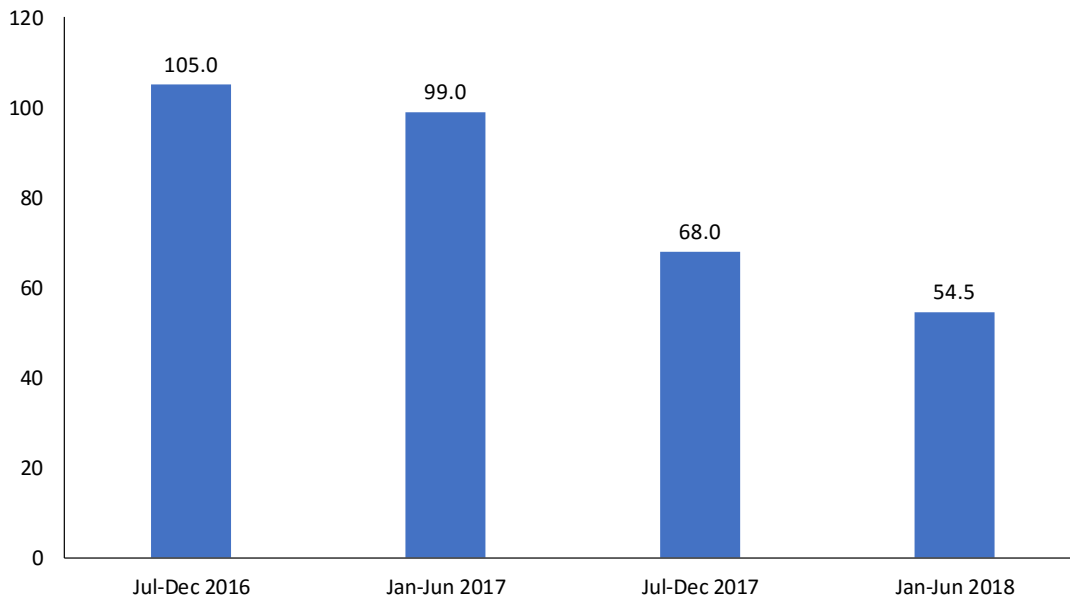
- **Technical Violation Parole Revocations**

In FY2018, over 2,600 people returned to prison due to a technical parole violation, an 8% increase over FY2017. However, the number of such admissions in the most recent 6 months is almost identical to those in the same time frame last year (June through November).

The rate of growth assumed in the DCJ summer 2018 interim projections was significantly moderated from that given in the DCJ Winter 2017 projections, partially based on the assumption that the impact of HB 17-1326 had been overestimated. However, it is possible that the observable impact of this legislation was delayed. The stabilization of the increasing number of technical returns may be due in part to an increase in Parole Board recommendations of intermediate sanctions in lieu of the 30-day revocation period.

Additionally, the amount of time parolees revoked on technical violations spend re-incarcerated has trended significantly downward throughout FY 2017 and FY 2018, becoming most apparent in FY 2018 (see Figure 7 below). The median number of days spent in prison post-revocation fell 38.2% from FY 2017 to FY 2018.

Figure 7: Median days incarcerated due to a technical parole revocation



Women in prison

Very strong growth in the female prison population is expected throughout the forecast horizon. The slow growth rate of 0.9% observed in FY 2018 is attributable to a sharp decline observed during the first quarter of the year: the number of women in prison fell by 5.3% in August and September alone. This decline was partially an artifact of the re-classification of offenders in community corrections facilities on revocation status to parole, in response to the requirements of HB 17-1326. This reallocation affected women inmates to a greater degree than men.

The female population rebounded with strong growth, increasing 6.2% over the next nine months. The 3.1% growth expected across FY 2019 is due to the moderating impact of the increase in parole releases during August, which also appears to have affected the female population to a greater degree than the male.

The increases expected during FY 2020 and beyond are based primarily on the expected decline in releases discussed above. Releases among women increased 23.8% in FY 2018, and are expected to increase further in early FY 2019, followed by a sharp reduction in late FY 2019 and throughout FY 2020.

A secondary factor contributing to the expected increase in incarcerated women is the increase in criminal filings discussed previously. While the rate of increase in filings has slowed, women are comprising an increasing proportion of these filings, at 24.4% in FY 2018.

The proportion of new court commitments made up of women reached an unprecedented high of 16.4% in FY 2018, and has increased further to 17.3% in the first half of FY 2019. Overall, 15.7% of all prison admissions are women, and the proportion of the inmate population made up of women has consistently exceeded 10.0%, which has not been observed since 2008.

ADULT PAROLE CASELOAD FORECAST

The two components used when forecasting future parole caseloads are the number of releases to parole and the length of stay on parole. These may vary according to a number of factors, such as individual offender characteristics, legislation, parole board policies, community resources and parole success or failure rates.

Table 5 displays the DCJ projections for the total domestic parole caseload through the end of FY 2025, while Figure 8 displays the year-end caseloads for fiscal years 2012 through 2018, and the projected year-end caseloads for fiscal years 2019 through 2025.

While the caseload remained very stable throughout FY 2017, significant growth occurred throughout FY 2018, during which the caseload grew by 5.6%. Much of this growth was attributable to mandatory re-paroles which occurred in response to HB 17-1326. Additionally, this legislation removed the Department's authority to operate community return-to-custody facilities, requiring the re-assignment of a number of inmates in community corrections facilities to parole status.

In the upcoming year, the caseload is expected to continue to increase in conjunction with increasing parole releases and the quick re-release of certain offenders revoked on technical violations in the wake of HB 17-1326. With greater restrictions on the amount of time spent incarcerated as the result of a revocation, more of these parolees will return to the caseload rather than discharging their parole as inmates.

Additionally, the influx of new court commitments in FY 2017 and FY 2018 will begin to be released to parole, exerting upward pressure on the caseload. Finally, HB 15-1043 created a class of felony-level DUI offenders who are expected to appear among prison admissions in increasing numbers. With an expected length of stay of 2.5 years, these individuals will begin to be paroled beginning in late FY 2019, additionally driving the caseload up.

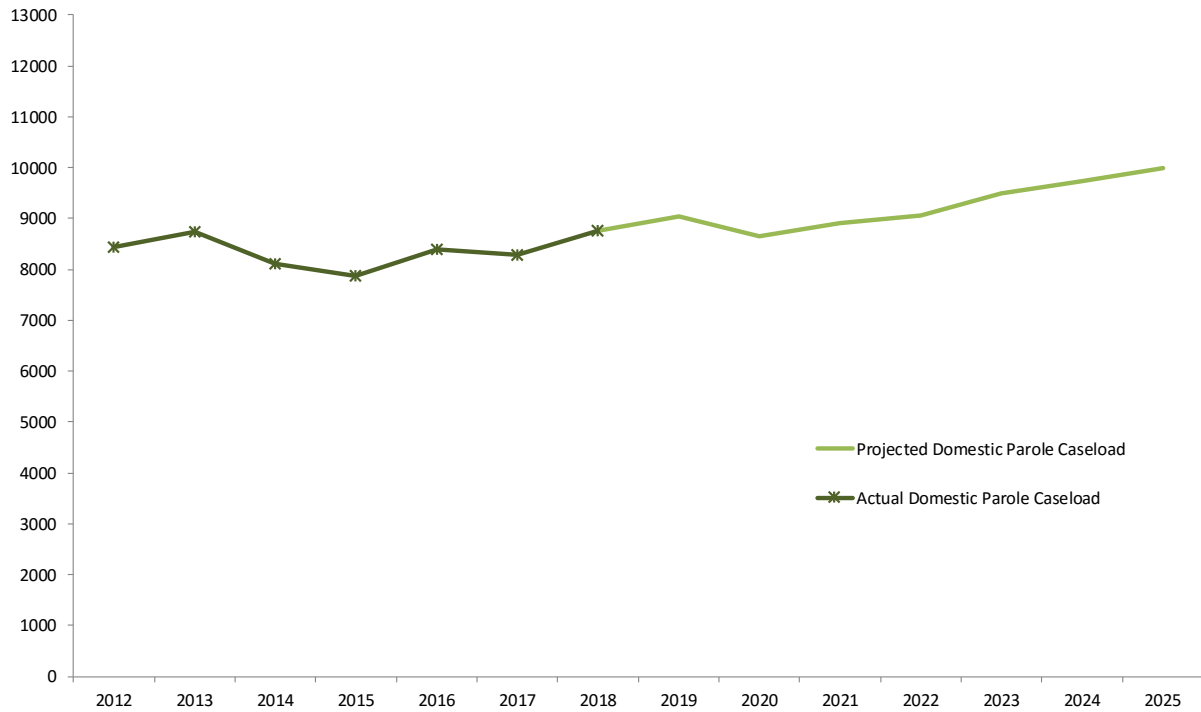
A reduction in the caseload is expected in FY 2020, primarily due to the anticipated decline in overall releases from prison. Growth is expected to return in FY 2021, continuing throughout the forecast horizon.

Table 5: DCJ December 2018 adult domestic parole caseload projection FY 2018 through FY 2025

Fiscal Year End	Domestic Parole Caseload	Annual Growth
2018*	8,752	5.62%
2019	9,039	3.28%
2020	8,648	-4.33%
2021	8,912	3.05%
2022	9,073	1.80%
2023	9,495	4.66%
2024	9,726	2.43%
2025	9,983	2.64%

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

Figure 8: Historical and projected end of fiscal year total parole caseloads FY 2012 through FY 2025



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

Length of Stay Estimates for FY 2018

Prison and Parole Admissions

Tables 6 through 12 below display the estimated average length of stay (ALOS) for admissions to prison during FY 2018. Parole returns due to technical parole violations are excluded. These figures are broken out by crime category and felony class, with separate tables provided for new court commitments and for parole returns with a new crime, by gender, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 13 and 14.

The average time that these new admissions are expected to remain in prison is estimated using data provided by the Department of Corrections regarding conviction crimes and sentence length, in combination with data concerning time actually served for inmates released during the same year.

A series of new drug categories were introduced to these tables in 2015, to include admissions sentenced under Senate Bill 13-250 which created a new series of drug felony (DF) levels. These do not correspond to the felony classes of other crime types, nor of drug crimes committed prior to October 1, 2013. Therefore, these crime categories are presented separately, under the offense categories of drug felony (DF) levels 1 through 4, and extraordinary risk drug felony (Ext DF) levels 1 through 4.

An additional change from prior years is the presentation of the category totals. All totals are presented both including and excluding inmates sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998, as well as those subject to habitual offender sentence enhancers.

Estimates for the length of stay on parole are also included, and are presented in Table 15. These figures include only new admissions to parole, and exclude any parolees who have previously had their parole revoked for either new crimes or for technical violations.

Please note the estimates provided regarding length of stay on parole for the Sex Offender Act category must be viewed with caution. The parole term for those convicted of a class 4 felony subject to the Sex Offender Lifetime Supervision Act is a minimum of 10 years up to the remainder of the offender's life. For those convicted of class 2 or 3 felonies, the parole term is 20 years to life.

Of the 678 lifetime sex offenders on parole at the end of FY 2018, over 90% have been paroled only in the past 7 years. Eighty percent have been paroled only in the past 5 years. Since the inception of the Lifetime Supervision Act in 1998, only two have been approved for early discharge from parole. The pool of parolees eligible for discharge will remain very small for many years to come.

These factors significantly impede the ability to make a factual approximation of how long these offenders will remain on parole. The length of stay estimate provided was calculated assuming 100% of statutory minimums (based on felony class) will be served. It is probable this percentage will be larger, but to what degree is impossible to estimate at this time.

Table 6: Estimated average length of stay for FY 2018 new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	40	0.56%	2.70
F2 Ext ³	178.13	98	1.38%	2.45
F2 Sex ⁴	-	0	0.00%	0.00
F2 Other ⁵	69.06	26	0.37%	0.25
Total Felony 2 ⁶	155.26	124	1.78%	2.77
F3 Ext	95.26	290	4.08%	3.88
F3 Sex	78.90	39	0.55%	0.43
F3 Other	46.71	152	2.14%	1.00
Total Felony 3 ⁷	78.59	481	6.92%	5.44
F4 Ext	38.54	700	9.84%	3.79
F4 Sex	25.03	38	0.53%	0.13
F4 Other	21.88	1052	14.79%	3.24
Total Felony 4 ⁸	28.63	1757	25.28%	7.24
F5 Ext	14.70	379	5.33%	0.78
F5 Sex	18.72	132	1.86%	0.35
F5 Other	12.88	1338	18.81%	2.42
Total Felony 5 ⁹	13.78	1882	27.08%	3.73
F6 Ext	8.90	171	2.40%	0.21
F6 Sex	8.61	44	0.62%	0.05
F6 Other	6.86	590	8.30%	0.57
Total Felony 6 ¹⁰	7.39	805	11.58%	0.86
Drug Felony (DF) Level 1 ^{11,12}	60.25	19	0.27%	0.16
DF Level 2 ¹²	34.12	13	0.18%	0.06
DF Level 3 ¹²	14.25	30	0.42%	0.06
DF Level 4	4.81	399	5.61%	0.27
Ext DF Level 1 ^{12,13}	98.23	45	0.63%	0.62
Ext DF Level 2	42.70	199	2.80%	1.19
Ext DF Level 3	20.56	177	2.49%	0.51
Ext DF Level 4	8.34	22	0.31%	0.03
Total Drug Felony ¹⁴	22.87	904	13.01%	2.98
Total excluding Habitual and Sex Offender Act categories	29.89	5993	86.23%	25.77
Habitual ¹⁵	144.60	40	0.56%	0.81
Sex Offender Act ¹⁶	244.31	110	1.55%	3.78
Total including Habitual and Sex Offender Act categories	34.47	6143	86.38%	29.78

Note: Refer to the footnotes following Table 14.

Table 7: Estimated average length of stay for FY 2018 male new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	40	0.56%	2.70
F2 Ext ³	179.40	93	1.31%	2.35
F2 Sex ⁴	-	0	0.00%	0.00
F2 Other ⁵	70.43	23	0.32%	0.23
Total Felony 2⁶	157.79	116	1.67%	2.63
F3 Ext	97.06	256	3.60%	3.49
F3 Sex	79.84	38	0.53%	0.43
F3 Other	47.40	135	1.90%	0.90
Total Felony 3⁷	79.91	429	6.17%	4.93
F4 Ext	40.41	608	8.55%	3.45
F4 Sex	25.05	37	0.52%	0.13
F4 Other	22.69	821	11.54%	2.62
Total Felony 4⁸	30.33	1434	20.63%	6.26
F5 Ext	15.47	295	4.15%	0.64
F5 Sex	18.70	128	1.80%	0.34
F5 Other	13.04	1125	15.82%	2.06
Total Felony 5⁹	14.09	1580	22.73%	3.20
F6 Ext	8.89	158	2.22%	0.20
F6 Sex	8.61	44	0.62%	0.05
F6 Other	6.99	468	6.58%	0.46
Total Felony 6¹⁰	7.54	670	9.64%	0.73
Drug Felony (DF) Level 1 ^{11,12}	63.87	17	0.24%	0.15
DF Level 2 ¹²	34.12	13	0.18%	0.06
DF Level 3 ¹²	14.46	27	0.38%	0.05
DF Level 4	4.96	300	4.22%	0.21
Ext DF Level 1 ^{12,13}	99.17	40	0.56%	0.56
Ext DF Level 2	43.49	166	2.33%	1.01
Ext DF Level 3	21.20	139	1.95%	0.41
Ext DF Level 4	9.27	17	0.24%	0.02
Total Drug Felony¹⁴	24.62	719	10.35%	2.55
Total excluding Habitual and Sex Offender Act categories	32.14	4988	71.77%	23.06
Habitual ¹⁵	146.94	39	0.55%	0.81
Sex Offender Act ¹⁶	245.79	109	1.53%	3.77
Total including Habitual and Sex Offender Act categories	37.54	5136	72.22%	27.11

Note: Refer to the footnotes following Table 14.

Table 8: Estimated average length of stay for FY 2018 female new commitments¹

Offense category	Average length of stay (months)	Number of new commitments ²	Percent of all new commitments	Average length of stay effect (months)
Felony 1	-	0	0.00%	0.00
F2 Ext ³	154.61	5	0.07%	0.11
F2 Sex ⁴	-	0	0.00%	0.00
F2 Other ⁵	58.52	3	0.04%	0.02
Total Felony 2⁶	118.58	8	0.12%	0.14
F3 Ext	81.76	34	0.48%	0.39
F3 Sex	43.20	1	0.01%	0.01
F3 Other	41.18	17	0.24%	0.10
Total Felony 3⁷	67.75	52	0.75%	0.51
F4 Ext	26.14	92	1.29%	0.34
F4 Sex	24.47	1	0.01%	0.00
F4 Other	19.01	231	3.25%	0.62
Total Felony 4⁸	21.06	323	4.65%	0.98
F5 Ext	11.98	84	1.18%	0.14
F5 Sex	19.44	4	0.06%	0.01
F5 Other	12.07	213	2.99%	0.36
Total Felony 5⁹	12.16	302	4.35%	0.53
F6 Ext	9.05	13	0.18%	0.02
F6 Sex	-	0	0.00%	0.00
F6 Other	6.38	122	1.72%	0.11
Total Felony 6¹⁰	6.64	135	1.94%	0.13
Drug Felony (DF) Level 1 ^{11,12}	29.52	2	0.03%	0.01
DF Level 2 ¹²	-	0	0.00%	0.00
DF Level 3 ¹²	12.32	3	0.04%	0.01
DF Level 4	4.36	99	1.39%	0.06
Ext DF Level 1 ^{12,13}	90.73	5	0.07%	0.06
Ext DF Level 2	38.74	33	0.46%	0.18
Ext DF Level 3	18.22	38	0.53%	0.10
Ext DF Level 4	5.19	5	0.07%	0.00
Total Drug Felony¹⁴	16.10	185	2.66%	0.43
Total excluding Habitual and Sex Offender Act categories	18.73	1005	14.46%	2.71
Habitual ¹⁵	53.00	1	0.01%	0.01
Sex Offender Act ¹⁶	82.87	1	0.01%	0.01
Total including Habitual and Sex Offender Act categories	18.82	1007	14.16%	2.67

Note: Refer to the footnotes following Table 14.

Table 9: Estimated average length of stay for FY 2018 parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	4	0.06%	0.27
F2 Ext ³	174.30	4	0.06%	0.10
F2 Sex ⁴	278.40	1	0.01%	0.04
F2 Other ⁵	47.78	3	0.04%	0.02
Total Felony 2 ⁶	139.87	8	0.12%	0.16
F3 Ext	52.55	122	1.72%	0.90
F3 Sex	140.60	3	0.04%	0.06
F3 Other	47.53	66	0.93%	0.44
Total Felony 3 ⁷	52.20	191	2.75%	1.43
F4 Ext	35.89	174	2.45%	0.88
F4 Sex	47.40	5	0.07%	0.03
F4 Other	32.27	213	2.99%	0.97
Total Felony 4 ⁸	34.07	391	5.63%	1.92
F5 Ext	13.81	119	1.67%	0.23
F5 Sex	19.35	16	0.22%	0.04
F5 Other	19.79	139	1.95%	0.39
Total Felony 5 ⁹	17.22	275	3.96%	0.68
F6 Ext	15.60	12	0.17%	0.03
F6 Sex	12.08	6	0.08%	0.01
F6 Other	10.15	29	0.41%	0.04
Total Felony 6 ¹⁰	11.79	47	0.68%	0.08
Drug Felony (DF) Level 1 ^{11,12}	82.32	2	0.03%	0.02
DF Level 2 ¹²	-	0	0.00%	0.00
DF Level 3 ¹²	-	0	0.00%	0.00
DF Level 4	7.12	17	0.24%	0.02
Ext DF Level 1 ^{12,13}	157.38	2	0.03%	0.04
Ext DF Level 2	39.92	12	0.17%	0.07
Ext DF Level 3	22.25	8	0.11%	0.03
Ext DF Level 4	-	0	0.00%	0.00
Total Drug Felony ¹⁴	30.67	41	0.59%	0.18
Total excluding Habitual and Sex Offender Act categories	34.36	957	13.77%	4.73
Habitual ¹⁵	186.72	5	0.07%	0.13
Sex Offender Act ¹⁶	107.13	7	0.10%	0.11
Total including Habitual and Sex Offender Act categories	35.67	969	13.62%	4.86

Note: Refer to the footnotes following Table 14.

Table 10: Estimated average length of stay for FY 2018 male parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	4	0.06%	0.27
F2 Ext ³	174.30	4	0.06%	0.10
F2 Sex ⁴	278.40	1	0.01%	0.04
F2 Other ⁵	47.78	3	0.04%	0.02
Total Felony 2 ⁶	139.87	8	0.12%	0.16
F3 Ext	54.44	109	1.53%	0.83
F3 Sex	140.60	3	0.04%	0.06
F3 Other	48.65	61	0.86%	0.42
Total Felony 3 ⁷	53.90	173	2.49%	1.34
F4 Ext	38.15	148	2.08%	0.79
F4 Sex	47.40	5	0.07%	0.03
F4 Other	33.83	178	2.50%	0.85
Total Felony 4 ⁸	35.98	330	4.75%	1.71
F5 Ext	14.30	101	1.42%	0.20
F5 Sex	19.35	16	0.22%	0.04
F5 Other	20.08	128	1.80%	0.36
Total Felony 5 ⁹	17.71	246	3.54%	0.63
F6 Ext	15.59	10	0.14%	0.02
F6 Sex	12.08	6	0.08%	0.01
F6 Other	10.36	23	0.32%	0.03
Total Felony 6 ¹⁰	11.97	39	0.56%	0.07
Drug Felony (DF) Level 1 ^{11,12}	82.32	2	0.03%	0.02
DF Level 2 ¹²	-	0	0.00%	0.00
DF Level 3 ¹²	-	0	0.00%	0.00
DF Level 4	7.12	17	0.24%	0.02
Ext DF Level 1 ^{12,13}	157.38	2	0.03%	0.04
Ext DF Level 2	37.88	11	0.15%	0.06
Ext DF Level 3	22.25	8	0.11%	0.03
Ext DF Level 4	-	0	0.00%	0.00
Total Drug Felony ¹⁴	29.88	40	0.58%	0.17
Total excluding Habitual and Sex Offender Act categories	36.02	840	12.09%	4.35
Habitual ¹⁵	186.72	5	0.07%	0.13
Sex Offender Act ¹⁶	107.13	7	0.10%	0.11
Total including Habitual and Sex Offender Act categories	37.48	852	11.98%	4.49

Note: Refer to the footnotes following Table 14.

Table 11: Estimated average length of stay for FY 2018 female parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of new crime returns ²	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	-	0	0.00%	0.00
F2 Ext ³	-	0	0.00%	0.00
F2 Sex ⁴	-	0	0.00%	0.00
F2 Other ⁵	-	0	0.00%	0.00
Total Felony 2 ⁶	-	0	0.00%	0.00
F3 Ext	36.67	13	0.18%	0.07
F3 Sex	-	0	0.00%	0.00
F3 Other	33.85	5	0.07%	0.02
Total Felony 3 ⁷	35.89	18	0.26%	0.09
F4 Ext	23.02	26	0.37%	0.08
F4 Sex	-	0	0.00%	0.00
F4 Other	24.31	35	0.49%	0.12
Total Felony 4 ⁸	23.76	61	0.88%	0.21
F5 Ext	11.09	18	0.25%	0.03
F5 Sex	-	0	0.00%	0.00
F5 Other	16.41	11	0.15%	0.03
Total Felony 5 ⁹	13.11	29	0.42%	0.05
F6 Ext	15.65	2	0.03%	0.00
F6 Sex	-	0	0.00%	0.00
F6 Other	9.36	6	0.08%	0.01
Total Felony 6 ¹⁰	10.93	8	0.12%	0.01
Drug Felony (DF) Level 1 ^{11,12}	-	0	0.00%	0.00
DF Level 2 ¹²	-	0	0.00%	0.00
DF Level 3 ¹²	-	0	0.00%	0.00
DF Level 4	-	0	0.00%	0.00
Ext DF Level 1 ^{12,13}	-	0	0.00%	0.00
Ext DF Level 2	62.40	1	0.01%	0.01
Ext DF Level 3	-	0	0.00%	0.00
Ext DF Level 4	-	0	0.00%	0.00
Total Drug Felony ¹⁴	62.40	1	0.01%	0.01
Total excluding Habitual and Sex Offender Act categories	22.44	117	1.68%	0.38
Habitual ¹⁵	-	0	0.00%	0.00
Sex Offender Act ¹⁶	-	0	0.00%	0.00
Total including Habitual and Sex Offender Act categories	22.44	117	1.65%	0.37

Note: Refer to the footnotes following Table 14.

Table 12: Estimated average length of stay for FY 2018 combined new court commitments and parole returns with a new crime¹

Offense category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Felony 1	480.00	44	0.62%	2.97
F2 Ext ³	177.98	102	1.43%	2.55
F2 Sex ⁴	278.40	1	0.01%	0.04
F2 Other ⁵	66.86	29	0.41%	0.27
Total Felony 2⁶	154.33	132	1.90%	2.93
F3 Ext	82.62	412	5.79%	4.79
F3 Sex	83.30	42	0.59%	0.49
F3 Other	46.96	218	3.07%	1.44
Total Felony 3⁷	71.09	672	9.67%	6.87
F4 Ext	38.01	874	12.29%	4.67
F4 Sex	27.63	43	0.60%	0.17
F4 Other	23.63	1265	17.79%	4.20
Total Felony 4⁸	29.62	2148	30.91%	9.15
F5 Ext	14.49	498	7.00%	1.01
F5 Sex	18.79	148	2.08%	0.39
F5 Other	13.53	1477	20.77%	2.81
Total Felony 5⁹	14.22	2157	31.04%	4.41
F6 Ext	9.34	183	2.57%	0.24
F6 Sex	9.02	50	0.70%	0.06
F6 Other	7.02	619	8.70%	0.61
Total Felony 6¹⁰	7.63	852	12.26%	0.94
Drug Felony (DF) Level 1 ^{11,12}	62.35	21	0.30%	0.18
DF Level 2 ¹²	34.12	13	0.18%	0.06
DF Level 3 ¹²	14.25	30	0.42%	0.06
DF Level 4	4.91	416	5.85%	0.29
Ext DF Level 1 ^{12,13}	100.74	47	0.66%	0.67
Ext DF Level 2	42.54	211	2.97%	1.26
Ext DF Level 3	20.63	185	2.60%	0.54
Ext DF Level 4	8.34	22	0.31%	0.03
Total Drug Felony¹⁴	23.21	945	13.60%	3.16
Total excluding Habitual and Sex Offender Act categories	30.50	6950	100.00%	30.50
Habitual ¹⁵	149.28	45	0.63%	0.94
Sex Offender Act ¹⁶	236.10	117	1.65%	3.88
Total including Habitual and Sex Offender Act categories	34.64	7112	100.00%	34.64

Note: Refer to the footnotes following Table 14.

Table 13: Estimated average length of stay for FY 2018 prison admissions, category totals *excluding* habitual and sex offender act convictions*

Admission category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	29.89	5993	86.23%	25.77
Total Parole Returns	34.36	957	13.77%	4.73
Total Male Admissions	32.69	5828	83.86%	27.42
Total Female Admissions	19.11	1122	16.14%	3.09
Grand Total	30.50	6950	100%	30.50

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

Note: Refer to the footnotes on the following page.

Table 14: Estimated average length of stay for FY 2018 prison admissions, category totals *including* habitual and sex offender act convictions*

Admission category	Average length of stay (months)	Number of commitments ²	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	34.47	6143	86.38%	29.78
Total Parole Returns	35.67	969	13.62%	4.86
Total Male Admissions	37.53	5988	84.20%	31.60
Total Female Admissions	19.20	1124	15.80%	3.03
Grand Total	34.64	7112	100%	34.64

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

Note: Refer to the footnotes on the following page.

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

² The number of new sentences indicated may differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or sentence length are excluded. Additionally, offenders sentenced under obsolete laws are excluded.

³ The "Ext" category refers to offenses defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are presented as a separate category and are excluded here.

⁵ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are excluded.

⁷ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These are excluded from the overall felony class categories.

⁸ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes admissions sentenced under the "Uniform Controlled Substances Act of 2013", which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor drug crimes committed prior to July 1, 2013.

¹² As few offenders sentenced under this crime category have been released from prison, little data are available on which to base these estimates. Therefore, the estimated length of stay was calculated using release data from similar crime types with comparable sentence lengths.

¹³ Includes admissions convicted of crimes under the "Uniform Controlled Substances Act of 2013", but which are also defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b).

¹⁴ Includes all admissions sentenced under the "Uniform Controlled Substances Act of 2013".

¹⁵ Includes all admissions with habitual criminal sentence enhancers. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories as well as the data for each of the overall felony classes.

¹⁶ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998. These cases are excluded from the other sex crime categories as well as from the data for each of the overall felony classes.

Table 15: Estimated average length of stay for FY 2018 new parole intakes¹

Offense Category	Average Length of Stay (Months)	Number of releases to parole ²	Percent of all parole releases	Average Length of Stay Effect (Months)
F2 Ext ³	40.33	87	1.56%	0.63
F2 Sex ⁴	-	0	0.00%	0.00
F2 Other ⁵	35.70	31	0.55%	0.20
Total Felony 2 ⁶	39.12	118	2.18%	0.85
F3 Ext	41.00	283	5.07%	2.08
F3 Sex	46.57	39	0.70%	0.33
F3 Other	40.23	207	3.71%	1.49
Total Felony 3 ⁷	41.11	529	9.75%	4.01
F4 Ext	26.30	652	11.67%	3.07
F4 Sex	27.63	37	0.66%	0.18
F4 Other	26.53	986	17.65%	4.68
Total Felony 4 ⁸	26.55	1660	30.60%	8.12
F5 Ext	18.77	333	5.96%	1.12
F5 Sex	17.90	122	2.18%	0.39
F5 Other	18.80	1182	21.16%	3.98
Total Felony 5 ⁹	18.72	1652	30.46%	5.70
F6 Ext	9.50	146	2.61%	0.25
F6 Sex	9.67	54	0.97%	0.09
F6 Other	9.57	583	10.44%	1.00
Total Felony 6 ¹⁰	9.56	783	14.44%	1.38
Drug Felony (DF) Level 1 ¹¹	27.37	1	0.02%	0.00
DF Level 2	18.73	5	0.09%	0.02
DF Level 3 ¹²	8.63	10	0.18%	0.02
DF Level 4	9.57	375	6.71%	0.64
Ext DF Level 1 ^{13, 14}	28.43	14	0.25%	0.07
Ext DF Level 2 ¹⁵	20.17	103	1.84%	0.37
Ext DF Level 3	9.00	151	3%	0.24
Ext DF Level 4	9.20	23	0%	0.04
Total Drug Felony ¹⁶	11.50	682	12.57%	1.45
Total excluding Habitual and Sex Offender Act categories	21.51	5424	100%	21.51
Habitual ¹⁷	23.20	25	0.45%	0.10
Sex Offender Act ¹⁸	162.04	137	2.45%	3.97
Total including Habitual and Sex Offender Act categories	24.97	5586	100%	24.97

Note: Refer to the footnotes on the following page.

¹ These estimates reflect the length of time individuals are expected to spend on parole from the time of their first release to parole until their successful discharge from parole. Time spent in prison due following revocation due to technical parole violations is included. However, returns to prison due to a parole return with a new conviction are excluded.

² The number of new parole intakes reflected here will differ from those reported elsewhere, as cases missing critical data elements such as offense, felony class, or parole sentence length are excluded, as are interstate parolees and parole violators previously returned to prison with new sentences. Additionally, cases sentenced under obsolete laws are excluded.

³ The "Ext" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b) and does not include all crimes that might be considered violent.

⁴ While some sexual crimes are considered extraordinary risk crimes, such crimes are included in this category. Sexual offenders convicted under the Colorado Sex Offender Lifetime Supervision Act of 1998 and subject to lifetime supervision are excluded.

⁵ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, fraud. Additionally, crimes that may be considered violent but are not considered extraordinary risk are included. Examples include (but are not limited to) manslaughter and some assaults and robberies.

⁶ Includes parole intakes convicted of felony 2 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act. These offenders are excluded from the overall felony class categories.

⁷ Includes parole intakes convicted of felony 3 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁸ Includes parole intakes convicted of felony 4 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

⁹ Includes parole intakes convicted of felony 5 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹⁰ Includes parole intakes convicted of felony 6 sex, drug, extraordinary risk, and other crimes, with the exception of habitual offenders and sex offenders convicted under the sex offender act.

¹¹ Includes parole intakes sentenced under the "Uniform Controlled Substances Act of 2013", which created a new series of drug felony levels described under Article 18 of the Colorado Criminal Code. Drug crimes committed after June 30, 2013 are included in these categories. These do not correspond to the felony classes of non-drug crimes, nor drug crimes committed prior to July 1, 2013.

¹² As no offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for felony 6 drug offenders was applied as the two have comparable statutory parole periods.

¹³ Includes parole intakes convicted of crimes under the "Uniform Controlled Substances Act of 2013", but which are also defined by statute as "extraordinary risk of harm offenses" per C.R.S 18-1.3-401(10)(b).

¹⁴ As no offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for those convicted of felony 4 extraordinary risk drug crimes was applied as the two have comparable statutory parole periods.

¹⁵ As no offenders sentenced under this drug felony level have discharged their parole sentence, no data are available on which to base these estimates. Therefore, length of stay data for those convicted of felony 5 extraordinary risk drug crimes was applied as the two have comparable statutory parole periods.

¹⁶ Includes all parole intakes sentenced under the "Uniform Controlled Substances Act of 2013".

¹⁷ Includes all parole intakes with habitual criminal sentence enhancers. These cases are excluded from the extraordinary risk, sex, drug, and other crime categories, as well as the data for each of the overall felony classes.

¹⁸ Includes all parole intakes sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998. These cases are excluded from the other sex crime categories as well as the data for each of the overall felony classes. *Note:* The parole terms for sex offenders subject to the Sex Offender Lifetime Supervision Act range from a minimum of 10 to 20 years (dependent on felony class), up to the remainder of the offender's life. As of June 30, 2018, 974 of these offenders had been paroled. Of these, only two have discharged their parole sentence. This lack of data concerning parole discharges impedes the calculation of how long these new parolees will remain on parole. The estimate provided is based on the assumption that 100% of statutory minimums will be served.

Division of Youth Services Juvenile Commitment, Detention and Parole Projections

IN BRIEF:

The annual number of new commitments is expected to fall 16.1% between the ends of FY 2018 and FY 2023. The greatest decline is expected during FY 2019, at 12.1%, with relatively small but consistent declines in the following years. Commensurately, the average daily population (ADP) of committed juveniles is expected to fall by 9.0% by the end of FY 2023, to 588.4. The majority of this decline is expected during FY 2019, with an estimated year-end ADP of 600.3. Minor fluctuations year-to-year are expected through FY 2023.

The juvenile parole average daily caseload (ADC) is anticipated to decrease by 4.8% over the course of FY 2019, to 199.9, and is expected to remain very stable through FY 2023.

The detention ADP is expected to decrease 2.3% in FY 2019, reaching 256.7 by year-end. Consistent decreases are expected in each of the following four years. Between FY 2018 and FY 2023 the ADP is expected to fall by 10.8% from 262.8 to 234.5.

Organization of this Section

Estimates of the juvenile commitment, parole, and detention average daily populations (ADP) populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include annual and quarterly year-to-date (YTD) ADP forecasts for the committed population statewide, along with projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end average daily caseload (ADC) forecasts for the statewide juvenile parole population, and by annual and quarterly detention ADP forecasts. Finally, a brief discussion regarding factors affecting the overall DYS population is included.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The forecasts are developed utilizing data concerning historical monthly trends in detention, commitment and parole populations. Time series analyses are applied to data derived from these historical trends, producing a variety of scenarios.⁴ The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends in juvenile delinquency filings and probation revocations, and population forecasts prepared by the Colorado Demographer's Office provides the basis for the forecasts presented in the following tables.

⁴ Box, G. E. P., G. M. Jenkins, and G. C. Reinsel (1994). *Time series analysis: Forecasting and control*, 3rd ed. Englewood Cliffs, N.J.: Prentice Hall.

JUVENILE COMMITMENT POPULATION FORECAST

The two factors driving the size of the population committed to the Division of Youth Services (DYS) are the number of youth sentenced to DYS, and the length of their incarceration. The number of youth committed to the DYS declined consistently between FY 2005 and FY 2016.⁵ Likewise, the ADP began to fall in FY 2006 after years of growth. This decline stabilized in FY 2017, and reversed slightly in FY 2018 with a 3.9% increase in admissions across the year. However, early indications in FY 2019 indicate a decline, as new commits during the first 5 months are 25.6% lower than observed during the same time frame in the previous year.

This return to a downward trend was expected, given juvenile delinquency filings have declined every year over the past decade with the exception of FY 2015 when filings increased by a mere 1.7%. Concordantly, juvenile probation revocations have fallen each year, most notably by 10.7% in the most recent year. Additionally, and the proportion of juvenile probation terminations resulting in a DYS commitment has remained very consistent at approximately 10.0%.⁶

While the commitment ADP experienced negative growth over the past 13 years, this decline slowed greatly to -0.7% at the end of FY 2018. However, the first 5 months of FY 2019 indicate a 6.4% decline compared to the same time frame last year.

In response to these factors, expectations for the number of youth committed to DYS and the commitment ADP have been adjusted significantly downward from those presented in the DCJ January 2018 forecast. The ADP is expected to decline 7.2% by the end of FY 2019, and stabilize with very small declines observed over the following four years.

Table 16 summarizes the year-end ADP and new commitment forecasts, while Table 17 presents the projected quarterly YTD ADP. The historical ADP from FY 2002 through FY 2018 and the projected ADP through 2023 are depicted in Figure 9. Figure 10 displays historical new commitments to DYS since FY 2002, and projected new commitments through FY 2023.

⁵ Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

⁶ Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

Table 16: DCJ January 2019 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2016 through FY 2023

Fiscal Year End	YTD ADP ¹ Forecast	Annual Growth	Annual New Commitments	Annual Growth
2016*	692.6	-6.4%	381	-7.1%
2017*	651.1	6.0%	381	0.0%
2018*	646.8	-0.7%	396	3.9%
2019	600.3	-7.2%	348	-12.1%
2020	592.9	-1.2%	345	-0.9%
2021	590.5	-0.4%	341	-1.3%
2022	589.7	-0.1%	336	-1.3%
2023	588.4	-0.2%	332	-1.1%

¹ Year to date average daily population.

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

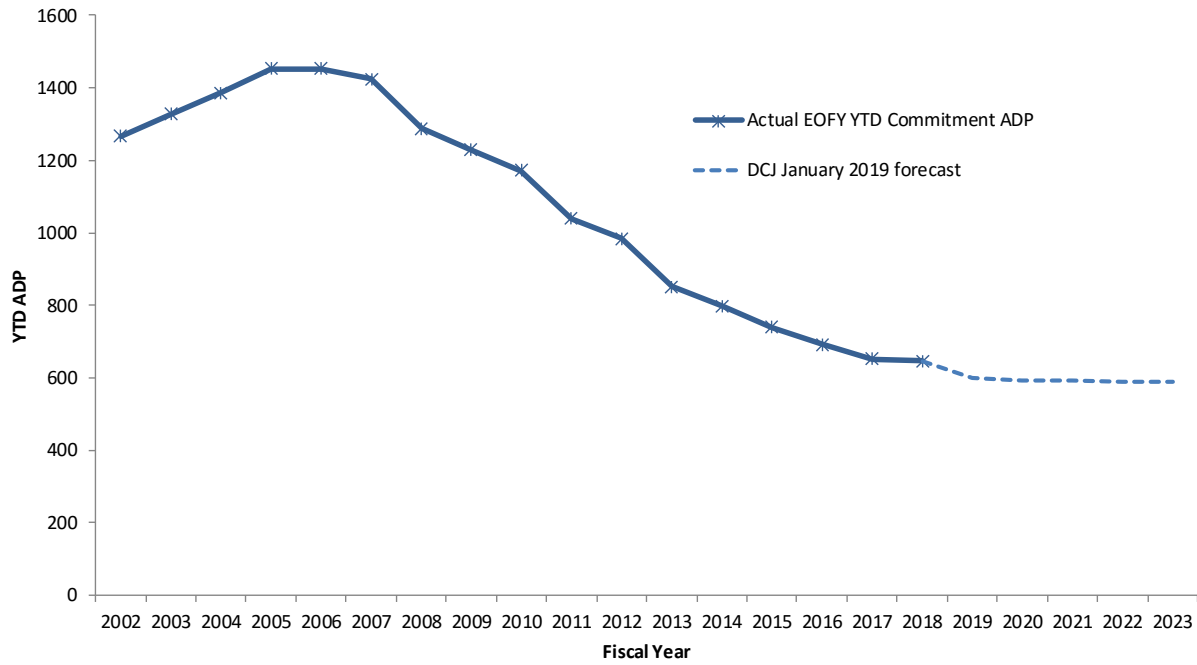
Table 17: DCJ January 2018 quarterly juvenile commitment average daily population forecast, FY 2018 through FY 2023

Fiscal Year	Quarter Ending	YTD ADP ¹ Forecast	Quarterly Growth
2018	June, 2018*	646.8	-0.2%
2019	September, 2018*	621.2	-4.0%
2019	December, 2018	602.7	-3.0%
2019	March, 2019	598.8	-0.6%
2019	June, 2019	600.3	0.2%
2020	September, 2019	600.9	0.1%
2020	December, 2019	596.6	-0.7%
2020	March, 2020	592.9	-0.6%
2020	June, 2020	592.9	0.0%
2021	September, 2020	593.5	0.1%
2021	December, 2020	592.1	-0.2%
2021	March, 2021	589.8	-0.4%
2021	June, 2021	590.5	0.1%
2022	September, 2021	594.2	0.6%
2022	December, 2021	592.3	-0.3%
2022	March, 2022	589.2	-0.5%
2022	June, 2022	589.7	0.1%
2023	September, 2022	592.2	0.4%
2023	December, 2022	589.9	-0.4%
2023	March, 2023	587.3	-0.4%
2023	June, 2023	588.4	0.2%

¹ Year to date average daily population.

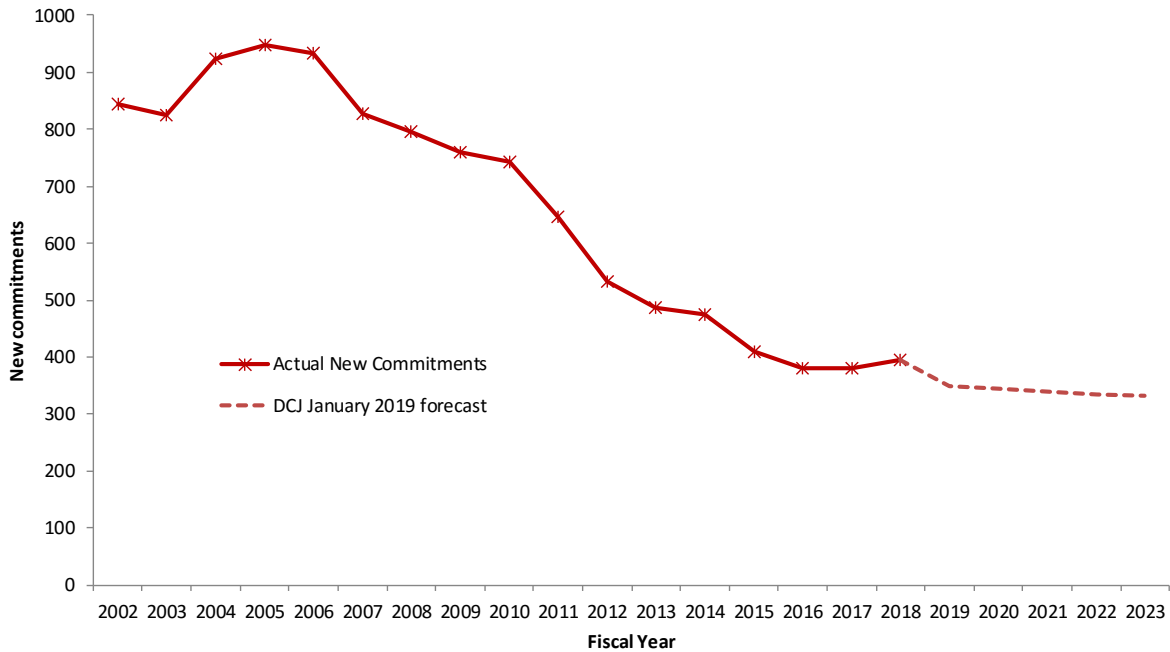
*Actual average daily population figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 9: Historical and projected year-end year to date juvenile commitment average daily population FY 2002 through FY 2023



Note: FY 2000-2018 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Management Reference Manuals and Monthly Population Reports. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 10: Historical and projected annual new juvenile commitments FY 2002 through FY 2023



Note: FY 2002-2018 data points reflect actual year-end average daily population figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE PAROLE CASELOAD FORECAST

In correspondence with the commitment population, the parole average daily caseload has consistently declined over the past eight years with the exception of a 0.4% increase in FY 2016.⁷ Throughout FY 2017 the caseload fell by 10.6%, and by another 4.7% by the end of FY 2018.

Based on this trend in the parole ADC and expectations for the committed population, the caseload is expected to decline 4.8% by the end of FY 2019, and remain relatively stable through FY 2023.

Table 18 summarizes these estimates, while Figure 11 depicts the historical fluctuations in parole ADC over the past 15 years, along with the projected ADC through FY 2023.

Table 18: DCJ January 2019 juvenile parole year-end average daily caseload forecast, FY 2016 through FY 2023

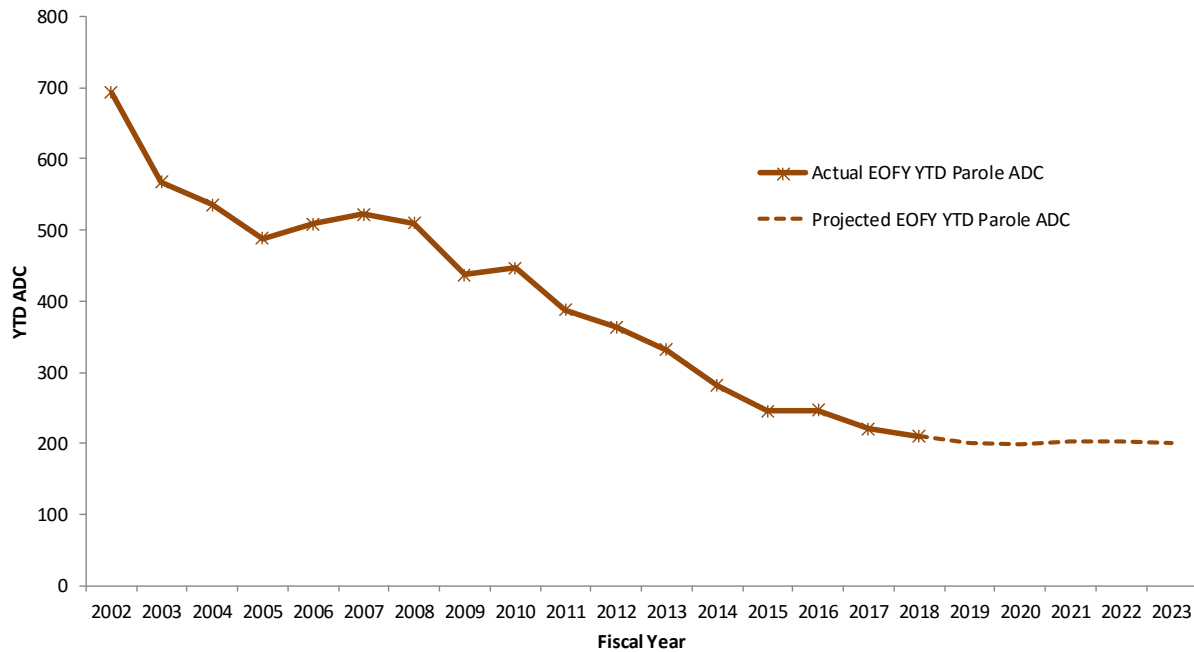
Fiscal Year End	YTD ADC ¹ Forecast	Annual Growth
2016*	246.6	0.4%
2017*	220.4	-10.6%
2018*	210.1	-4.7%
2019	199.9	-4.8%
2020	198.2	-0.9%
2021	202.4	2.1%
2022	202.1	-0.1%
2023	201.6	-0.2%

¹ Year to date average daily caseload.

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

⁷Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Figure 11: Historical and projected juvenile parole year-end average daily caseload FY 2002 through FY 2023



Note: FY 2002-FY 2018 data points represent actual average daily caseload figures.
 Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

JUVENILE DETENTION POPULATION FORECAST

While the juvenile detention ADP declined by 6.5% in FY 2017, the population increased slightly (2.2%) in FY 2018. However, the monthly ADP has demonstrated a decline in early FY 2019. Based on historical trends in detention ADP and continued declines in juvenile delinquency filings, the detention population is expected to continue to decline by approximately 2.0% per year between FY 2019 and FY 2023.

Table 19 summarizes the actual year-end detention ADP for fiscal years 2016 through 2018 and the projected ADP through FY 2023, while Table 20 presents the projected quarterly detention YTD ADP throughout fiscal years 2019 to 2023. The historical detention year-end ADP from FY 2002 through FY 2018 and the projected ADP through 2023 are depicted in Figure 12.

Table 19: DCJ January 2019 juvenile detention fiscal year-end average daily population, FY 2016 through FY 2023

Fiscal Year End	YTD ADP¹ Forecast	Annual Growth
2016*	275.0	-2.4%
2017*	257.1	-6.5%
2018*	262.8	2.2%
2019	256.7	-2.3%
2020	249.6	-2.8%
2021	243.2	-2.6%
2022	238.5	-1.9%
2023	234.5	-1.7%

¹ Year to date average daily population.

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

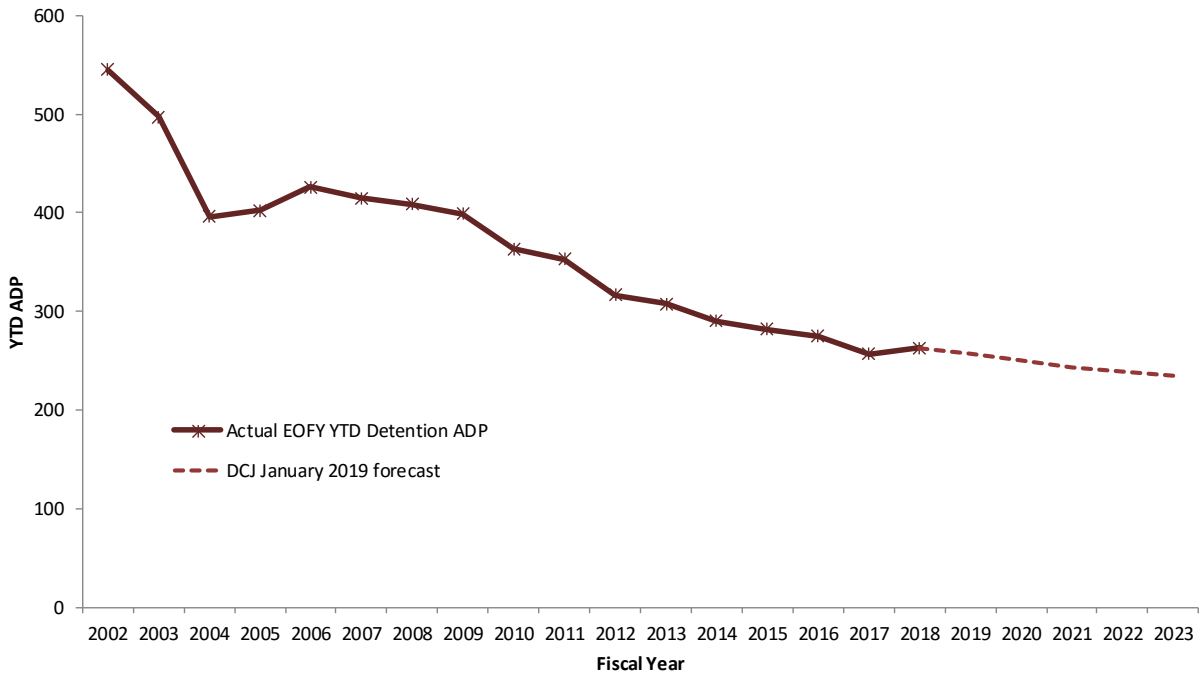
Table 20: DCJ January 2019 quarterly juvenile detention average daily population forecast, FY 2018 through FY 2023

Fiscal Year	Quarter Ending	YTD ADP¹ Forecast	Quarterly Growth
2018	June, 2018*	262.8	0.2%
2019	September, 2018*	252.6	-3.9%
2019	December, 2018	258.1	2.2%
2019	March, 2019	257.8	-0.1%
2019	June, 2019	256.7	-0.4%
2020	September, 2019	254.8	-0.7%
2020	December, 2019	250.3	-1.8%
2020	March, 2020	250.5	0.1%
2020	June, 2020	249.6	-0.3%
2021	September, 2020	248.4	-0.5%
2021	December, 2020	243.9	-1.8%
2021	March, 2021	244.0	0.1%
2021	June, 2021	243.2	-0.4%
2022	September, 2021	241.9	-0.5%
2022	December, 2021	237.9	-1.7%
2022	March, 2022	238.9	0.4%
2022	June, 2022	238.5	-0.2%
2023	September, 2022	238.5	0.0%
2023	December, 2022	234.3	-1.8%
2023	March, 2023	235.0	0.3%
2023	June, 2023	234.5	-0.2%

¹ Year to date average daily population.

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

**Figure 12: Historical and projected juvenile detention year-end average daily population
FY 2002 through FY 2023**



Note: FY 2002-2018 data points reflect actual year-end average daily population figures.

Data Sources: Colorado Department of Human Services Division of Youth Services Monthly Population Report and Management Reference Manuals. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

Appendix A

Legislation Affecting Prison Population Growth

LEGISLATION AFFECTING PRISON POPULATION GROWTH

Prisoners in Colorado are subject to many different sentencing laws, the most significant of which dates back to 1979 with H.B. 1589. Many of the ensuing changes in legislation have affected the size of the prison population, particularly House Bill 1320, passed in 1985. Changes to parole laws in the 1990s significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. Several pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations. These sentencing laws are outlined below.⁸

- ❑ In 1979, House Bill 1589 changed sentences from indeterminate to determinate terms and made parole mandatory at one-half (the mid-point) the sentence served.
- ❑ In 1981, House Bill 1156 required that the courts sentence offenders above the maximum of the presumptive range for “crimes of violence” as well as for crimes committed with aggravating circumstances.
- ❑ In 1985, House Bill 1320 doubled the maximum penalties of the presumptive ranges for all felony classes and mandated that parole be granted at the discretion of the Parole Board. As a result of this legislation, the average length of stay projected for new commitments nearly tripled from 20 months in 1980 to 57 months in 1989. In addition, parole became discretionary which contributed to increased lengths of stay. After the enactment of H.B. 1320, the inmate population more than doubled over the next five years.
- ❑ In 1988, Senate Bill 148 changed the previous requirement of the courts to sentence above the maximum of the presumptive range to sentencing at a minimum the mid-point of the presumptive range for “crimes of violence” and crimes associated with aggravating circumstances.
- ❑ In 1989, several class five felonies were lowered to a newly created felony class six with a presumptive penalty range of one to two years through the passage of Senate Bill 246.
- ❑ In 1990, House Bill 1327 doubled the maximum amount of earned time that an offender is allowed to earn while in prison from five to ten days per month. In addition, parolees were allowed to accumulate earned time while on parole. This legislation reduced time spent on parole as well as reduced the length of stay for offenders who discharged their sentence.

⁸ Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4-22). Colorado Springs, CO: Department of Corrections.

- ❑ In 1990, Senate Bill 117 modified life sentences for first-degree felony convictions to “life without parole.” The previous parole eligibility occurred after 40 calendar years were served. This affected sentences for crimes committed after September 20, 1991.
- ❑ In 1993, House Bill 1302 reduced the presumptive ranges for certain non-violent class 3 through class 6 felonies and added a split sentence mandating a period of parole for all crimes following a prison sentence. This legislation also eliminated earned time awards while on parole.
- ❑ Sentencing for habitual offenders was also changed in 1993 with House Bill 1302. This bill revised the sentence for repeat offenders convicted of class 1 through class 5 felonies. Offenders who have twice been convicted of a previous felony are subject to a term of three times the maximum of the presumptive range of the current felony conviction. Those who have received three prior felony convictions are sentenced to four times the maximum of the presumptive range of the current felony conviction. Additionally, any offender previously sentenced as a habitual offender with three prior convictions, and thereafter convicted of a crime of violence, is subject to a life sentence with parole eligibility after 40 calendar years.⁹
- ❑ In 1993, Senate Bill 9 created the provision for certain juvenile offenders to be prosecuted and sentenced as adults, and established the Youthful Offender System (YOS) within the Department of Corrections (DOC). Initially, 96 beds were authorized, with the construction of a YOS facility with a capacity of 480 beds approved.
- ❑ In 1994, Senate Bill 196 created a new provision for habitual offenders with a current conviction of any class one or two felony, or any class three felony that is defined as a crime of violence, and who have been previously convicted of these same offenses twice. This “three strikes” legislation requires that these offenders be sentenced to a term of life imprisonment with parole eligibility in forty calendar years.
- ❑ In 1995, House Bill 1087 reinstated earned time provisions for certain non-violent offenders while on parole. This legislation was enacted in part as a response to the projected parole population growth resulting from the mandatory parole periods established by H.B. 93-1302.
- ❑ In 1996, House Bill 1005 broadened the criminal charges eligible for direct filings of juveniles in adult court and possible sentencing to the YOS. This legislation also lowered the age limit of juveniles eligible for direct filing and sentencing to YOS from 14 to 12 years of age.
- ❑ House Bill 98-1160 applied to offenses occurring on or after July 1, 1998, mandating that every offender must complete a period of parole supervision after incarceration. A summary of the major provisions that apply to mandatory parole follows:

⁹ Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- o Offenders committing class 2, 3, 4 or 5 felonies or second or subsequent class 6 felonies, and who are revoked during the period of their mandatory parole, may serve a period up to the end of the mandatory parole period while incarcerated. In such a case, one year of parole supervision must follow.
 - o If revoked during the last six months of mandatory parole, intermediate sanctions including community corrections, home detention, community service or restitution programs are permitted, as is a re-incarceration period of up to twelve months.
 - o If revoked during the one year of parole supervision, the offender may be re-incarcerated for a period not to exceed one year.
- House Bill 98-1156 concerned the lifetime supervision of certain sex offenders, and is referred to as the 'Colorado Sex Offender Lifetime Supervision Act of 1998'. A number of provisions in the bill addressing sentencing, parole terms, and parole conditions are summarized below:
- o For certain crimes,¹⁰ a sex offender shall receive an indeterminate term of at least the minimum of the presumptive range specified in 18-1-105, C.R.S. for the level of offense committed and a maximum of the sex offender's natural life.
 - o For crimes of violence,¹¹ a sex offender shall receive an indeterminate term of at least the midpoint in the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.
 - o For sex offenders eligible for sentencing as a habitual sex offender against children (pursuant to 18-3-412, C.R.S.), the sex offender shall receive an indeterminate term of at least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.
 - o The period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life.

¹⁰ Such crimes are defined in CRS § 18-1.3-10, and include the following: Sexual assault, as described in section 18-3-402; sexual assault in the first degree, as described in section 18-3-402 as it existed prior to July 1, 2000; Sexual assault in the second degree, as described in section 18-3-403 as it existed prior to July 1, 2000; Felony unlawful sexual contact as described in section 18-3-404; Felony sexual assault in the third degree, as described in section 18-3-404 (2) as it existed prior to July 1, 2000; Sexual assault on a child, as described in section 18-3-405; Sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; Aggravated sexual assault on a client by a psychotherapist, as described in section 18-3-405.5(1); Enticement of a child, as described in section 18-3-305; Incest, as described in section 18-6-301; Aggravated incest, as described in 18-6-302; Patronizing a prostituted child, as described in section 18-7-406; Class 4 felony internet luring of a child, in violation of section 18-3-306(3); Internet sexual exploitation of a child in violation of section 18-3-405/4/; Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

¹¹ Defined by CRS § 18-1.3-406.

- o The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least 20 years and a maximum of the sex offender's natural life.
- In 2003, Senate Bill 252 allowed the Parole Board to revoke an individual who was on parole for a nonviolent class 5 or class 6 felony, except in cases of menacing and unlawful sexual behavior, to a community corrections program or to a pre-parole release and revocation center for up to 180 days. This bill also allowed DOC to contract with community corrections programs for the placement of such parolees. Additionally, the bill limited the time a parolee can be revoked to the DOC to 180 days for a technical revocation, provided that the parolee was serving parole for a nonviolent offense. Finally, this bill repealed the requirement of an additional year of parole if a parolee is revoked to prison for the remainder of the parole period (originally effected by H.B. 98-1160).
- House Bill 04-1189 lengthened the amount of time that must be served prior to parole eligibility for violent offenders.¹² First time offenders convicted of a violent offense must serve 75% of their sentence less any earned time awarded. If convicted of a second or subsequent violent offense, the full 75% of their sentence must be served.
- Also in 2004, Senate Bill 04-123 recognized the YOS as a permanent program by eliminating the repeal date.
- In 2008, House Bill 1352 modified the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants, and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities.
- Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.
- House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25% to 30% of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.

¹² As defined by CRS § 18-1.3-406.

- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).
- ❑ House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, the bill allows prisoners re-incarcerated for technical parole violations to accrue earned time. Any cost savings are to be reinvested into vocational and educational programming inside prison and re-entry support services for people on parolee.
- ❑ House Bill 14-1355 provided over \$8 million in funding and 78.4 FTE per year for reentry programs for adult parolees. These funds are to develop and implement programs to assist inmates to prepare for release to the community as well as provide equipment, training, and programs to better supervise offenders in the community.

- ❑ Senate Bill 15-124 narrows the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate and alternative sanctions to address noncompliance with conditions of parole. Such sanctions can include a short-term period of jail confinement and referral to treatment or other support services.
- ❑ House Bill 15-1122 stipulated that an offender is ineligible for parole if he or she has been convicted of certain penal discipline violations or failed to participate in required programs.
- ❑ Senate Bill 16-180 required CDOC to develop and implement a specialized program for juveniles convicted as adults and sentenced to an adult prison. Additionally, Senate Bill 16-181 allowed juveniles sentenced for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, to be re-sentenced to life with the possibility of parole.
- ❑ House Bill 17-1308 removed the mandatory imposition of certain parole conditions related to changes of residence, drug testing, personal contacts and payment of restitution.
- ❑ House Bill 17-1326 lowered parole revocation terms for certain parolees from 180 days to 30 or 90 days, dependent on conviction crimes. Additionally, the bill changed the maximum time a revoked parolee can be held in the preparole release and revocation facility from 180 to 90 days and repealed the Department of Corrections' authority to operate community return-to-custody facilities. Finally, it directed the Parole Board to conduct parole release review in lieu of a hearing for certain low-risk inmates.
- ❑ House Bill 18-1029 lowers mandatory parole periods from five years to three years for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.
- ❑ House Bill 18-1109 expands the existing eligibility requirements for special needs parole, and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs offender categories from 60 to 55 years and older, and adds a category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.
- ❑ House Bill 18-1410 requires that DOC track the prison bed vacancy rate at in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.

In addition to legislation specifically impacting sentencing laws and parole requirements, new laws affecting prison admissions and sentence lengths are introduced every year. Many of these may result in an increase or a decrease in the number of individuals sentenced to DOC, or the length of their prison sentences. Collectively they may have a significant impact on the size of future prison populations. These changes in legislation are taken into account in the development of prison population forecasts.