

COLORADO DEPARTMENT
OF CORRECTIONS
RICK RAEMISCH,
EXECUTIVE DIRECTOR



STATISTICAL REPORT 2015



Letter from the Executive Director

The MISSION of the Colorado Department of Corrections is “To protect the citizens of Colorado by holding offenders accountable and engaging them in opportunities to make positive behavioral changes and become law-abiding productive citizens.”

Our VISION is in “Building a safer Colorado for today and tomorrow.”

We accomplish these through our greatest resource, our staff: Correctional Professionals who honor and respect the rights of victims; who engage in safe, humane, and effective correctional practices; who deliver exceptional correctional services; and who are dedicated to providing opportunities for offender success, thereby ensuring long-term public safety.

This statistical report provides an overview of the jurisdictional population of 30,992 offenders (20,911 inmates, 10,081 parolees). As you will see, the inmate population has fallen by 9% over the past five fiscal years.

We are pleased to report that the Colorado Department of Corrections is leading the nation with several initiatives. These include, yet are not limited to: Restrictive Housing reforms; Residential Treatment Programs for offenders with serious mental illness; and on-going parole, re-entry, and pre-release initiatives. The information contained within this Statistical Report will provide both the public and private sectors an appreciation of the tremendous efforts demonstrated by our staff, who work within a framework of available resources to provide public safety while meeting and addressing the needs of our offender population.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Raemisch".

Rick Raemisch
Executive Director
Colorado Department of Corrections

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Overview

INTRODUCTION

CDOC's statistical report provides an analysis of Colorado's prison system. This overview describes growth trends, population projections, facilities, costs, and staff data. Successive sections focus on admissions, releases, inmate and parolee characteristics, and recidivism rates. Adult inmate and parole populations are represented in this report. A separate annual report is produced for the Youthful Offender System (YOS).

POPULATION GROWTH

The average daily population (ADP) measures trends in the CDOC population. **Figure 1** shows the ADP of the inmate, parole (which include absconders and interstate parolees), YOS, and total populations over the past five years. There was a 9.0% decrease in CDOC's jurisdictional population from fiscal years (FY) 2011 to 2015.

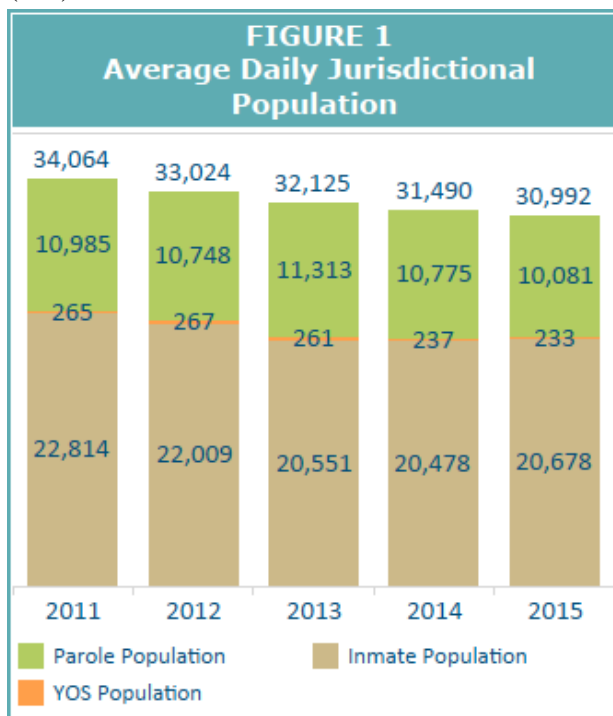
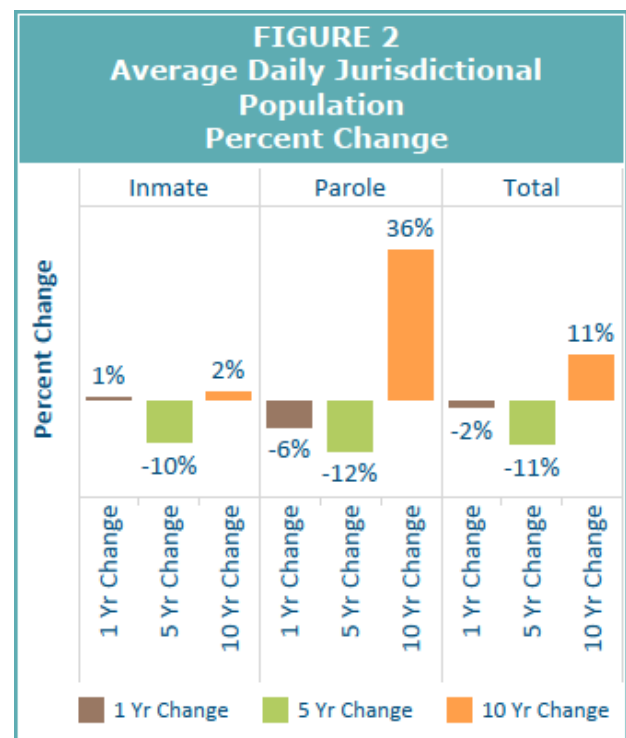


Figure 2 details the one-year, five-year and 10-year growth rates of the jurisdictional population. Inmate and YOS populations have seen minimal increases over the last decade while the parole population has experienced a substantial increase over the last decade, with a slight decrease between FY 2014 and FY 2015.



Figures 3 and 4 convey the ADP breakdown for state and private prisons, community corrections, and jail backlog and contracts. Private prisons in use during FY 2015 included Bent County Correctional Facility, Crowley County Correctional Facility, Kit Carson Correctional Center and Cheyenne Mountain Re-entry Center. In FY 2015, 19% of the incarcerated population was housed in private prisons - a decrease from the previous

fiscal year. The number of inmates housed in private prisons has steadily decreased since FY 2009; the number of inmates housed in state-run prisons increased between FY 2014 and FY 2015.

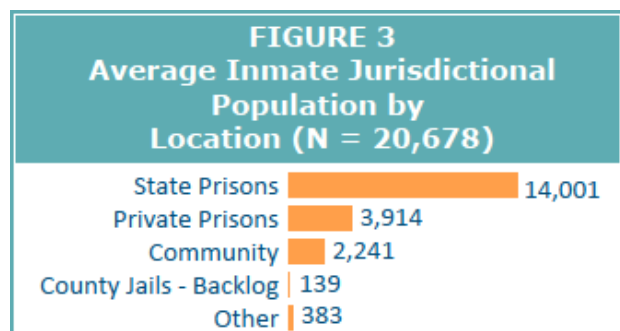
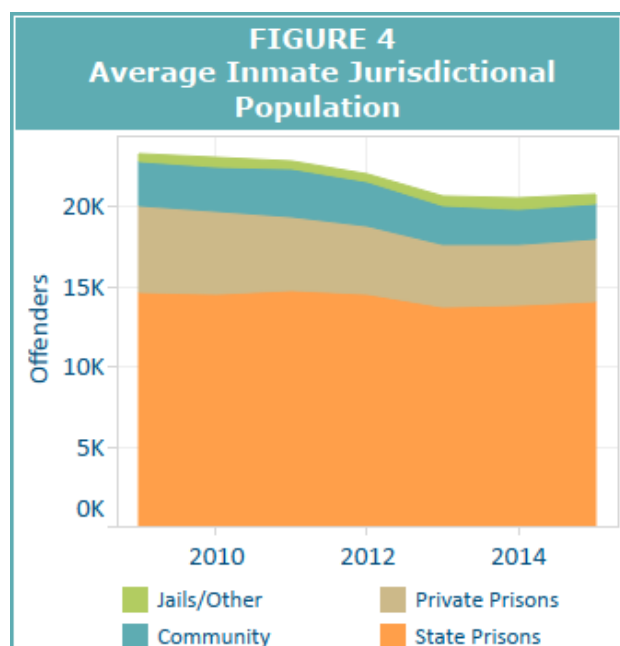


Figure note: Other includes fugitives, revocations in jail, awaiting transfer and external placements.

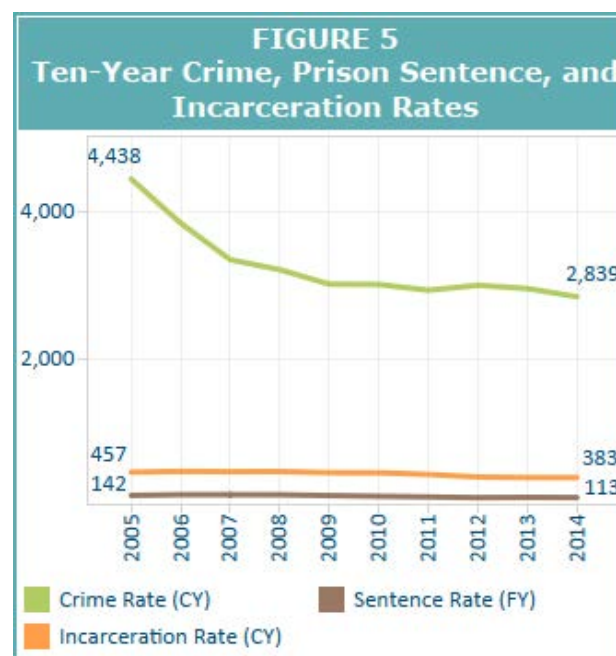


CRIME, PRISON SENTENCE & INCARCERATION RATES

Figure 5 displays sentence, incarceration and crime rates since 2005. Crime rates¹, which include offense and arrest data, are calculated per calendar year (CY) and are available on a one-year delay. Prior to the FY 2011 statistical report, incarceration rates were

estimated by CDOC. As of FY 2012, the U.S. Bureau of Justice Statistics (BJS) reports incarceration rates each December for the previous year; therefore, 2014 data is the most current. Prison sentence and incarceration rates² are used as indicators of growth in the prison population comparative to growth in the state populace, as estimated annually by the Colorado Department of Local Affairs. Prison sentence rates are calculated as the ratio of the number of offenders sentenced to prison per 100,000 Colorado residents during a fiscal year. Incarceration rates and crime rates are computed per 100,000 Colorado residents during a calendar year.

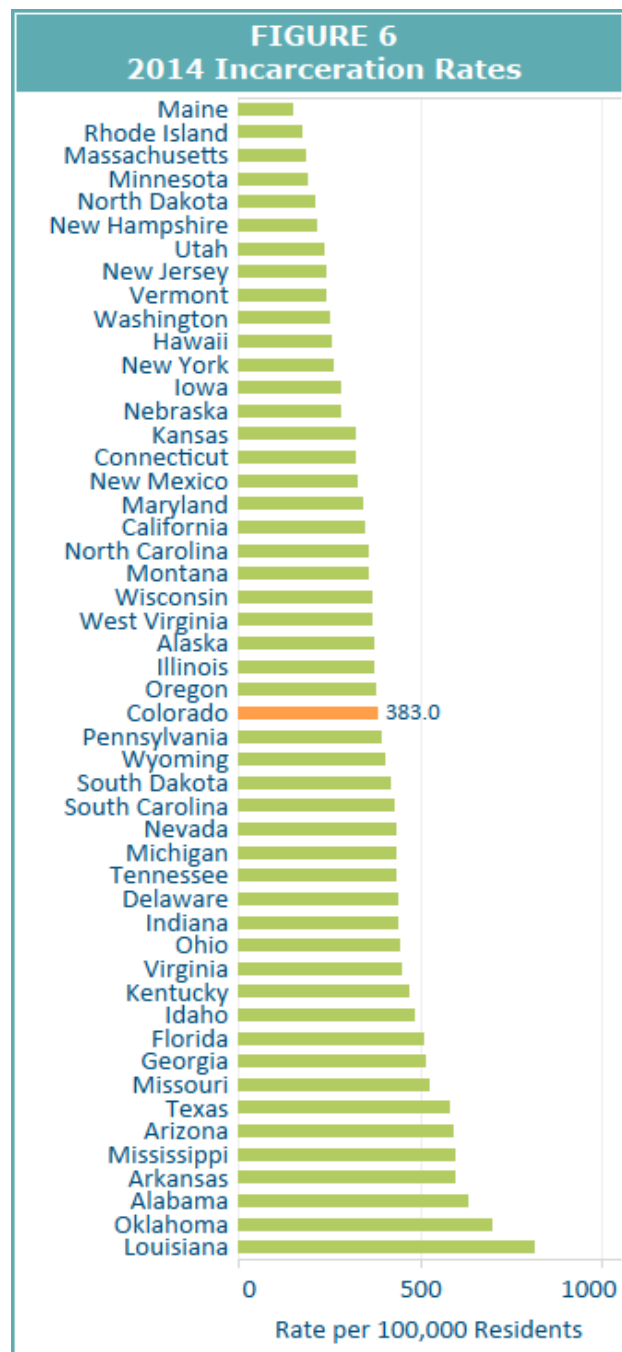
Figure 5 provides data on crime, sentence and incarceration rates for the last 10 years. The crime rate has declined 36% since 2005, though 2012's crime rate was slightly higher than that of 2011. The sentence rate was also higher in 2013 than in 2012. The incarceration rate has declined each year since 2008. Overall, the incarceration rate has decreased



¹ Annual Crime in the United States reports, 2003-2014. Washington, D.C.: FBI.

² Prisoners in 2015. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

16% since 2005. 2014 had the lowest recorded rate during this period. Incarceration rates for all 50 U.S. states in 2014 are shown in **Figure 6**. Colorado's rate of incarceration ranked in the middle compared to other state's rates.



LEGISLATIVE CHANGES

Several key pieces of legislation passed since 1979 have influenced the size of the CDOC prison population. The **Appendix** lists the

historical Legislative bills. The following is a summary of the House bills (HB) and Senate bills (SB) that have had major effects on felony sentencing and CDOC in FY 2015.

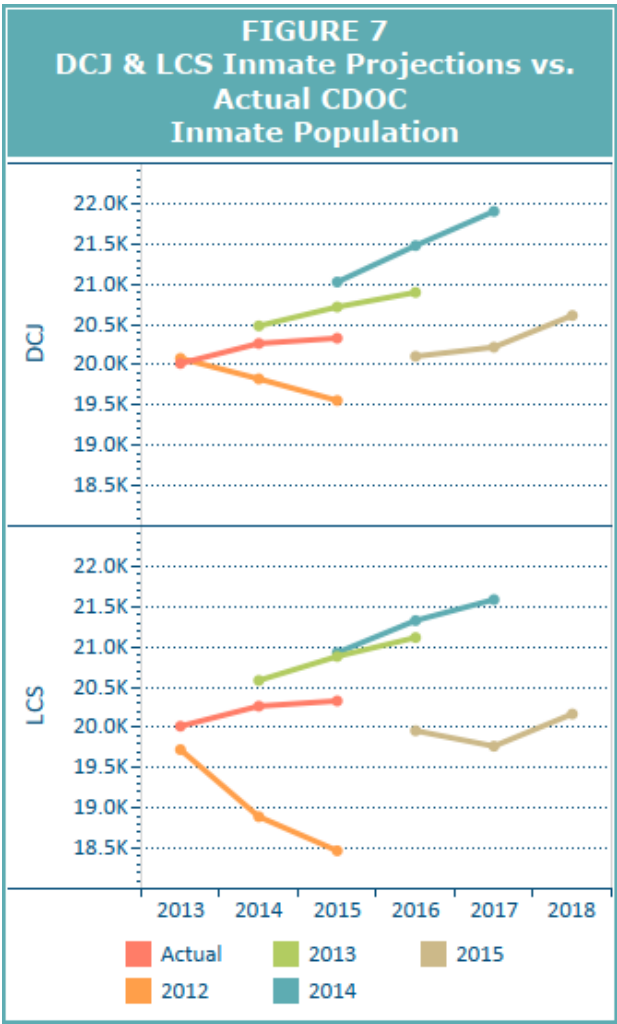
- HB 15-1043 created a felony penalty for repeat convictions of driving under the influence (DUI), DUI per se, or driving while ability impaired (DWAI), and reduced the felony penalty for aggravated driving with a revoked license to a misdemeanor. On net, the bill is expected to increase court commitments to prison beginning in FY 2015-16, and continuing at increased rates through the forecast period.
- HB 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 programs related to the original crime. This bill could result in a minimal prison population increase and parole caseload decrease through the forecast period.
- SB 15-124 required parole officers to use intermediate sanctions to address noncompliance by parolees unless the nature of the violation mandates arrest or revocation. The bill narrowed the scope of behavior that warrants arresting a parolee for a technical violation. It is expected to decrease readmissions to prison and increase parole caseload beginning in FY 2015-16 and continuing through the forecast period.

POPULATION PROJECTIONS

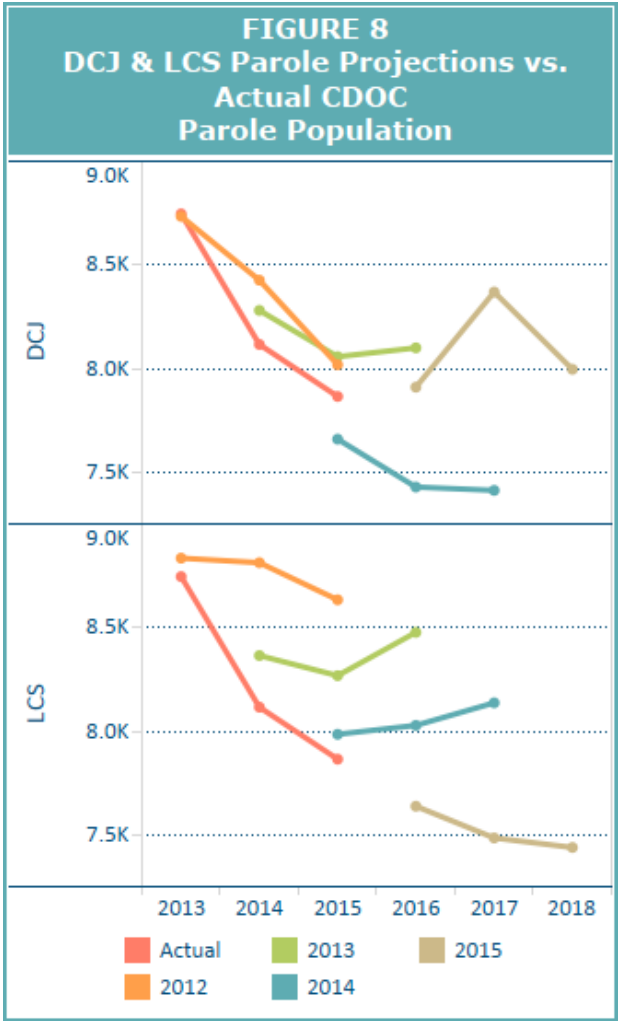
Two sets of population projections are prepared by outside agencies for budgeting

and planning purposes. The Division of Criminal Justice (DCJ), within the Colorado Department of Public Safety, and Legislative Council Staff (LCS) are statutorily mandated to develop forecasts for the adult and juvenile populations within the criminal justice system. DCJ updates its projections twice a year to reflect the most recent sentencing revisions and trends; LCS completes these projections annually.

Figure 7 compares the actual population of CDOC to the last three years of inmate population projections developed by DCJ and LCS. The most recent inmate population projections were released in December 2015. The comparison exemplifies ranging variations in year-to-year projections. Parole population projections are similarly



compared in **Figure 8**. Both inmate and parole population projections are affected by a number of factors to include; the number and sentence length of new commitments, Parole Board resolutions for release of inmates, rates of revocation for parolees, and new legislation.



PRISON FACILITIES

Figure 9 shows the locations and levels of the 24 prisons throughout Colorado. Twenty are owned and operated by the state of Colorado, and four are private-contract facilities. The security levels identified are defined in Colorado Revised Statutes (CRS) 17-1-104.3 as follows:

LEVEL I facilities shall have designated boundaries but need not have perimeter fencing. Inmates classified as Minimum may be incarcerated in Level I facilities.

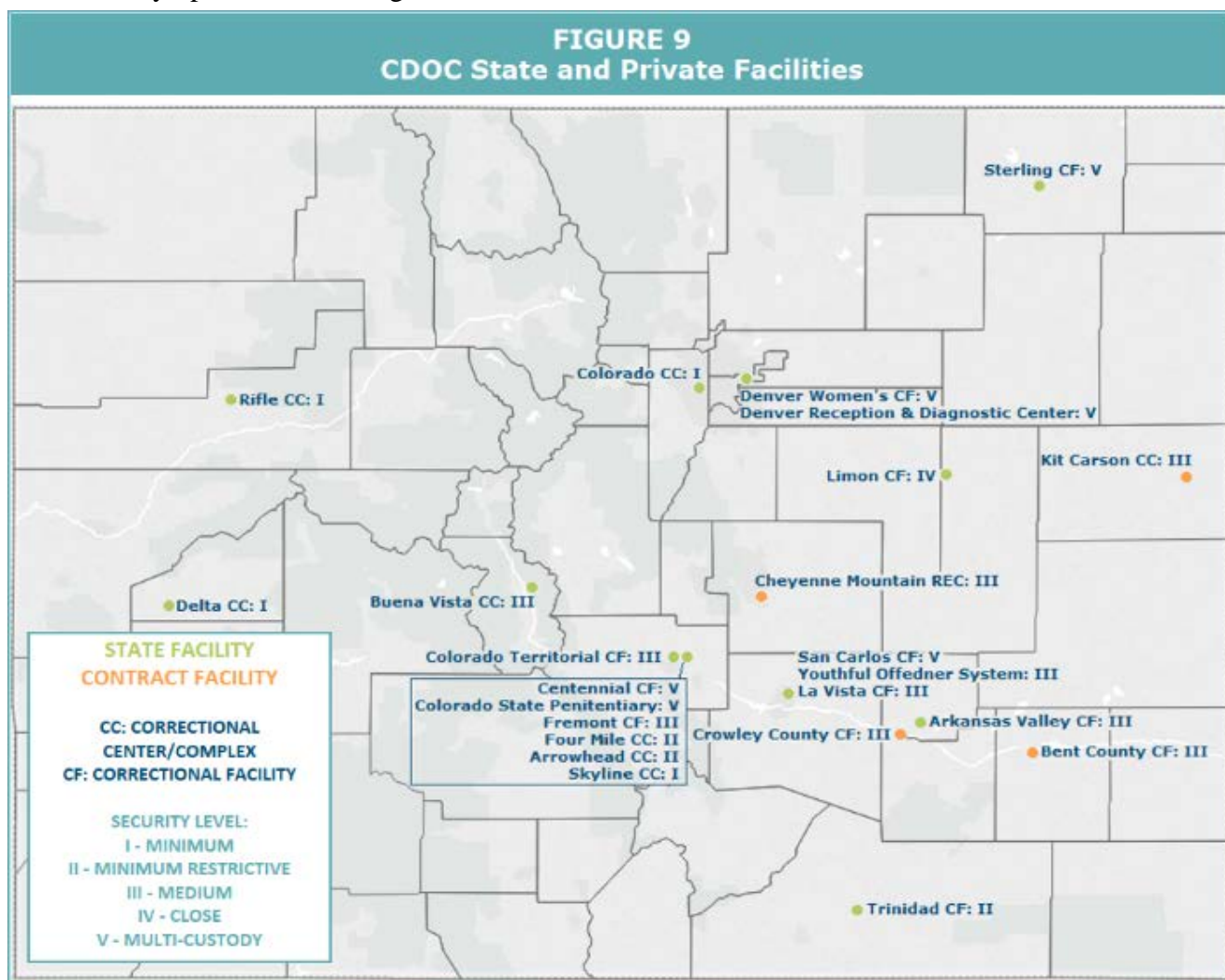
LEVEL II facilities shall have designated boundaries with single or double perimeter fencing. The perimeter of Level II facilities shall be patrolled periodically. Inmates classified as Minimum Restrictive and Minimum may be incarcerated in Level II facilities.

LEVEL III facilities generally shall have towers, a wall or double-perimeter fencing with razor wire, and detection devices. The perimeter of Level III facilities shall be continuously patrolled. Designated Close-

classified, Medium-classified and inmates of lower classification levels may be incarcerated at Level III facilities.

LEVEL IV facilities shall generally have towers, a wall or double-perimeter fencing with razor wire, and detection devices. The perimeter of Level IV facilities shall be continuously patrolled. Close-classified inmates and inmates of lower classification levels may be housed at Level IV facilities.

LEVEL V facilities are the highest security level and incarcerate all classification levels. The facilities shall have double-perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities shall use towers or stun-lethal



fencing as well as controlled sally ports. The perimeter of Level V facilities shall be continuously patrolled.

FACILITY CAPACITIES

Capacity refers to the number of facility beds available to house inmates. Three capacity terms are used by CDOC to describe prison bed space:

- **Design capacity:** The number of housing spaces for which a facility is constructed, or for which a facility is modified by remodeling, redesign, or expansion.
- **Expanded capacity:** The number of housing spaces above the facility design capacity.

- **Operational capacity:** Design capacity plus expanded capacity.

Management control, special use, segregation and reception beds are included in the design capacity for all facilities.

State facility capacities and on-grounds population on June 30, 2015, are shown in **Table 1**. The percent of capacity used, calculated as the on-grounds population divided by the design capacity, is also listed. Therefore, percentages greater than 100% indicate prison housing in excess of the design capacity of the facility. Capacities of contract beds and community placements are not provided because these can vary according to need and contract terms.

TABLE 1
Facility Populations & Capacities

STATE FACILITIES	ON-GROUNDS POPULATION	CAPACITIES		
		DESIGN	OPERATIONAL	% DESIGN CAPACITY
Arkansas Valley Correctional Facility	1,019	1,007	1,050	101%
Arrowhead Correctional Center	513	484	520	106%
Buena Vista Correctional Complex	1,163	1,107	1,184	105%
Centennial Correctional Facility	286	294	320	97%
Colorado Correctional Center	126	150	150	84%
Colorado State Penitentiary	625	756	756	83%
Colorado Territorial Correctional Facility ^a	892	694	929	129%
Delta Correctional Center	442	480	480	92%
Denver Reception & Diagnostic Center ^a	531	496	572	107%
Denver Women's Correctional Facility	990	900	976	110%
Four Mile Correctional Center	518	484	521	107%
Fremont Correctional Facility	1,636	1,448	1,620	113%
La Vista Correctional Facility	547	519	590	105%
Limon Correctional Facility	915	500	930	183%
Rifle Correctional Center	181	192	192	94%
San Carlos Correctional Facility	210	250	255	84%
Skyline Correctional Center	234	249	252	94%
Southern Transportation Unit	0	30	30	0%
Sterling Correctional Facility	2,437	2,455	2,488	99%
Trinidad Correctional Facility	499	404	500	124%
TOTAL STATE CAPACITY	13,764	12,899	14,315	107%

^a Infirmary beds at Colorado Territorial Correctional Facility & Denver Reception & Diagnostic Center are not included.

ANNUAL INMATE COSTS

The annual cost per inmate by facility is shown in **Table 2**. Costs generally increase with the security level of the facility, although variations occur by facility due to construction, inmate needs, and services available at each prison. The average annual cost per adult inmate increased slightly, from \$35,895 in FY 2014 to \$36,892 in FY 2015. The FY 2015 private prison per diem was \$61.54, and the local jail daily per diem was \$56.62. Table 2 also displays cost data for community programs and YOS. The cost to supervise community-based inmates is substantially lower than prison costs because residential stay is funded by the Division of Criminal Justice. Nevertheless, community parole officers (CPO) are responsible for the supervision of these transitional incarcerated

offenders. CPOs provide case-management services and release planning in order to transition community inmates to the Intensive Supervision Program (ISP), parole, or sentence discharge. They also coordinate with local law enforcement departments regarding matters of public safety. YOS costs are higher than that of adult facilities because of the intensive education and treatment services provided to YOS inmates.

FULL-TIME EMPLOYEES

There were 6,114 full-time CDOC employees at the end of FY 2015. The demographic was primarily composed of Caucasian males ages 40 and over (**Figure 10**). The ethnic composition of CDOC staff is similar to that of Colorado citizens (72% of CDOC staffers identify as Caucasian, while 70% of Colorado

TABLE 2
Cost Per Offender by Facility^a

FACILITY	ANNUAL	DAILY	FACILITY	ANNUAL	DAILY
Colorado Correctional Center	\$27,123	\$74.31	Centennial Correctional Facility	\$74,424	\$203.90
Delta Correctional Center	\$30,050	\$82.33	Colorado State Penitentiary	\$52,319	\$143.34
Rifle Correctional Center	\$28,189	\$77.23	Denver Reception & Diagnostic Center	\$67,197	\$184.10
Skyline Correctional Center	\$24,502	\$67.13	Denver Women's Correctional Facility	\$38,745	\$106.15
Level I Security Average	\$27,466	\$75.25	San Carlos Correctional Facility	\$81,764	\$224.01
			Southern Transportation Unit	\$40,296	\$110.40
Arrowhead Correctional Center	\$33,887	\$92.84	Sterling Correctional Facility	\$31,131	\$85.29
Four Mile Correctional Center	\$27,065	\$74.15	Level V Security Average	\$55,125	\$151.03
Trinidad Correctional Facility	\$29,638	\$81.20			
Level II Security Average	\$30,197	\$82.73	Average Cost Grand Total	\$39,511	\$109.62
Arkansas Valley Correctional Facility	\$33,259	\$91.12	EXTERNAL CAPACITY		
Buena Vista Correctional Complex	\$30,649	\$83.97	Private Prisons	\$22,461	\$61.54
Colorado Territorial Correctional Facility	\$43,523	\$119.24	County Jails	\$20,668	\$56.62
Fremont Correctional Facility	\$29,383	\$80.50			
La Vista Correctional Facility	\$42,439	\$116.27	COMMUNITY & PAROLE SUPERVISION		
Level III Security Average	\$35,851	\$98.22	Parole	\$5,771	\$15.81
			Community	\$8,435	\$23.11
Limon Correctional Facility	\$34,642	\$94.91	YOUTHFUL OFFENDER SYSTEM		
Level IV Security Average	\$34,642	\$94.91	YOS Pueblo Facility	\$76,942	\$210.80
			YOS Aftercare	\$42,165	\$115.52
			YOS Backlog	\$19,272	\$52.80

^a Colorado Department of Corrections Finance and General Administration

citizens identify as Caucasian). Correctional officers (CO) comprise 56% of CDOC staff.

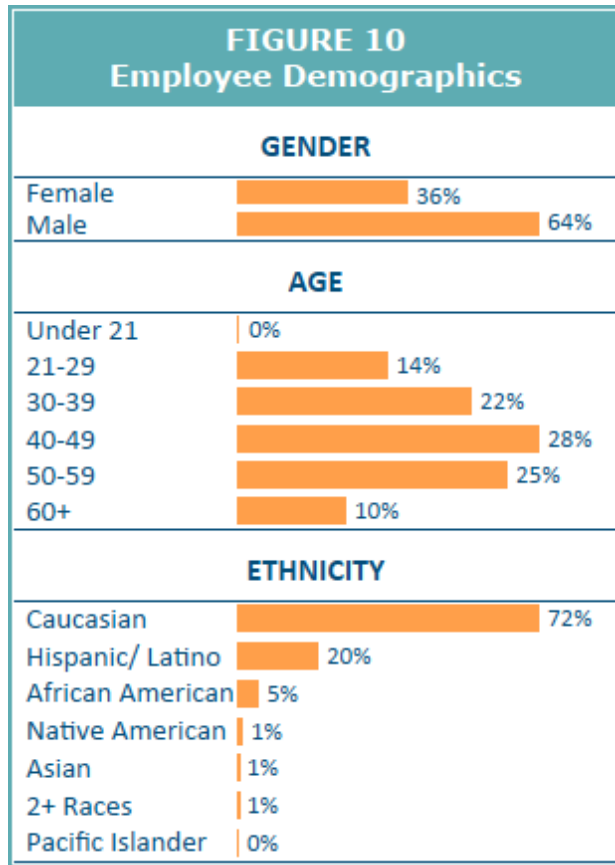
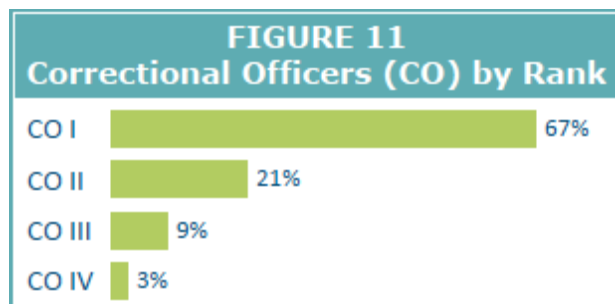


Figure 11 breaks down the rank of the CO series. The majority of COs are at the lowest level of rank (I); very few are at the highest level (IV).



The types of parole employees range throughout the 18 parole office locations. Distribution of parole employees varies depending on the caseload of each office. **Figure 12** shows the percent of Community Parole Officer assignment designations.

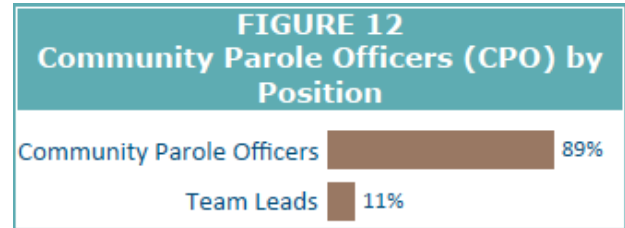
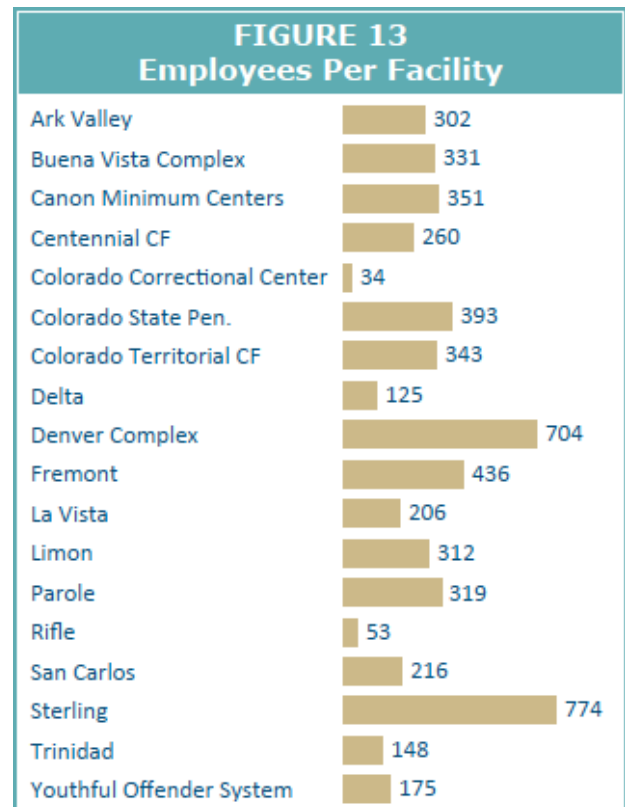


Figure 13 shows the number of employees by location. During the course of the year, 872 employees left employment, resulting in a turnover rate of 14%.



Inmate Admission

Admissions to CDOC adult prison system decreased in FY 2015 by 4.8%. This is the first year of decrease after two years of increase in FY 2013 and FY 2014 (**Figure 14**). This is also the second year in a row that admissions have surpassed releases. Releases showed a 2.5% decrease from FY 2014.

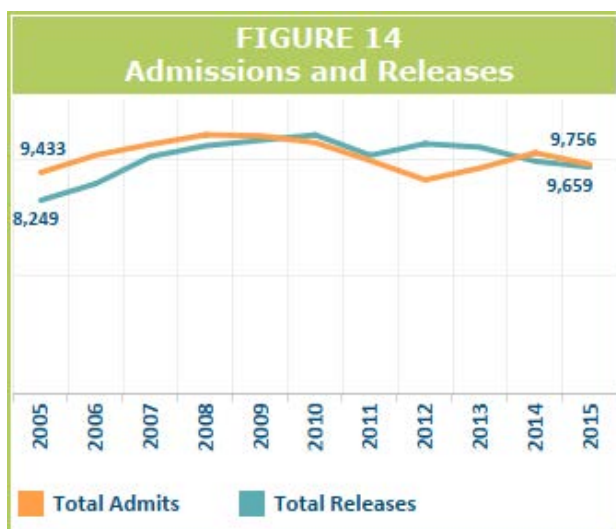
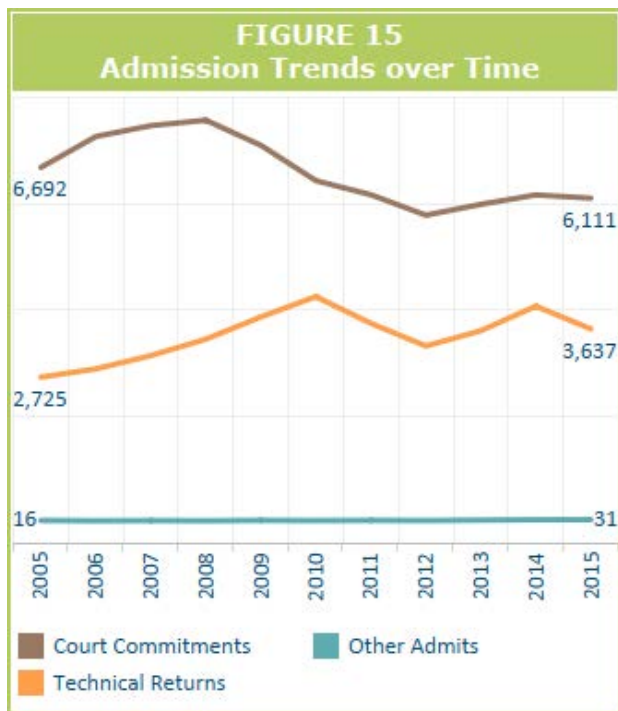


Table 3 shows totals by admission type and gender for FY 2015. Compared to FY 2014, male admissions decreased by 5.3%, while female admissions decreased by 0.8%. Court commitments include individuals receiving new incarceration sentences. Technical returns include offenders who were previously incarcerated in state and released to parole, probation, or a court-ordered discharge then later returned without a new felony conviction. Technical returns may have new misdemeanor convictions, traffic convictions, or other violations of conditions specified in the parole agreement. Other admissions consist of transfers related to interstate compact agreements, bond returns, and dual commitments.

returns under the consecutive sentence audit, and dual commitments.

TABLE 3 Adult Admissions			
ADMISSION TYPE	MALE	FEMALE	TOTAL
COURT COMMITMENTS/NEW CONVICTION			
New Commitments	4,504	744	5,248
Parole Return	723	85	808
Court-Ordered Return	5	1	6
Probation	14	2	16
YOS Failure	5	0	5
SUBTOTAL	5,251	832	6,083
TECHNICAL RETURNS			
Parole Return	3,162	452	3,614
Court-Ordered Discharge	11	0	11
Probation	12	4	16
SUBTOTAL	3,185	456	3,641
OTHER			
Interstate Compact	26	3	29
Bond Return/ Audit Return/State Hospital	3	0	3
SUBTOTAL	29	3	32
TOTAL ADMISSIONS	8,465	1,291	9,756

Figure 15 shows 10-year trends of admissions by type. Court commitments decreased during FYs 2008-2012, while technical returns decreased during FYs 2010-2012. Court commitments and technical returns both contributed to the increase in admissions during FYs 2013-2014. Court commitments decreased by 1%, and technical returns decreased by 10.9%, during FYs 2014-2015.

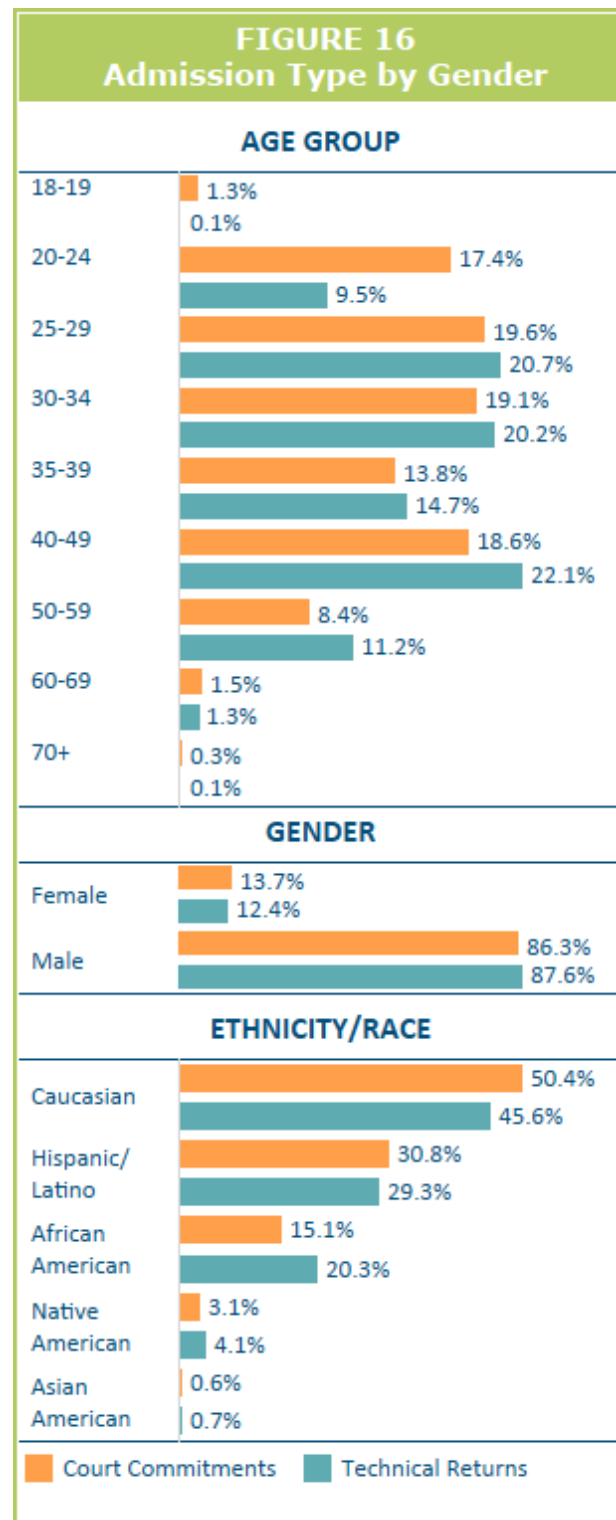


DEMOGRAPHIC CHARACTERISTICS

Demographic characteristics of incarcerated offenders were examined. In FY 2015, 500 offenders had multiple admissions. To portray admission characteristics accurately, each offender was included using only his or her first admission for the fiscal year when more than one admission occurred. The descriptive analysis includes 6,084 court commitments and 3,339 technical returns. The demographic characteristics of FY 2015 inmate admissions are provided in **Figure 16**. Gender was similar across admission types. Among 2015 commitments, 6.4% were 50 or older. Less than 1% of commitments were under the age of 19. The population of youthful offenders that received an adult sentence but were eligible for YOS is reported elsewhere.

OFFENSE DATA

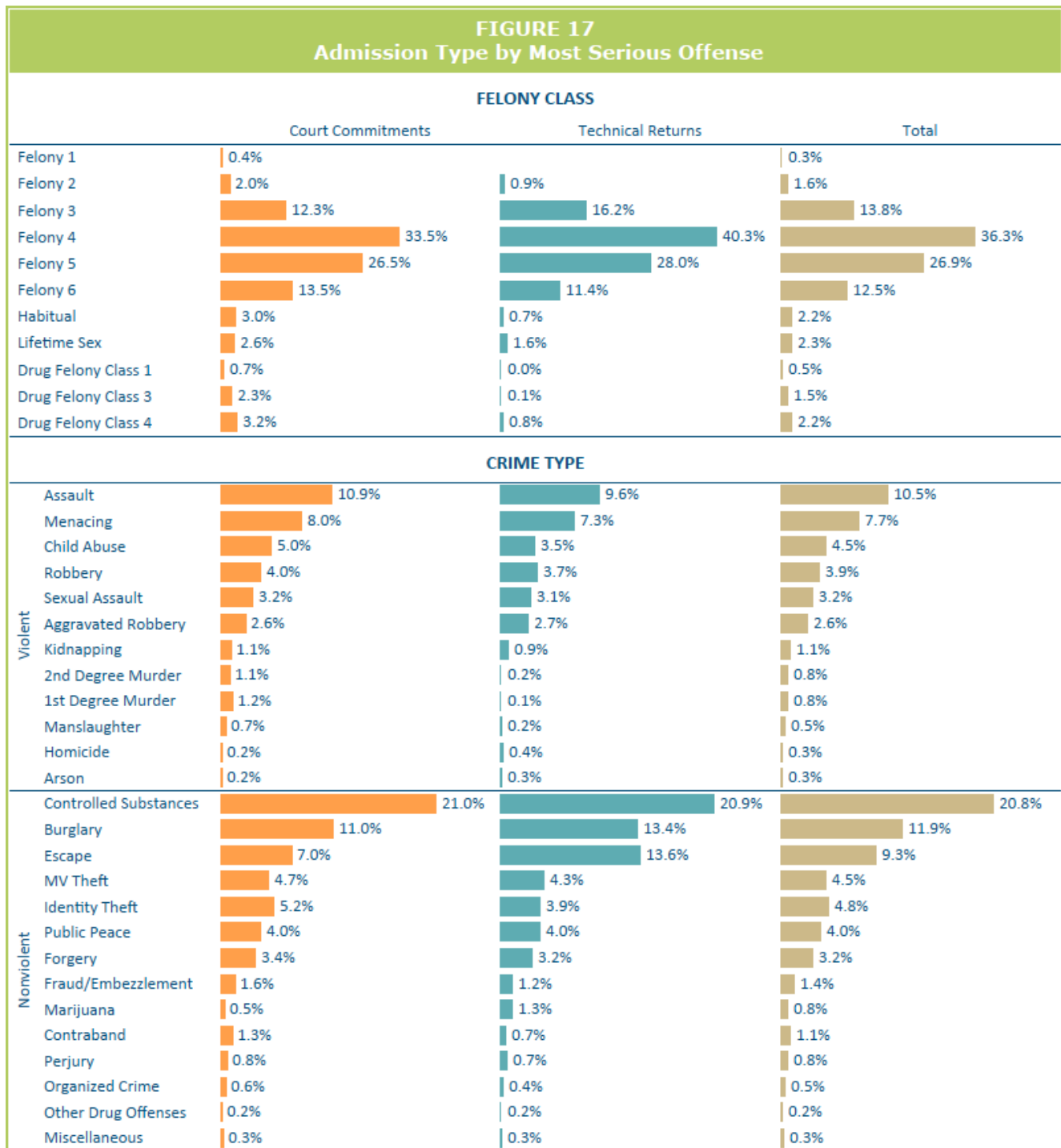
To assess the seriousness of inmate sentences, the felony class of the most serious offense conviction is used. Most serious offense is



determined by a number of factors including sentence length, felony class, enhancements (e.g., habitual, life-time supervision), and crime type. As with demographics, multiple admissions were removed so that individuals with more than one admission in the same year were only included once. Felony-class distributions of both court commitments and

technical returns show that Class 4 felonies were the most common, followed by Class 5 and then Class 6 felonies (**Figure 17**). Figure 16 also shows the most serious offense by admission type and violence category. Offenses are categorized as violent or non-violent using a broad definition of the general nature of the offense rather than the statutory definition in C.R.S. 18-1.3-406. About one-

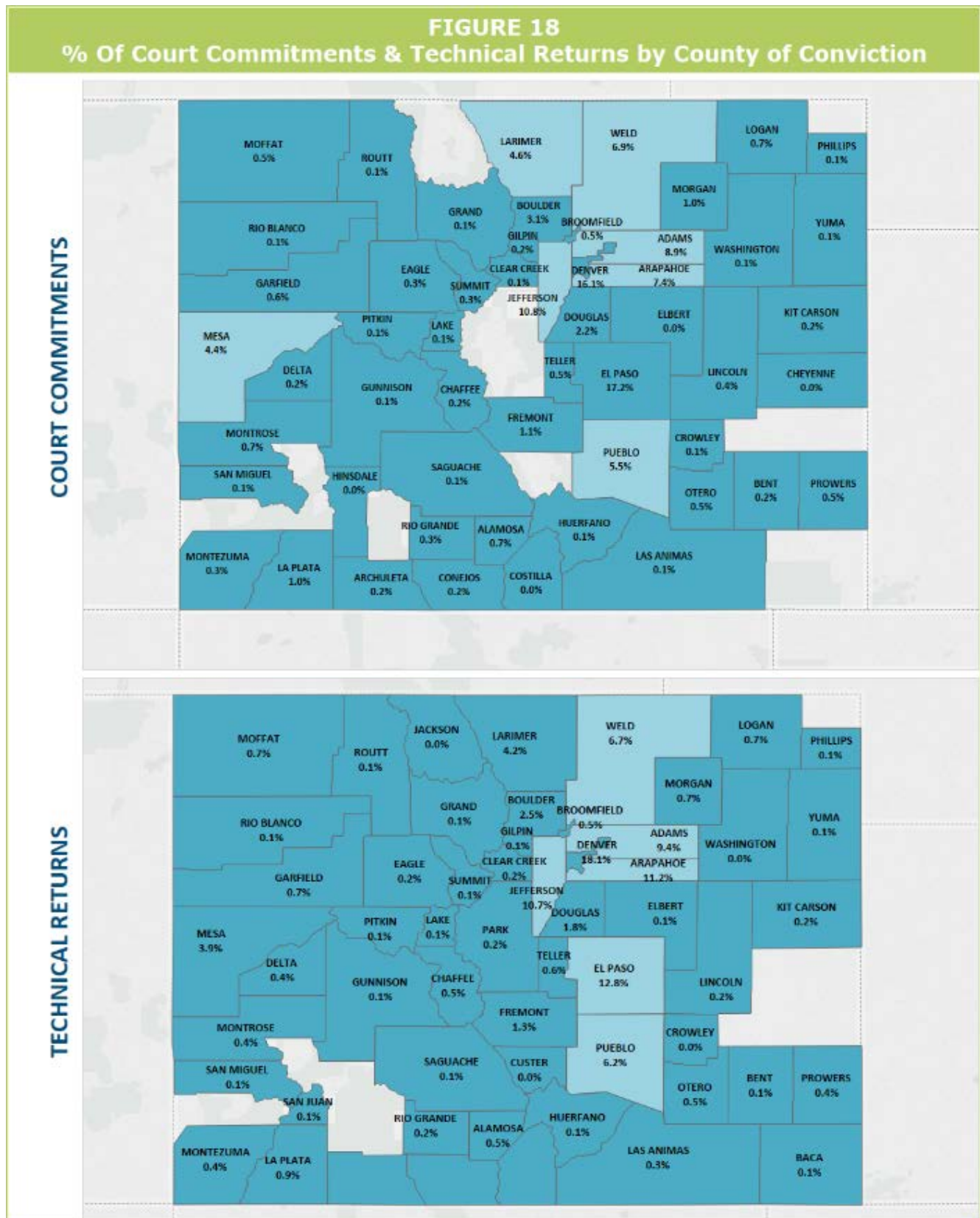
third of admissions were for violent crime and two-thirds were for non-violent crime. Technical returns are more likely to have non-violent offenses than court commitments. This occurs because violent offenders have longer prison sentences and parole less frequently than non-violent offenders.



COUNTY OF COMMITMENT

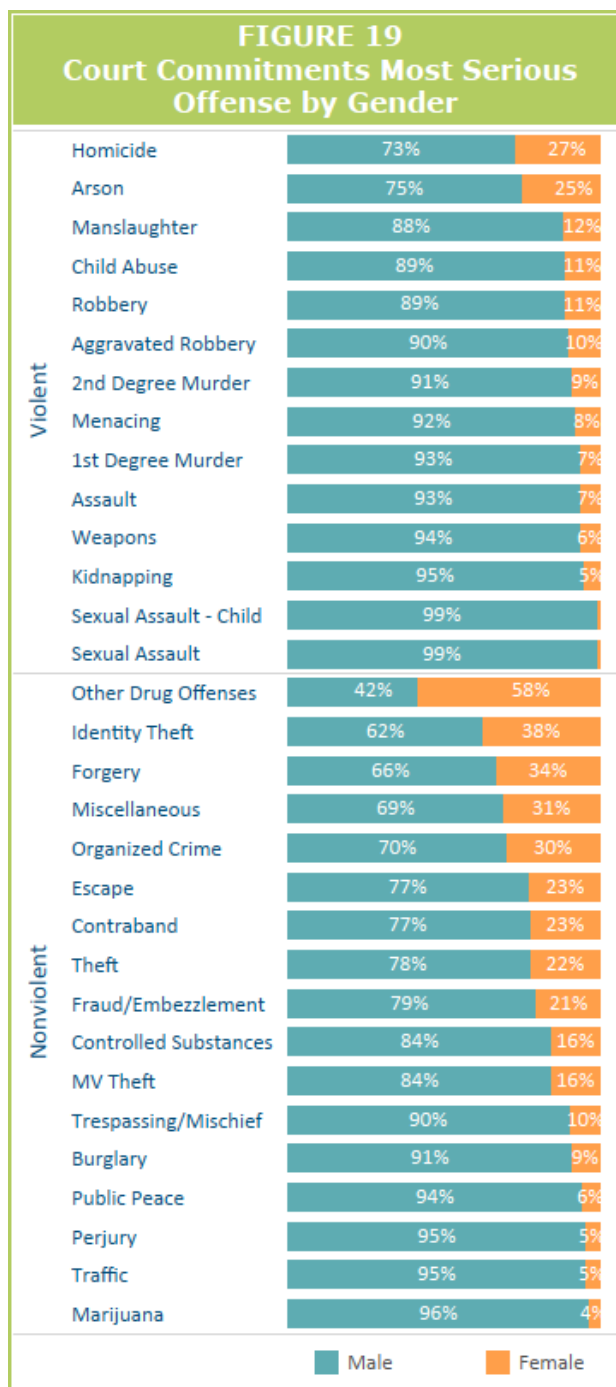
Figure 18 displays the percentage of court commitments and technical returns from each county in the state. Denver County continues

to represent the largest portion of admissions, followed by other counties along the Front Range such as El Paso, Jefferson, Adams and Arapahoe.



GENDER COMPARISON

Figure 19 divides each crime category between genders.



LENGTH OF STAY

The Correctional Population Forecast³ issued annually by the Division of Criminal Justice (DCJ) estimates the average length of stay of

new court commitments and parole returns with a new crime. Average lengths of stay are estimates of actual time that new admissions are expected to serve in prison. These calculations are made using sentence length and actual time served for inmates released during the same year. **Table 4** displays projected lengths of stay based on felony class (F1–F6) and crime type (extraordinary risk, sex, drug, and other).

TABLE 4
Estimated Avg. Length of Stay (Months)

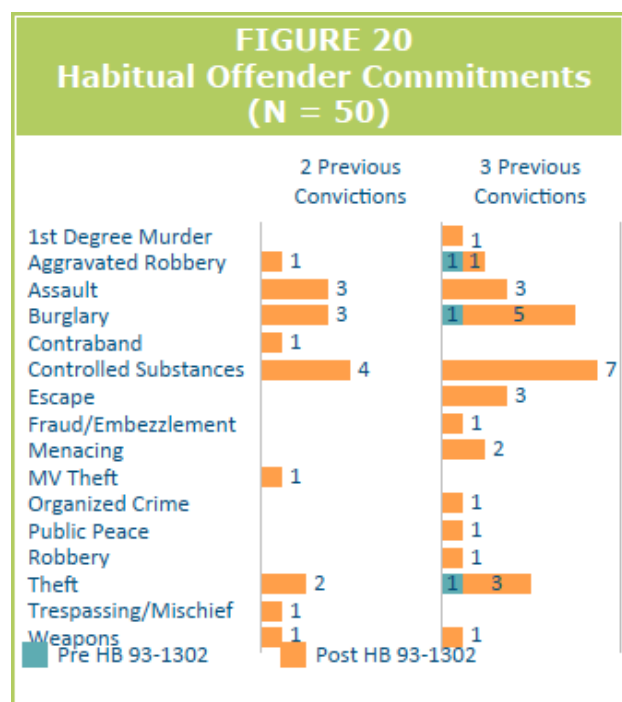
FELONY /TYPE	NEW		PAROLE RETURNS	
	MALE	FEMALE	MALE	FEMALE
F1	480.0	480.0	480.0	-
F2 Ext	208.2	194.8	136.2	184.3
F2 Sex	224.7	-	-	-
F2 Drug	-	-	63.4	-
F2 Other	85.3	80.9	136.8	48.0
F3 Ext	80.1	51.4	69.9	53.7
F3 Sex	83.7	74.9	167.7	-
F3 Drug	54.6	47.6	40.8	-
F3 Other	58.2	37.5	71.6	43.8
F4 Ext	48.0	36.5	45.2	31.1
F4 Sex	48.7	37.4	32.8	-
F4 Drug	28.4	25.2	31.9	52.5
F4 Other	33.6	30.3	40.4	33.1
F5 Ext	22.5	16.7	22.2	22.1
F5 Sex	26.5	30.1	25.8	-
F5 Drug	22.7	11.4	15.1	28.3
F5 Other	21.4	19.1	25.4	16.1
F6 Ext	11.7	7.8	22.8	-
F6 Sex	10.2	12.2	11.2	-
F6 Drug	12.2	9.8	15.4	27.7
F6 Other	12.4	11.5	11.2	18.6
Habitual	160.0	218.3	145.9	-
Lifetime	218.1	-	153.0	53.0
DF4	9.4	7.93	9.2	-
DF1 Ext	77.2	68.7	80.6	-
DF2 Ext	49.5	56.0	63.5	114.8
DF3 Ext	25.6	24.5	29.8	-
DF4 Ext	8.9	10.2	-	-
Total Average	44.6	30.0	51.5	37.2

HABITUAL OFFENDER SENTENCES

Figure 20 summarizes court commitments with habitual convictions. Fifty offenders

³ Harrison, L. Colorado Division of Criminal Justice Correctional Population Forecasts, January, 2015.

were sentenced under habitual offender provisions for his or her most serious offense in FY 2015, of which three were sentenced under pre-HB 93-1302 law. It should be noted that some offenders who received habitual sentences are not reported here if his or her most serious offense was not the crime(s) carrying the habitual sentence, although sentence enhancements correspond to most serious offenses in the majority of cases.



Offenders sentenced under pre-HB 93-1302 receive a life sentence with parole eligibility after 40 years or a 25 to 50-year sentence. Those sentenced post-HB 93-1302 receive a sentence at three times the maximum of the presumptive range for two previous convictions and four times the maximum for three previous convictions. **Table 5** shows the average, minimum and maximum sentences

TABLE 5 Habitual Offender Sentences (Years)		
	2 PREVIOUS CONVICTIONS	3 PREVIOUS CONVICTIONS
Average	23	35
Minimum	5	2
Maximum	72	288

for those with two or three previous convictions.

LIFETIME SUPERVISION SEX OFFENDERS

Legislation enacted in 1998 requires most offenders convicted of Class 2, 3 or 4 sex-offense felonies to be sentenced to prison for a set minimum term and a maximum term of life. **Table 6** details the felony class and average minimum sentences for offenders sentenced to prison under the lifetime sex offender supervision provision in FY 2015; none were females.

TABLE 6 Lifetime Supervision Sentences (Years)		
	NUMBER OF OFFENDERS	AVERAGE MIN. SENTENCE
Felony Class 2	4	38
Felony Class 3	75	23
Felony Class 4	82	8
Total	161	16

The data shown in Table 6 may not represent all commitments sentenced under these provisions, as this analysis uses only the most serious crime. In some cases, the most serious crime is a non-sexual offense, and the lesser qualifying sex-offense carries the lifetime supervision sentence.

RISK & NEEDS ASSESSMENTS

Initial needs levels are calculated during the diagnostic process for court commitments and are used to identify inmates for placement in services. These needs levels are assessed through a combination of methods including; observation, interviewing, self-reporting, standardized testing, and review of criminal justice records. Each needs level is rated on a scale of 1-5, with higher scores representing greater needs.

Figure 21 compares the ratio of court commitments with moderate-to-severe needs (Levels 3-5) in each area to the ratio of none-to-low needs (Levels 1-2). Inmates with moderate-to-severe needs are targeted for services in that area. The highest needs areas overall are substance abuse, followed by vocational and mental health needs. Females have much higher medical, mental health, substance abuse and vocational needs, but lower sex offender treatment needs when compared to males.

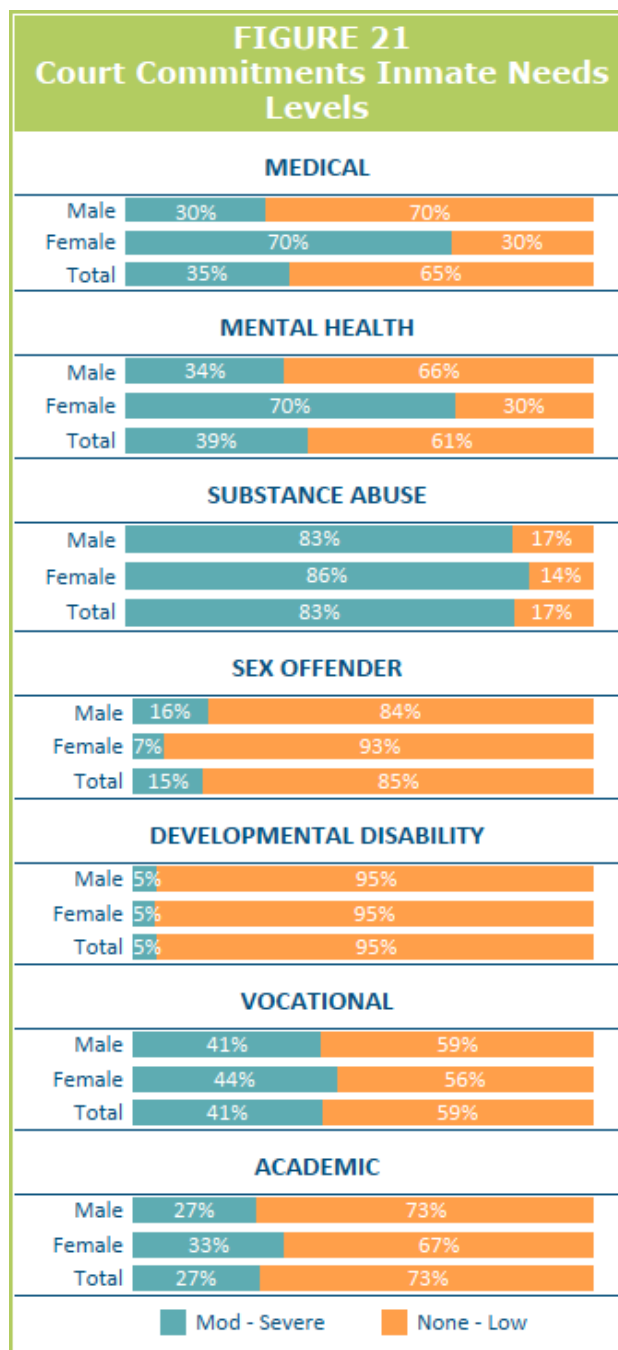
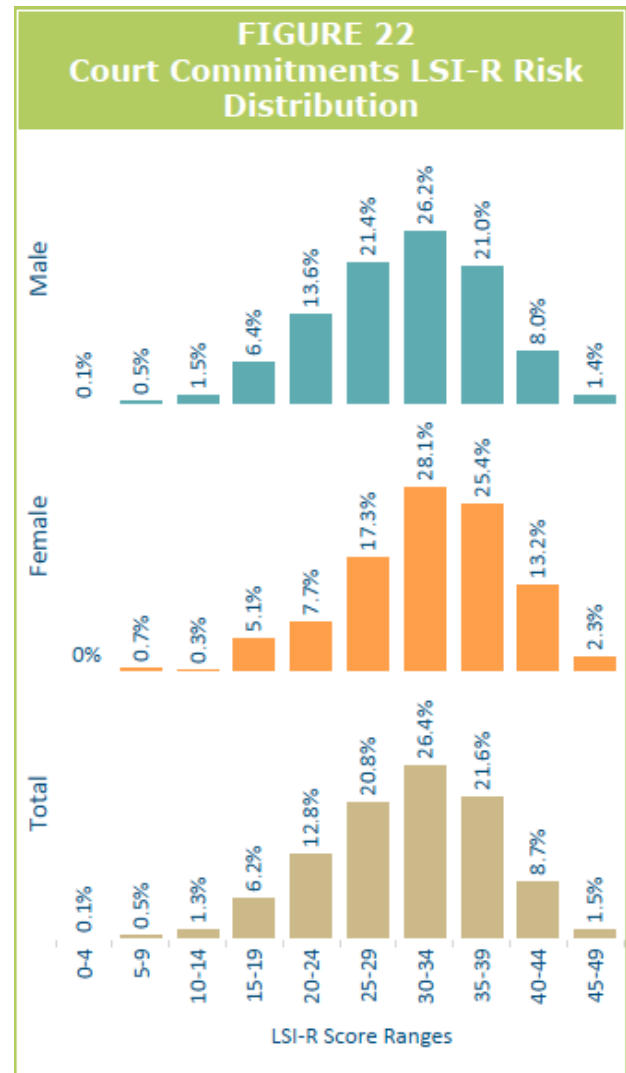


Figure 22 shows risk distributions of male and female court commitments, as assessed using the LSI-R (Level of Supervision Inventory - Revised.) The average score range is 30–34 for males and 35–39 for females.



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Inmate Releases

This section reflects actual releases from inmate status which include releases from prison, community corrections, or jail settings. These releases may differ from those reported by the Parole Board, which are a reflection of when releases are granted and may not occur in the same fiscal year as the actual release.

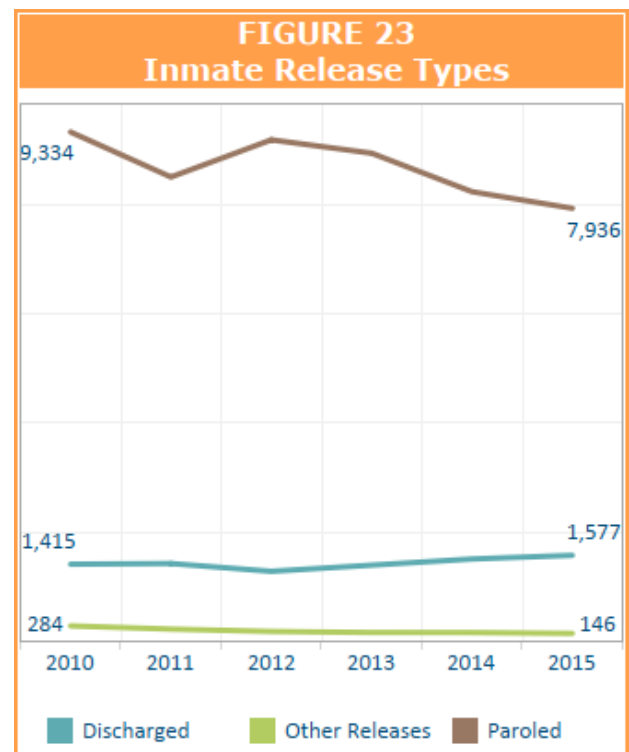
Three main release categories are used by CDOC; parole release, sentence discharge, and other releases. Parole releases include inmates who are granted discretionary parole by the Parole Board, inmates who serve his or her maximum sentence and release on his or her mandatory release date, and inmates who re-parole after having his or her parole revoked. Certain felony Class 4-6 offenders who do not receive discretionary parole may release 30–60 days before his or her mandatory release date if eligible per the provisions of HB 09–1351. Sentence discharges include Martin/Cooper discharges, and discharges to pending charges or detainers. Martin/Cooper discharges apply to offenders convicted of sex-offenses between July 1, 1993, and June 30, 2002. The Colorado State Supreme Court (*People v. Martin*, Case 99SC602) and the Colorado Court of Appeals (*People v. Cooper*, Case 98CA1614) ruled that these sex offenders were subject to a period of discretionary parole that could not be longer than the remainder of the imposed maximum sentence of incarceration. These cases became final in July 2001. As a result, sex offenders convicted of offenses between 1993 and 2002 are no longer subject to the mandatory parole

provisions. This ruling resulted in 264 sex offenders completely discharging their prison sentence in FY 2015. An appellate court decision in *People v. Falls*, Case 00CA2169, ruled that habitual offenders with dates of offense between July 1, 1993, and June 30, 2003, fell into the same category as Martin/Cooper and were not required to serve a mandatory period of parole. Other releases include release to probation; court-ordered discharge and deceased.

RELEASES BY TYPE

Inmate releases have decreased over the past three years since FY 2012 (Figure 14). An examination of release types shows that decreased inmate release rates correspond with fewer releases to parole (**Figure 23**).

CDOC implemented procedural changes in December 2005. These changes affected



inmates scheduled for parole release during a weekend. Releases on mandatory release dates or mandatory re-parole dates falling on a weekend day or observed federal holiday were released a few days earlier resulting in offenders being reported on discretionary parole instead of mandatory parole or re-parole. Since December 2008, weekend releases have been coded separately from discretionary parole releases. **Figure 24** shows the breakdown of parole releases by fiscal year beginning in 2010. The increase in FY 2012 coincides with a substantial increase in discretionary and mandatory parole releases. The decrease in parole releases in FY 2015 is attributable to fewer discretionary parole releases.

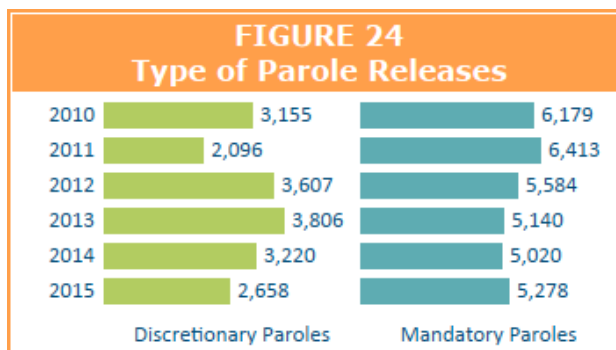


Table 7 provides details of releases by type and gender for FY 2015. Approximately 18% of these annual releases were sentence discharges. However, as illustrated in **Figure 25**, the majority of inmates that released were governed by current law (1993–present), which requires a period of parole supervision. Only 9% of offenders who discharged his or her sentence were not required to serve a period of parole. The other 91% had previously released to parole and subsequently had parole revoked. These individuals discharged from inmate status while approaching the end of sentence fulfillment, but before re-paroling.

TABLE 7 Inmate Release Types by Gender			
RELEASE TYPE	MALE	FEMALE	TOTAL
PAROLE			
Discretionary	2,251	407	2,658
Mandatory	1,987	207	2,194
Mandatory Re-parole	2,025	294	2,319
HB 1351 Mandatory	630	135	765
SUBTOTAL	6,893	1,043	7,936
SENTENCE DISCHARGE			
Discharge	1,204	144	1,348
Martin/Cooper Discharges	10	1	11
Discharge to Pending Charges	130	23	153
Discharge to Detainer	67	0	67
SUBTOTAL	1,411	168	1,577
OTHER			
Probation	48	10	58
Court Ordered Discharge	28	2	30
Deceased	51	0	51
Colorado State Hospital Transfer	5	0	5
Appeal Bond	2	0	2
SUBTOTAL	134	12	146
TOTAL RELEASES	8,438	1,223	9,659

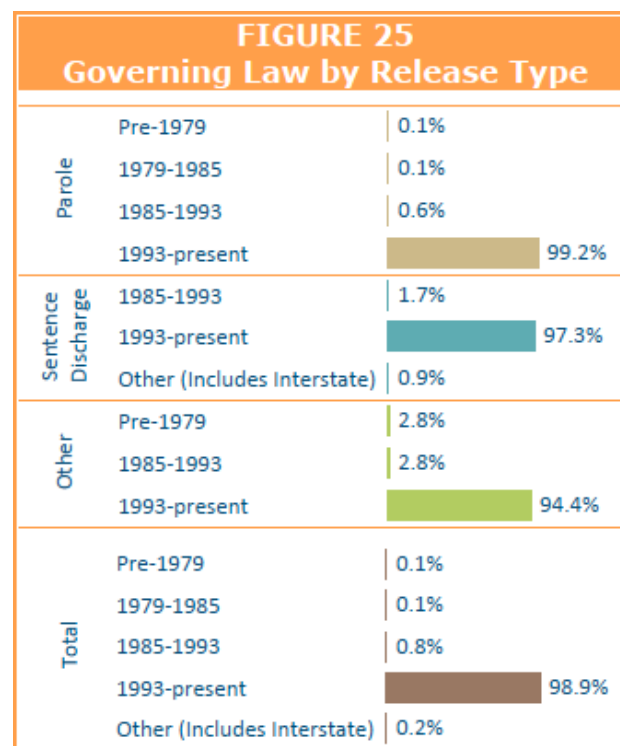


Figure 26 illustrates the rate of releases by type and location. Releases are not shown by specific prison facilities because inmates often release from a transport hub. The majority of inmates released from state prisons to parole. Approximately 17% successfully transitioned from prison to parole via community corrections and/or ISP inmate status. More inmates released from private prisons in FY 2015 than in previous years. This is attributable to a large number (483) of releases directly from Cheyenne Mountain Re-entry Center. Approximately 26% returned to parole or discharged his or her sentence from a return-to-custody facility. Inmates sentenced in Colorado who are under the supervision of other jurisdictions are reported in “Other.” Other jurisdictions may include the Colorado Mental Health Institute at Pueblo (CMHIP), other state facilities, dual commitments to Colorado and interstate compact, or the federal system.

TIME SERVED IN PRISON

The time served in prison relative to governing sentence was analyzed for prison releases. The governing sentence is determined by the sentence or consecutive scheme resulting in the latest mandatory or statutory release date. Once an inmate paroled, the statutorily mandated parole period governs; if the offender is revoked for a technical violation, the parole period continues to govern. If an offender is revoked due to a new conviction, the governing sentence can be either the new conviction or the existing parole period. The sentence resulting in the latest mandatory release or statutory discharge date will govern. If the new conviction is ordered to run consecutively to the existing parole sentence, both sentences will be part of the governing scheme. The broad presumptive sentencing ranges, combined with enhanced sentencing and concurrent versus consecutive sentencing provisions, create vast disparities within each crime category and felony class. Time served in prison does not include time previously served in prison, time credits awarded for probation or diversionary programs, jail credits, and pre-sentence confinement awards. However, time spent in county jail (backlog) waiting for prison bed space after sentencing is included as time served in prison. A limited definition was used to best represent the amount of time that newly sentenced inmates might spend in prison. Only court commitments that released to parole or discharged his or her sentence were included in the comparison (**Figure 27**). Governing sentences and imprisonment time noticeably increase with felony class. Habitual offenders and lifetime-supervision sex offenders also serve extended sentences. Habitual offenders

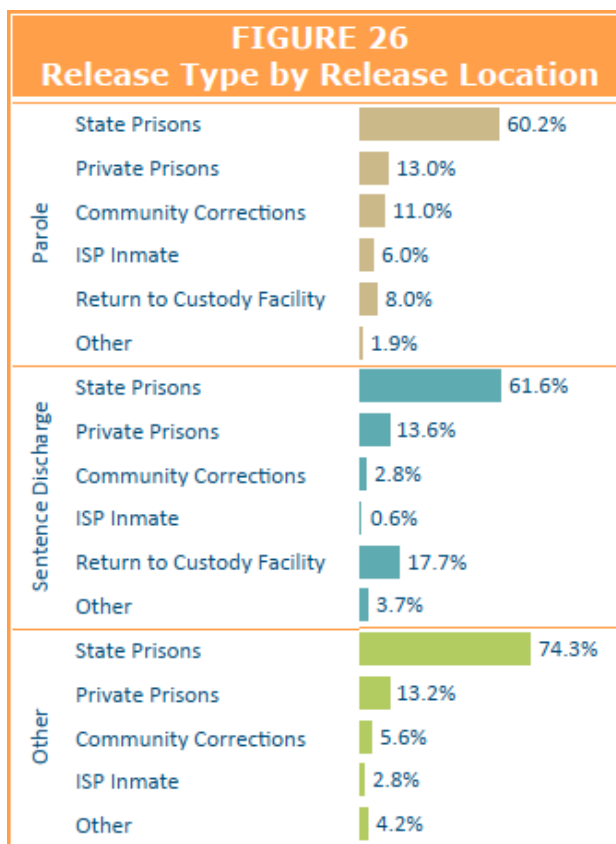
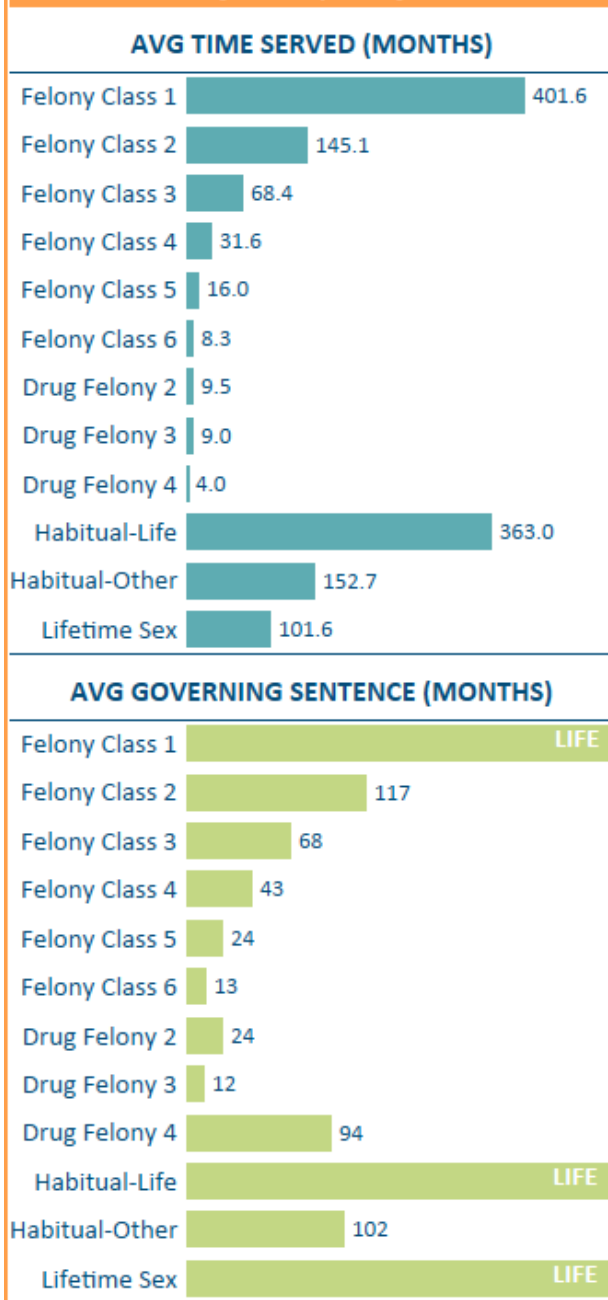


FIGURE 27
Court Commitments Governing
Sentence and Time Served in Prison
(N = 4,698)



essentially serve the same amount of time as Class 2 felons; lifetime sex offenders serve marginally more than Class 3 felons. It is noted that many offenders in the lower felony class ranges (Class 5-6) may have first been sentenced to probation or diversion but re-sentenced to serve a term of imprisonment due to a technical violation or new crimes.

PROFILE OF INMATE RELEASES

Demographic and sentencing data were examined for the FY 2015 release cohort (**Figure 28**). Certain offenders may release more than once during a given year (particularly those who violate the conditions of parole). In order to best represent the characteristics of the individuals who release from inmate status, each offender was included in the release profile only once. Consequently, the profile cohort included 7,877 males and 1,143 females, totaling 9,020 offenders. An exploration of the profile data by gender and release type revealed few meaningful differences, so the data is not displayed at this time. There are differences between inmates who release on discretionary parole and those who release on mandatory parole (**Figure 29**). In this comparison, only the first release was counted, and only releases to discretionary parole and mandatory (including HB 1351) parole were included. Re-paroles are not included in the mandatory parole releases. The final sample included 2,645 discretionary parole releases and 2,941 mandatory Parole releases, totaling 5,586 offender releases. Offenders who released on discretionary parole during FY 2015 were more likely to be female, Asian American or Caucasian, older, and have no gang affiliation. Offenders with more serious felonies were more likely to receive discretionary parole, but for many (those convicted of Class 1 felonies and lifetime sex offenders), release can only be granted by the Parole Board. The LSI-R risk distributions indicate a tiered sequence of risk levels, whereby inmates with increased risk are less likely to be granted discretionary parole.

FIGURE 28
Profile of Releases (N = 9,020)

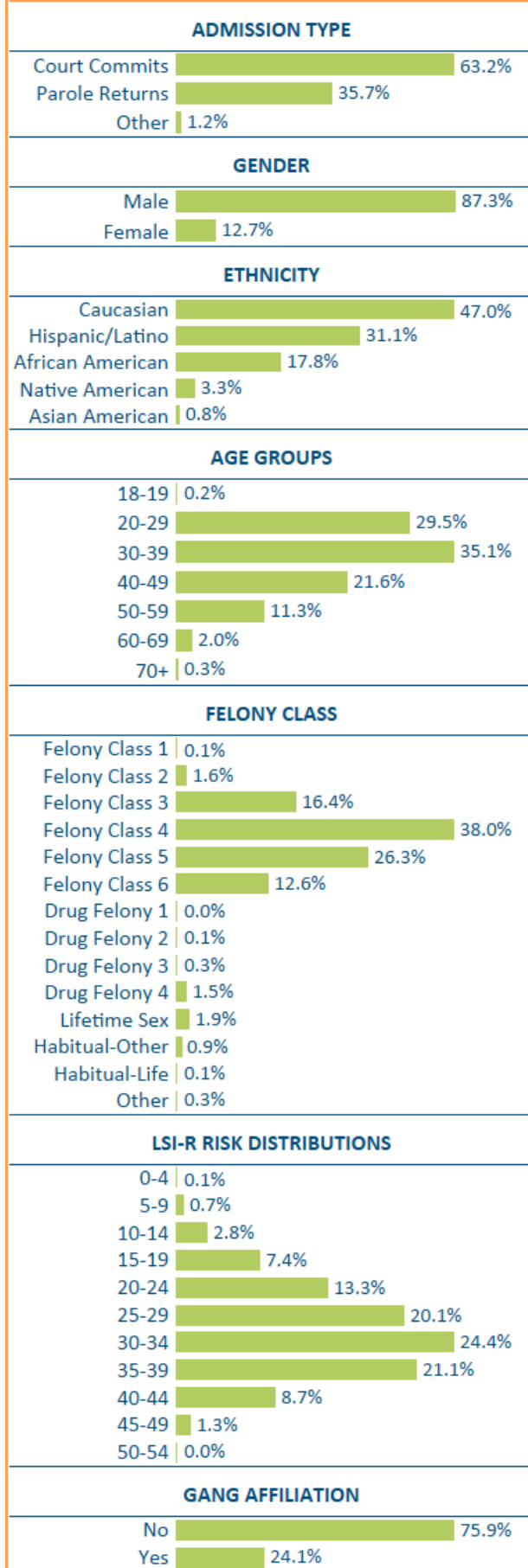
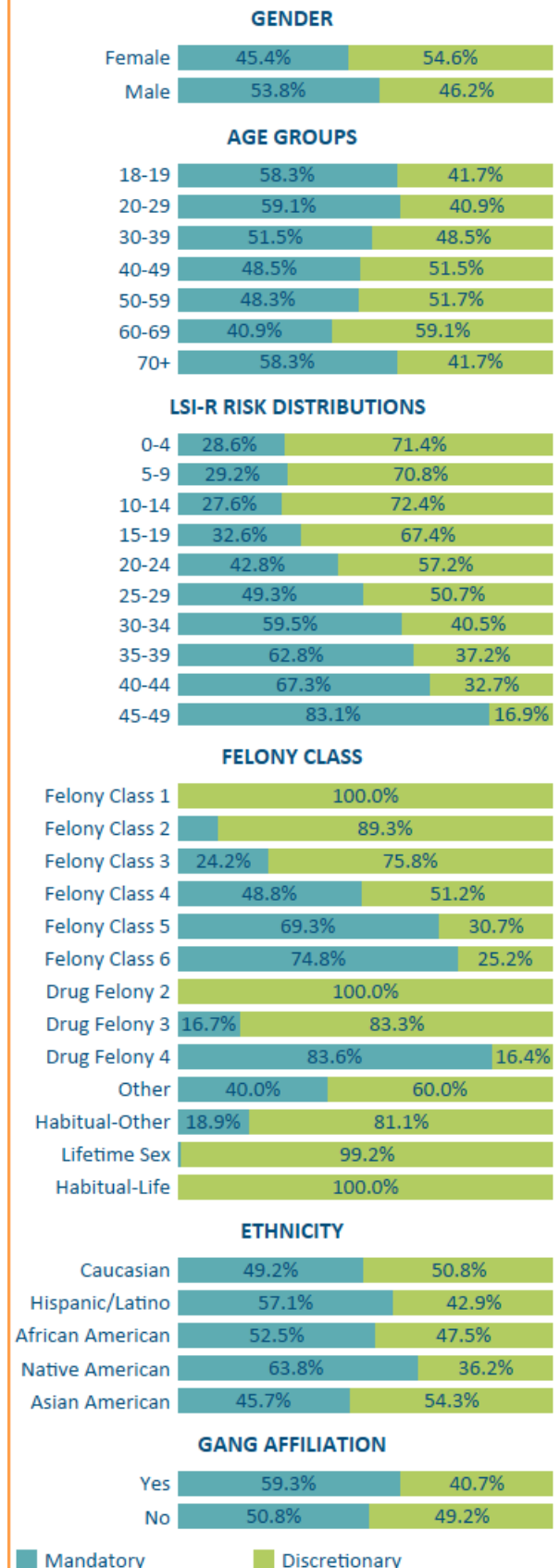


FIGURE 29
Mandatory vs. Discretionary Parole Releases (N = 5,586)



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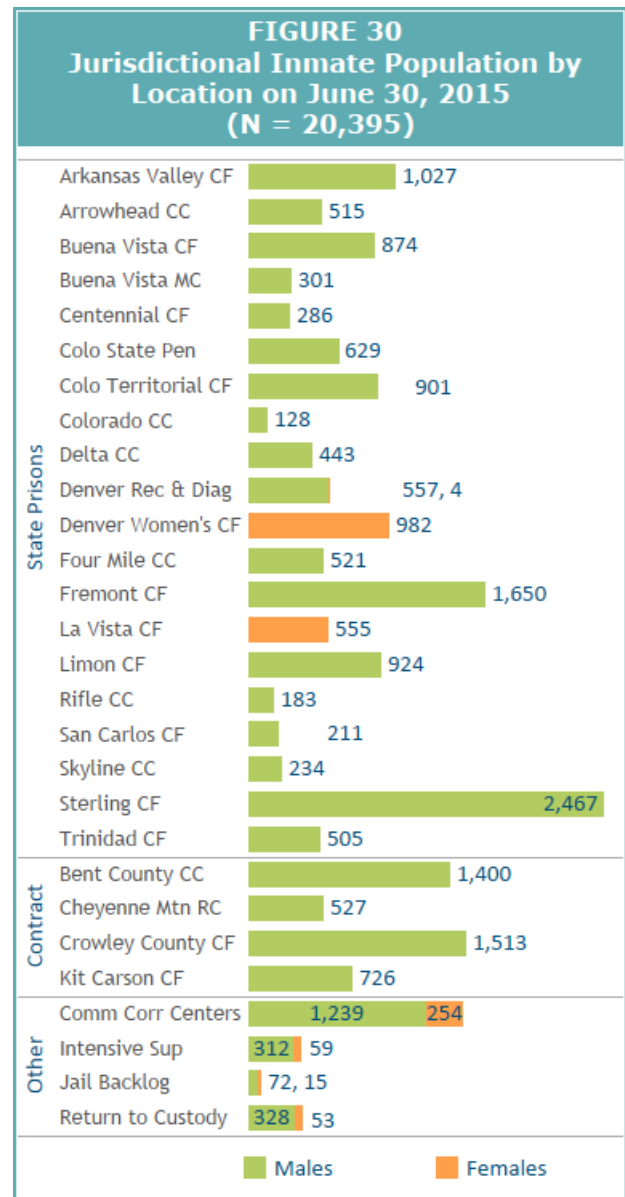
Inmate Population Characteristics

INMATE POPULATION

This section explores and summarizes the adult jurisdictional inmate population. **Figure 30** shows the number of inmates by his or her location on the last day of the fiscal year (excluding 228 fugitives). The majority (68%) were in state prisons, 21% were housed in private prisons or jail backlog, and roughly, 11% were in the community. Jail backlog includes inmates awaiting placement in CDOC as a court commitment, a parole return for a new crime or technical violation, or a regression from a community placement. In the case of certain eligible parole violators, jail backlog also includes those awaiting placement in a community return-to-custody facility. The four private prisons used in FY 2015 house solely male offenders. Denver Women's Correctional Facility and La Vista Correctional Facility exclusively house female offenders, although females may be placed in the infirmary at the Denver Reception and Diagnostic Center or Colorado Territorial Correctional Facility on a temporary basis for medical treatment or evaluation.

CUSTODY CLASSIFICATION & STATUS

All inmates are assessed upon intake into CDOC and then re-assessed at intervals during his or her incarceration. These assessments are completed to determine the



most appropriate housing placement. There are separate instruments for each gender for both the initial and reclassification assessments.

Figure 31 provides a comparison of inmate custody levels at the end of FY 2014 and FY

2015. Over the last several years changes in custody designations have occurred. This has included the elimination of administrative segregation as a classification status and creation and implementation of Restrictive Housing Maximum Security Status (RH-Max) which was designed for inmates who have demonstrated (through behavior) that they pose a risk to the safety and security of a general population prison; it is the most restrictive housing option in CDOC. “Protective Custody” was added in 2013 to provide a non-punitive housing option for inmates who would be at substantial risk of harm if placed in a general population setting. Residential Treatment Programs (RTP) are designated for inmates with mental illness or intellectual disabilities who are participating in specialized programs designed to promote pro-social behavior.

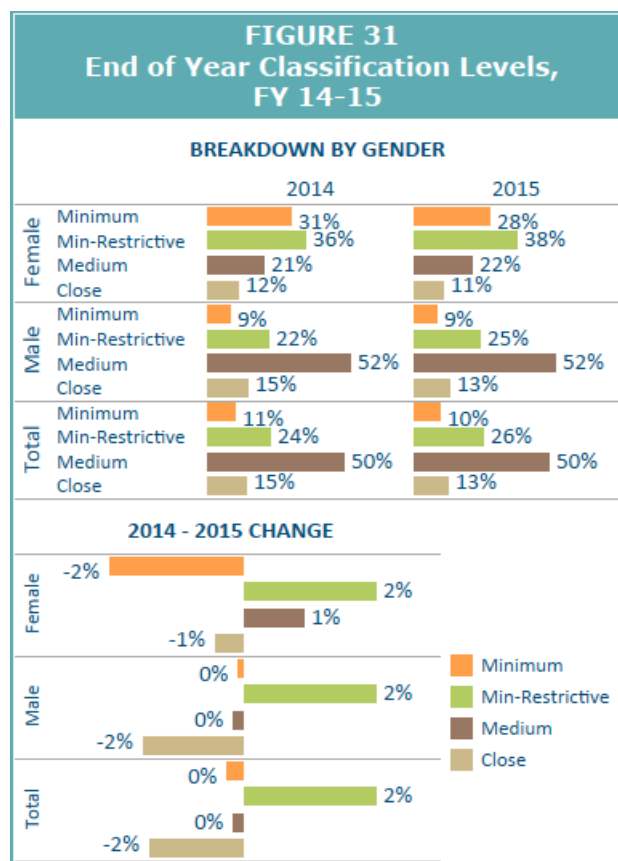


Figure 32 shows that the majority of incarcerated inmates are in the general

population (93%), and approximately 7% have one of the status designations. Since FY 2012, there has been a concerted effort to remove all inmates housed in administrative segregation to include implementation of Restrictive Housing Maximum Security Status coupled with a step-down process to remove all offenders from former administrative segregation conditions.

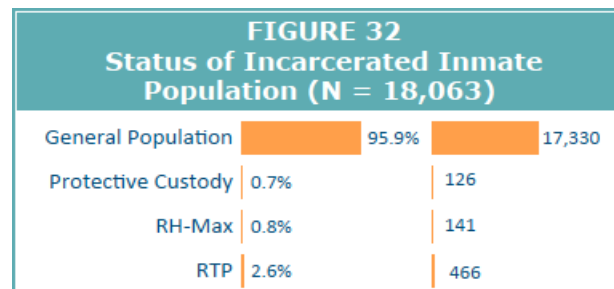
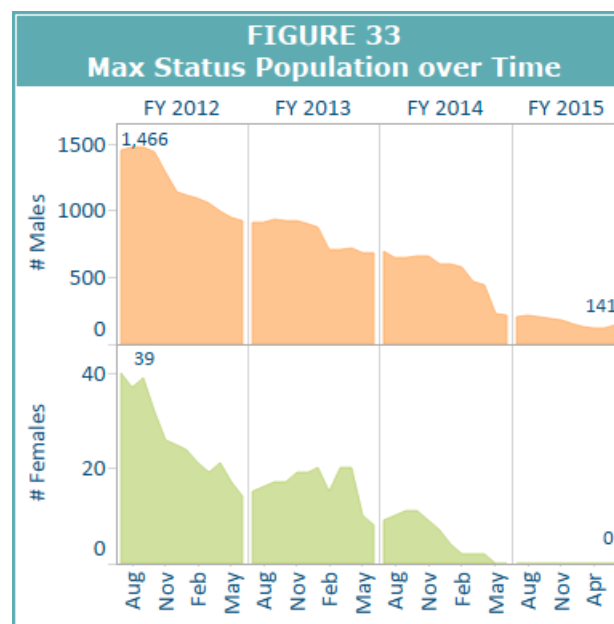


Figure 33 shows the changes in the population over time that has occurred as a result of these efforts. This population peaked in September 2011 with 1,505 inmates (7.4%) in administrative segregation. This number dropped to 177 inmates (1.1%) at the end of FY 2015. As of July 2014, all administrative segregation inmates were officially transitioned to “Restrictive Housing”, though punitive segregation still houses offenders serving disciplinary sanctions.



MOST SERIOUS OFFENSE

Figure 34 contains the most serious offense distribution for the adult inmate population on June 30, 2015. More than half (55%) were incarcerated for a violent offense. In contrast to the inmate population, 38% of court commitments had a violent offense. This discrepancy exists between the inmate population and new admissions because violent offenders with longer sentences

remain in the prison system longer. From 2009 to 2015, numerous legislative bills were passed in an effort to reduce the inmate population (Overview section). These bills targeted less serious offenders for alternatives to incarceration, shorter sentences, increased earned time, and increased preference for discretionary parole. As a result, the inmate population has shifted to one with more serious offenders serving longer sentences.

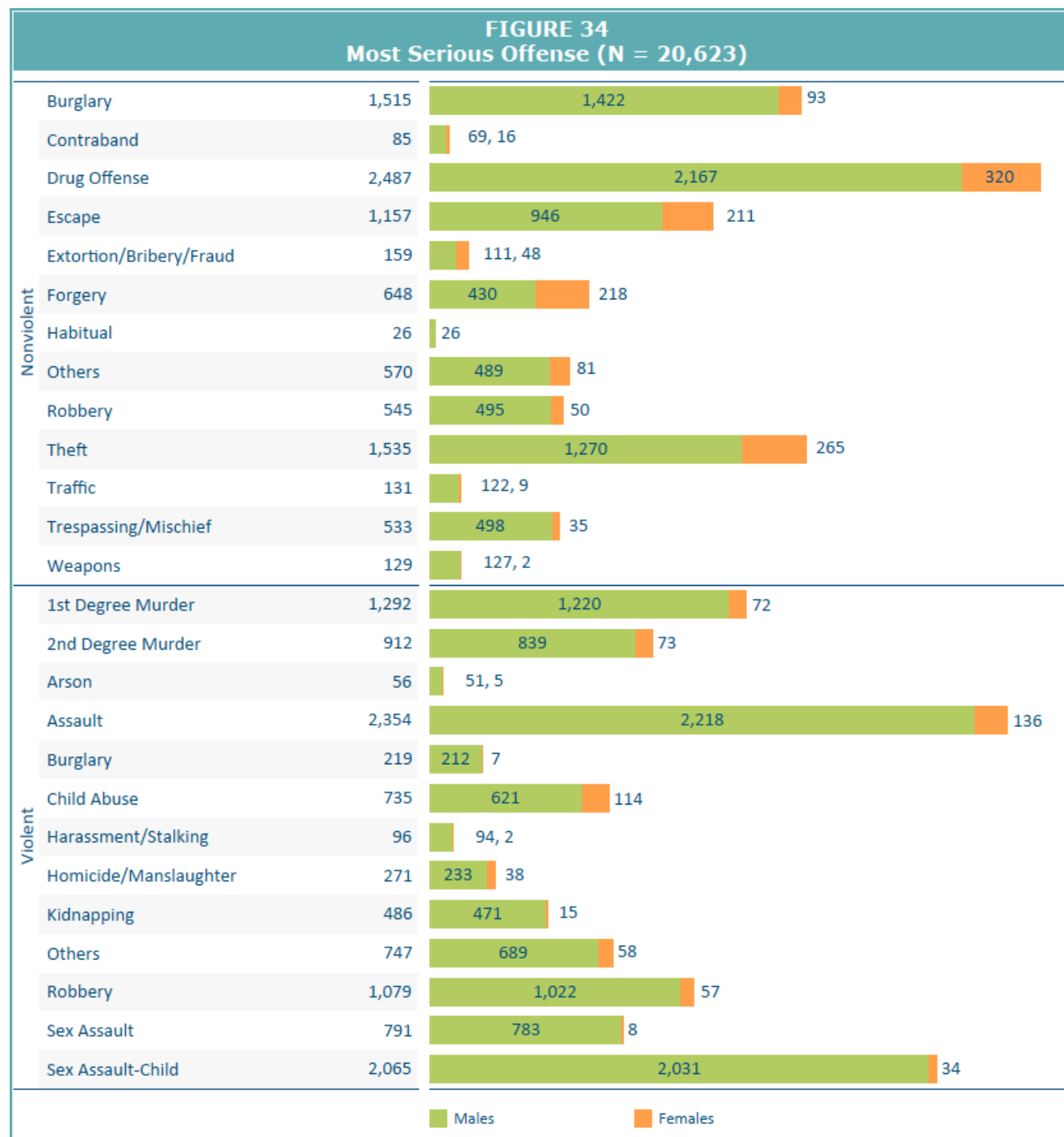
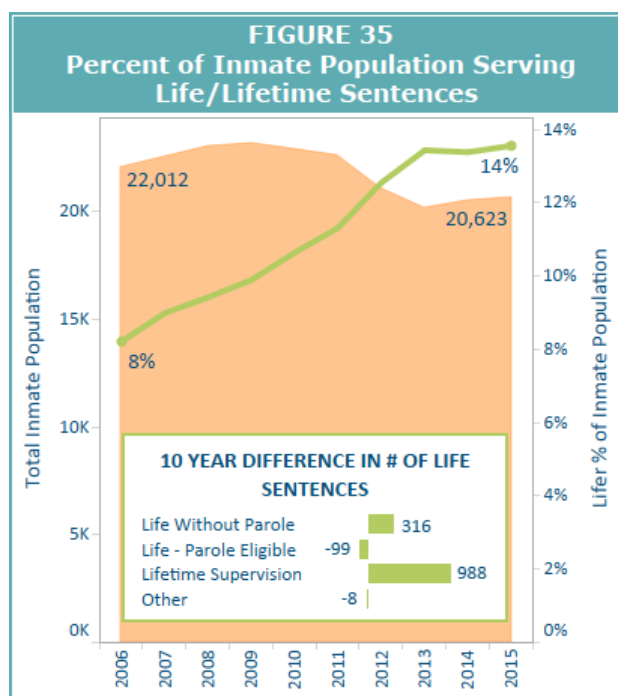
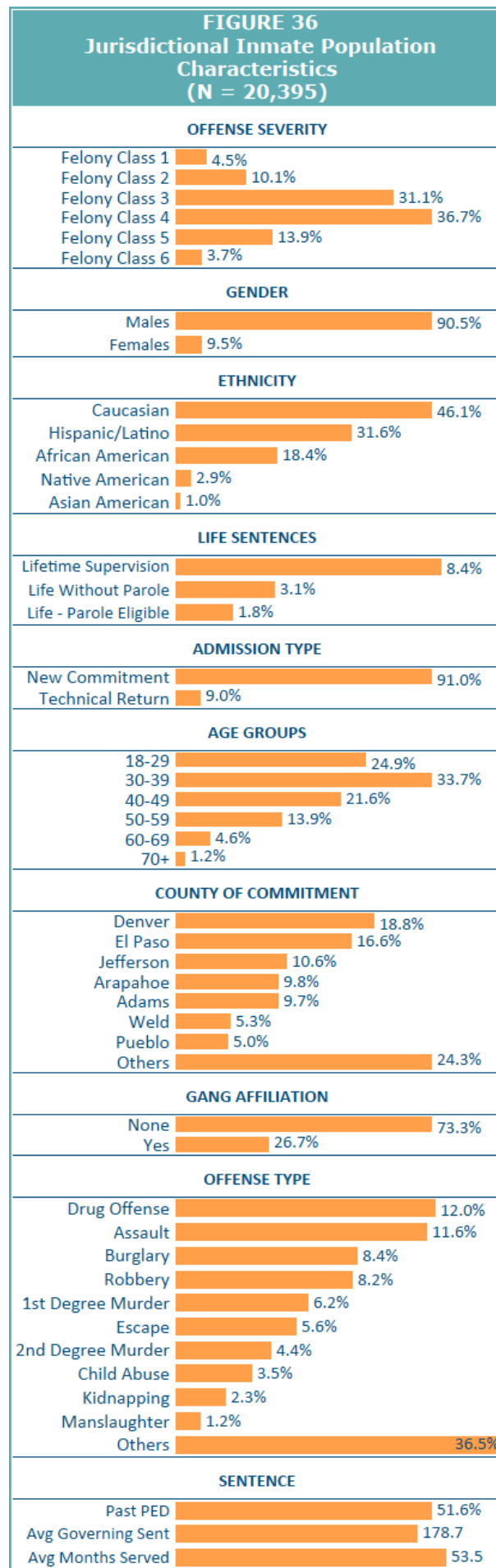


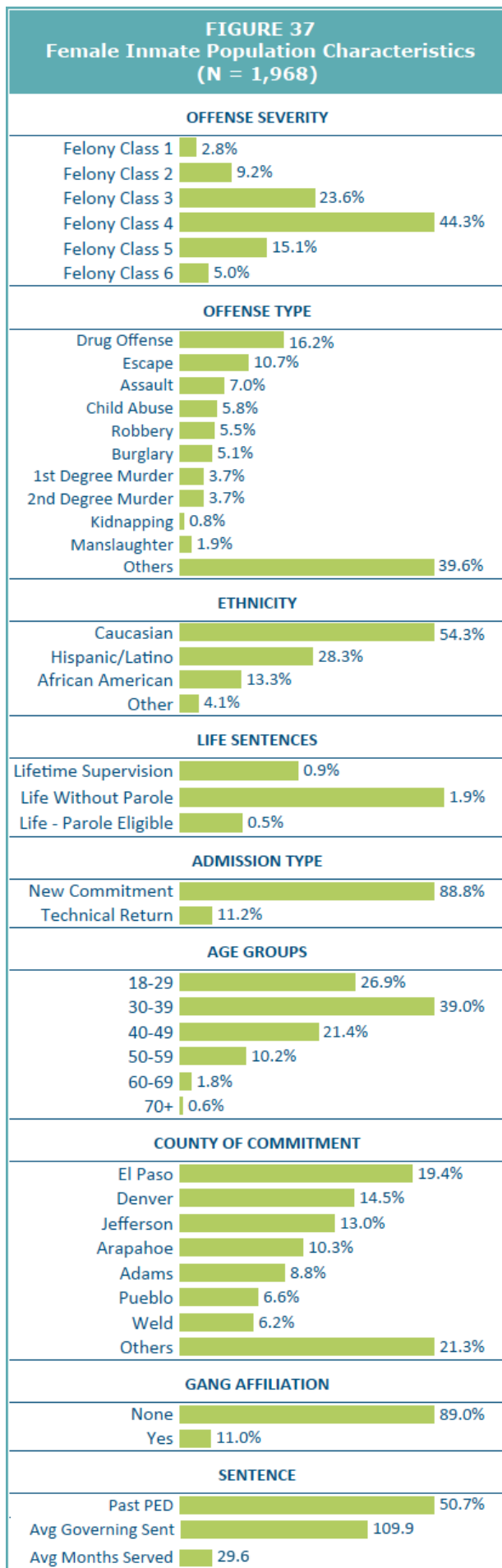
Figure 35 shows a 10-year history of the total inmate population and the percent serving life or lifetime sentences. As shown, even during periods of population decline, life and lifetime inmates continued to account for a greater percentage of the population. The inset figure shows that much of the increase is due to offenders sentenced under lifetime supervision. Conversely, inmates serving life without parole sentences nearly doubled over the past decade; over the same period, the inmate population decreased less than 1%.



INMATE PROFILE

Figure 36 shows the profile of the total inmate jurisdictional population on June 30, 2015. The total inmate jurisdictional population includes inmates in jail, prison and the community but does not include fugitives. Inmates were predominantly male, minority and ages 20–49. The majority (91.0%) were new court commitments sentenced from urban areas. In this population, 8.4% were serving sentences with a maximum term of life; 1.8% of those serving life sentences will be parole

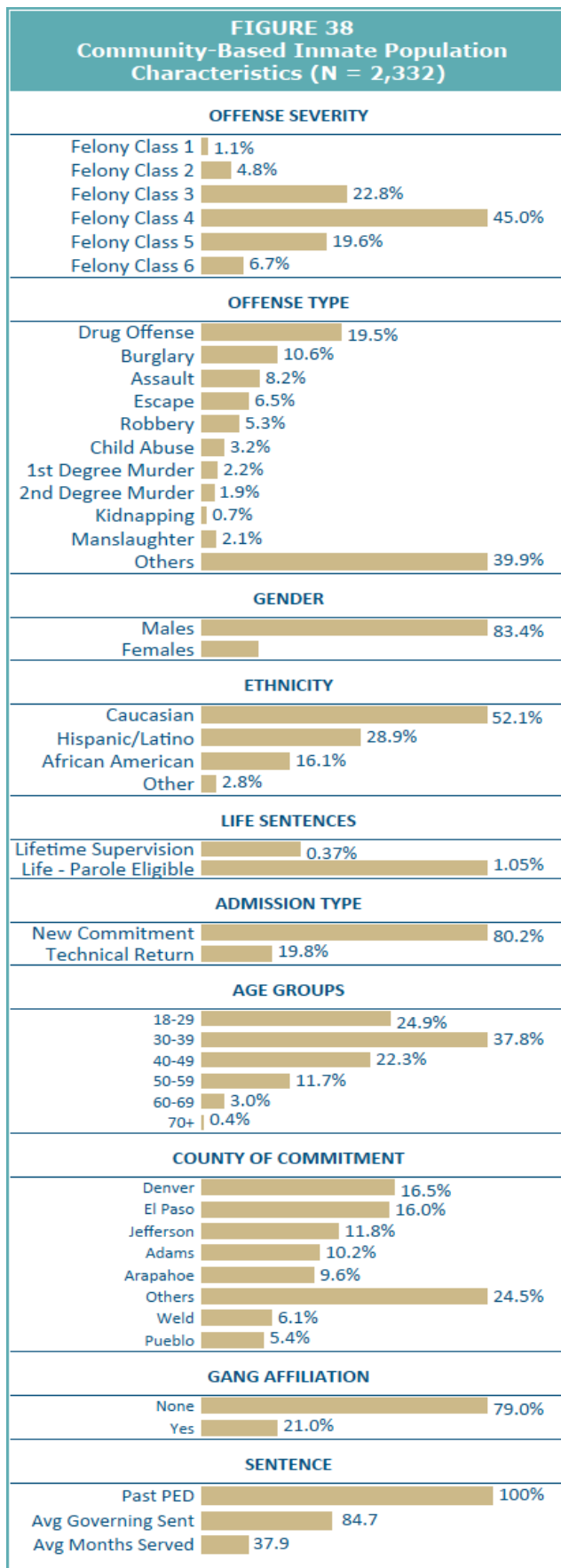




eligible. The maximum governing sentence of the inmate jurisdictional population was lengthy on average: 197.6 months or 16.5 years. In contrast, inmates had only served a total of 53.5 months. Parole Eligibility Date is calculated as 50% of the maximum governing sentence length minus pre-sentence confinement awarded by the court. Mandatory release date (MRD) is calculated as 100% of the maximum governing sentence length minus any pre-sentence confinement awarded by the court. Various types of earned time awards can be applied to both parole and mandatory release dates to reduce the amount of time actually spent incarcerated.

Figure 37 provides similar information for female inmates. Females differed from males across several categories. Female inmates were less likely to be minorities and more likely to be middle-aged than males. Women have a higher sentencing rate from El Paso County than men, but lower sentencing rate from Denver County than men. Women's offenses were different than men's: Women were more likely than men to have a drug or escape conviction as their most serious offense; women had shorter sentences; and women were less likely to have a life or lifetime supervision sentence.

The profile of community inmates is shown in **Figure 38**. This population differed from the total inmate jurisdictional population in some ways. Because of the community return-to-custody option available to felony Class 4–6 parole violators, there were more offenders serving their parole sentence in the community, and these offenders had lower felony classes. Similarly, there were few community inmates serving life or lifetime

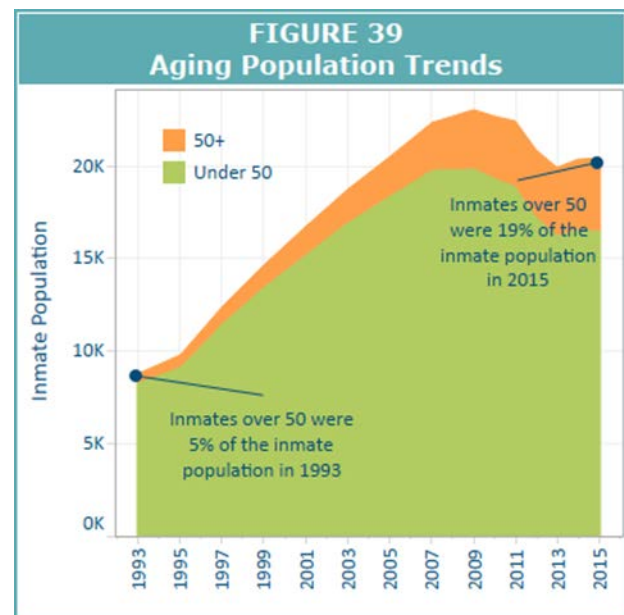


⁴ Human Rights Watch. (201). Old behind bars: The aging prison population in the United States.

supervision sentences and a higher percentage of these inmates were past their PED due to community eligibility requirements. The community corrections population was comprised of a higher percentage of male Caucasian inmates aged 30–49 than was the jurisdictional population.

AGING TRENDS

Inmates over 50 years of age are the fastest-growing prison population. Between 1995 and 2010, the number of state and federal inmates aged 55 or older nearly quadrupled, increasing at nearly seven times the rate of the general prison population⁴. In CDOC between the years 1993-2015, the number of inmates aged 50 and over increased from 464 to 3,909 (742%). In comparison, the total population experienced a 133% increase (from 8,754 to 20,395) during the same time (**Figure 39**). The growth in these segments is attributed to a combination of factors including; aging Baby Boomers representing a larger percentage of the U.S. population⁵, increased life expectancy among adults, and tougher



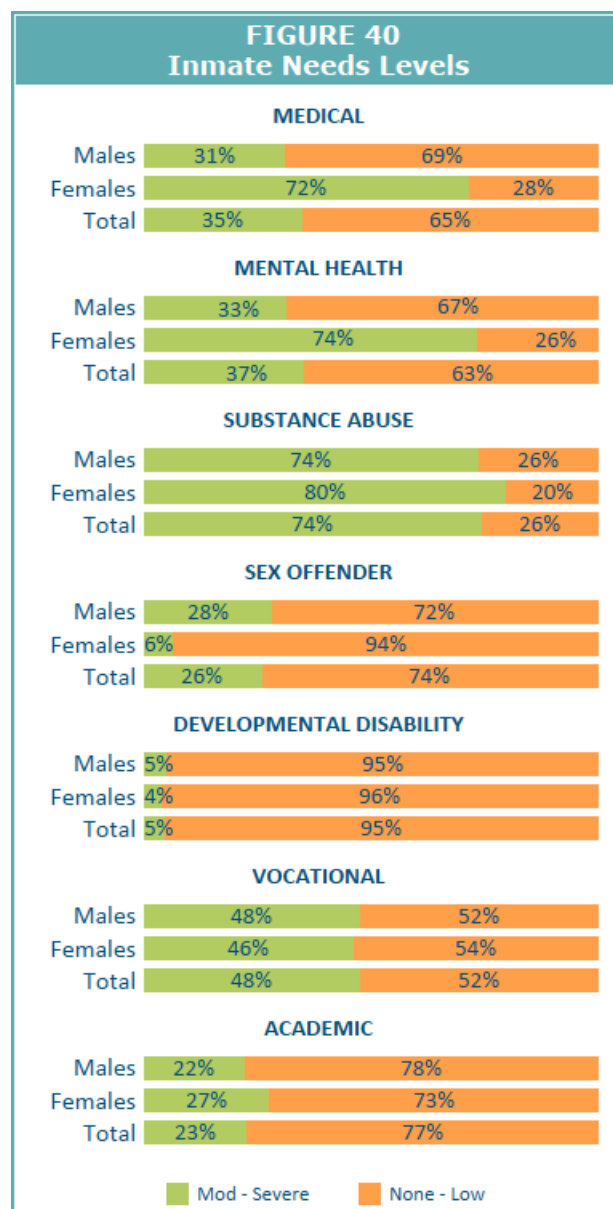
⁵ Administration on Aging. (2011). A profile of older Americans: 2011.

sentencing laws⁶. With this aging offender population comes a myriad of challenges for the criminal justice system, including higher medical costs; the need for special housing and programming; and a higher risk of victimization.

NEEDS LEVELS

Needs levels were examined for the jurisdictional inmate population (**Figure 40**) and grouped as moderate-to-severe needs (Levels 3-5) and none-to-low needs (Levels 1-2). Needs levels are examined by gender due to the large number of differences between men and women. Similar to admissions, females have higher medical, mental health, substance abuse and academic needs levels than males. Males have a higher need for sex offender treatment than females and both males and females have similar needs levels for vocational and developmental disability.

Females with developmental disabilities are also an exception; their needs are equal to that of men in the same category. Differences are greater in the areas of medical and mental health needs. The percent of inmates scoring in each needs level was slightly different from those of the prison admission cohort. However, the jurisdictional inmate population has higher sex offender treatment needs than new admissions. Among the inmate population, 35% of inmates (versus 39% of admissions) had moderate-to-severe vocational needs. Conversely, 23% of the inmate population had Moderate-to-severe academic needs (versus 27% of admissions).



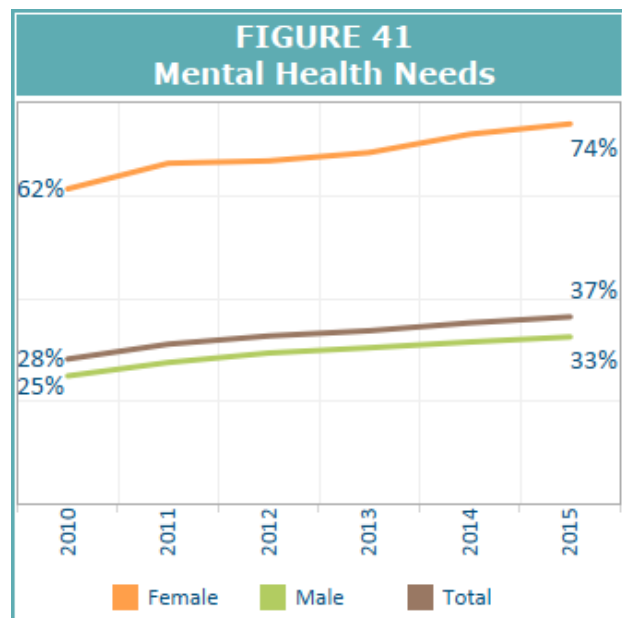
This difference is attributable to inmates attaining a GED while incarcerated. The most substantial growth is the population of inmates with mental illness. A disproportionately large number of individuals with mental illness exist within the criminal justice system when compared to the U.S. populace. National occurrence rates suggest that rates of mental illness among inmates are nearly three times higher than rates of mental illness in the U.S. population⁷.

⁶ Anno, B.J., Graham, C., Lawrence, J.E., & Shansky, R. (2004). Correctional health care: Addressing the needs of elderly, chronically ill, and terminally ill inmates. (NIC No. 018735). Washington, D.C.: U.S. Department of Justice,

National Institute of Corrections.

⁷ Teplin, L.A. (1990). The prevalence of severe mental disorder among male urban jail detainees: Comparison with the Epidemiological Catchment Area Program. American

Figure 41 shows the rates of inmates with mental health needs (Levels 3–5) since FY 2010. Females have consistently displayed the highest need levels. However, the needs of both genders have gradually increased over time.

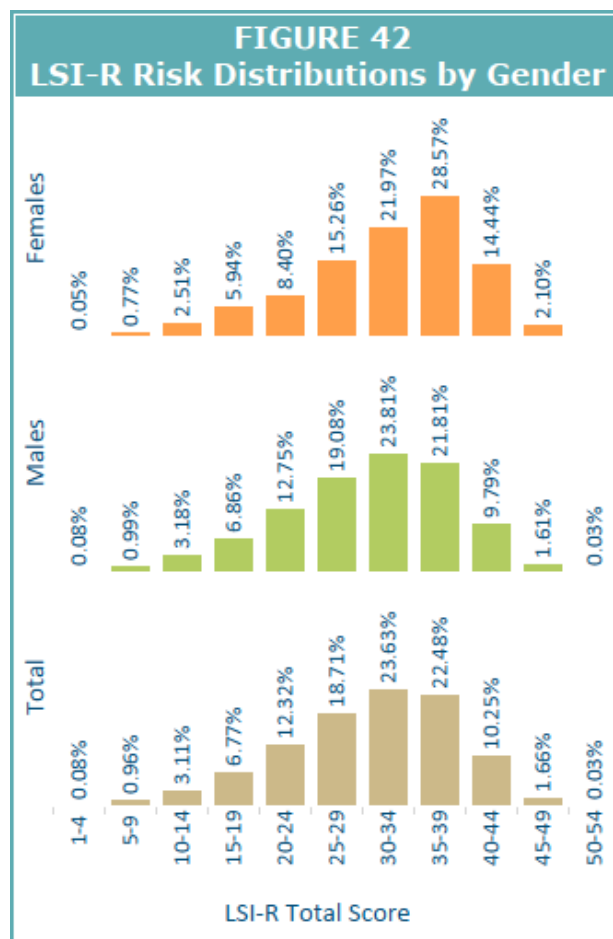


RISK ASSESSMENT

The LSI-R is used to assess risk of offender recidivism. **Figure 42** provides the LSI-R score distributions for both genders and total inmate populations. CDOC inmates score in the higher ranges of the LSI-R scale. Female inmates have higher risk levels than male inmates. Although this seems inconsistent, it is likely because the LSI-R assesses a broad range of criminogenic needs. Females have diverse pathways to crime, including sexual abuse, mental illness, substance abuse and overwhelming parental responsibilities.

REPORTABLE INCIDENTS

Reportable incidents described here include inmate assaults on staff, inmate assaults on inmates, fighting, uses of force, inmate

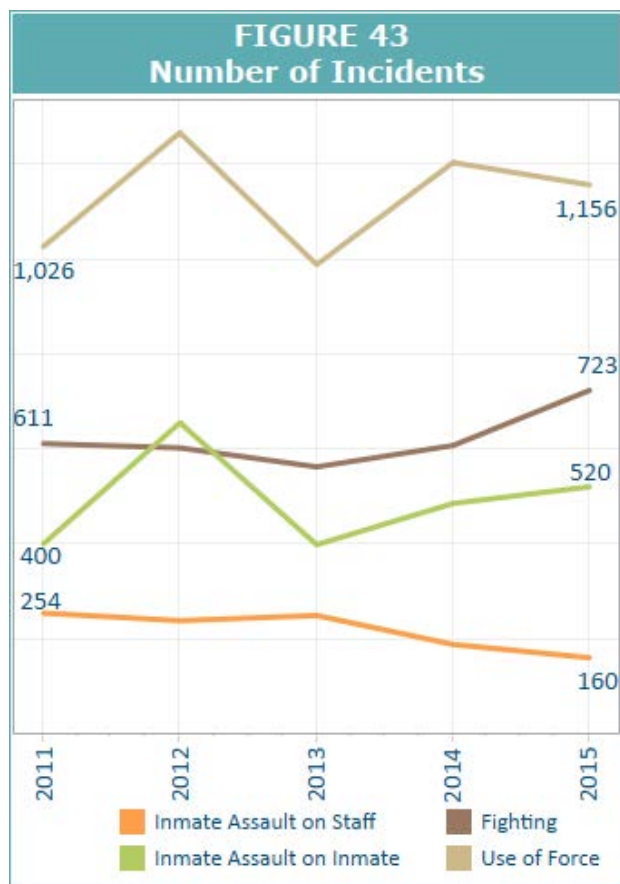


deaths, and escapes. CDOC also tracks sexual assaults in compliance with the Prison Rape Elimination Act (PREA). Signed into federal law in 2003, PREA addresses incidents of prison sexual abuse through a zero-tolerance policy. CDOC PREA incidents are investigated by its Inspector General’s Office to determine whether a factual basis to the report exists and whether reports meet PREA criteria. CDOC is mandated to report this data yearly to the BJS. PREA data can be found on CDOC’s website under “Departmental Reports and Statistics.”

ASSAULTS AND USE OF FORCE

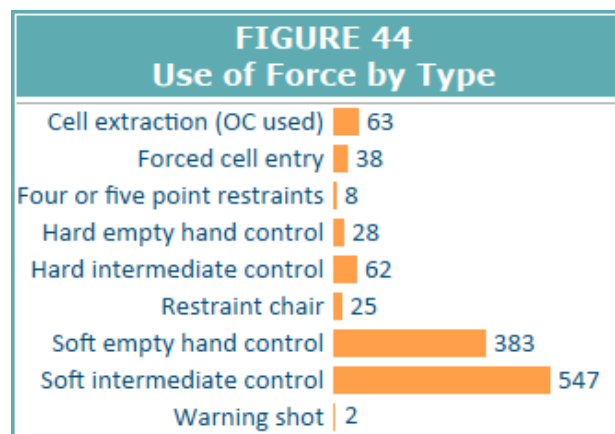
Prison-based incidents are tracked electronically through the Reportable Incident System, which became operational on Jan. 1,

2008. This system has since been used to report incidents department wide. Assaults against inmates and staff include any physical force, hazardous substance (i.e., feces, urine, or chemicals) or item applied against a person intentionally, regardless of whether or not injury occurs. Beginning in July 2013, assaults against staff are tracked by the type of assault (e.g., with serious injury, without serious injury, hazardous liquid and spitting). The use-of-force category includes incidents involving the use of soft and hard empty-hand control, soft and hard intermediate control, forced cell entry, cell extraction with oleoresin capsicum (OC), restraint chair, four or five point restraints, warning shot, or lethal force. **Figure 43** shows a five-year history of assaults and use-of-force incidents in state and private prisons. Assaults and fighting are counted by each incident and not by the number of inmates involved. Use-of-force counts the number of offenders involved in



each incident. There was an increase in the number of fights, assaults against inmates, and use-of-force in FY 2015. However, there has been a decrease in inmate on staff assaults over the last 5 years.

Figure 44 provides the number of use of force incidents by type during FY 2015.

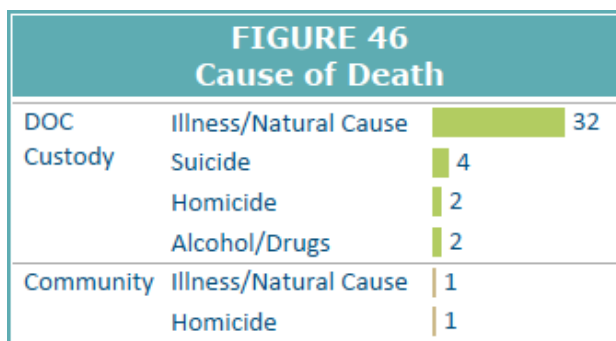
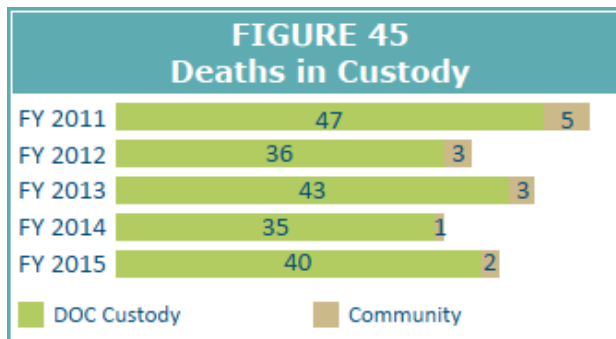


DEATHS IN CUSTODY

CDOC participates annually in the BJS' *Deaths in Custody Reporting Program* (DCRP), which collects national, state and incident level data on persons who died while in the physical custody of the 50 state departments of corrections, the federal system, and approximately 3,200 local adult jail jurisdictions. DCRP records decedent characteristics, the circumstances surrounding the death, information on whether an autopsy was conducted, and information on whether the decedent had a pre-existing medical condition for which he or she received prior medical treatment in cases of deaths due to illness.

Deaths in custody, as defined by DCRP, apply to offenders confined in CDOC facilities, whether housed under CDOC jurisdiction or that of another state (i.e. interstate compact); private facilities; special facilities (medical,

treatment, or release centers, halfway houses, police or court lockups, and work farms); and offenders in transit under CDOC jurisdiction. They do not include deaths by execution, deaths in a state-operated facility in another state, deaths of individuals on ISP inmate status, or deaths of those under probation or parole supervision. During FY 2015, there were 42 deaths in custody, two of which occurred in community corrections (**Figure 45**). Cause of death is determined by a coroner or medical examiner external to CDOC. Most inmates who died (76%) did so as a result of an illness or natural cause (**Figure 46**). None of the deaths were female. The average age at the time of death was 57 years; when excluding those who died of illness or natural causes, the average at the time of death was 34 years.



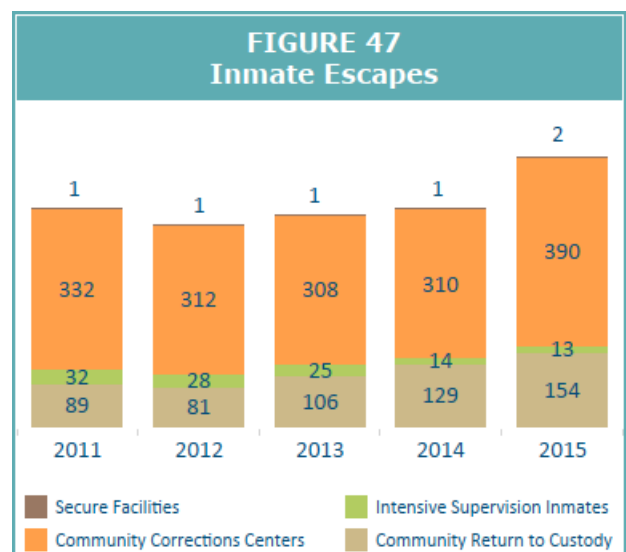
ESCAPES

CDOC defines escape as an act whereby an offender, without proper authority, leaves the confines of the last barrier of a secured facility, the imaginary barrier of an unsecured

facility (camp) or a work crew, or an escorted trip outside a facility without permission, or fails to return to official custody following temporary leave granted for a specific purpose and for a specified period of time. A court conviction for escape, a code of penal discipline conviction for escape, or an unauthorized absence for 24 hours or more constitutes an escape from a community corrections center or ISP placement. Escapes primarily occur from community and ISP placements.

Figure 47 provides a five-year history of escapes from secure facilities (state and private prisons), community corrections centers, and intensive supervision program (ISP) inmate status and community return-to-custody facilities. There have been six escapes from secure facilities over the past five years:

- FY 2011: Sterling Correctional Facility (one)
- FY 2012: Delta Correctional Center (one)
- FY 2013: Colorado Correctional Center (while on work detail) (one)
- FY 2014: Skyline Correctional Center (one)
- FY 2015: Colorado Correctional Center (two)



Escapes from community corrections centers are the most common, followed by escapes from community return-to-custody facilities. The number of escapes from return-to-custody facilities has increased over time; the number of escapes from community corrections has remained stable; and the number of ISP inmate escapes has decreased.

PROGRAM PARTICIPATION

To improve their chances of success upon re-entry, inmates have the opportunity to participate in educational, behavioral health and pre-release programs during his or her incarceration. **Figure 48** shows completions by program area across all state and private prisons as determined by earned time awarded.

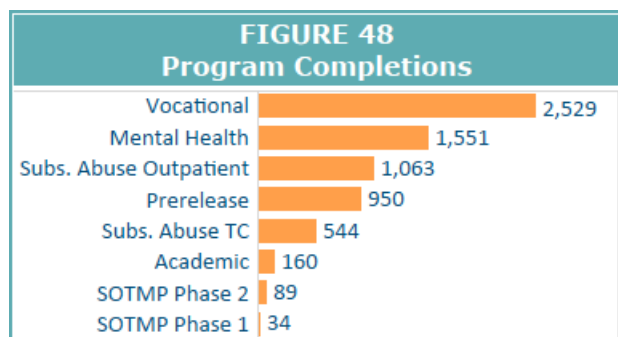


Figure 49 shows the participation levels at the end of the month for funded programs. Participation in voluntary programs such as Alcoholics Anonymous, *7 Habits on the Inside* or *Thinking for a Change* are not shown. In August 2012, CDOC implemented achievement earned time awards per HB 12-1223 for program completions or milestone achievements.



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Parole Population Characteristics

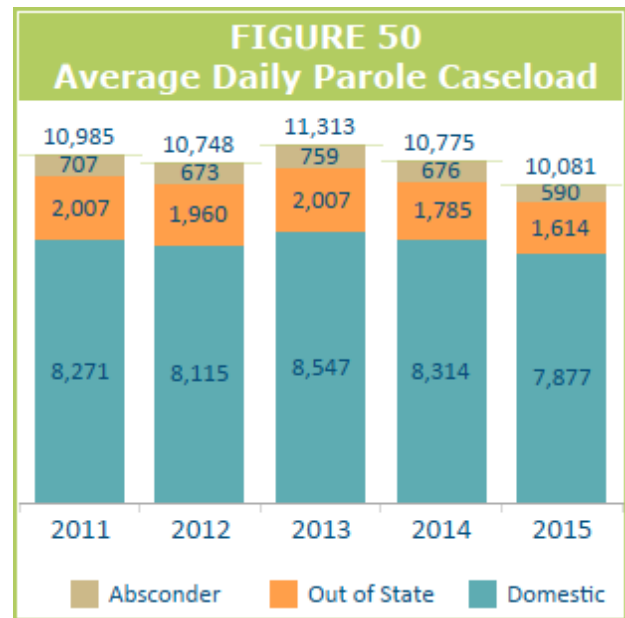
PAROLE POPULATION

Colorado has a blended parole system. The Parole Board has the authority to grant parole to inmates who have reached parole eligibility but have not completed his or her full sentence. However, all offenders sentenced for a crime committed after 1993 must serve a period of parole, unless sentenced to life or death. Those who release before serving the full term receive discretionary parole, and those who serve the maximum term release on mandatory parole. Upon release, both discretionary and mandatory parolees complete his or her prison sentence and begin serving his or her parole sentence. If parole is revoked, he or she will continue to serve his or her parole sentence and may discharge that sentence from prison or re-parole.

PAROLE CASELOAD

The average daily parole caseload is shown in **Figure 50**. Using the daily average caseload more accurately reflects the workload maintained throughout the year. The average daily parole caseload remained steady from FY 2011 to FY 2012 before increasing by 5% in FY 2013 and then decreasing 5% in FY 2014. FY 2015 saw a further 6% decrease in the average daily parole caseload.

Figure 51 displays the number of parolees by parole office. As expected, the highest concentration was found along the Front Range and Grand Junction. This can be



attributed to the overall higher populations and access to needed programs found in these areas. Nearly one-quarter of parolees (23%) are assigned to the Lincoln Office with the next highest (17%) assigned to the Westminister office.

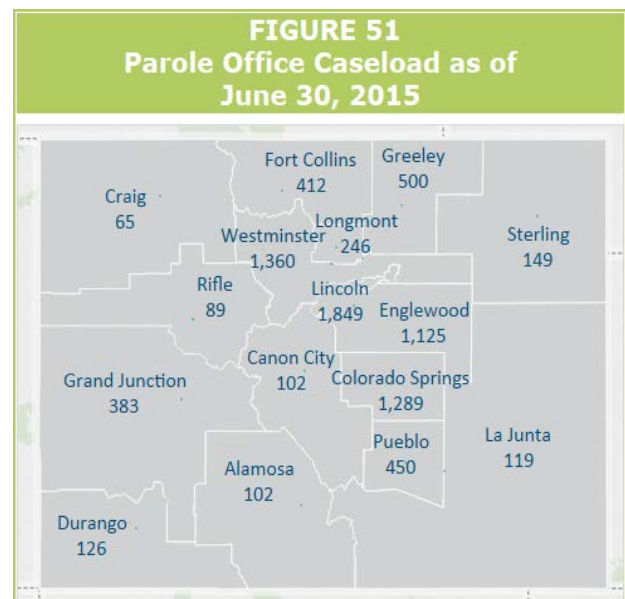
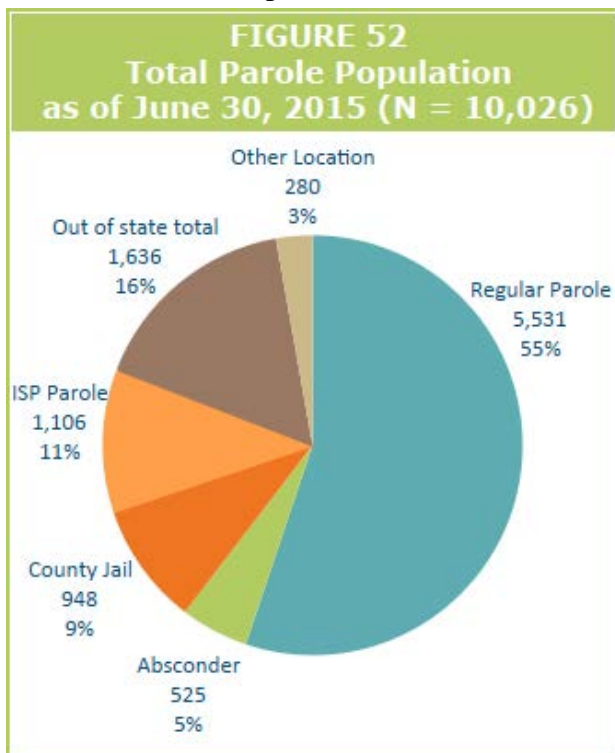


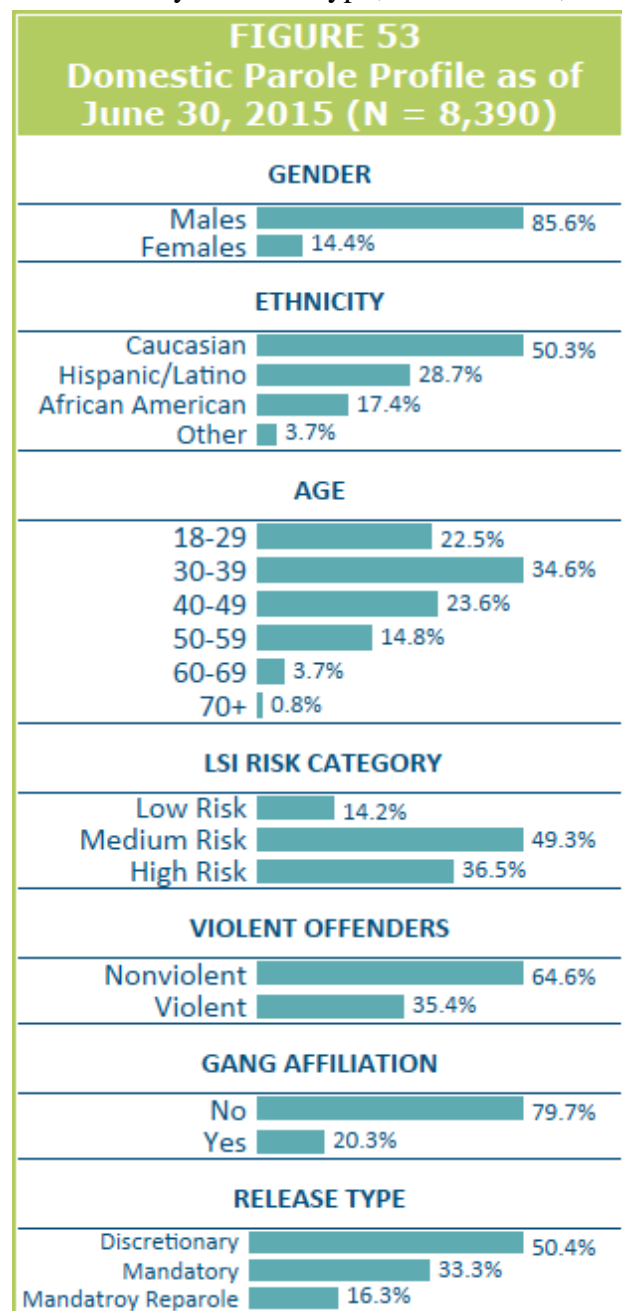
Figure note: Sherman Parole Office and Interstate Compact do not have unique territory, therefore not included

PAROLEE PROFILE

Figure 52 breaks out the parole population by supervision type. Over half of the population is active on regular parole supervision. ISP parolees are assigned to the Intensive Supervision Program (ISP), which was launched in 1991 to provide additional supervision and program participation for high-risk parolees. Out-of-state, county jail, absconders and parolees in other locations account for 33% of the population. The out-of-state category includes offenders paroled to a felony detainer, offenders deported by U.S. Immigrations and Customs Enforcement, and offenders supervised on parole in other states. Parolees in county jail are likely awaiting a revocation hearing by the Parole Board due to a technical parole violation or pending a new criminal conviction. Absconders are parolees who fail to report to his or her CPO or whose whereabouts and activities are unknown due to failure to report. The parolees in other locations encompass those who are in residential programs (e.g. community corrections or inpatient substance abuse



program) as a condition of parole. The demographic characteristics of parolees displayed in **Figure 53** are similar to those of the jurisdictional inmate population profile, although there is a larger percent of female offenders on parole (14%) than in prison (9%). Sixty four point four percent (64.4%) of parolees had been sentenced for non-violent crimes, whereas 54.1% of inmates had been sentenced for violent crimes. The majority of parolees can be described as male; Caucasian; in the age range of 20-49; having a discretionary release type; non-violent; not



affiliated with gangs; and having a medium-to-high LSI risk level. Females on parole represent 14% of the total parole population (**Figure 54**). When compared to males, they are similar in age, non-violent, have fewer gang affiliations, and are on regular parole supervision, and received discretionary parole.

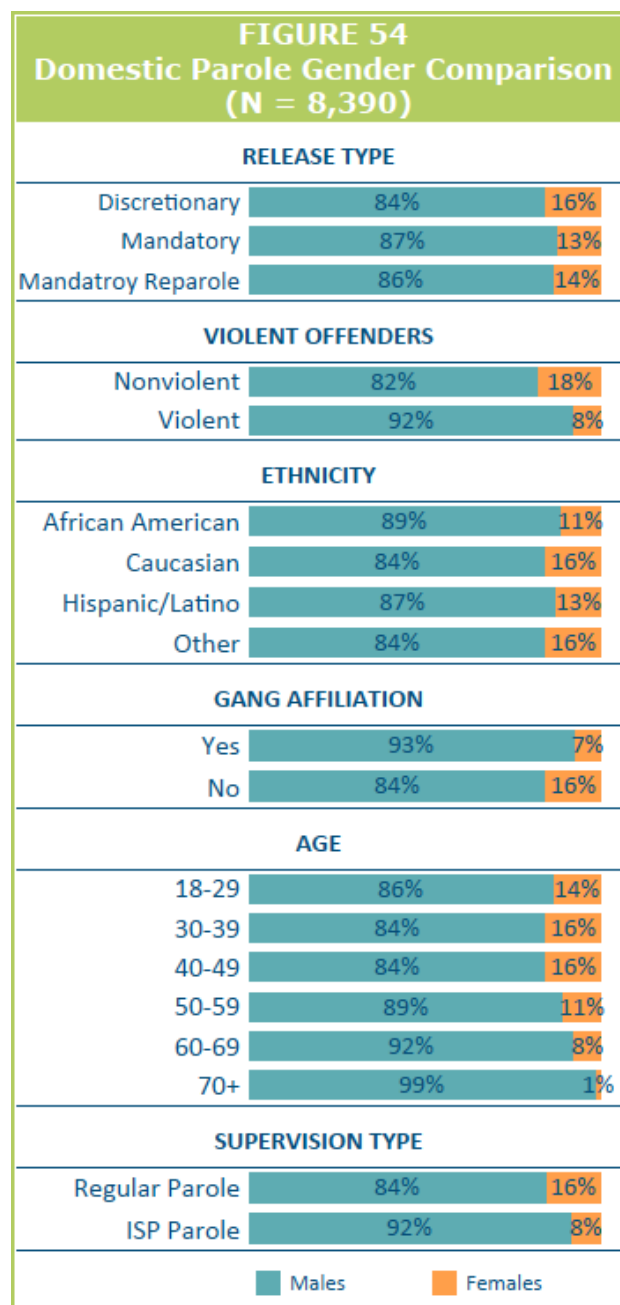
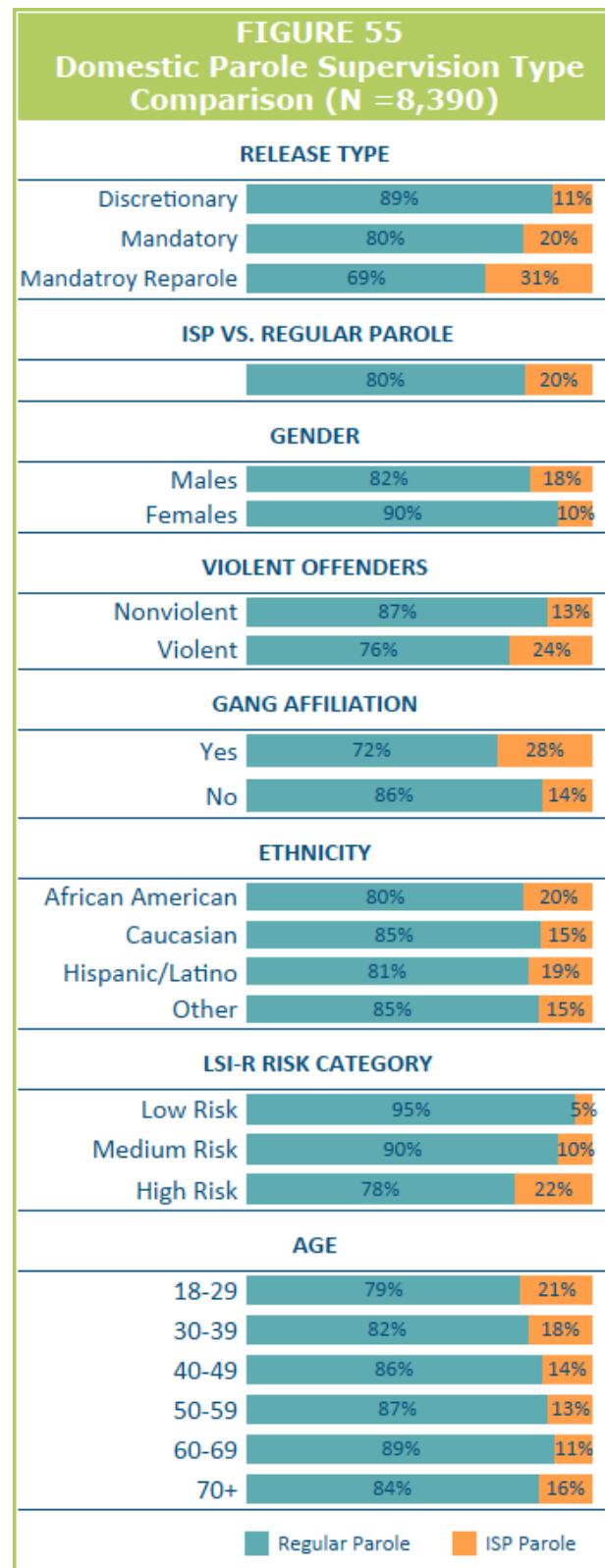


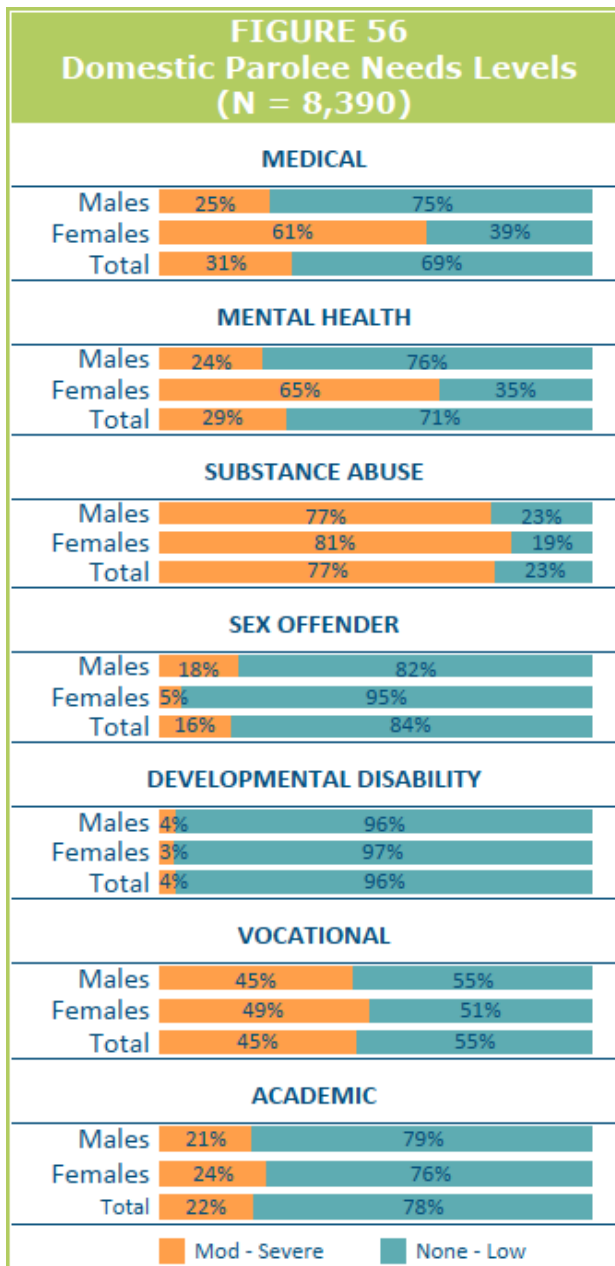
Figure 55 shows that ISP parolees tend to be younger and were more likely to have been released on his or her mandatory parole date

or were re- paroled. Consistent with the program's purpose, parolees on ISP are more likely to be violent, affiliated with gangs and have higher LSI-R risk levels.



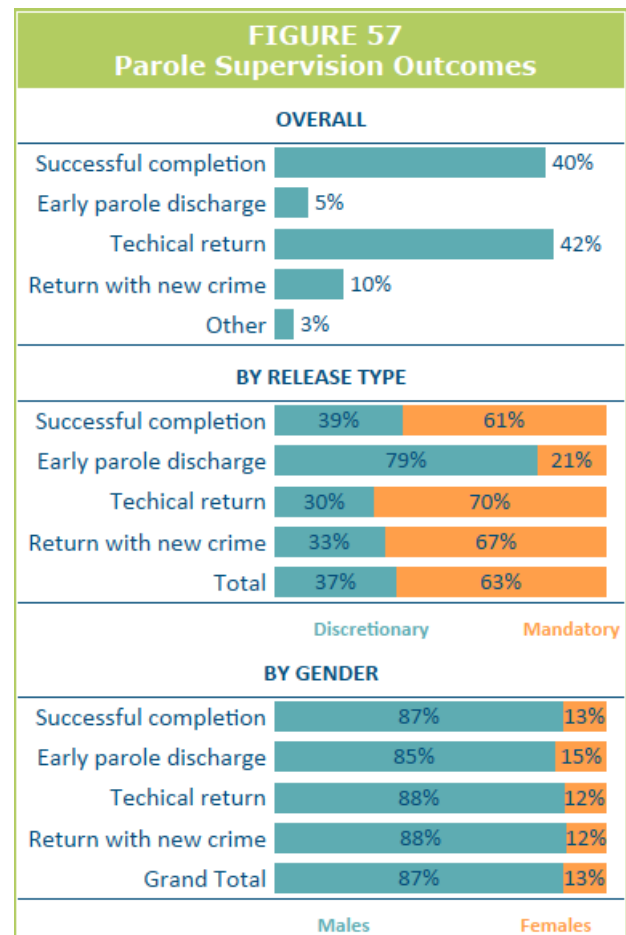
NEEDS LEVELS

Parolees' needs levels are shown in **Figure 56**. When comparing needs levels of parolees to needs levels of the inmate population (shown in Figure 39), parolees have lower needs levels in all categories except for substance abuse and mental health. Similar to the inmate population, female parolees have higher or similar needs than males in most categories. The biggest differences in needs between females and males are in the medical and mental health categories, where females have the highest needs.



PAROLE SUPERVISION OUTCOMES

Less than half (40%) of parolees leaving parole supervision completed his or her parole sentence (**Figure 57**). Five percent received an early parole discharge. Parolees who have been under supervision for at least six months, have served at least half of his or her parole sentence, and are compliant with the conditions of parole may be eligible for early discharge; final authority rests with the Parole Board to grant early discharges. Female offenders and discretionary releases were more likely to receive an early parole discharge. Discretionary parole releases were more likely to complete his or her sentence than be revoked for a technical violation or new crime.



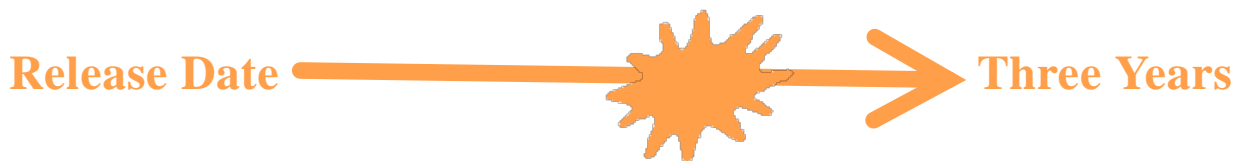
Recidivism Rates

CDOC defines recidivism as a return to prison or inmate status in Colorado within three years of release for new criminal activity or a technical violation of parole, probation or non-departmental community placement. This definition is common across state corrections departments, but the methodology for computing recidivism is often not reported. After a review of other correctional recidivism rate calculation methods and

national standards, Colorado developed new methodology in 2008 (though our definition of recidivism has not changed). The current methodology is based on the Association of State Correctional Administrators (ASCA) performance-based measurement system, which has highly specific measures and counting rules for calculating recidivism rates.

Time at Risk

{if released to parole, may discharge parole before three years but are still followed}



Releases include:

- Discretionary paroles
- Mandatory paroles
- Re-paroles
- Sentence discharges

Releases do not include:

- Releases to Community Corrections
- Multiple releases in the same year

Return to inmate

Status for:

- Technical violation
- New crime

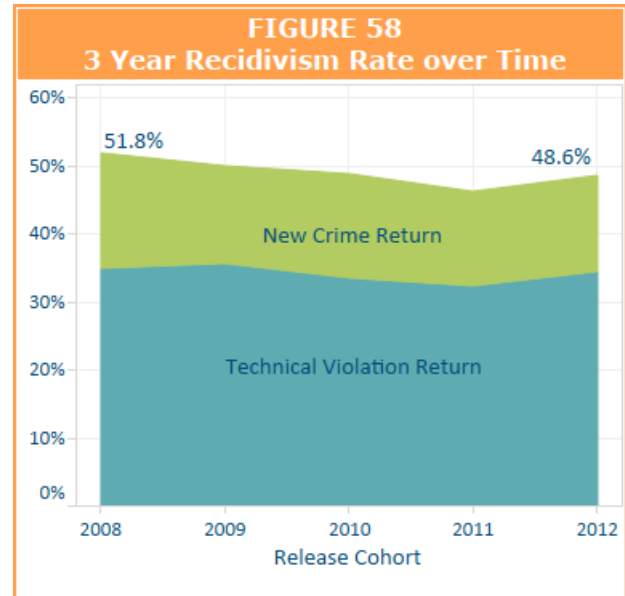
Returns do not include:

- Community corrections regressions

The following summarizes this methodology:

- **Recidivism:** Return to inmate status calculated by combining new convictions plus technical violations for overall recidivism at one-year post-release intervals.
- **Cohort:** Includes the number of inmates released, not the number of times an inmate released. Even if an inmate released multiple times within a year, that individual was counted only once per release cohort. Therefore, an inmate can fail only once within any given cohort.
- **Release types:** Contains inmates who released to the community to include; releases to parole, completion of sentence, court-ordered discharge, and released to probation. To be counted, inmates must release from inmate status. Those who died while incarcerated, escaped, or had a sentence vacated or inactivated were not included in the recidivism cohort. Additionally, offenders who released to a detainer or pending charges were excluded.
- **Calendar year (CY):** Although the CDOC statistical report is based on fiscal year, reporting recidivism on a calendar-year basis ensures data consistent with ASCA standards and other national prison surveys.

The overall 3-year recidivism rate (including returns for new crimes and technical violations) is 48.6% for the CY 2012 release cohort (**Figure 58**). The recidivism rate has decreased 3.2% from 2008 releases to 2012 releases. More returns are for technical violations than new crime convictions.



To better explore recidivism rates by return type, **Figure 59** displays cumulative return-to-prison rates across seven release cohorts, at one-year intervals up to three years post-release. Technical violations consistently constitute the largest proportion of returns to prison over time. As technical returns increased among 2012 releases, new crime returns remained steady. So, while there may be more variations from year to year in the new crime and technical violation return rates, the overall recidivism rate varies less.

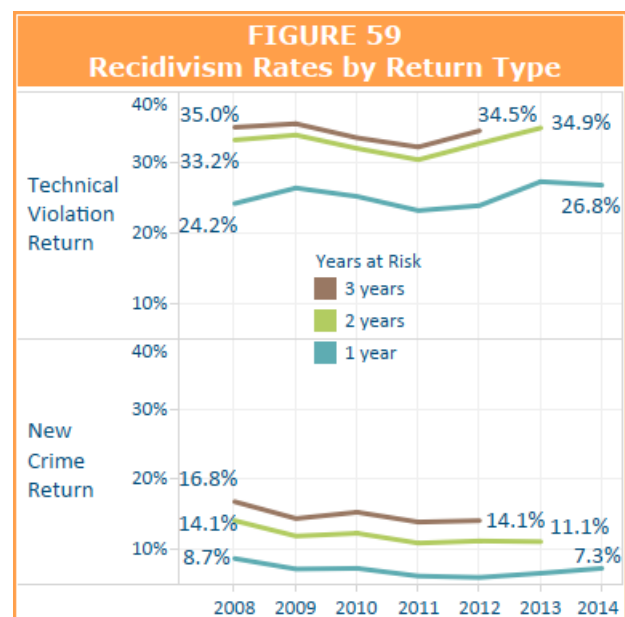
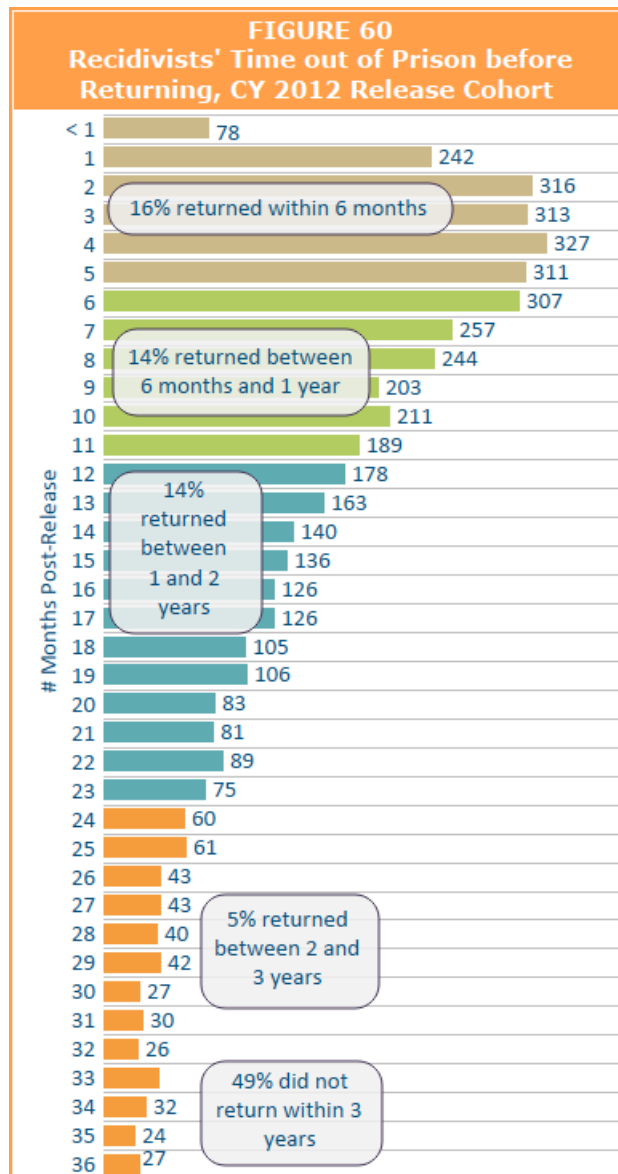
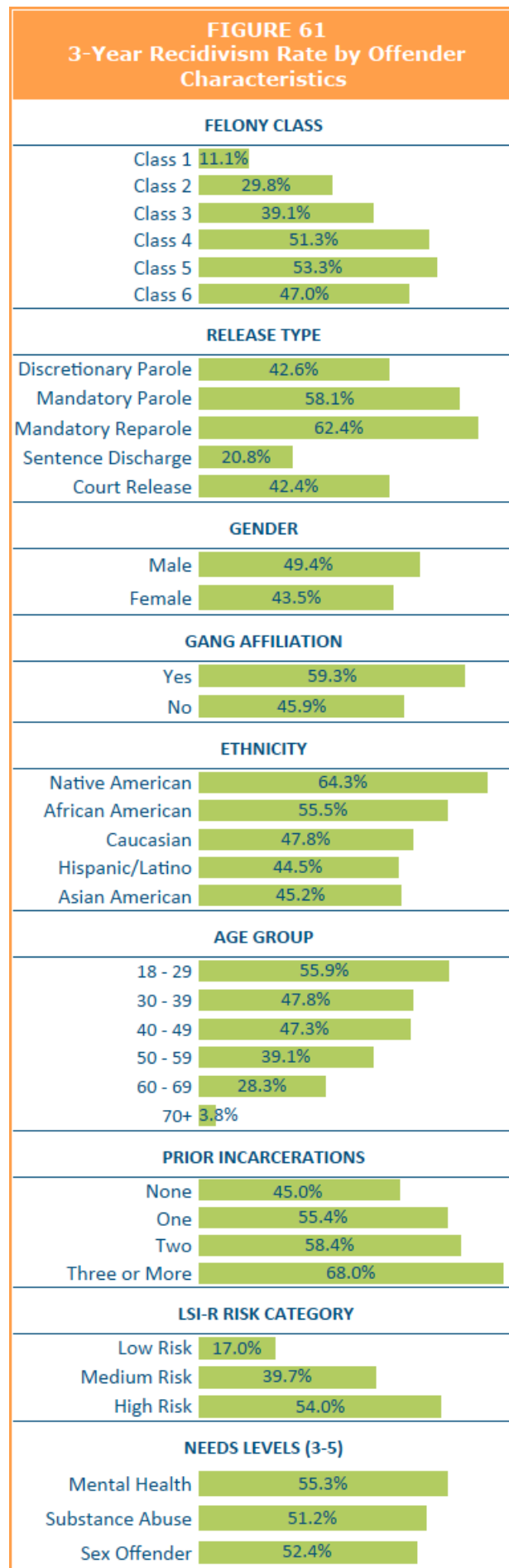


Figure 60 analyzes the 2012 release cohort, detailing the amount of time it took an offender to return back to inmate status. As time passed, the number of offenders who returned to prison decreased. More offenders failed within the first year, principally within two to six months post-release, than any other time frame signifying that this time frame is the highest risk period.



Recidivism rates vary by offender characteristics (**Figure 61**). Recidivism rates are higher for males than females and higher for younger offenders than older ones. Certain minority groups are more likely to fail (Native



Americans and African Americans) than other minority groups (Hispanics & Latinos and Asian Americans). Criminal history is a strong predictor of post-release success. Offenders who discharge their sentence cannot return for technical violations or for a new crime because they are not under supervision. Discretionary parole is granted by the Parole Board to offenders who are the most prepared to re-enter society, and their recidivism rate is the next lowest. Offenders who do not release until their mandatory parole date or who re-parole after a failure have the highest return rates. Felony class alone does not have a clear relationship with outcomes, but gang membership has one of the strongest relationships with recidivism. Certain needs areas, including mental health, sex offender, and substance abuse, increase an offender's likelihood of recidivism. Risk, as measured by the Level of Supervision Inventory – Revised (LSI-R) is also a strong indicator of recidivism.

Appendix

- HB 79-1589 changed sentences from indeterminate to determinate terms and made parole mandatory at 50% of an offender's sentence.
- HB 81-1156 required sentences to be above the maximum of the presumptive range for offenses defined as "crimes of violence" and crimes with aggravating circumstances.
- HB 85-1320 doubled the maximum penalties of the presumptive ranges for all felony classes and made parole discretionary.
- SB 88-148 lowered sentencing ranges for crimes of violence and crimes with aggravating circumstances to at least the midpoint of the presumptive range.
- SB 89-246 lowered several Class 5 felonies to a newly created felony Class 6 with a presumptive range of one to two years.
- HB 90-1327 raised the amount of earned time from five to 10 days per month for inmates, and allowed parolees to earn 10 days per month to reduce parole time served.
- SB 90-117 raised life sentences from parole eligibility after 40 years to life without parole for Class 1 felonies committed on or after Sept. 20, 1991.
- HB 93-1302 lowered the presumptive ranges for certain non-violent Class 3-6

felonies and added a split sentence, mandating a period of parole for all crimes following a prison sentence. Habitual offender sentencing was changed for felony offenses Classes 2-5. For those with two previous convictions, sentences were mandated to three times the maximum of the presumptive range; for those with three previous convictions, sentences were made to be four times the maximum of the presumptive range. Under HB 92-1302, if the latest conviction was for a crime of violence, the sentence would be life (40 years to parole eligibility date). This bill also eliminated earned time awards while on parole. **Table 8** summarizes presumptive ranges by felony class prior to, and subsequent to, HB 93-1302. **Table 9** summarizes habitual sentencing law changes.

- Special Fall Session SB 93-09 created a new judicial sentencing provision for offenders between the ages of 14 - 18 for certain crimes, and established YOS.
- SB 94-196 added a new habitual sentencing provision of life (40 years to parole eligibility) if a new crime conviction is for a Class 1 or 2 felony, or for a Class 3 felony crime of violence with two previous felony convictions within 10 years of commission of the new crime.

TABLE 8
Presumptive Sentencing Ranges & Parole Periods

1985 – 1993			1993 – present		
Felony Class	Presumptive Range		Presumptive Range		Mandatory Parole Period ^a
	Minimum	Maximum	Minimum	Maximum	
1	Life	Death	Life	Death	N/A
2	8 yr	24 yr	8 yr	24 yr	5 yr
3 Ext	4 yr	16 yr	4 yr	16 yr	5 yr
3	4 yr	16 yr	4 yr	12 yr	5 yr
4 Ext	2 yr	8 yr	2 yr	8 yr	3 yr
4	2 yr	8 yr	2 yr	6 yr	3 yr
5 Ext	1 yr	4 yr	1 yr	4 yr	2 yr
5	1 yr	4 yr	1 yr	3 yr	2 yr
6 Ext	1 yr	2 yr	1 yr	2 yr	1 yr
6	1 yr	2 yr	1 yr	1.5 yr	1 yr

Ext = extraordinary risk crimes

^a The mandatory parole period for unlawful sexual behavior and incest was five years for crimes committed before Nov. 1, 1998. However, the final ruling of the Colorado Supreme Court in July 2001 determined these offenses were not subject to mandatory parole. Most sexual offenses committed on or after Nov. 1, 1998, are subject to lifetime on parole.

TABLE 9
Habitual Sentencing Law Changes

Legislation	Previous Convictions		Crime of Violence OR	Class 1 or 2 Felony, or Class 3 Felony Crime of Violence OR
	Two	Three	Previous Habitual ^a	2 Previous Class 1, 2 or 3 Crimes of Violence ^b
Pre HB93-1302	25-50 year	Life (40-year PED) ^c	-	-
Post HB93-1302	3x maximum of presumptive range of felony	4x maximum of presumptive range of felony	Life (40-year PED)	-
Post SB94-196	3x maximum of presumptive range	4x maximum of presumptive range of felony	Life (40-year PED)	Life (40-year PED)

Note: A felony constitutes any felony in this state or another state in the United States or any territory subject to U.S. jurisdiction, or a crime that would be a felony if committed in this state.

^a Any person who is convicted and sentenced for habitual (three previous convictions) and is thereafter convicted of a felony that is a crime of violence.

^b Any person who is convicted of a Class 1 or 2 felony, or a Class 3 felony that is a crime of violence, and previously has been convicted twice of a Class 1, 2 or 3 crime of violence, excluding first- and second-degree burglary.

^c PED = parole eligibility date

- HB 95-1087 reinstated the ability of certain non-violent parolees to accumulate earned time while on parole.
- HB 96-1005 lowered the YOS age limit from 14 to 12 years and broadened the offenses eligible for YOS sentencing.
- HB 98-1156 is the Colorado Sex Offender Lifetime Supervision Act of 1998. Under it, all offenders convicted of a felony sex offense committed on or after Nov. 1, 1998, receive an indeterminate sentence of at least the minimum of the presumptive range for the level of offense committed and a maximum of natural life. All offenders sentenced under this law must undergo evaluation and treatment to qualify for parole. The Colorado State Board of Parole determines when these offenders are supervised in the community.
- HB 98-1160 applied to Class 2, 3, 4 and 5, or second or subsequent Class 6, felonies occurring on or after July 1, 1998. It mandated that every offender complete a period of 12 continuous months of parole supervision after incarceration.
- SB 03-252 removed the 12 continuous months of parole supervision after incarceration, allowing the Parole Board to return a parolee who paroled on a non-violent Class 5 or 6 felony (except menacing or unlawful sexual behavior) to a community corrections program or pre-parole release-and-revocation center for up to 180 days. This bill limited the time a parolee may be returned to prison for a technical violation if confined for non-violent offenses to 180 days.
- HB 04-1189 increased time served before parole eligibility for certain violent offenses. Under this bill, first-time offenders convicted of these violent offenses must serve 75% of their sentence (less earned time awarded). If convicted of a second or subsequent violent offense, they must serve 75% of their sentence and are not eligible for earned time.
- HB 06-1315 reduced sentences for juveniles convicted of Class 1 felonies from a term of life in prison without parole eligibility, to life with parole eligibility after 40 years.
- HB 09-1122 expanded YOS sentencing eligibility to include offenders who were 18 or 19 years old at the time of their offense and sentenced prior to their 21st birthday.
- HB 09-1351 increased the amount of earned time from 10 days to 12 days for those serving a sentence for certain Class 4, 5 or 6 felonies who are program-compliant and have never been convicted of specified offenses.
- HB 09-1263 enabled those confined pending a parole revocation hearing to receive credit for the entire period of such confinement.
- HB 10-1338 allowed a person who had been twice convicted of a felony upon charges separately brought — charges that had arisen out of separate and distinct criminal episodes — to be eligible for probation unless his or her current conviction, or a prior conviction, was for first or second degree murder;

manslaughter; first or second degree assault; first or second degree kidnapping; a sexual offense; first degree arson; first or second degree burglary; robbery; aggravated robbery; theft from the person of another; a felony offense committed against a child; or any criminal attempt or conspiracy to commit any of the aforementioned offenses, if convicted on or after the effective date of the act.

- HB 10-1352 lowered the penalty for unlawful use of a controlled substance; separated the crime of possession of a controlled substance from the crime of manufacturing, dispensing, selling, distributing, or possessing with intent to manufacture, dispense, sell, or distribute a controlled substance, and changed the penalties for such crimes; and made distributing a controlled substance to a minor a Class 3 felony subject to enhanced sentencing. In addition, the bill increased the amount of a Schedule I or II controlled substance necessary to designate a special offender and lowered the penalty for fraud and deceit in connection with controlled substances from a Class 5 to a Class 6 felony.
- HB 10-1360 made offenders with Class 4 felonies eligible for the Community Return-to-Custody Program and limited the amount of time a technical parole violator can return to prison to 90 or 180 days based on an offender's risk level.
- HB 10-1373 reduced the penalty for escape from a Class 4 felony to a Class 5 felony and abolished the mandate that a sentence be served consecutively to any other sentence if the escape was from a

sentence to a community corrections facility or intensive-supervised parole.

- HB 10-1374 determined that the Colorado Sex Offender Management Board would develop a sex offender release guideline instrument for the Parole Board to use when determining whether to release a sex offender on parole or revoke parole status. This bill required CDOC to work with the Parole Board to develop guidelines for the Parole Board to use in determining when to release a parolee or revoke parole. It also removed the statutory provision that required a parole officer to arrest a parolee as a parole violator if the parolee is located in a place without lawful consent. This bill redefined the criteria set forth in HB 09-1351 and made certain inmates serving sentences for lower-class, non-violent felonies eligible for more earned time awards per month than other offenders.
- HB 10-1413 changed the minimum age of the defendant to be tried as an adult from 14 to 16 years of age, except in the case of first-degree and second-degree murder or certain sex offenses. This bill allowed Class 2 felonies (excluding sex offenses) to be sentenced to YOS except in the case of a second or subsequent sentence to CDOC or YOS.
- SB 11-176 allowed inmates housed in administrative segregation the opportunity to accrue earned time to be deducted from their sentences.
- SB 11-241 expanded the eligibility of inmates who meet criteria for special-needs parole and created presumptions in

favor of parole for non-violent inmates with immigration detainees.

- HB 11-1064 built upon HB 10-1352 by creating a pilot program of presumption in favor of granting parole to an inmate who is parole-eligible and serving a sentence for a drug-use or drug-possession crime that was committed prior to Aug. 11, 2011. The inmate must meet other criteria related to previous criminal and institutional behavior to be eligible for the presumption.
- HB 12-1223 allowed offenders sentenced and paroled for a felony offense committed after July 1, 1993, to receive earned time while re-incarcerated after a parole revocation. It also allowed inmates who successfully complete a milestone or phase of an educational, vocational, therapeutic, or re-entry program, and/or who demonstrate exceptional conduct that promotes the safety of correctional staff, volunteers, contractors, or other persons, to be awarded as many as 60 days of earned time per accomplishment, up to 120 days per incarceration.
- HB 12-1271 limited the offenses for which a juvenile may be subject to direct file to Class 1 felonies, Class 2 felonies, and crime-of-violence felonies or sex offenses if the juvenile has previous felony adjudication or violent sex offenses. It also limited instances in which juveniles were subject to certain previous district court proceedings. The act also limited direct file to juveniles 16 and older.
- SB 13-216 reinstated certain provisions of HB 09-1122 that were repealed on Oct. 1,

2012, relating to the sentencing of young adult offenders to YOS. Provisions of this bill allowed certain young adult offenders to be sentenced to YOS if they were 18 or 19 years old at the time a crime was committed and under 21 years old at the time of sentencing.

- SB 13-250 created a new sentencing grid for drug crimes. This bill primarily decreased the seriousness of drug crimes and reduced penalties for those crimes.
- HB 13-1160 modified theft-conviction penalties, basing them on the value of the goods or property stolen.
- HB 14-1260 required mandatory minimum sentences for certain sexual offenses involving a child.
- HB 14-1266 modified value-based offenses, basing them on the value of the loss.
- HB 14-1355 This bill directs the Department of Corrections (DOC) to develop and implement initiatives to decrease recidivism, enhance public safety, and increase each offender's chances of achieving success upon his or her release. Subject to available appropriations, on and after July 1, 2014, these initiatives are to include: Programs to assist offenders in a correctional facility to prepare for release to the community; Efforts to assist each offender's transition from a correctional facility into the community; and Operational enhancements, including equipment, training, and programs to supervise offenders in the community.

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COLORADO DEPARTMENT OF CORRECTIONS

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