

STATISTICAL REPORT



COLORADO DEPARTMENT OF CORRECTIONS
RICK RAEMISCH,
EXECUTIVE DIRECTOR



FY2016

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 30,604 offenders (20,401 offenders, 10,203 parolees). As you will see, the offender population has fallen by 7.3% over the past five fiscal years. 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", with a stylized flourish at the end.

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, offender and parolee characteristics, and recidivism rates. Adult offender 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) tracks trends in the CDOC population. **Figure 1** shows the ADP of the offender, parole (which includes absconders and interstate parolees), YOS, and total populations over the past five years. There was a 7.3% decrease in CDOC's jurisdictional population from fiscal years (FY) 2012 to 2016.

Figure 2 details the one-year, five-year and 10-year growth rates of the jurisdictional population. The offender population has seen a decrease over the last decade, while the parole population has experienced an overall increase, including a small increase between FY 2015 and FY 2016.

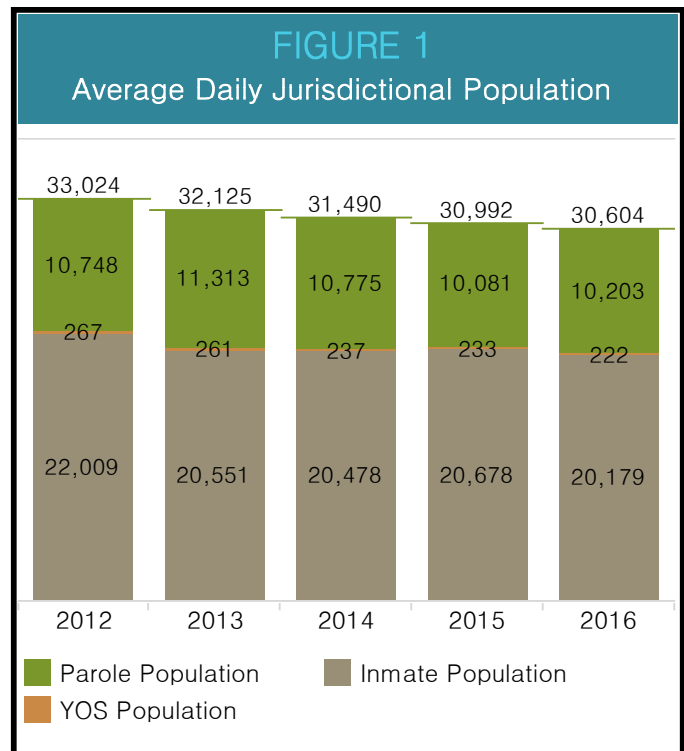
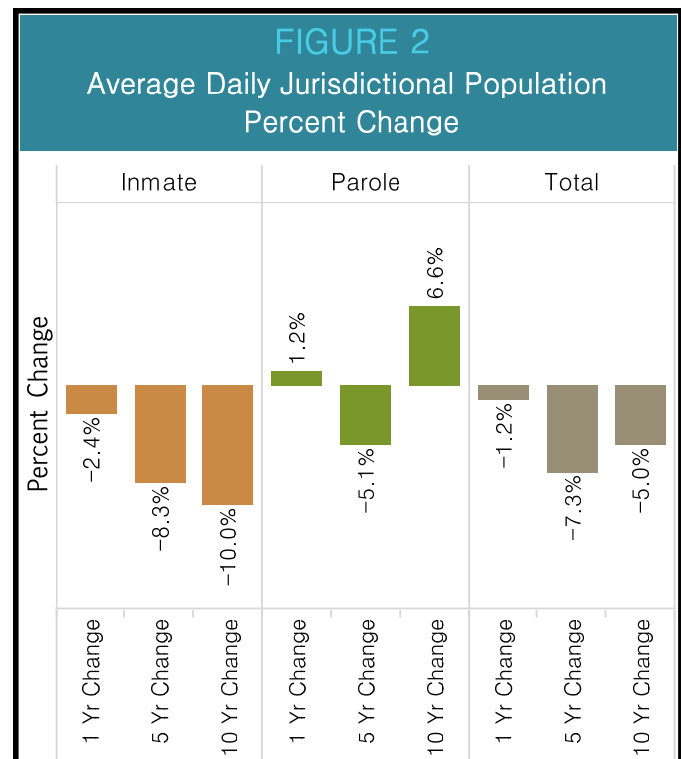


Figure note: Other includes fugitives, revocations in jail, awaiting transfer and external placements.



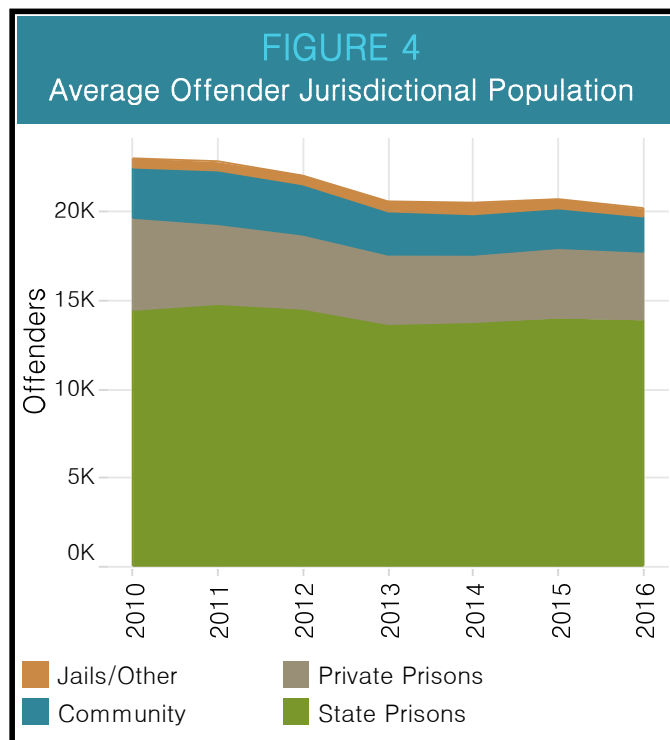
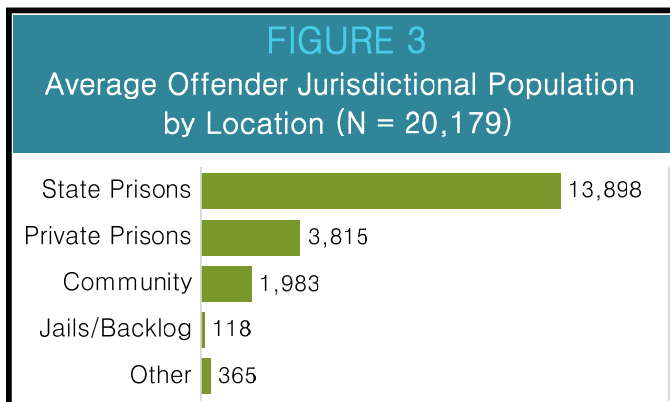
Figures 3 and 4 convey the ADP breakdown for state and private prisons, community corrections, jail backlog, and contracts. Private prisons in use during FY 2016 included Bent County Correctional Facility, Crowley County Correctional Facility, Kit Carson Correctional Facility and Cheyenne Mountain Re-entry Center. The Kit Carson Correctional Facility contract expired effective July 31, 2016 and CDOC had all Colorado offenders removed as of

July 27, 2016. In FY 2016, 18.9% of the incarcerated population was housed in private prisons – the same percentage from the previous fiscal year.

The actual number of offenders housed in both private and state-run prisons decreased slightly between FY 2015 and FY 2016.

CRIME, PRISON SENTENCE & INCARCERATION RATES

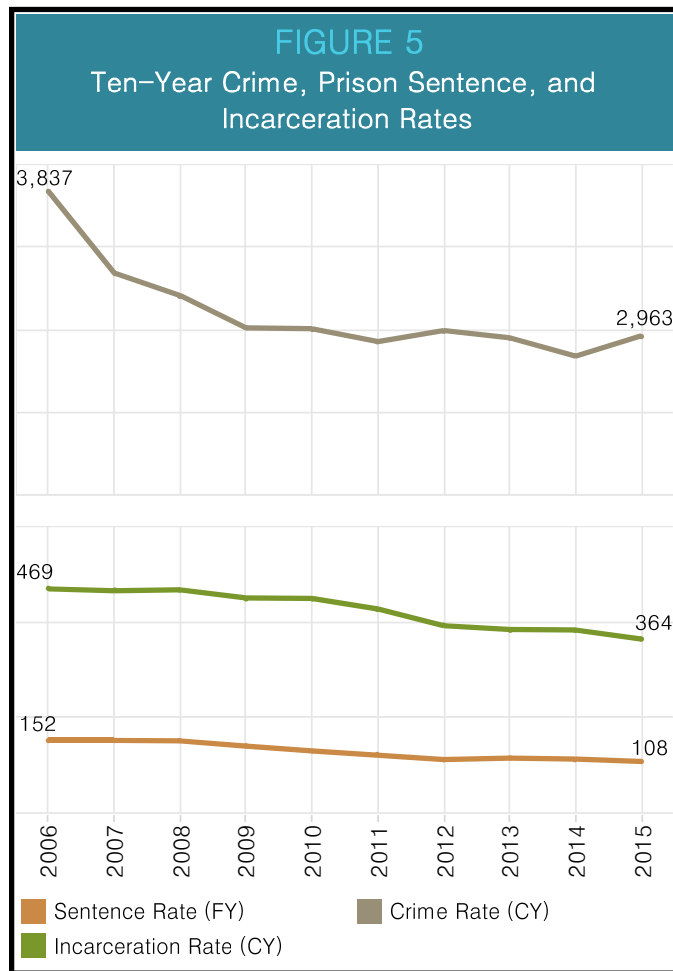
Figure 5 displays sentence, incarceration and crime rates since 2006. Crime rates¹, which include offense and arrest data, are calculated per calendar year (CY) and are available on a one-year delay. The U.S. Bureau of Justice Statistics (BJS) reports incarceration rates each December for the previous year; therefore, 2015 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.



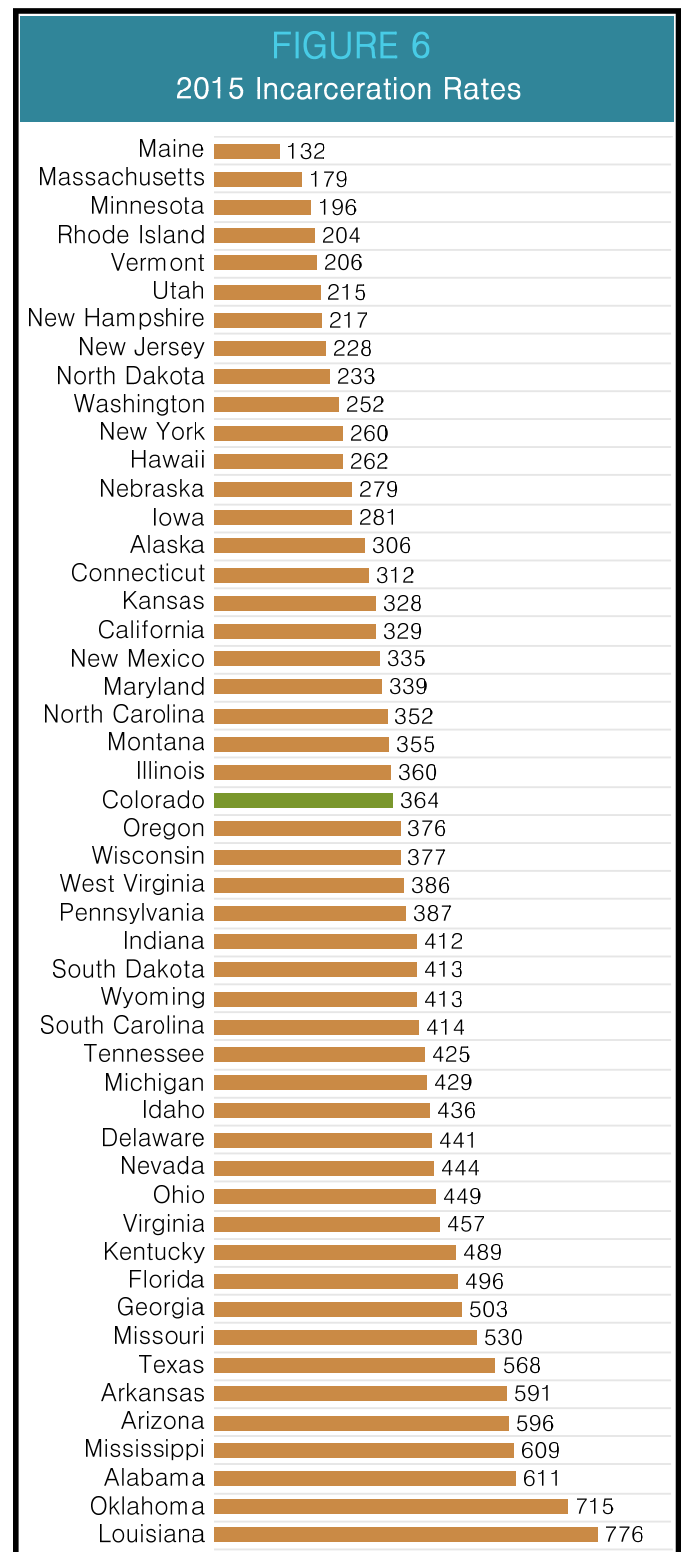
¹ Annual Crime in the United States reports, 2003-2014. Washington, D.C.: FBI.

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

The crime rate has declined 22.8% since 2006, though 2012's crime rate was slightly higher than that of 2011, 2015's crime rate is higher than both 2013 and 2014. The sentence rate was also higher in 2014 than in 2015, but has seen an overall decreased (28.9%) since 2006.



The incarceration rate has declined each year since 2008. Overall, the incarceration rate has decreased 22.4% since 2006. 2015 had the lowest recorded rate during this period. Incarceration rates for all 50 U.S. states in 2015 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

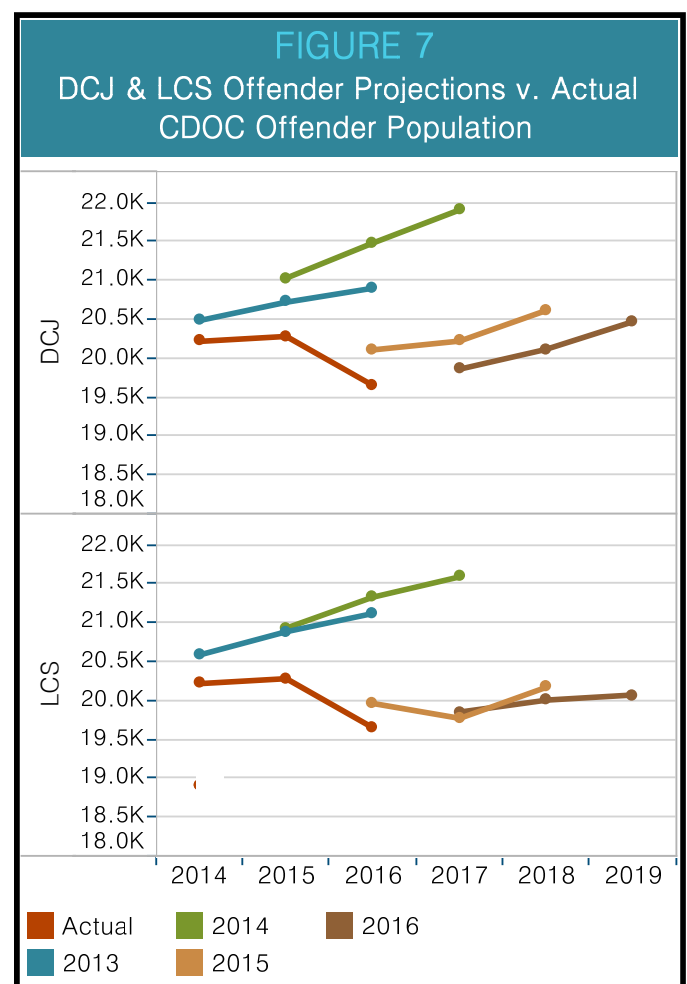
summary of the House bills (HB) and Senate bills (SB) that have had major effects on felony sentencing and CDOC in FY 2016.

- SB 16-180 created a specialized program in CDOC for juveniles convicted as adults. The bill required CDOC to develop and implement a program for offenders who were sentenced to an adult prison for a felony offense committed while the offender was less than 18 years of age and who are determined to be appropriate for placement in the program. An offender who successfully completes the program may apply to the governor for early parole.
- SB 16-181 affected sentencing of individuals convicted of Class 1 felonies while the individual was a juvenile. This bill allows for a juvenile 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.

POPULATION PROJECTIONS

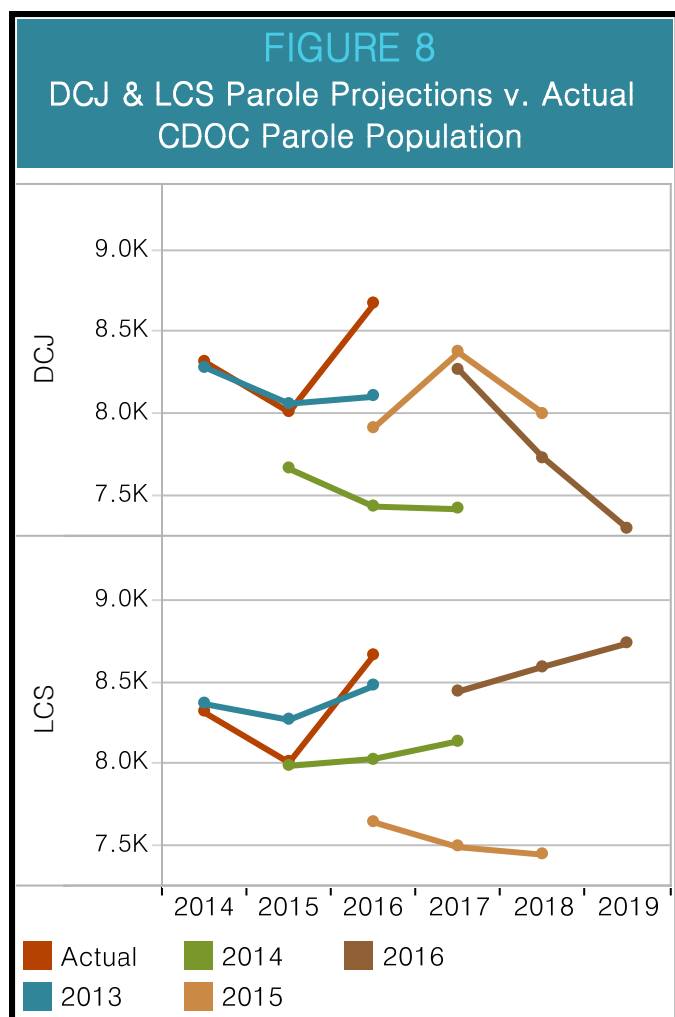
Two sets of population projections are prepared by outside agencies for budgeting and planning purposes. The Division of Criminal Justice (DCJ), within the Colorado Department of Public Safety, and the Legislative Council Staff (LCS) are statutorily mandated to develop forecasts for the adult and juvenile populations within the criminal justice system. DCJ updates

these 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 offender population projections developed by DCJ and LCS. The most recent offender 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 offender and parole population projections are affected by a number of factors to include; the number and sentence length of new commitments, Parole Board

determinations for release of offenders, 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. Offenders classified as minimum may be

incarcerated in level I facilities, but generally offenders of higher classifications shall not be incarcerated in level I facilities.

LEVEL II facilities shall have designated boundaries with a single or double perimeter fencing. The perimeter of level II facilities shall be patrolled periodically. Offenders classified as minimum restrictive and minimum may be incarcerated in level II facilities, but generally offenders of higher classifications shall not 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. Appropriately designated close classified offenders, medium classified offenders, and offenders of lower classification levels may be incarcerated in level III facilities, but generally offenders of higher classifications shall not be incarcerated in 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 offenders and offenders of lower classification

Levels may be incarcerated in level IV facilities, but generally offenders of higher classifications shall not be incarcerated in level IV facilities on a long-term basis.

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

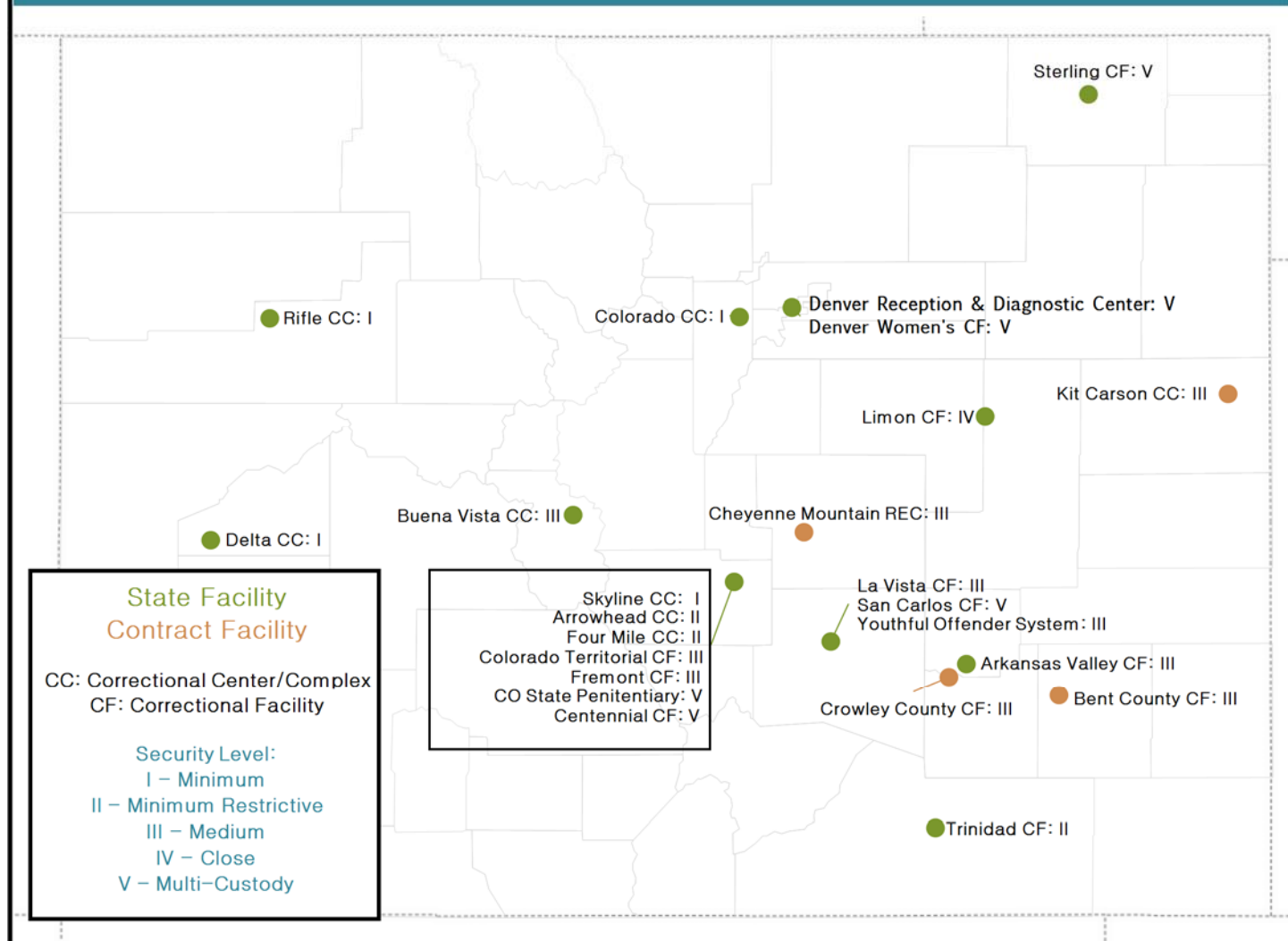
controlled sally ports. The perimeter of level V facilities shall be continuously patrolled.

FACILITY CAPACITIES

Capacity refers to the number of facility beds available to house offenders. 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.

FIGURE 9
CDOC State and Private Facilities



- **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, 2016, 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.

ANNUAL OFFENDER COSTS

The annual cost per offender 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, offender needs, and services available. The average annual cost per adult offender increased slightly, from \$36,892 in FY 2015 to \$37,958 in FY 2016. The FY 2016 private prison per diem was \$62.38, and the local jail daily per diem was

TABLE 1
Facility Populations & Capacities

<i>STATE FACILITIES</i>	<i>ON-GROUNDS POPULATION</i>	<i>DESIGN CAPACITY</i>	<i>OPERATIONAL CAPACITY</i>	<i>% DESIGN CAPACITY</i>
Arkansas Valley Correctional Facility	941	1007	1050	93%
Arrowhead Correctional Center	514	484	520	106%
Buena Vista Correctional Complex	1228	1107	1234	111%
Centennial Correctional Facility	300	294	336	102%
Colorado Correctional Center	142	150	150	95%
Colorado State Penitentiary	647	756	756	86%
Colorado Territorial Correctional Facility*	909	694	929	131%
Delta Correctional Center	458	480	480	95%
Denver Reception & Diagnostic Center*	535	496	572	108%
Denver Women's Correctional Facility	965	900	976	107%
Four Mile Correctional Center	516	484	521	107%
Fremont Correctional Facility	1620	1448	1620	112%
La Vista Correctional Facility	568	519	590	109%
Limon Correctional Facility	855	500	930	171%
Rifle Correctional Center	174	192	192	91%
San Carlos Correctional Facility	215	250	255	86%
Skyline Correctional Center	252	249	252	101%
Sterling Correctional Facility	2452	2455	2488	100%
Trinidad Correctional Facility	494	404	500	122%
Youthful Offender System	209	241	241	87%
TOTAL STATE CAPACITY	13,994	12,899	14,592	108%

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

TABLE 2 Cost Per Offender by Facility*		
FACILITY	ANNUAL	DAILY
LEVEL I SECURITY		
Colorado Correctional Center	\$27,189	\$74.49
Delta Correctional Center	\$30,667	\$84.02
Rifle Correctional Center	\$30,405	\$83.30
Skyline Correctional Center	\$25,404	\$69.60
LEVEL II SECURITY		
Arrowhead Correctional Center	\$32,146	\$88.07
Four Mile Correctional Center	\$28,915	\$79.22
Trinidad Correctional Facility	\$31,321	\$85.81
LEVEL III SECURITY		
Arkansas Valley Correctional Facility	\$35,018	\$95.94
Buena Vista Correctional Complex	\$32,069	\$87.06
CO Territorial Correctional Facility	\$43,409	\$118.93
Fremont Correctional Facility	\$30,182	\$82.69
La Vista Correctional Facility	\$41,679	\$114.19
LEVEL IV SECURITY		
Limon Correctional Facility	\$36,496	\$99.99
LEVEL V SECURITY		
Centennial Correctional Facility	\$82,709	\$226.60
Colorado State Penitentiary	\$53,042	\$145.32
Denver Reception & Diagnostic Center	\$65,868	\$180.46
Denver Women's Correctional Facility	\$39,416	\$107.99
San Carlos Correctional Facility	\$94,882	\$259.95
Southern Transportation Unit	\$42,738	\$117.09
Sterling Correctional Facility	\$32,624	\$89.38
Average Cost Grand Total	\$37,958	\$104.00
EXTERNAL CAPACITY	ANNUAL	DAILY
Private Prisons	\$22,770	\$62.38
County Jails	\$20,969	\$57.45
COMMUNITY & PAROLE SUPERVISION	ANNUAL	DAILY
Parole	\$6,114	\$16.75
Community	\$8,767	\$24.02
YOUTHFUL OFFENDER SYSTEM	ANNUAL	DAILY
YOS Pueblo Facility	\$84,315	\$231.00
YOS Aftercare	\$42,329	\$115.97
YOS Backlog	\$19,641	\$53.81

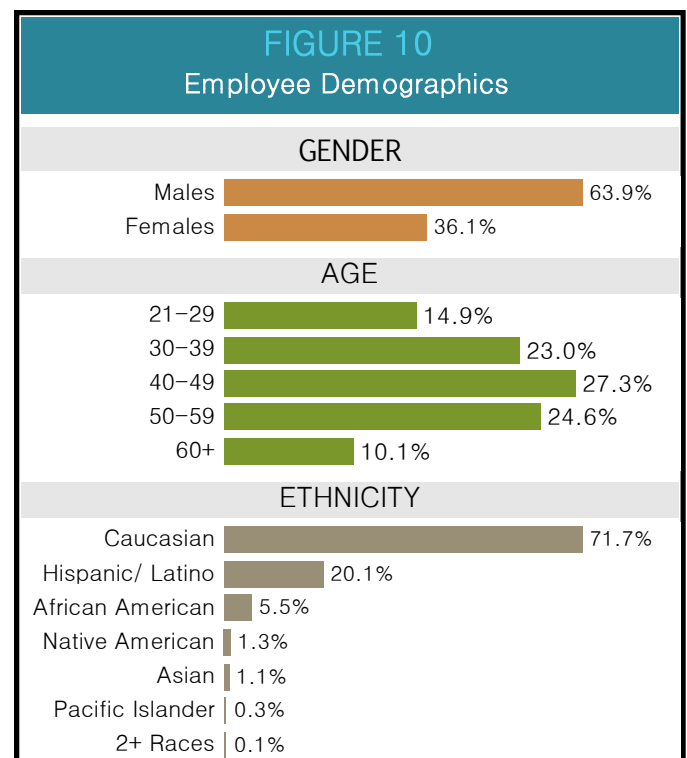
*Colorado Department of Corrections Finance and General Administration.

\$57.45. Table 2 also displays cost data for community programs and YOS. The cost to supervise community-based offenders 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 offenders to the Intensive Supervision Program (ISP), parole, or sentence discharge. They also coordinate with local law enforcement departments regarding matters of public safety. Youthful Offender System (YOS) costs are higher than that of adult facilities because of the intensive education and treatment services provided to YOS offenders.

FULL-TIME EMPLOYEES

There were 6,201 full-time CDOC employees at the end of FY 2016. 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 (71.7% of CDOC staffers identify as



Caucasian, while 68.7% of Colorado citizens identify as Caucasian³). Correctional officers (CO) comprise 55.3% 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).

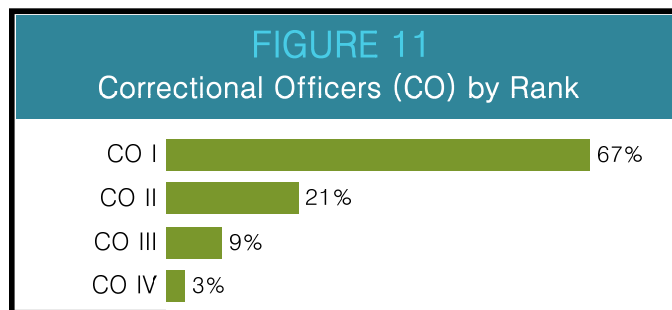


Figure 12 shows the percent of Community Parole Officer assignment designations. The types of parole employees range throughout the 18 parole office locations. Distribution of parole employees varies depending on the caseload of each office.

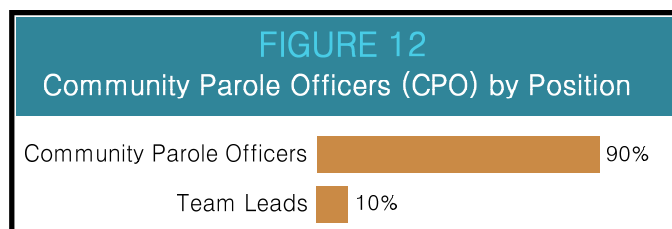
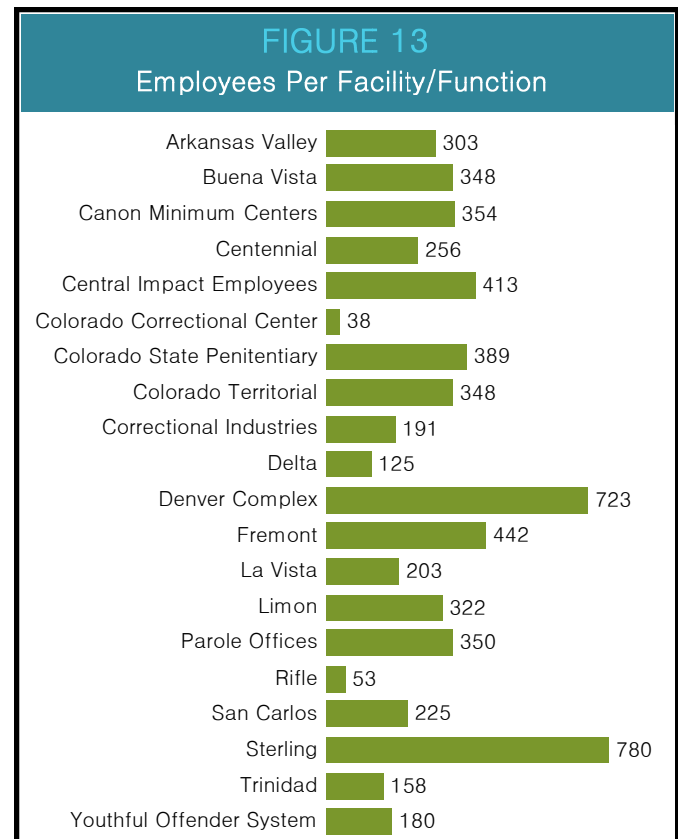


Figure 13 shows the number of employees by location. During the course of the year, 872 employees left employment, resulting in a turnover rate of 14%.



³ 2015 United States Census Bureau Colorado.

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Offender Admissions

Admissions to CDOC adult prison system decreased in FY 2016 by 9.3%. This is the second year of decrease after three years of increase between FY 2013 and FY 2015 (**Figure 14**). In FY 2016, releases surpassed admissions after two years of admissions being higher than releases. Releases showed a 1.9% increase from FY 2015.

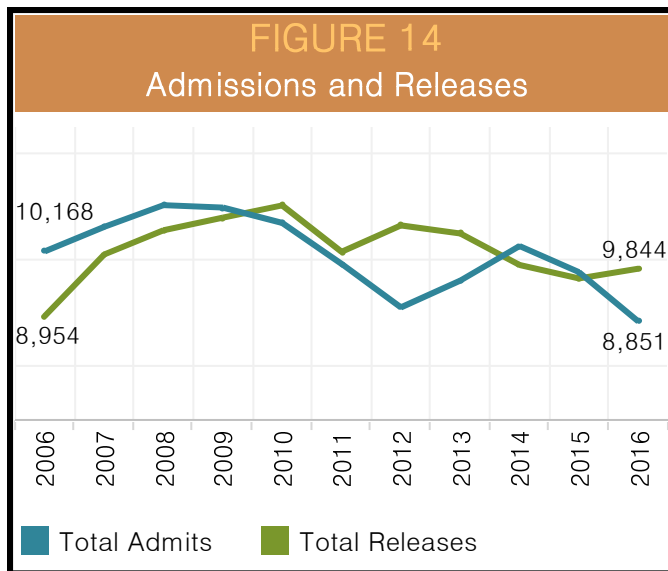
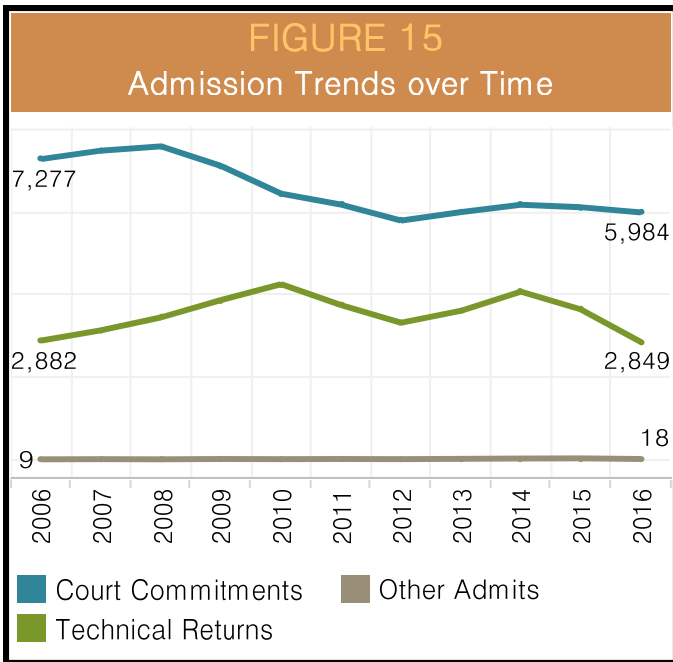


Table 3 shows totals by admission type and gender for FY 2016. Compared to FY 2015, male admissions decreased by 9.1%, while female admissions decreased by 11.0%. Court commitments include individuals receiving new incarceration sentences. Technical returns include offenders who were previously incarcerated in state and released to parole, probation, or a court-ordered discharge then later returned without a new felony conviction.

TABLE 3 Adult Admissions			
ADMISSION TYPE	MALE	FEMALE	TOTAL
COURT COMMITMENTS/NEW CONVICTION			
New Commitments	4,423	709	5,132
Parole Return	738	95	833
Court-Ordered Return	1	0	1
Probation	12	2	14
YOS Failure	4	0	4
<i>Subtotal</i>	<i>5,178</i>	<i>806</i>	<i>5,984</i>
TECHNICAL RETURNS			
Parole Return	2,480	335	2,815
Court-Ordered Discharge	22	4	26
Probation	8	0	8
<i>Subtotal</i>	<i>2,510</i>	<i>339</i>	<i>2,849</i>
OTHER			
Interstate Compact	12	4	16
Bond Return/ Audit Return/State Hospital	2	0	2
<i>Subtotal</i>	<i>14</i>	<i>4</i>	<i>18</i>
TOTAL ADMISSIONS	7,702	1,149	8,851

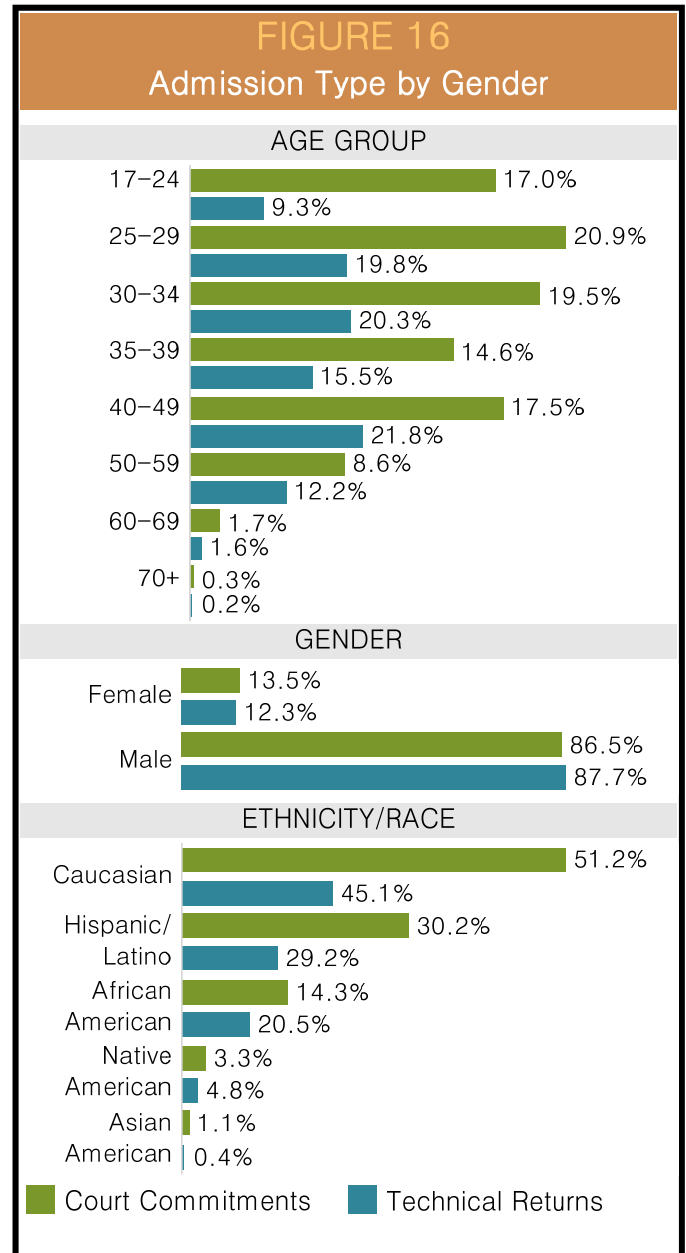
Technical returns may have new misdemeanor convictions, traffic convictions, or other violations of conditions specified in the parole agreement or order. Other admissions consist of transfers related to interstate compact agreements, bond returns, returns under the consecutive sentence audit, and dual commitments. **Figure 15** shows 10-year trends



of admissions by type. Court commitments and technical returns both decreased between FY 2014 and FY 2016. Court commitments and technical returns both contributed to the decrease in admissions between FY 2015 and FY 2016. Court commitments decreased by 2.1%, and technical returns decreased by 21.7%, between FY 2015 and FY 2016.

DEMOGRAPHIC CHARACTERISTICS

Demographic characteristics of incarcerated offenders were examined. In FY 2016, 434 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 5,904 court commitments and 2,649 technical returns. The demographic characteristics of FY 2016 offender



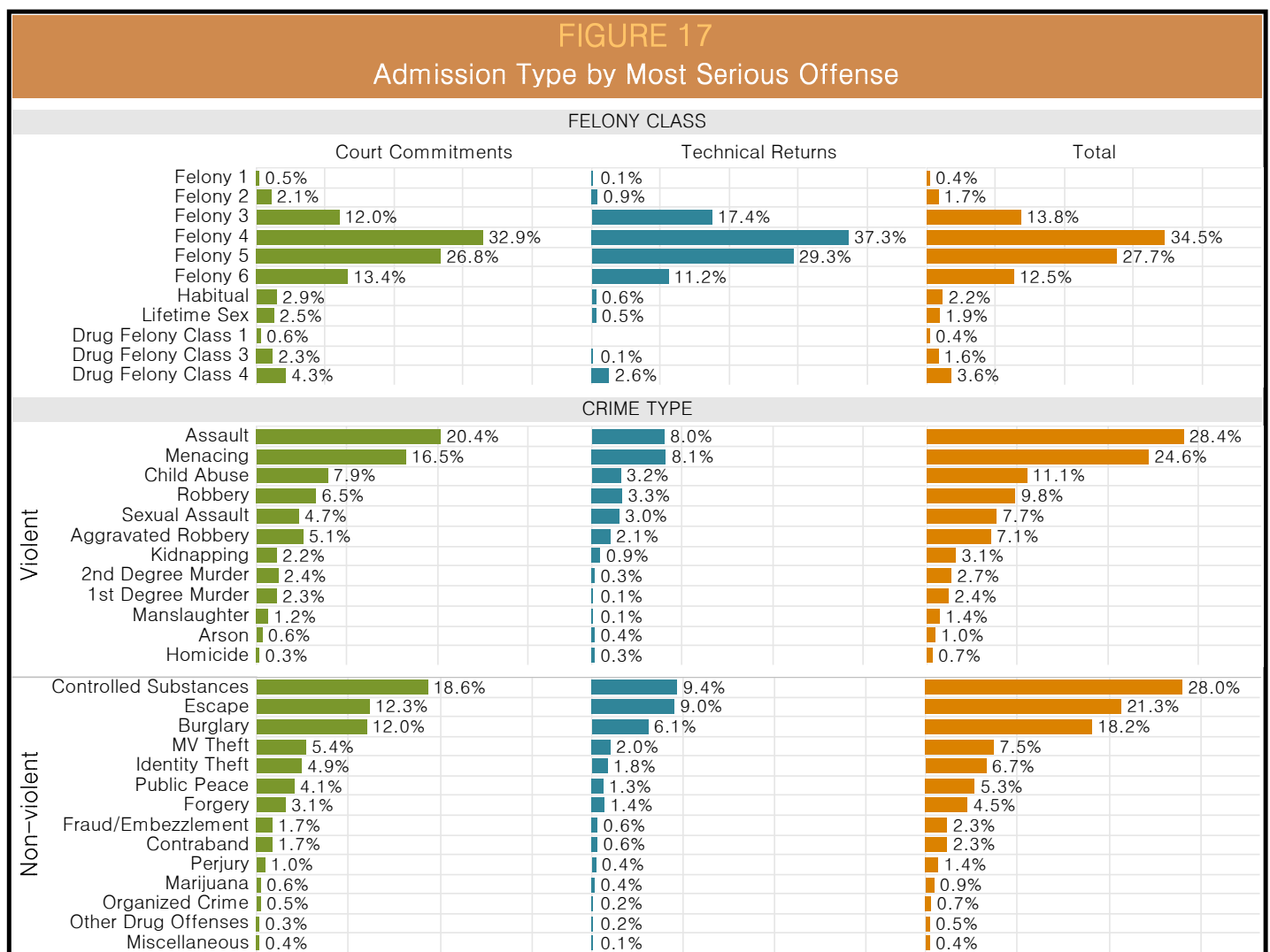
admissions are provided in **Figure 16**. Gender was similar across admission types. Among 2016 commitments, 11.6% of the total were 50 or older. Less than 1% of commitments were under the age of 19. The population of youthful offenders that received an adult sentence but were eligible for YOS is reported elsewhere.

OFFENSE DATA

To assess the seriousness of offender

sentences, the class of felony for the most serious offense conviction is used. Most serious offense is determined by a number of factors including sentence length, class of felony, enhancements (e.g., habitual, life-time supervision), and type of crime. 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 (Figure 17) show that Class 4 felonies were the most common, followed by Class 5 and

then Class 6 felonies. Figure 17 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 37.5% of admissions were for violent crime and 62.5% 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.

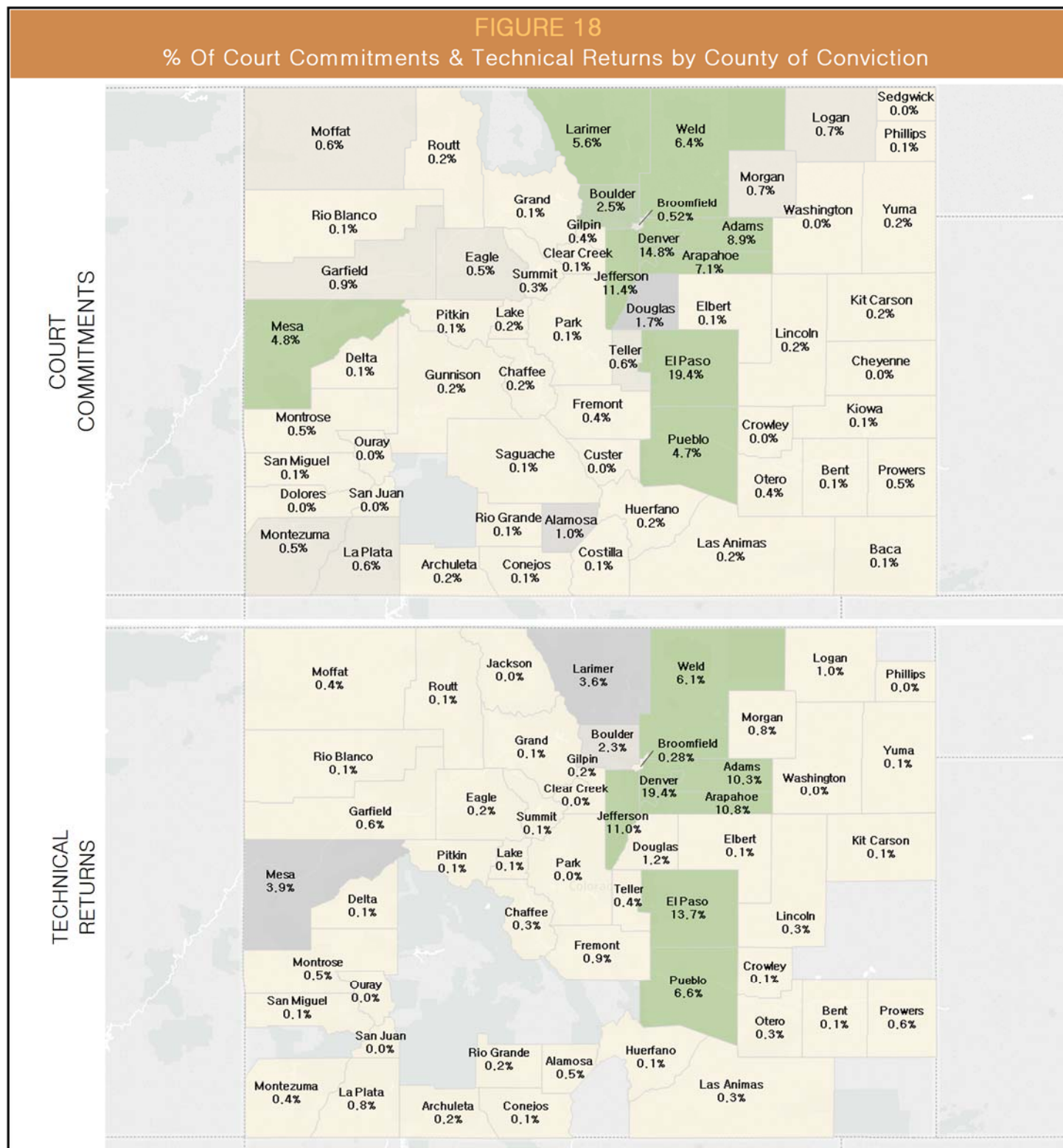


*Values may not sum to total due to rounding error.

COUNTY OF COMMITMENT

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

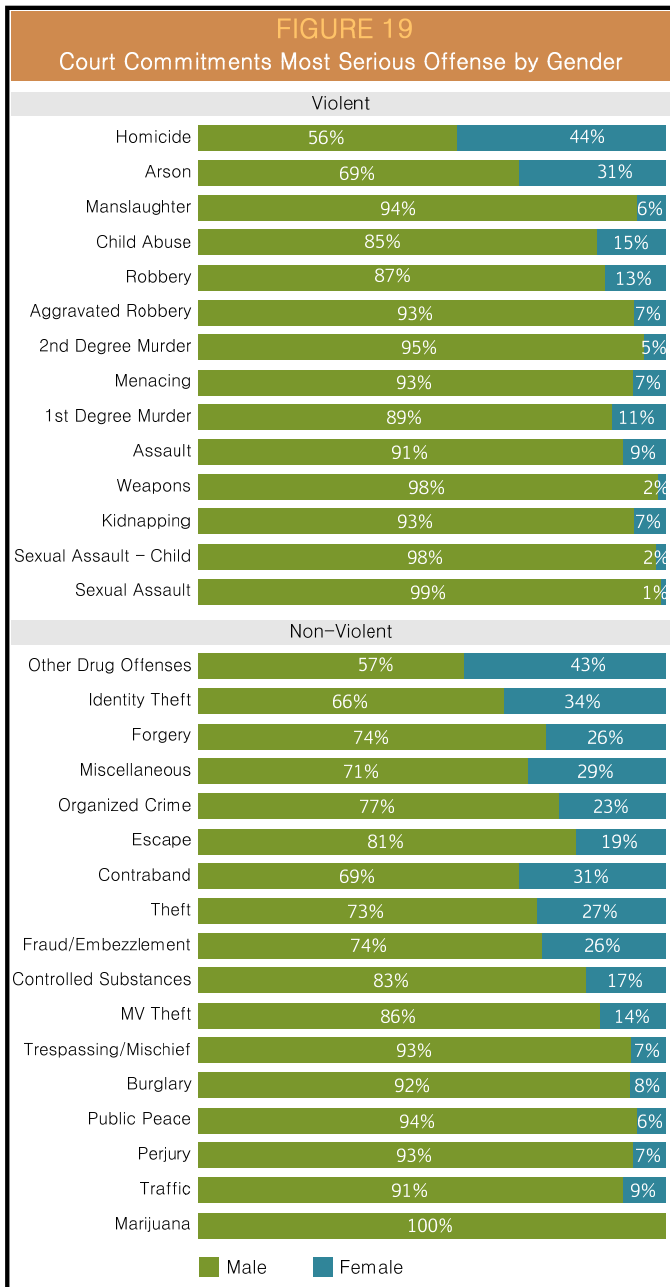
to represent the largest portion of admissions, followed by other counties along the Front Range such as El Paso, Jefferson, Adams and Arapahoe.



*Values may not sum to total due to rounding error.

GENDER COMPARISON

Figure 19 divides each crime category between genders.



LENGTH OF STAY

The Correctional Population Forecast⁴ 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 offenders released during the same year. **Table 4** displays projected lengths of stay based on class of felony (F1–F6) and type of crime (extraordinary risk, sex, drug, and other).

TABLE 4
Estimated Avg. Length of Stay (Months)

FELONY/TYPE	NEW COMMITMENTS		PAROLE RETURNS	
	MALE	FEMALE	MALE	FEMALE
F1	480.00	480.00	480.00	–
F2 Ext	208.18	211.10	120.70	–
F2 Sex	–	–	187.20	–
F2 Other	87.90	56.21	33.60	23.52
F3 Ext	107.15	78.31	27.09	56.00
F3 Sex	89.50	43.13	119.73	243.80
F3 Other	58.85	40.78	54.66	39.97
F4 Ext	50.18	41.55	37.92	27.02
F4 Sex	45.48	–	25.93	–
F4 Other	33.70	25.08	32.79	36.13
F5 Ext	27.43	25.43	16.14	13.55
F5 Sex	31.68	8.87	24.97	0.00
F5 Other	19.89	15.51	24.86	20.26
F6 Ext	14.09	12.20	7.64	–
F6 Sex	10.86	–	–	–
F6 Other	10.39	11.22	14.25	12.03
Drug (DF) 1	42.23	–	–	–
DF 1 Ext	103.40	119.08	–	–
Drug (DF) 2	45.05	–	–	–
DF 2 Ext	40.84	43.74	73.93	–
Drug (DF) 3	24.01	22.67	–	–
DF 3 Ext	27.65	22.97	–	–
Drug (DF) 4	69.89	5.70	11.12	–
DF 4 Ext	80.08	4.68	–	9.37
Habitual	226.51	264.00	57.28	–
Sex Offender Act	301.77	95.16	65.72	–
Total Average	48.94	32.60	39.93	35.21

⁴ Harrison, L. Colorado Division of Criminal Justice Correctional Population Forecasts, January, 2015.

HABITUAL OFFENDER SENTENCES

Figure 20 summarizes court commitments with habitual convictions. Thirty-eight offenders were sentenced under habitual offender provisions for his or her most serious offense in FY 2016, of which two were sentenced under pre-HB 93-1302 law. It should be noted that some offenders who received habitual sentences are not reported here if the 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.

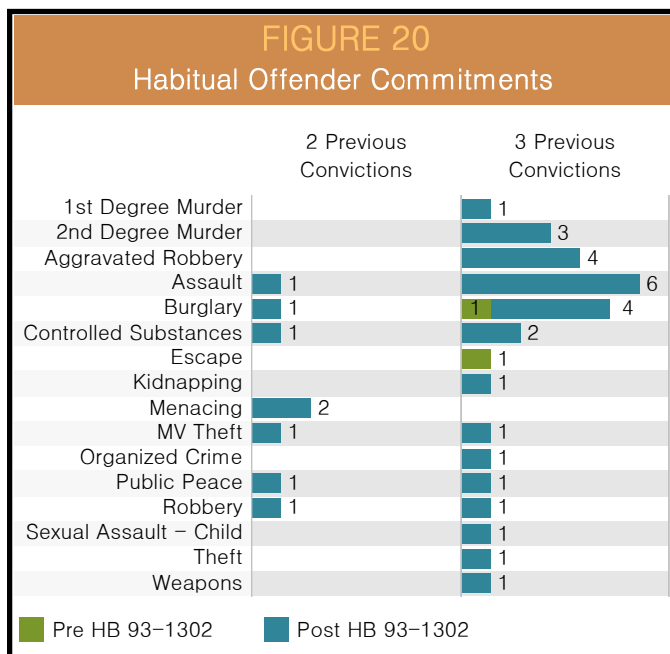


Table 5 shows the average, minimum and maximum sentences for those with two or three previous convictions.

TABLE 5 Habitual Offender Sentences (Years)		
	2 Previous Convictions	3 Previous Convictions
Avg. Govn Yrs	23	67
Min. Govn Yrs	9	3
Max. Govn Yrs	64	208

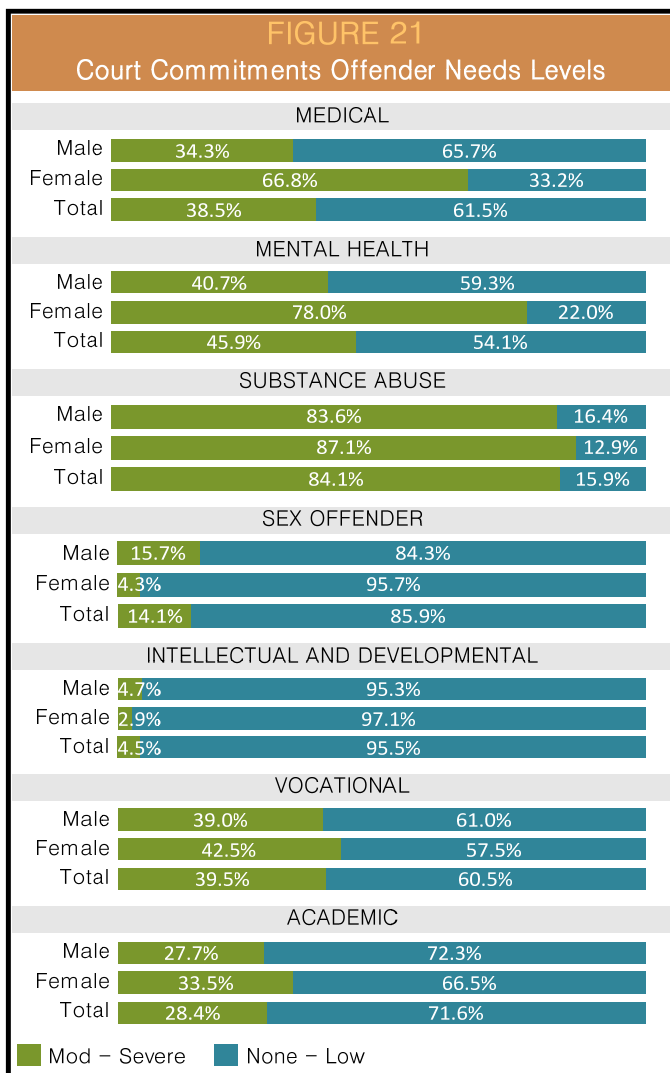
LIFETIME SUPERVISION SEX OFFENDERS

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 class of felony and average minimum sentences for offenders sentenced to prison under the Lifetime Supervision Sex Offender Act in FY 2016; none were females. The data shown in Table 6 may not represent all commitments sentenced under the act, 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.

TABLE 6 Lifetime Supervision Sentences (Years)		
	NUMBER OF OFFENDERS	AVERAGE MIN. SENTENCE
Felony Class 2	4	24
Felony Class 3	82	27
Felony Class 4	62	6
Totals	148	18

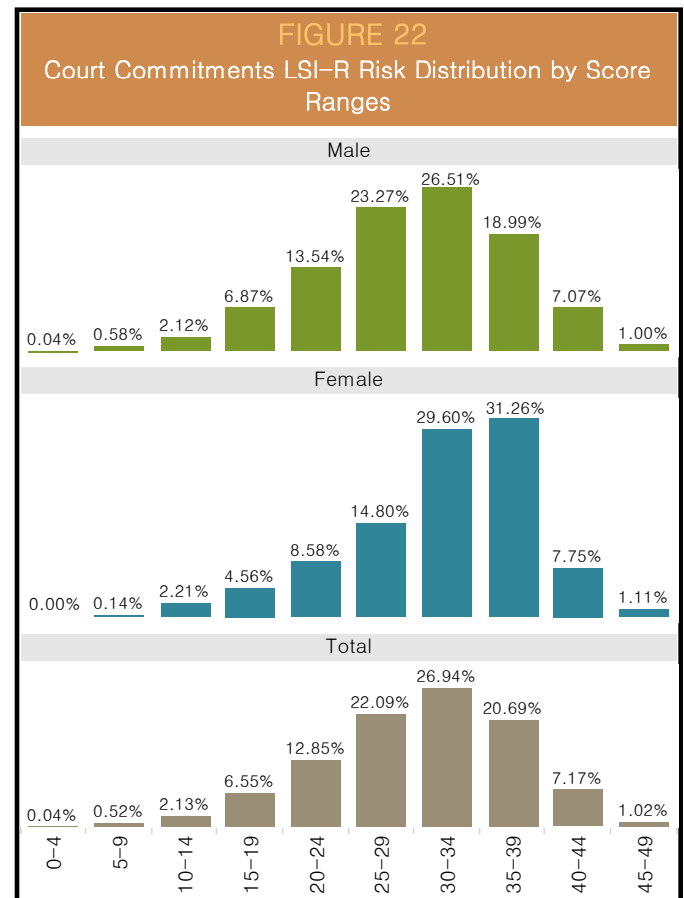
RISK & NEEDS ASSESSMENTS

Initial needs levels are calculated during the diagnostic process for court commitments and are used to identify offenders 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).



Offenders 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 distribution 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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Offender Releases

This section reflects actual releases from offender 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.

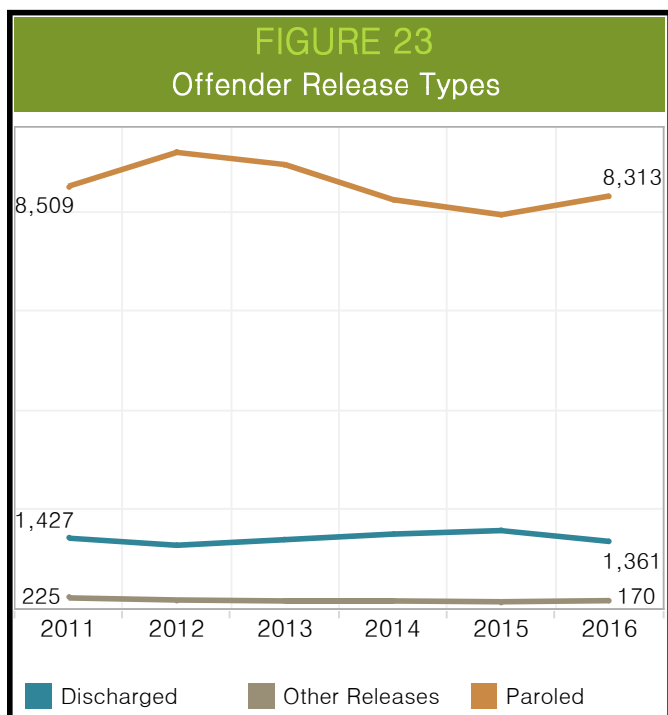
Three main release categories are used by CDOC; parole release, sentence discharge, and other releases. Parole releases include offenders who are granted discretionary parole by the Parole Board, offenders who serve his or her maximum sentence and release on his or her mandatory release date, and offenders who re-parole after having his or her parole revoked. Offenders with certain class of felony 4-6 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 detainees.

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 were finalized in July 2001 and as a result, sex offenders convicted of offenses between 1993 and 2002 are not subject to the mandatory parole provisions. This ruling resulted in 244 sex offenders completely discharging his or her prison sentence in FY 2016. 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 deaths in custody.

RELEASES BY TYPE

Offender releases decreased between FY 2012 and FY 2015, and increased by 1.9% in FY 2016 (see Figure 14). An examination of release types shows that offender release rates correspond most directly to the number of releases to parole (**Figure 23**).



CDOC implemented procedural changes in December 2005 which affected offenders 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 2011. The increase in FY 2012 coincides with a substantial increase in discretionary and mandatory parole releases. The increase in total parole releases in FY 2016 is attributable to an increase in mandatory parole releases.

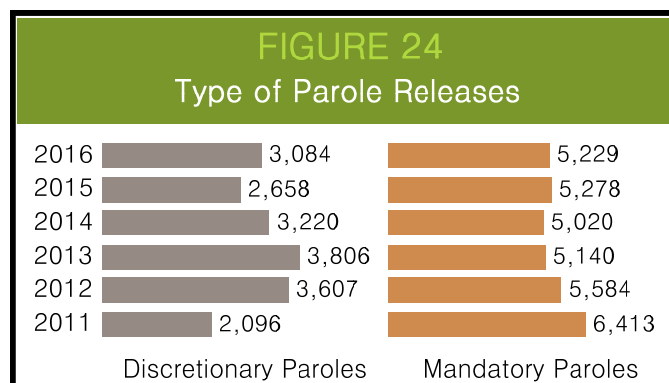
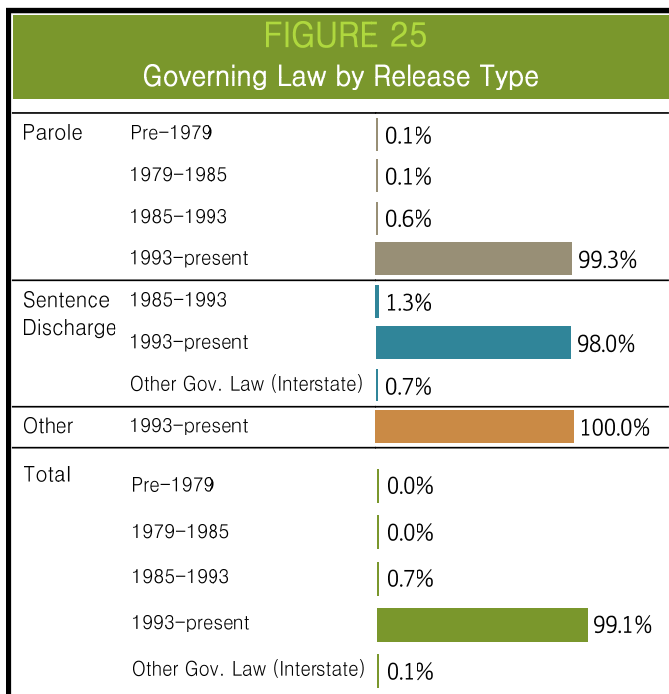


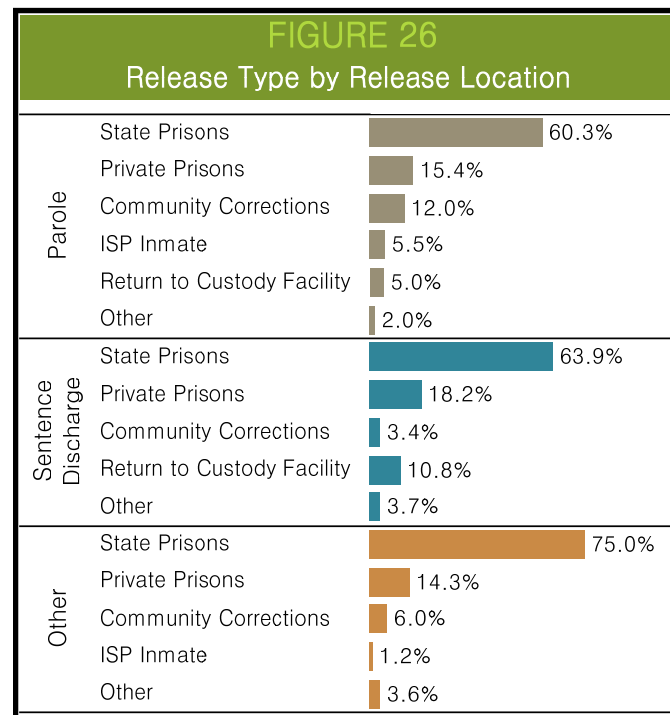
Table 7 provides details of releases by type and gender for FY 2016. Approximately 13.8% of these annual releases were sentence discharges. However, as illustrated in **Figure 25**, the majority of offenders that released were governed by current law (1993–present),

TABLE 7
Offender Release Types by Gender

RELEASE TYPE	MALE	FEMALE	TOTAL
PAROLE			
Discretionary	2,622	462	3,084
HB 1351 Mandatory	721	157	878
Mandatory	2,169	261	2,430
Mandatory Re-parole	1,699	222	1,921
SUBTOTAL	7,211	1,102	8,313
SENTENCE DISCHARGE			
Discharge	1,022	133	1,155
Martin/Cooper Discharges	11	0	11
Discharge to Pending Charges	135	9	144
Discharge to Detainer	48	3	51
SUBTOTAL	1,216	145	1,361
OTHER			
Probation	53	12	65
Court Ordered Discharge	33	5	38
Deceased	64	3	67
Colorado State Hospital ..	0	0	0
Appeal Bond	0	0	0
SUBTOTAL	150	20	170
TOTAL RELEASES	8,577	1,267	9,844



Other includes Probation, Court-Ordered Discharge, Deceased, Dual Commitment and Appeal Bond.



Other includes Probation, Court-Ordered Discharge, Deceased, Dual Commitment and Appeal Bond.

which requires a period of parole supervision. Only 1% of offenders who discharged his or her sentence were not required to serve a period of parole. The other 99% had previously released to parole and subsequently had parole revoked. These individuals discharged from offender status while approaching the end of sentence fulfillment, but before re-paroling.

Figure 26 illustrates the rate of releases by type and location. Releases are not shown by specific prison facilities because offenders often release from a transport hub. The majority of offenders released from state prisons to parole. Approximately 17.5% successfully transitioned from prison to parole via community corrections and/or ISP offender status. More offenders released from private

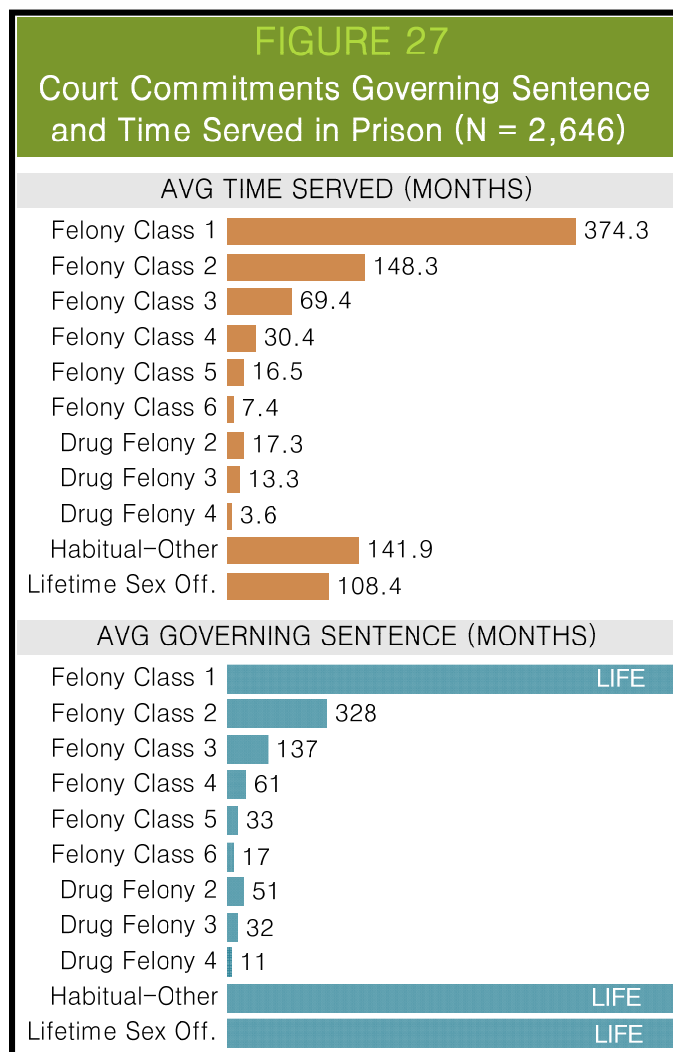
prisons in FY 2016 than in previous years. This is attributable to a large number (783) of releases directly from Cheyenne Mountain Re-entry Center. Approximately 15.8% returned to parole or discharged his or her sentence from a return-to-custody facility. Offenders sentenced in Colorado who are under 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 in relation to governing sentence was analyzed for prison releases. The governing sentence schematic

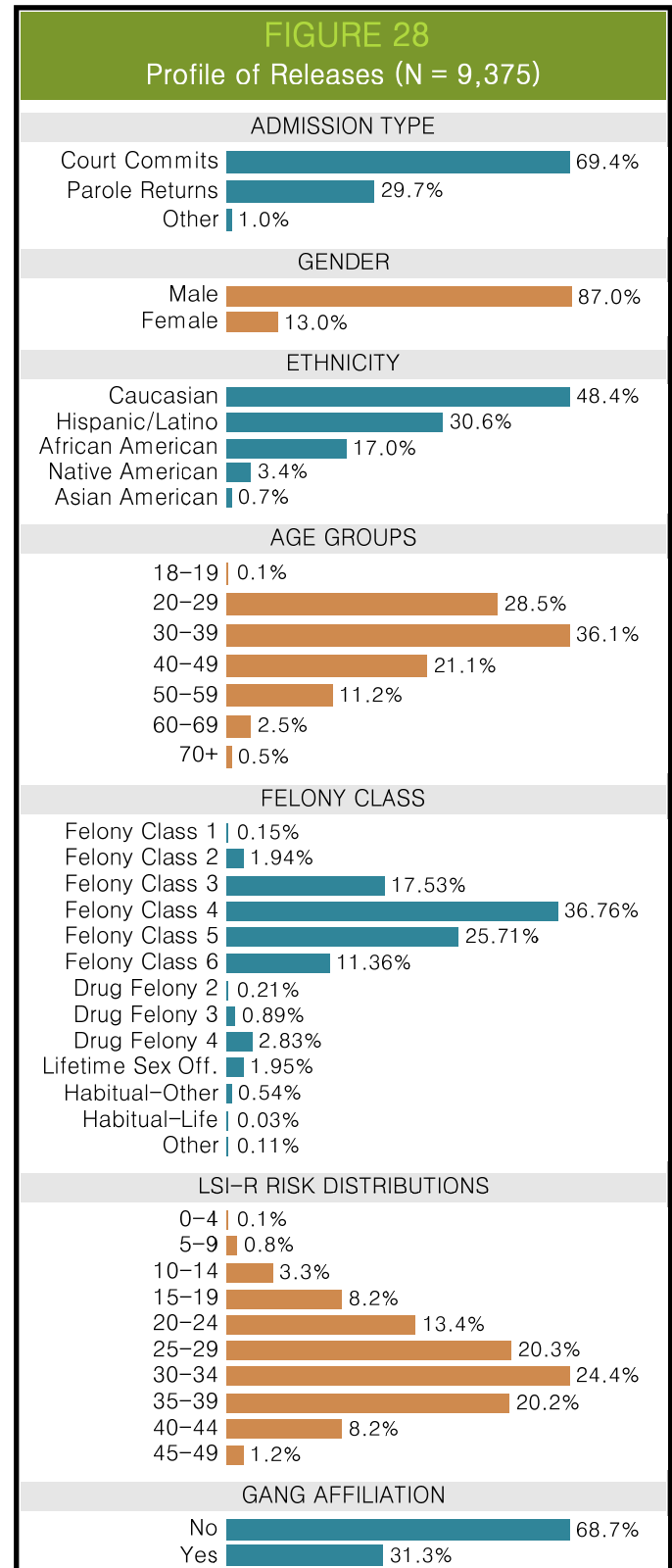
results in the latest Mandatory Release Date (MRD) or Statutory Discharge Date (SDD) release date. Once an offender paroled, the statutorily mandated parole period governs; if the offender is revoked for a technical violation, the parole period continues to govern. If an offender is revoked due to a 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 or consecutive sentencing provisions, create vast disparities within each crime category and felony class. Time served in prison does not include time served for previous incarcerations, 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 offenders 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 essentially serve the same amount of time as Class 2 felons; lifetime sex offenders serve an average total time between that of Class 2 and 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 OFFENDER RELEASES

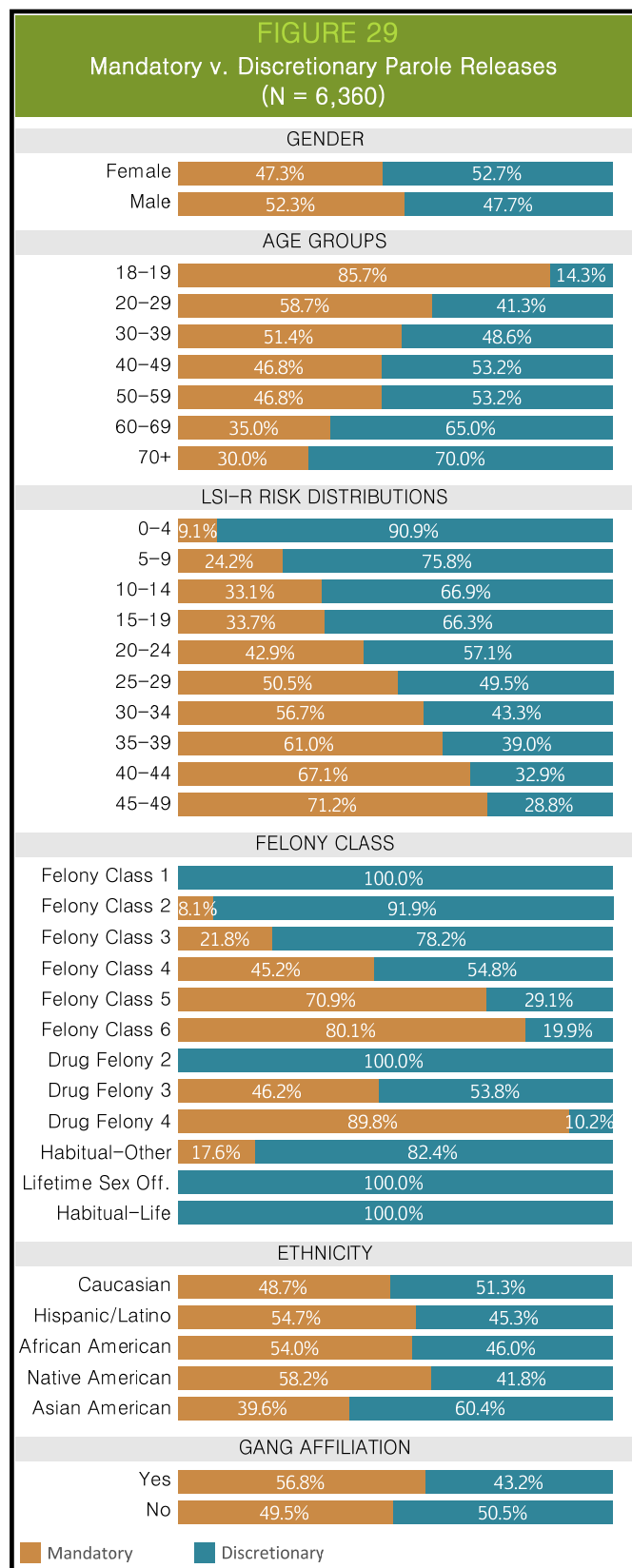
Demographic and sentencing data was examined for the FY 2016 release cohort (**Figure 28**). Certain offenders may release more than once during a given year (particularly those who violate the conditions of parole). In order to best represent the characteristics of the individuals who release from offender status, each offender was included in the release profile only once. Consequently, the profile cohort included 8,153 males and 1,222 females, totaling 9,375 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 offenders 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 3,078 discretionary parole releases and 3,282 mandatory Parole releases, totaling 6,360 offender releases. Offenders who released on discretionary parole during FY 2016 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



*Values may not sum to total due to rounding error.

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 offenders with increased risk are less likely to be granted discretionary parole.

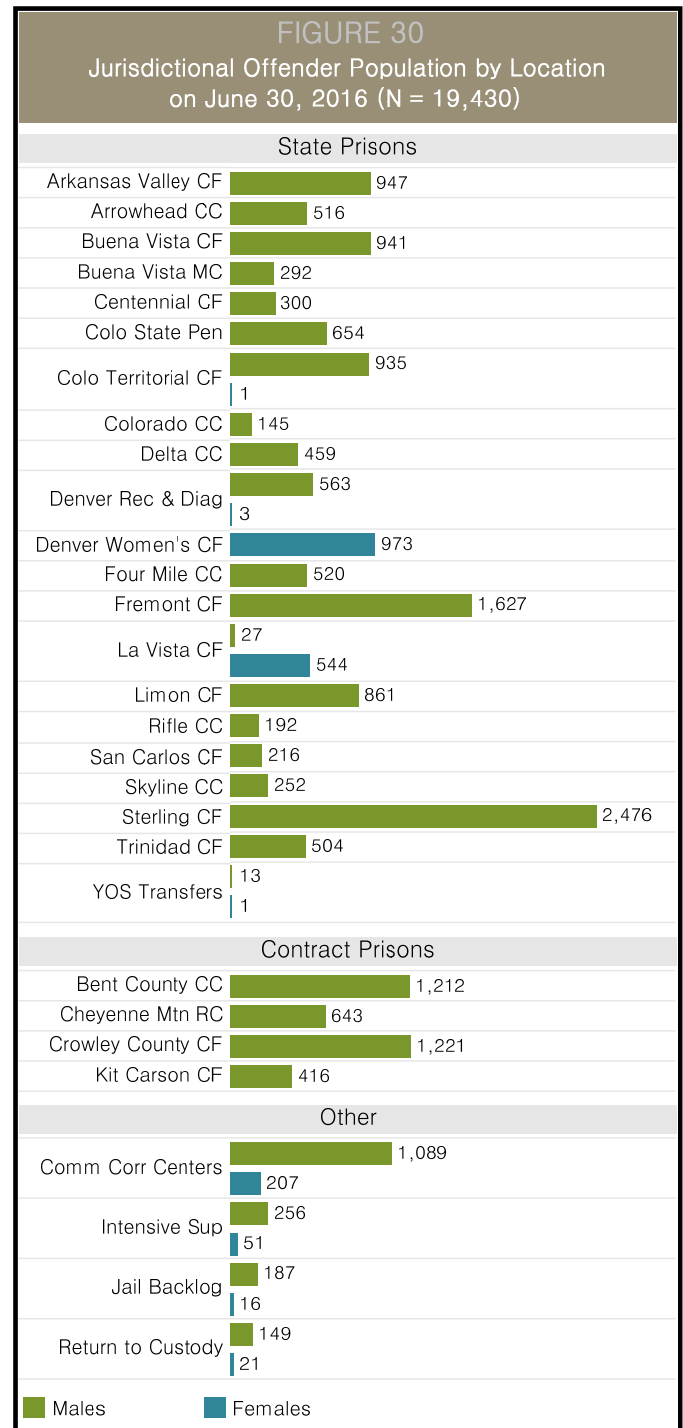


*Values may not sum to total due to rounding error.

Offender Population Characteristics

OFFENDER POPULATION

This section explores and summarizes the adult jurisdictional offender population. **Figure 30** shows the number of offenders by his or her location on the last day of the fiscal year (excluding 189 fugitives). The majority (71.14%) were in state prisons, 19.72% were housed in private prisons or jail backlog, and roughly, 8.18% were in the community. Jail backlog includes offenders awaiting placement in CDOC as a court commitment, parole return for a new crime or technical violation, or regression from a community placement. In the case of certain eligible parole violators, jail backlog includes those awaiting placement in a community return-to-custody facility. The four private prisons used in FY 2016 house only 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.



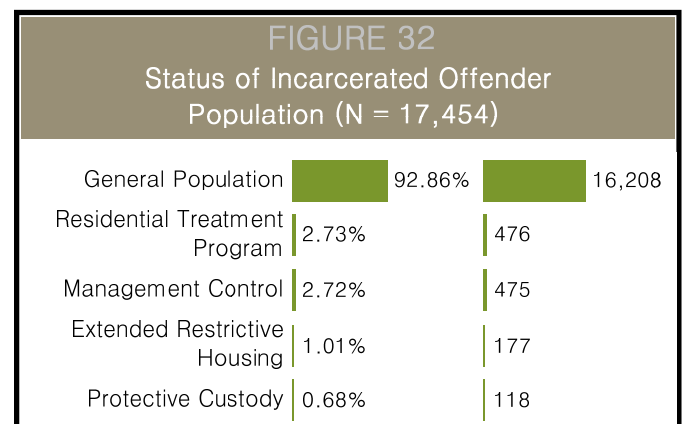
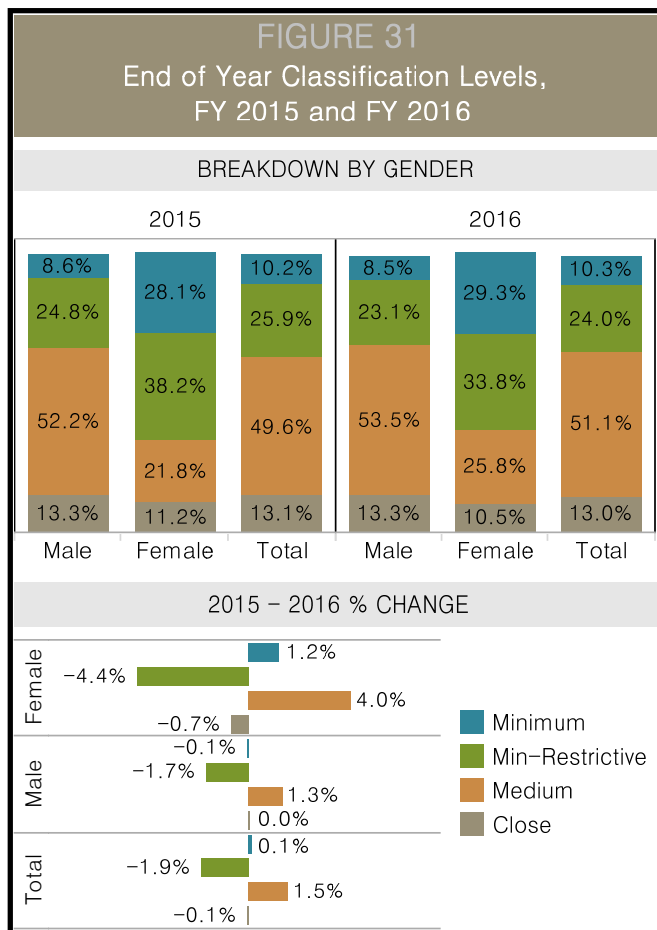
CUSTODY CLASSIFICATION & STATUS

All offenders are assessed upon intake into CDOC and then re-assessed at different 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 offender custody levels at the end of FY 2015 and FY 2016. Over the last several years changes in custody designations have occurred. This has included the elimination of administrative segregation as a classification status and

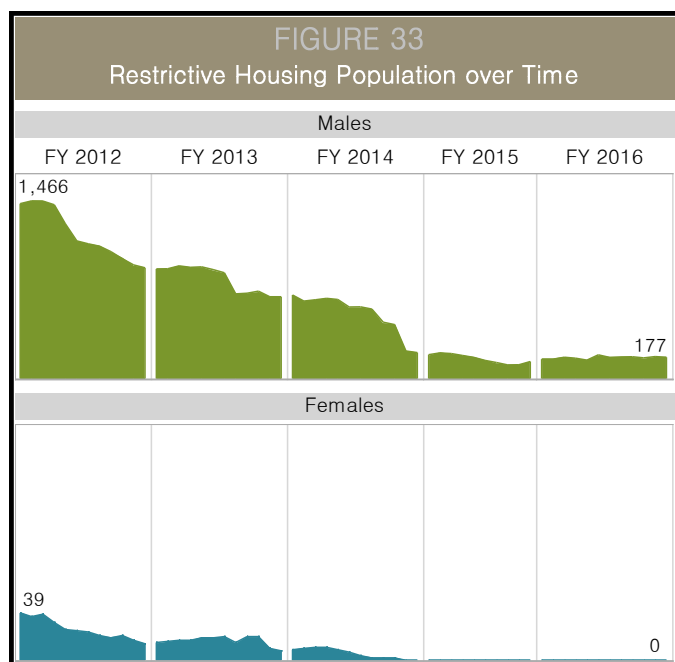
creation and implementation of Extended Restrictive Housing (ERH) which was designed for offenders who have demonstrated (through behavior) that they pose a risk to the safety and security of a general population prison; it is the most restrictive housing possibility in CDOC. Protective Custody (PC) was added in 2013 to provide a non-punitive housing option for offenders who would be at substantial risk of harm if placed in general population housing. Residential Treatment Programs (RTP) are designated for offenders with mental illness or intellectual disabilities who are participating in specialized programs designed to promote pro-social behavior.

Figure 32 shows that 92.9% of incarcerated offenders are in the general population and approximately 7.1% have one of the status designations. Since FY 2012, the effort to remove all offenders housed in administrative segregation has been successful. As of July 2014, all offenders have been removed from former administrative segregation conditions



by way of a step-down process coupled with Extended Restrictive Housing processes, though Restrictive Housing can still house offenders serving disciplinary sanctions.

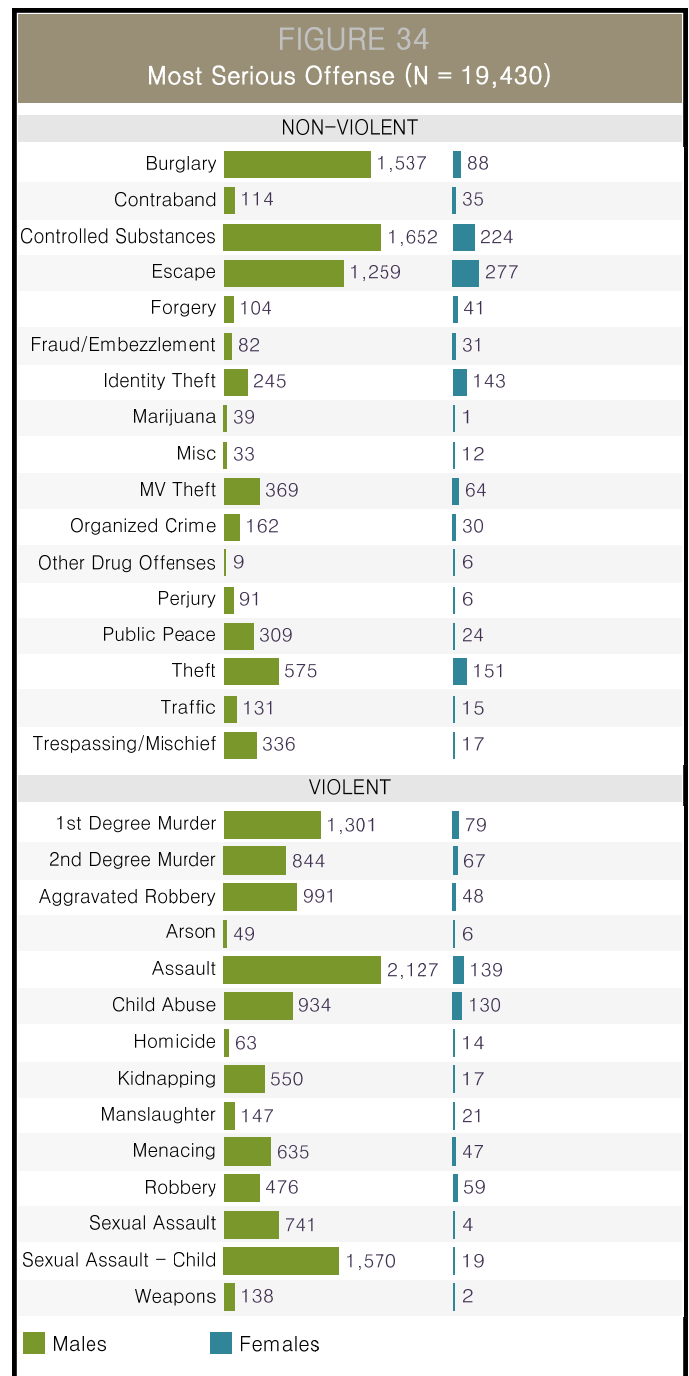
Figure 33 shows the changes in the population over time that have occurred as a result of these efforts. This population peaked in September 2011 with 1,505 offenders (7.4%) in administrative segregation. This number dropped to 177 offenders (1.1%) housed in Extended Restrictive Housing at the end of FY 2016.



Restrictive Housing includes the historical statuses Administrative Segregation and Restrictive Housing – Maximum Security, as well as the current Extended Restrictive Housing.

MOST SERIOUS OFFENSE

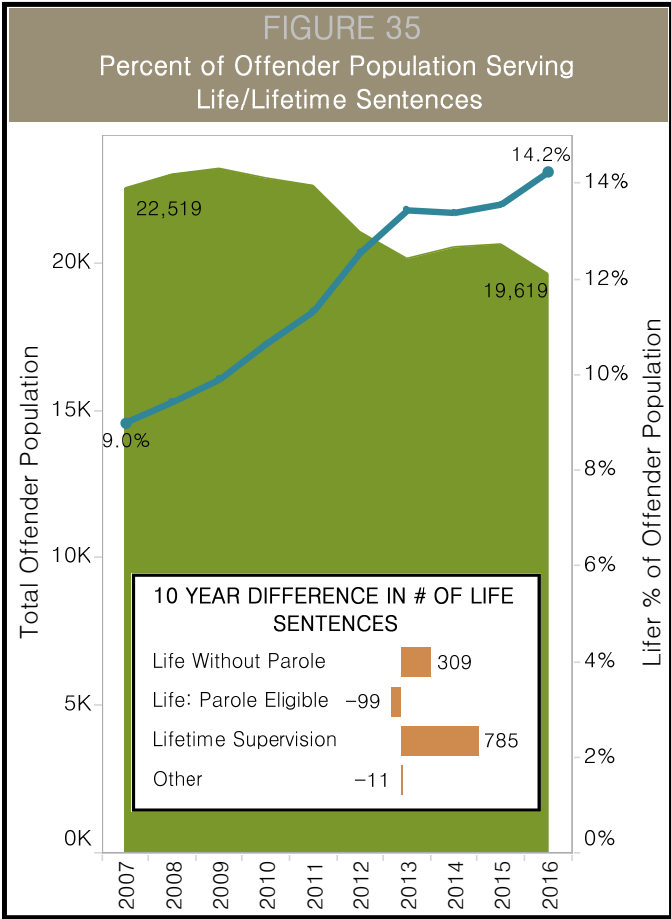
Figure 34 contains the most serious offense distribution for the adult offender population on June 30, 2016. Fifty-seven percent (57.4%)



of the currently incarcerated offender population have a violent offense. In contrast, 26.1% of new court commitments had a violent offense. From 2010 to 2016, numerous legislative bills were passed in an effort to reduce the offender 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 offender population has shifted to one with more serious offenders serving longer sentences.

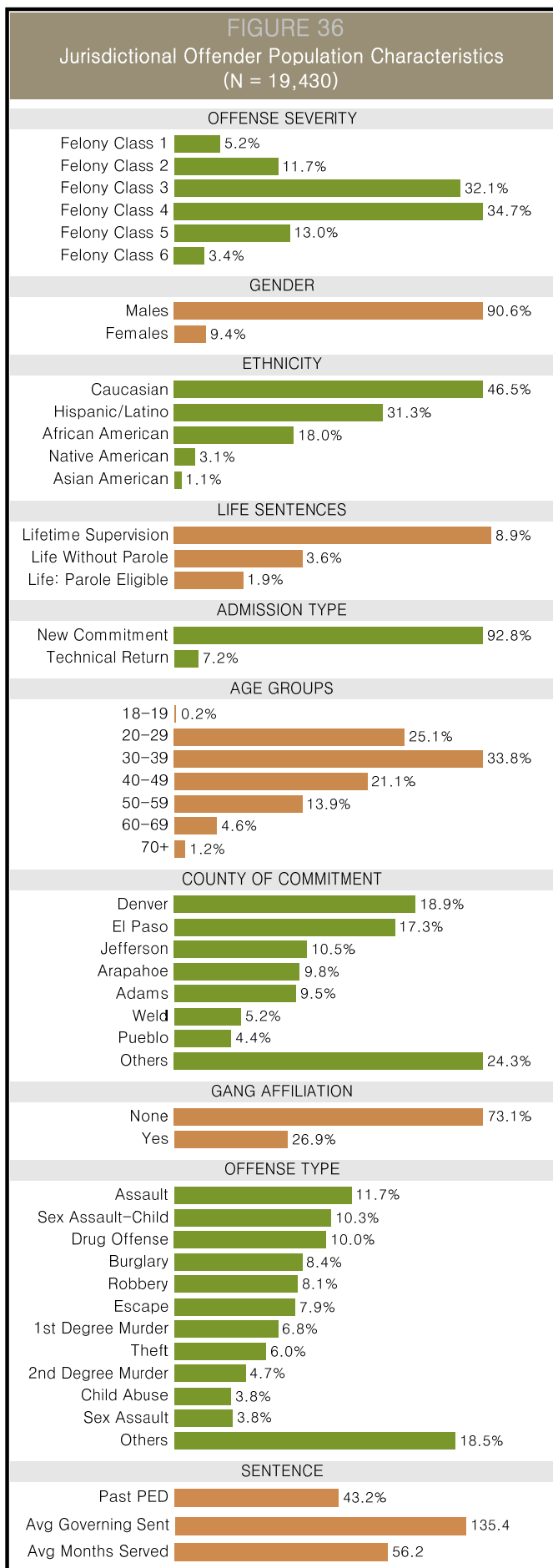
Figure 35 shows a 10-year history of the total offender population and the percent serving life or lifetime sentences. As shown, even during periods of population decline, life and lifetime offenders continued to account for a greater percentage of the population. The inset figure shows that much of the increase is due to offenders sentenced under lifetime supervision. Conversely, offenders serving life without parole sentences nearly doubled



over the past decade; over the same period, the offender population decreased by 12.9%.

OFFENDER PROFILE

Figure 36 shows the profile of the total offender jurisdictional population on June 30, 2016. The total offender jurisdictional population includes offenders in jail, prison and the community but does not include fugitives. Offenders were predominantly male (90.6%), Caucasian or Latino (77.8%), and between the ages of 20–49 (80.0%). In this population, 14.4% of offenders were serving sentences with a maximum term of life; 1.9% of those serving life sentences will be parole eligible. The maximum governing sentence of the offender jurisdictional population was 181.4 months, or 15.1 years, on average. In contrast, offenders had only served a total of 56.2 months on average. Parole Eligibility Date (PED) 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 PEDs and MRDs to reduce the amount of time actually spent incarcerated.

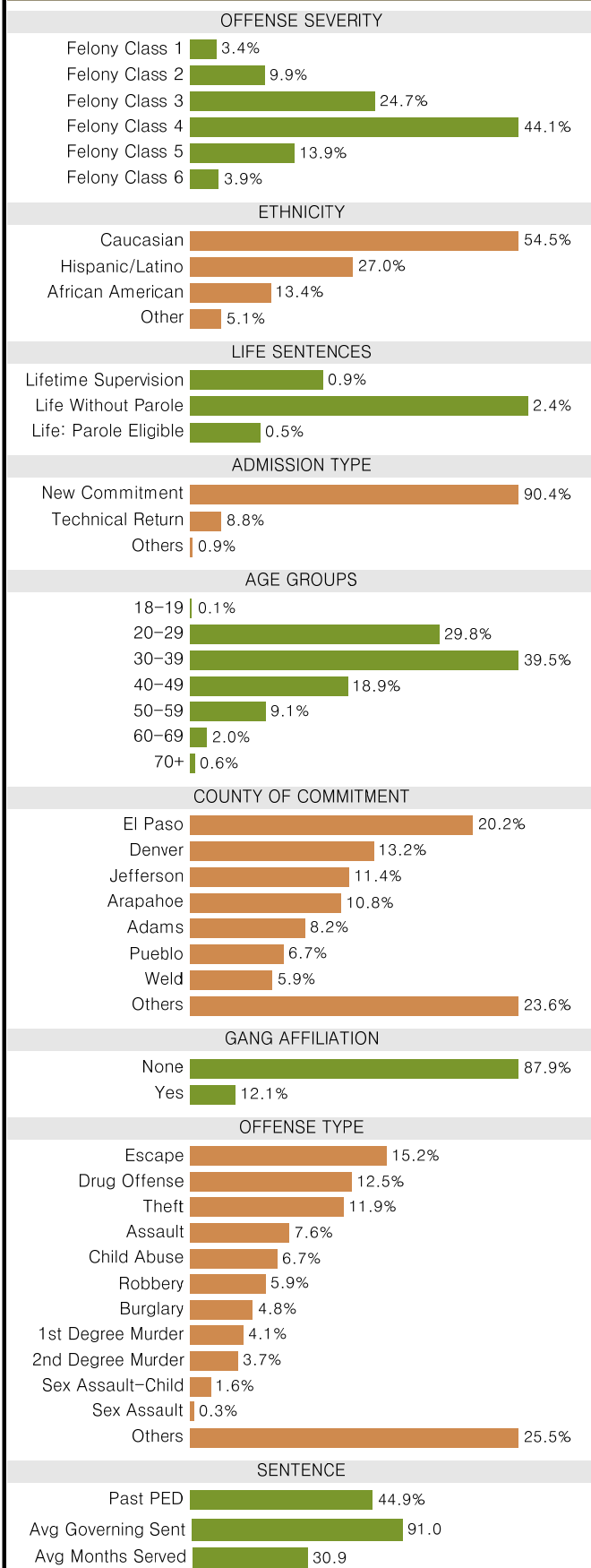


*Values may not sum to total due to rounding error.

Figure 37 provides similar information for female offenders. Females differed from males across several categories. Female offenders were less likely to be minorities and more likely to be middle-aged than males. El Paso County has a higher sentencing rate for women than men, but Denver County has lower sentencing rate for women 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.

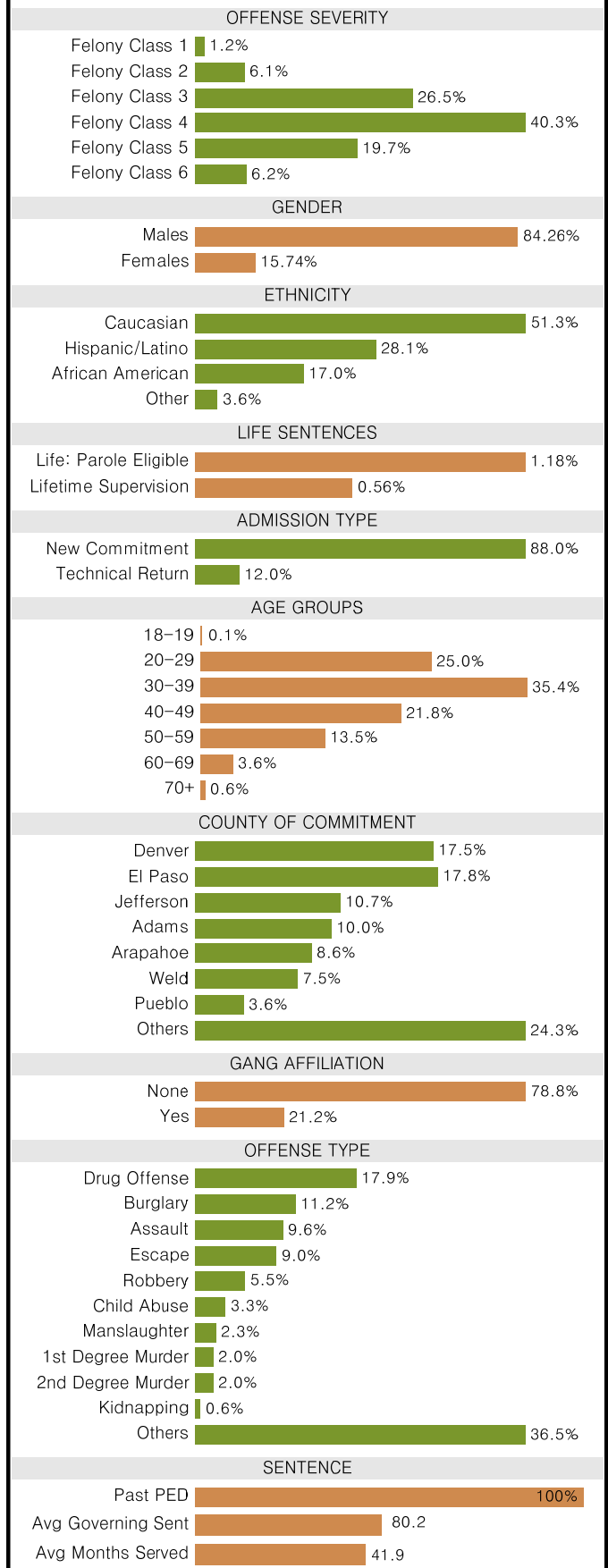
The profile of community offenders is shown in **Figure 38**. This population differed from the total offender jurisdictional population in some ways. Because of the community return-to-custody option available to felony Class 4–6 parole violators, there were more offenders serving parole sentences in the community, and these offenders had lower felony classes. Similarly, there were few community offenders serving life or lifetime supervision sentences and all of these offenders were past their PED due to community eligibility requirements. The community corrections population was comprised of a higher percentage of male Caucasian offenders aged 30–49 than was the jurisdictional population.

FIGURE 37

Jurisdictional Female Offender Population Characteristics
(N = 1,817)

*Values may not sum to total due to rounding error.

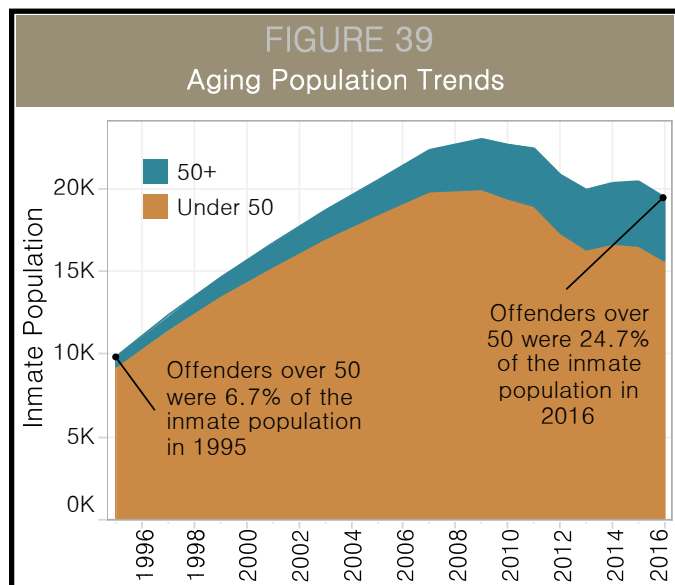
FIGURE 38

Community-Based Offender Population Characteristics
(N = 1,773)

*Values may not sum to total due to rounding error.

AGING TRENDS

Offenders over 50 years of age are the fastest-growing prison population. Between 1995 and 2010, the number of state and federal offenders aged 55 or older nearly quadrupled, increasing at nearly seven times the rate of the general prison population⁵. In CDOC between the years 1995-2016, the number of offenders aged 50 and over increased from 617 to 3,849 (523.8%). In comparison, the total population experienced a 98.2% increase (from 9,800 to 19,430) 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. population⁶, increased life expectancy among adults, and tougher sentencing laws⁷. With this aging offender population comes a myriad of challenges for the criminal justice



⁵ Human Rights Watch. (2012). *Old behind bars: The aging prison population in the United States*.

⁶ Administration on Aging. (2011). *A profile of older Americans: 2011*.

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 offender 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 training and intellectual and developmental programming. Females with intellectual and developmental needs are also an exception; their needs are equal to that of men in the same category. Differences are greater in the areas of academic, medical and mental health needs. The percent of offenders scoring in each needs level was slightly different from those of the prison admission cohort. However, the jurisdictional offender population has higher sex offender treatment

⁷ 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.

needs than new admissions. Among the offender population, 47% of offenders (versus 40% of admissions) had moderate-to-severe vocational needs. Conversely, 23% of the offender population had moderate-to-severe academic needs (versus 29% of admissions). This difference is attributable to offenders attaining a GED while incarcerated. The most substantial growth is the population of

offenders 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 offenders are nearly three times higher than rates of mental illness in the U.S. population⁸.

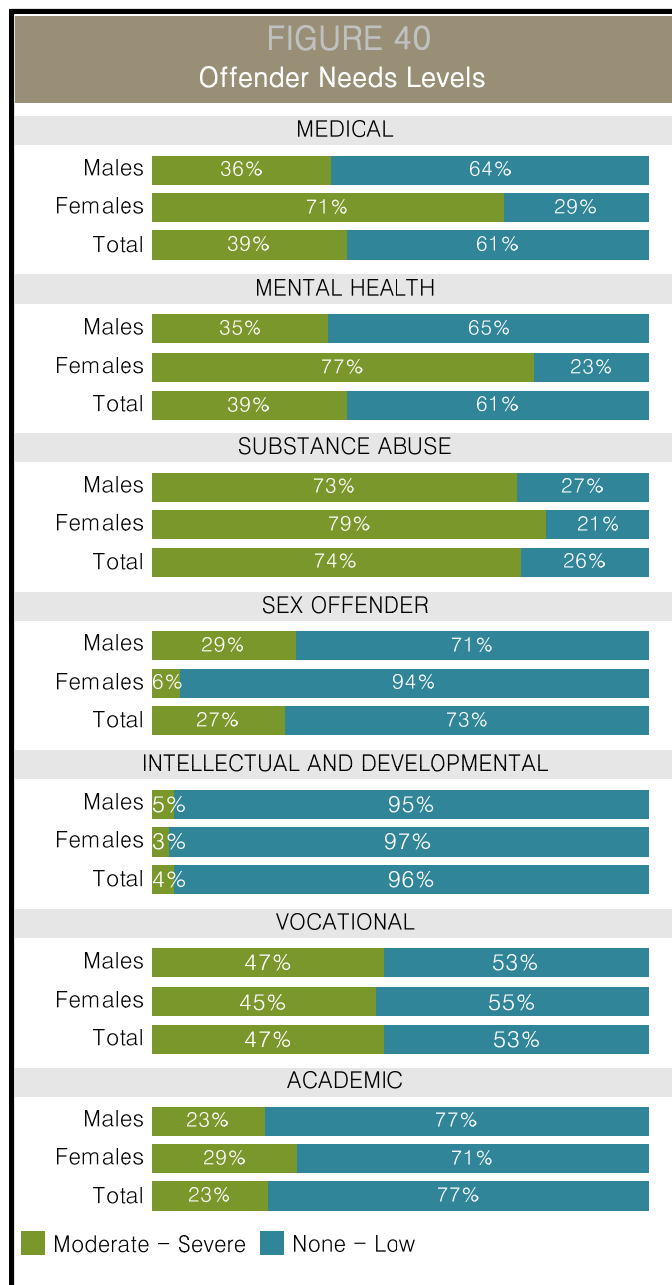
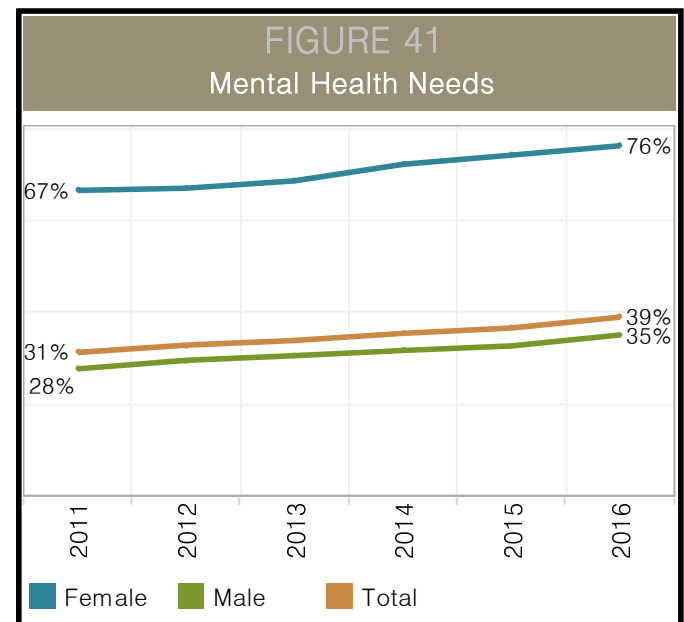


Figure 41 shows the rates of offenders with mental health needs (Levels 3–5) since FY 2011. Females have consistently displayed the highest need levels. However, the needs of both genders have gradually increased over time.



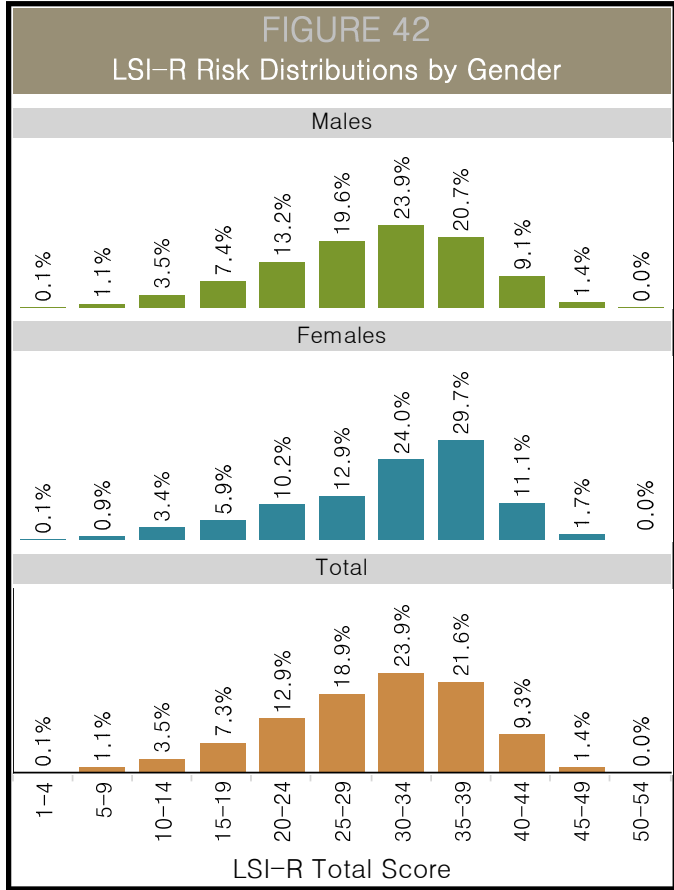
RISK ASSESSMENT

The LSI-R is used to assess risk of offender recidivism. **Figure 42** provides the LSI-R

⁸ Teplin, L.A. (1990). The prevalence of severe mental disorder among male urban jail detainees: Comparison with the Epidemiological Catchment Area Program. *American Journal of*

Public Health, 80, 663-669. Retrieved from <http://ajph.aphapublications.org>

score distributions for both genders and total offender populations. CDOC offenders score in the higher ranges of the LSI-R scale. Female offenders have higher risk levels than male offenders. 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 offender assaults on staff, offender assaults on offenders, fighting, uses of force, offender 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 Office of the Inspector General (OIG) 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 offenders 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 have been tracked by the type of assault (e.g., with serious injury, without serious injury, hazardous liquid, spitting, and incidental contact). 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 offenders involved. Use-of-force counts the number of offenders involved in each incident. There was an increase in the number of fights and staff assaults in FY 2016. However, there was a decrease in offender assaults on offenders in FY 2016 and has been a decrease in use-of-force incidents over the past two years.

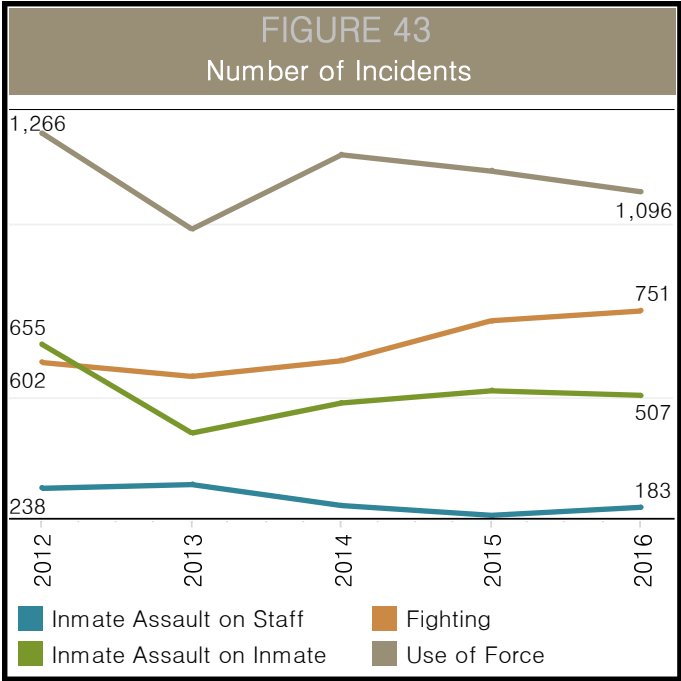
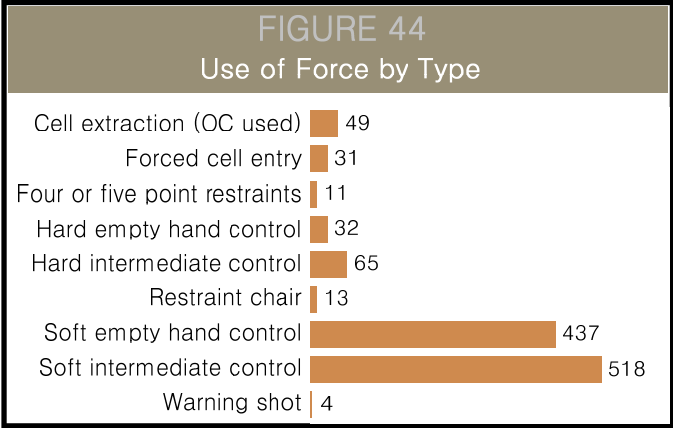


Figure 44 provides the number of use of force incidents delineated by the use-of-force type during FY 2016. The total staff assaults shown do not include incidental contacts or attempted assaults as no injury occurred to staff.

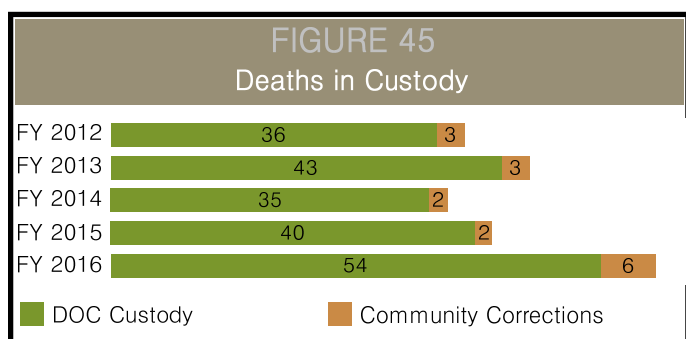


DEATHS IN CUSTODY

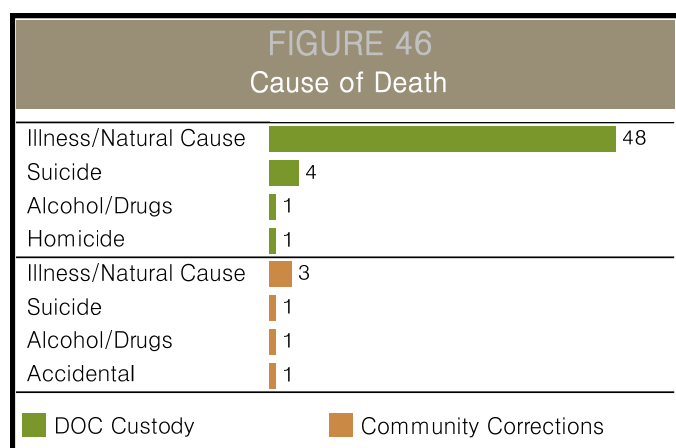
CDOC participates annually in the BJS’ *Deaths in Custody Reporting Program* (DCRP), which collects national, state and incident level data on persons who died while in the physical custody of the 50 state departments of corrections, the federal system, and approximately 3,200 local adult jail jurisdictions. DCRP records decedent characteristics, information on whether an autopsy was conducted, the circumstances surrounding the death, 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 offender status, or deaths of those under probation or parole supervision. During FY 2016, there were 60 deaths in custody, six of which occurred in community corrections (**Figure 45**). Cause of death is determined by a coroner or medical examiner external to CDOC.



Eighty-five percent of offenders who died did so as a result of an illness or natural cause (**Figure 46**). Two of the deaths were female. The average age at the time of death was 60.3 years; when excluding those who died of illness or natural causes, the average at the time of death was 47.7 years.



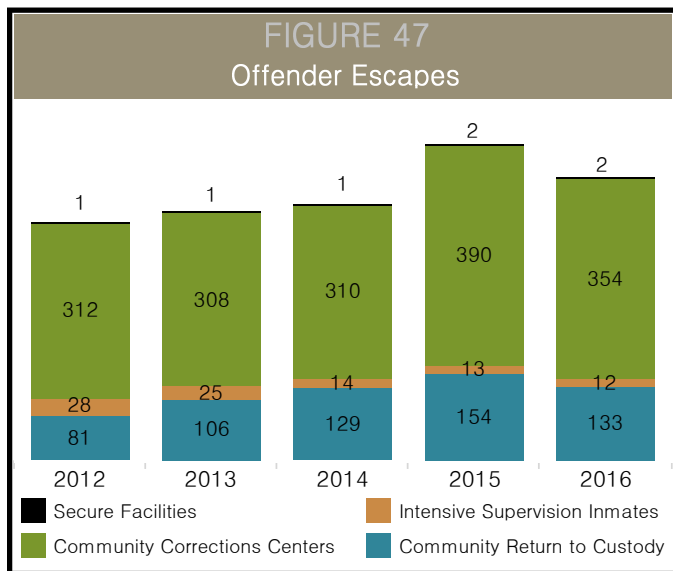
ESCAPES

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 or 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, intensive supervision program (ISP) offender status, and community return-to-custody facilities. There were seven escapes from secure facilities over the last five years:

- FY 2012: Delta Correctional Center (one)
- FY 2013: Colorado Correctional Center (one)
- FY 2014: Skyline Correctional Center (one)
- FY 2015: Colorado Correctional Center (two)

- FY 2016: Colorado Correctional Center (one), Trinidad Correctional Facility (one)

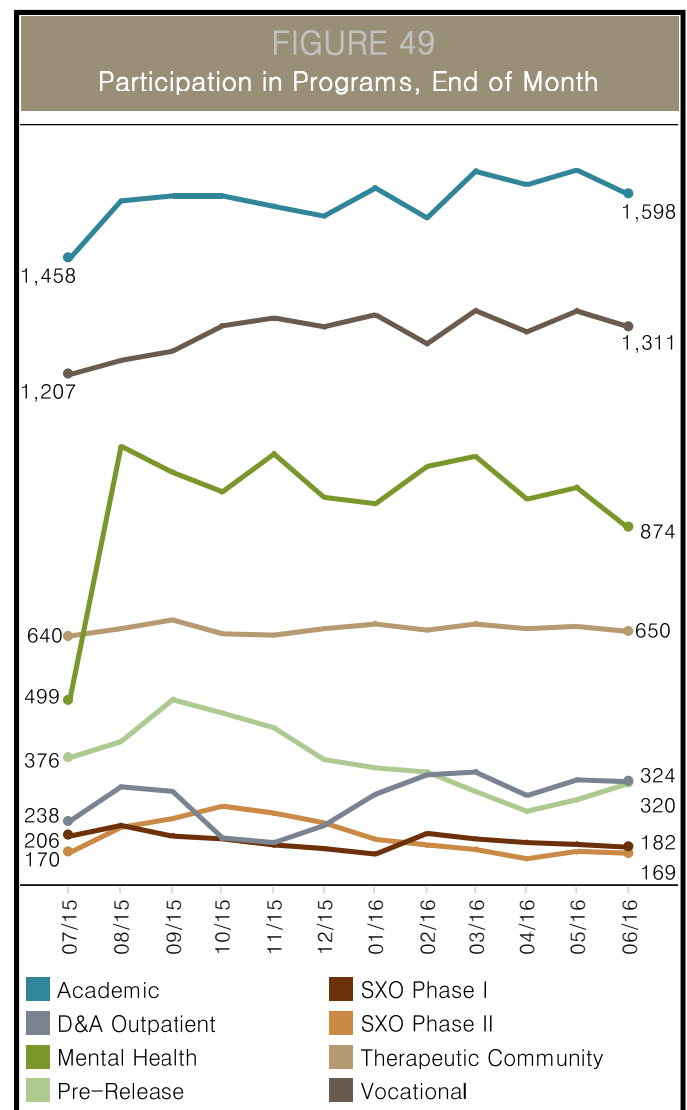
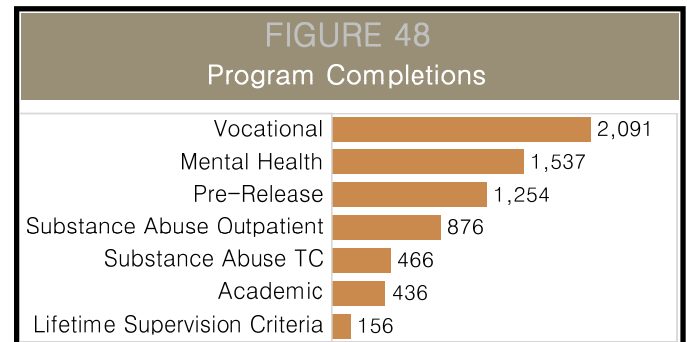


Escapes from community corrections centers are the most common, followed by escapes from community return-to-custody facilities. The number of escapes from return-to-custody facilities and community corrections centers increased between FY 2012 and FY 2015 before decreasing in FY 2016. The number of ISP offender escapes has gradually decreased.

PROGRAM PARTICIPATION

To improve the chances of success upon re-entry, offenders 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 and compliance.



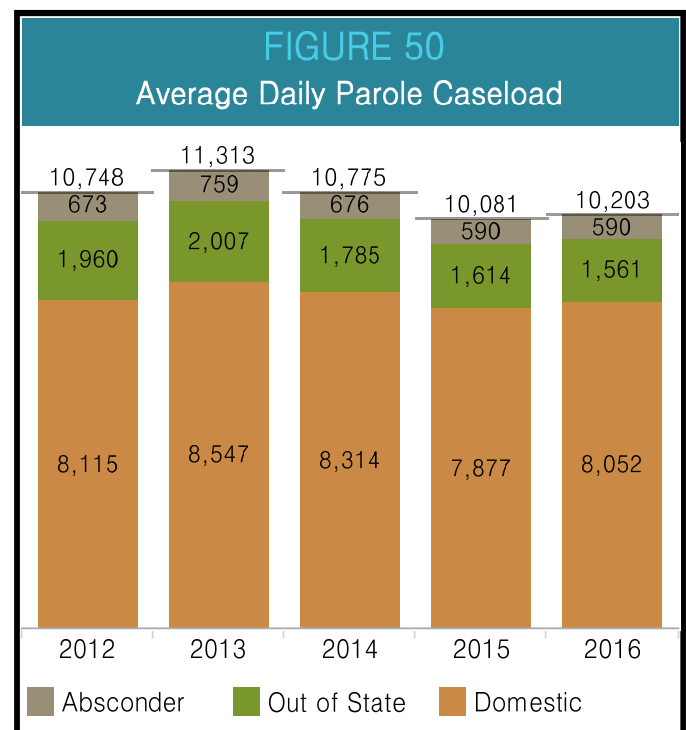
Parole Population Characteristics

PAROLE POPULATION

Colorado has a blended parole system. The Parole Board has the authority to grant parole to offenders who have reached parole eligibility but have not completed his or her full sentence. However, all offenders sentenced for a crime committed after 1993 are required to serve a period of parole, unless sentenced to life or death. Those who release before serving the full term of his or her sentence receive discretionary parole. Those who serve the maximum term of his or her sentence 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

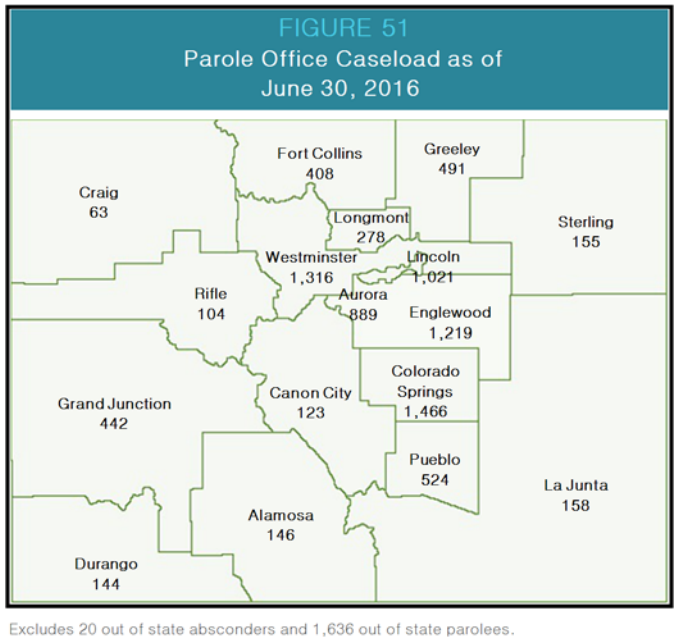
The average daily parole caseload is shown in **Figure 50**. Using the daily average caseload



more accurately reflects the workload maintained throughout the year. The average daily parole caseload increased 5.3% in FY 2013, decreased 12.2% over the next two years (FY 2014 and FY2015) and saw a slight increase of 1.2% in FY 2016.

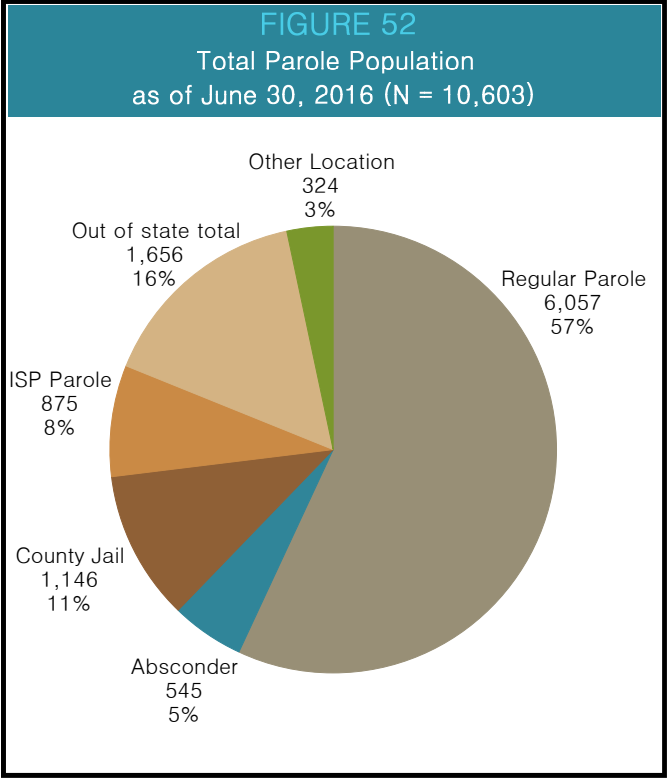
Figure 51 displays the number of parolees by parole office. As expected, the highest concentration was found along the Front Range and Grand Junction. This can be attributed to the overall higher populations and

access to needed programs found in these areas. The highest percentage of parolees (16.4%) are assigned to the Colorado Springs Office with the next highest (14.7%) assigned to the Westminster office.



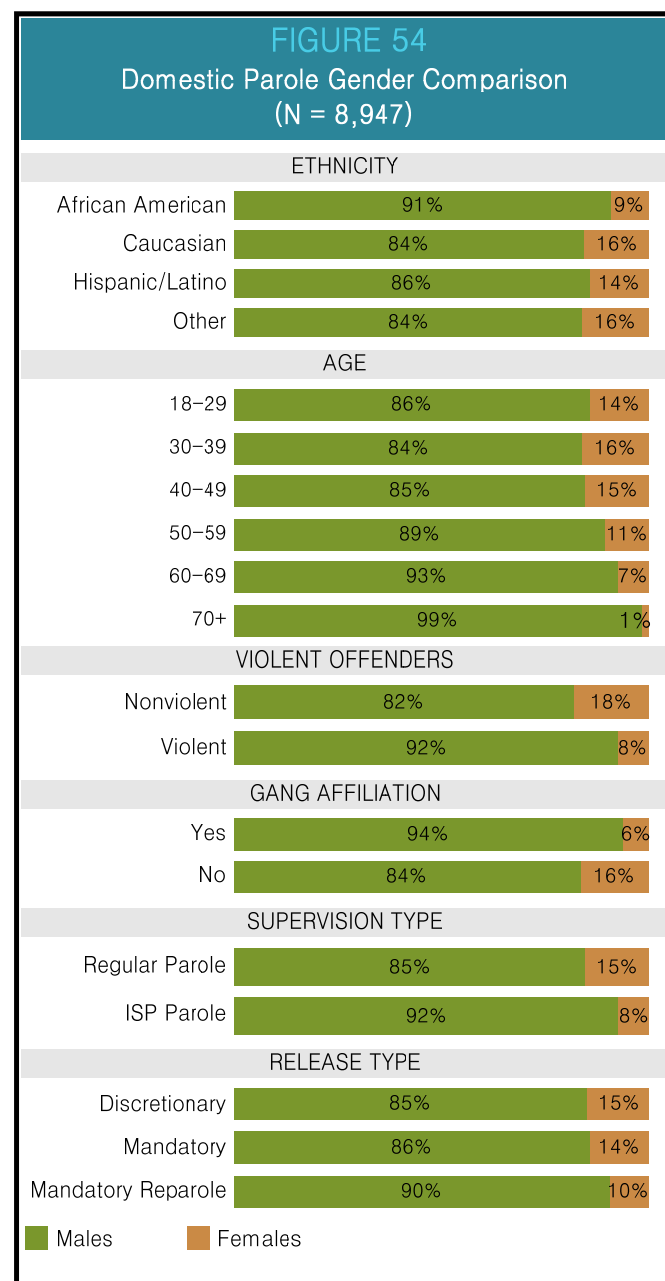
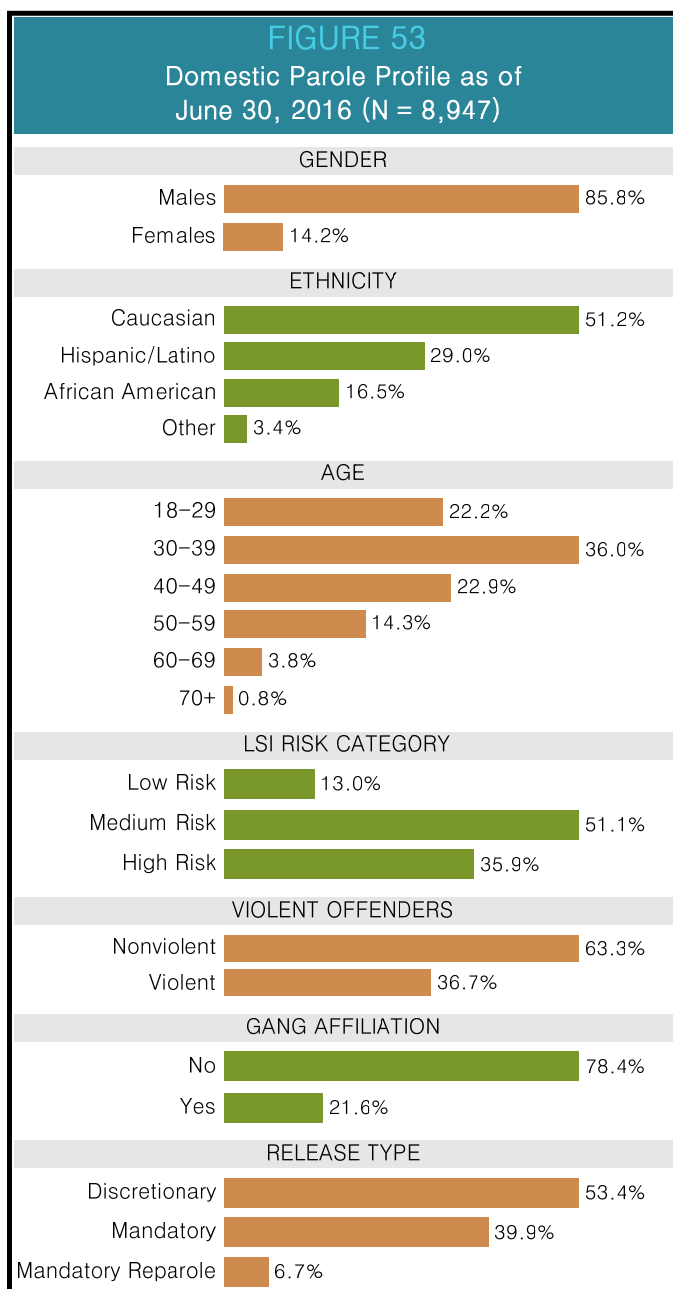
PAROLEE PROFILE

Figure 52 shows 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 35% 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.

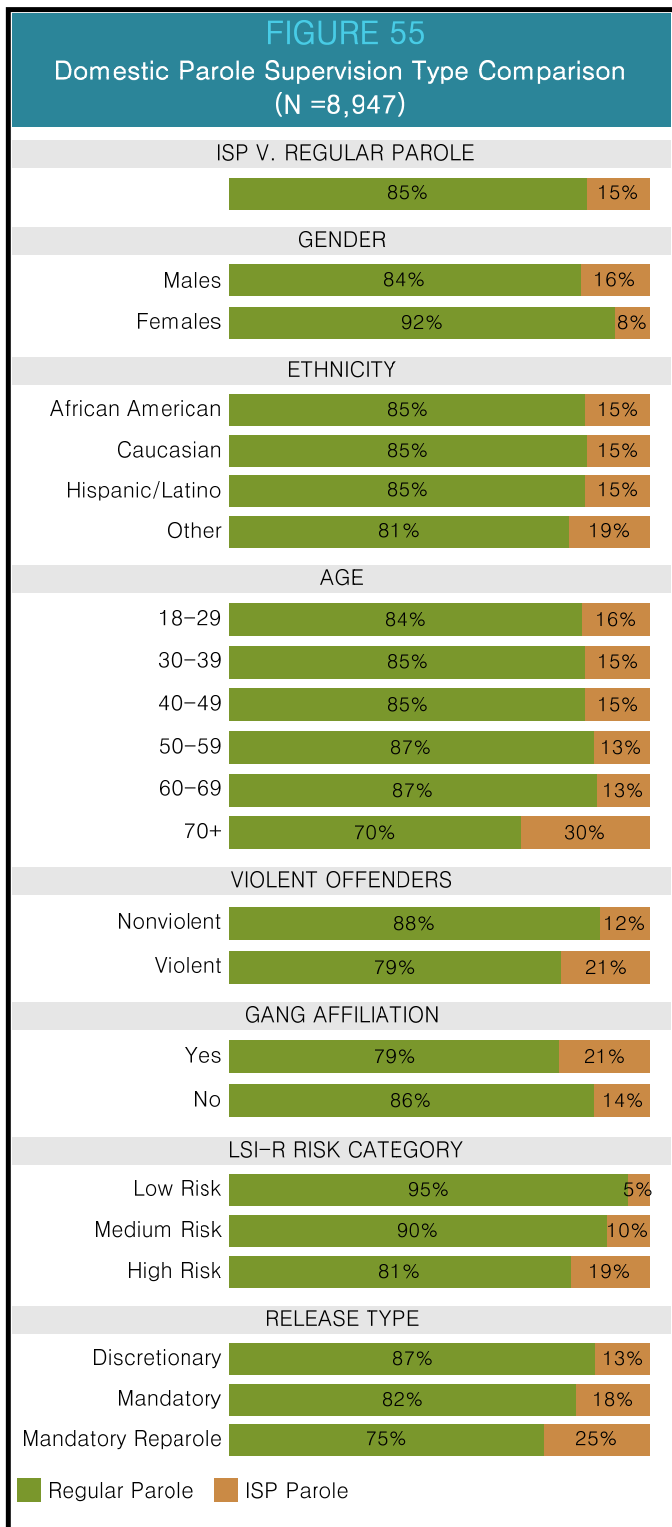
The demographic characteristics of parolees displayed in **Figure 53** are similar to those of the jurisdictional offender population profile, although there is a larger percent of female offenders on parole (14.2%) than in prison



(9.4%). Non-violent parolees comprised 63.3% of sentences, whereas 62.5% of offenders had been sentenced for non-violent crimes. The majority of parolees can be defined as male; Caucasian; between the ages of 18-49; having a discretionary release type; non-violent; not affiliated with gangs; and having a medium-to-high LSI risk level. When compared to males, females are similar in age, non-violent, have fewer gang affiliations, and

are on regular parole supervision, and received discretionary parole (**Figure 54**).

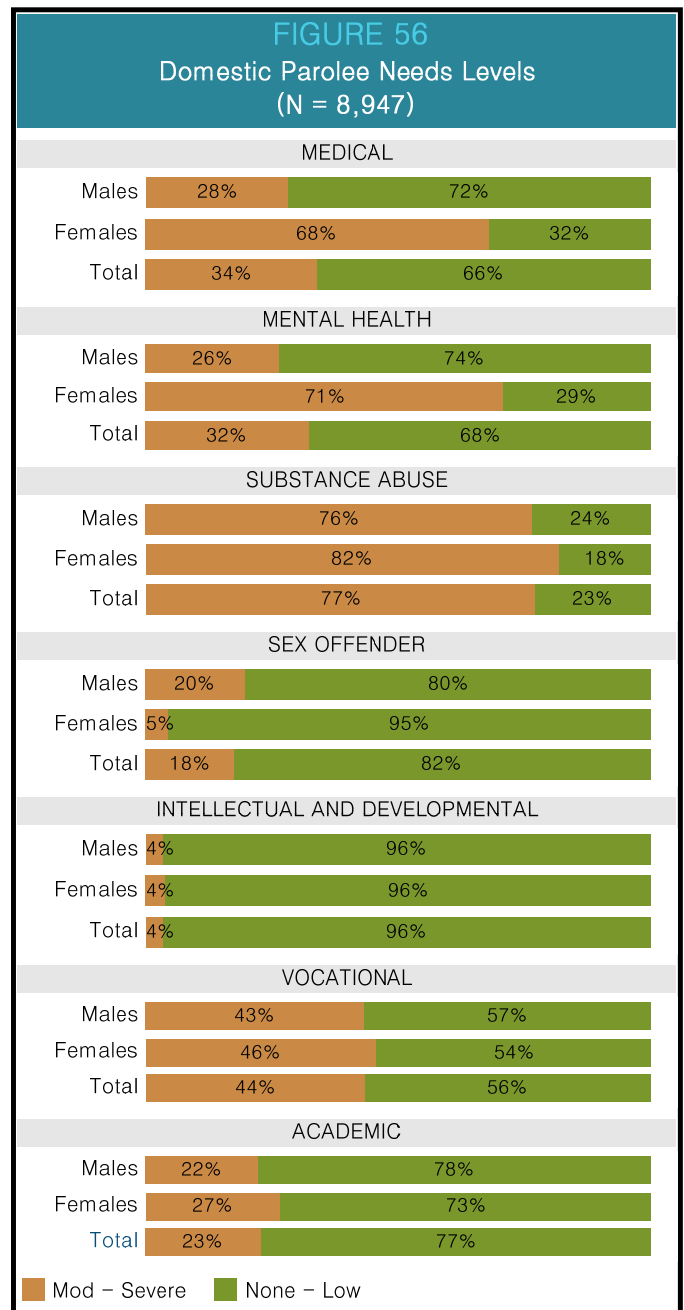
Figure 55 shows that ISP parolees tend to be younger and were more likely to have been released on his or her mandatory parole date or were re-paroled. Consistent with the program's purpose, parolees on ISP are more likely to be violent, affiliated with gangs and have higher LSI-R risk levels.



NEEDS LEVELS

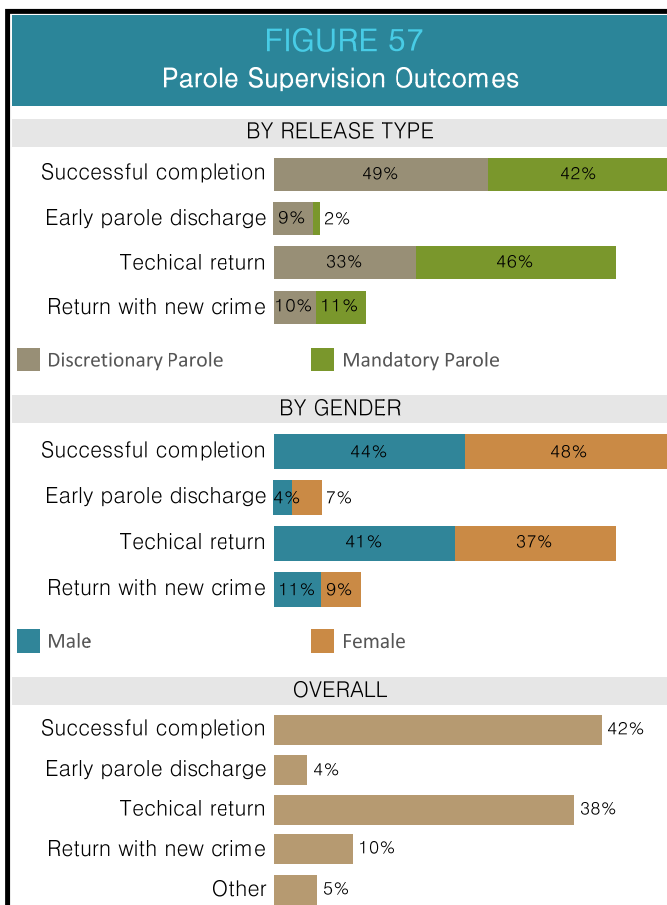
Parolees' needs levels are shown in **Figure 56**. When comparing needs levels of parolees to needs levels of the offender population (shown in Figure 40), parolees have lower needs levels

in all categories except for substance abuse and mental health. Similar to the offender 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 (45%) of parolees leaving parole supervision completed his or her parole sentence (**Figure 57**). Four 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.



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Recidivism Rates

CDOC defines recidivism as a return to prison or offender 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 th..

Return to inmate status: Returns after three years:

- Technical violation
- New crime
- Not considered recidivism

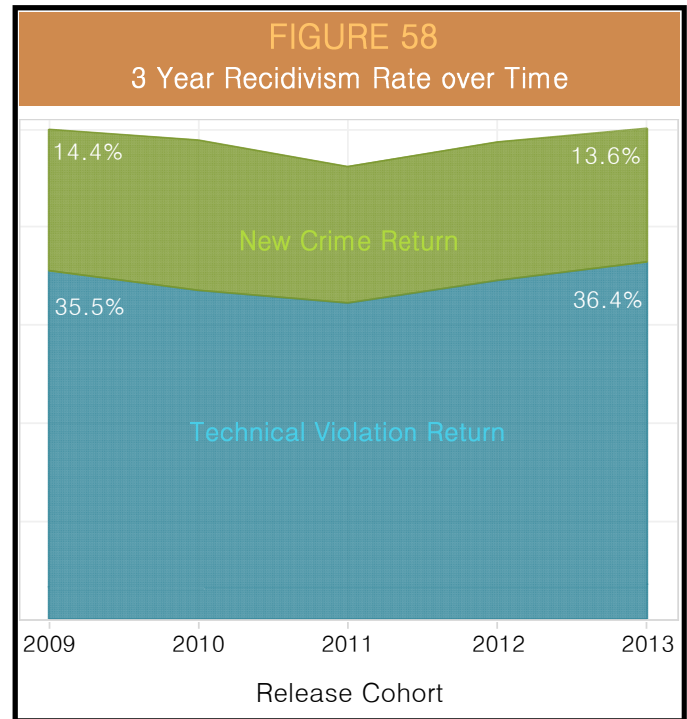
Returns do not include:

- Community Corrections regressions

The following summarizes this methodology:

- **Recidivism:** Return to offender status calculated by combining new convictions plus technical violations for overall recidivism at one-year post-release intervals.
- **Cohort:** Includes the number of offenders released, not the number of times an offender released. Even if an offender released multiple times within a year, that individual was counted only once per release cohort. Therefore, an offender can fail only once within any given cohort.
- **Release types:** Contains offenders who released to the community to include; releases to parole, completion of sentence, court-ordered discharge, and released to probation. To be counted, offenders must release from offender 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 three-year recidivism rate (including returns for new crimes and technical violations) is 50.0% for the CY 2013 release cohort (**Figure 58**). The recidivism rate has increased 0.1% from 2009 releases to 2013 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 between 2011 and 2013 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.

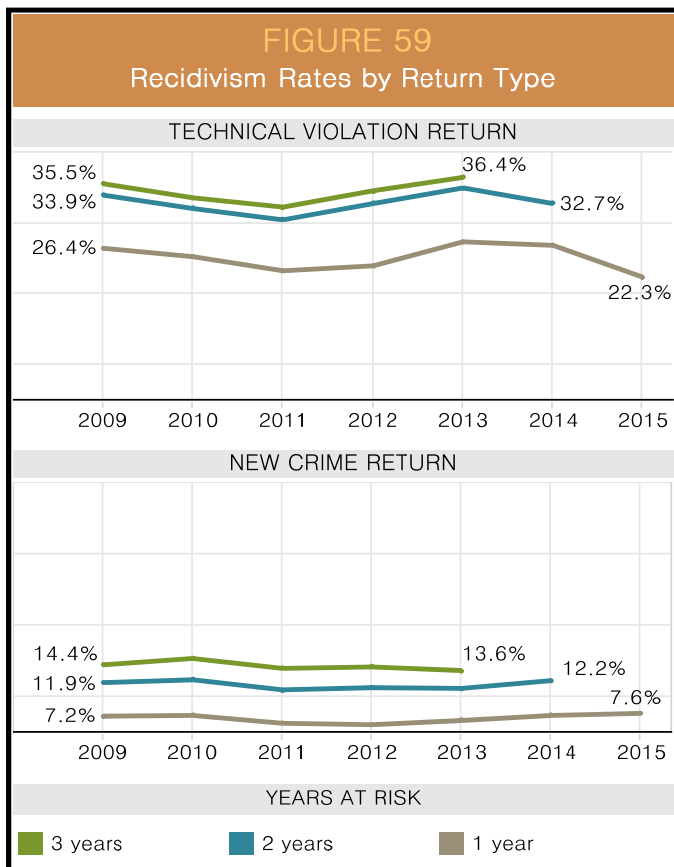
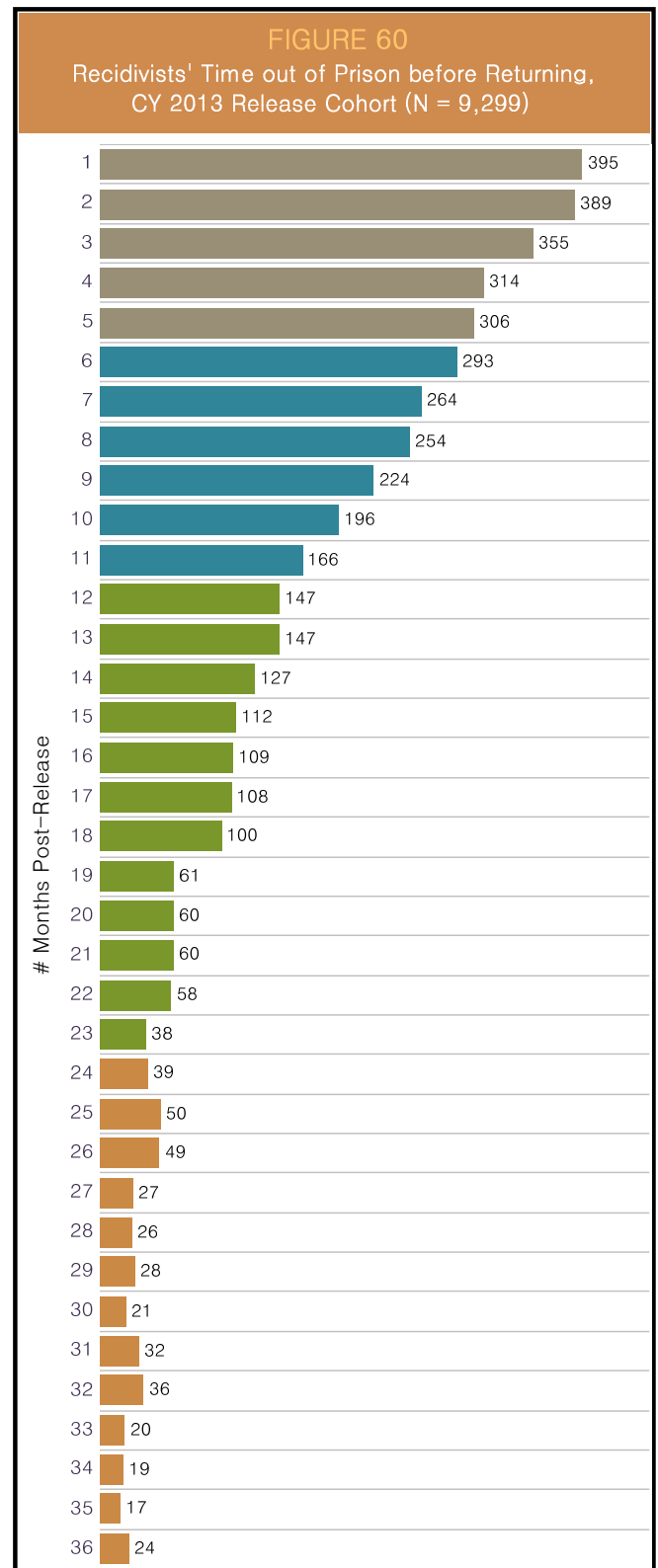
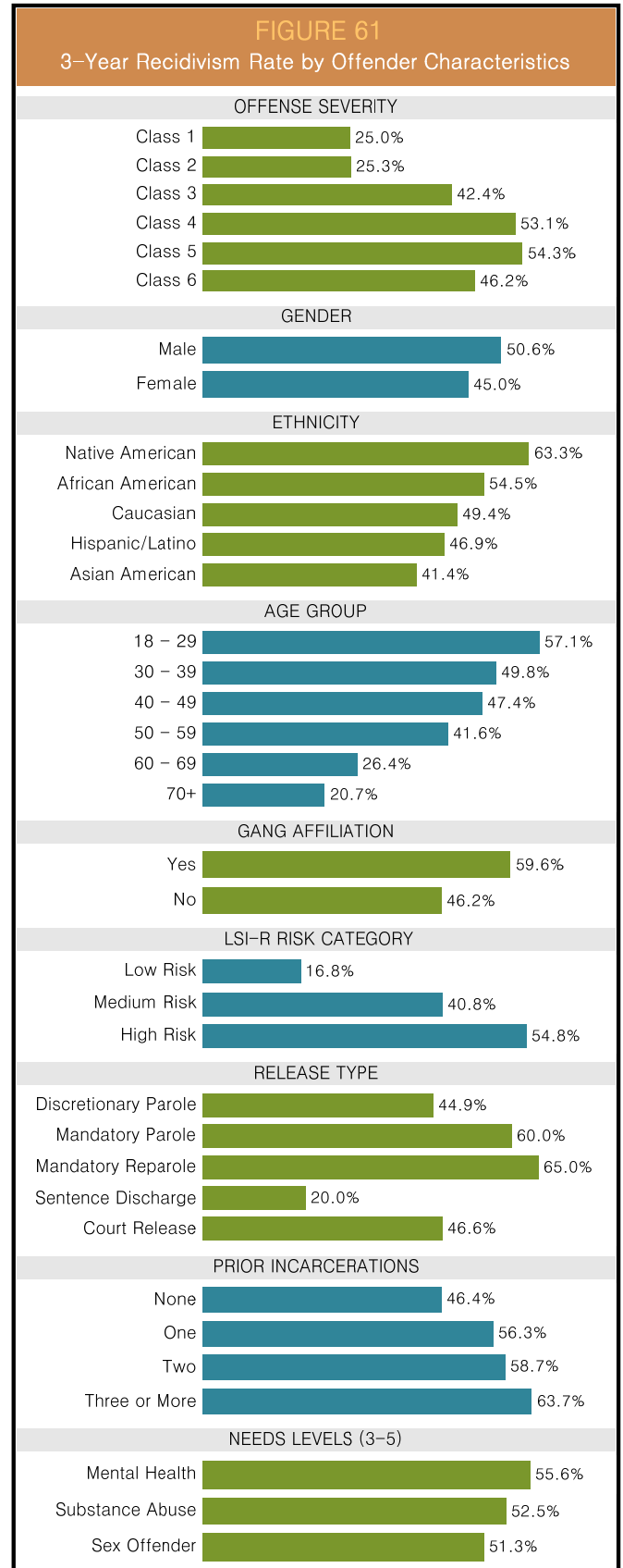


Figure 60 analyzes the 2013 release cohort, detailing the amount of time it took an offender to return back to offender status. As time passed, the number of offenders who returned to prison decreased. More offenders failed within the first year, principally within two to six months post-release, than any other time frame signifying that this time frame is the highest risk period. In the first six months after release, 18.9% of offenders returned. Another 15.0% returned between six months and one year. Between one and two years after release, 12.1% returned and between two and three years of release, an additional 4.2% returned. A total of 49.8% of offenders did not return within three years.



Recidivism rates vary by offender characteristics (**Figure 61**). Recidivism rates are higher for males than females and higher for younger offenders than older offenders.

Certain minority groups are more likely to fail (Native Americans and African Americans) than other minority groups (Hispanics & Latinos and Asian Americans). 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 most prepared to re-enter society; these offenders have the next lowest recidivism rate. Offenders who do not release until his or her 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 recidivating. 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 offenders, 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 improved for felony offenses Classes 2-5. For those with two previous convictions, sentences were mandated to three times the maximum of the presumptive range; three previous convictions, sentences were mandated to four times the maximum of the presumptive range. 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.

TABLE 8

Presumptive Sentencing Ranges & Parole Periods

<i>Felony Class</i>	<i>1985 – 1993 Presumptive Range</i>		<i>1993 – Present Presumptive Range</i>		<i>Mandatory Parole Period*</i>
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>	
1	Life	Death	Life	Death	N/A
2	8 yr	24 yr	8 yr	24 yr	5 yr
3	4 yr	16 yr	4 yr	12 yr	5 yr
3 Ext	4 yr	16 yr	4 yr	16 yr	5 yr
4	2 yr	8 yr	2 yr	6 yr	3 yr
4 Ext	2 yr	8 yr	2 yr	8 yr	3 yr
5	1 yr	4 yr	1 yr	3 yr	2 yr
5 Ext	1 yr	4 yr	1 yr	4 yr	2 yr
6	1 yr	2 yr	1 yr	1.5 yr	1 yr
6 Ext	1 yr	2 yr	1 yr	2 yr	1 yr

Ext = extraordinary risk crimes

*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

<i>Legislation</i>	<i>Previous Convictions</i>		<i>Crime of Violence OR Previous Habitual*</i>	<i>Class 1 or 2 or Class 3 Crime of Violence OR 2 Previous Class 1 or 2 or 3 Crimes of Violence**</i>
	<i>Two Previous</i>	<i>Three Previous</i>		
Pre HB93-1302	25-50 year	Life (40-year PED)***	—	—
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 of felony	4x maximum of presumptive range of felony	Life (40-year PED)	Life (40-year PED)

crime that would be a felony if committed in this state.

*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.

**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.

***PED = Parole Eligibility Date

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- 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.
 - 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 his or her 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 offenders 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 being 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 offenders housed in administrative segregation the opportunity to accrue earned time to be deducted from their sentences.
 - SB 11-241 expanded the eligibility of offenders who meet criteria for special-needs parole and created presumptions in favor of parole for non-violent offenders 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 offender 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 offender 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 offenders 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.
- 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. The bill is expected to increase court commitments to prison beginning in FY 2015-16, and continuing at increased rates through the forecast period.

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- 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 re-admissions to prison and increase parole caseload beginning in FY 2015-16 and continuing through the forecast period.

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