

# STATISTICAL REPORT

# COLORADO

## DEPARTMENT OF CORRECTIONS

**FY 2019**

**DEAN WILLIAMS**  
**EXECUTIVE DIRECTOR**





# LETTER FROM THE EXECUTIVE DIRECTOR

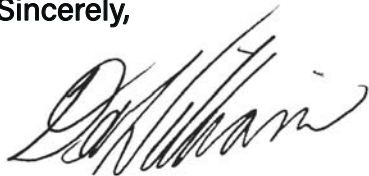
The MISSION of the Colorado Department of Corrections is "To protect the citizens of Colorado by holding inmates accountable and engaging them in opportunities to make positive behavioral changes and become law-abiding productive citizens."

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 and who engage inmates with effective correctional practices and humane treatment. We also believe inmates should be directly involved in their own rehabilitation as the Department advances research and data-driven correctional practices.

This statistical report provides an overview of the average daily jurisdictional population of 31,288 offenders (20,223 inmates and 11,065 parolees) during the period of July 1, 2018 through June 30, 2019. The information contained within this statistical report will provide both the public and private sectors an appreciation of the tremendous effort demonstrated by our staff members who work within a framework of available resources to provide public safety while meeting and addressing the needs of our inmate population.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Williams", written in a cursive style.

Dean Williams

Executive Director

Colorado Department of Corrections

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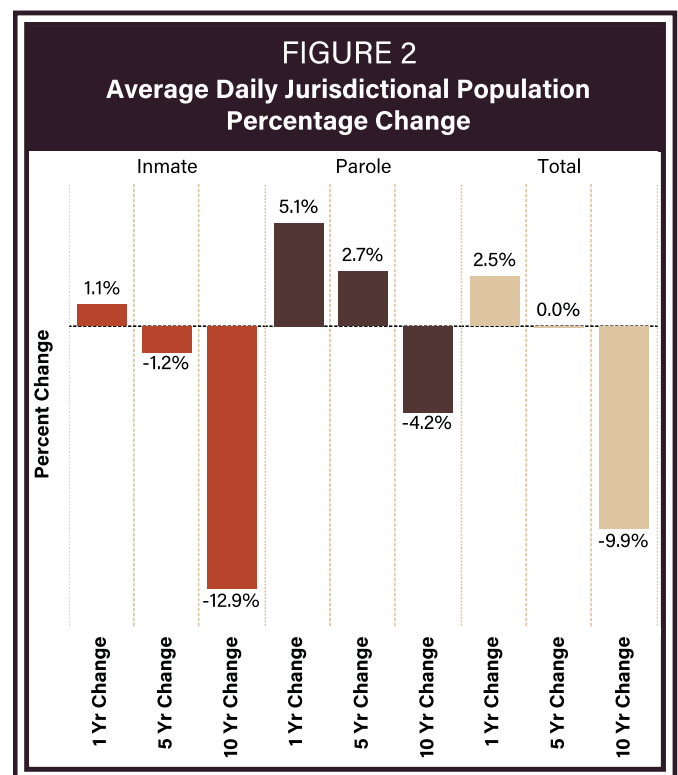
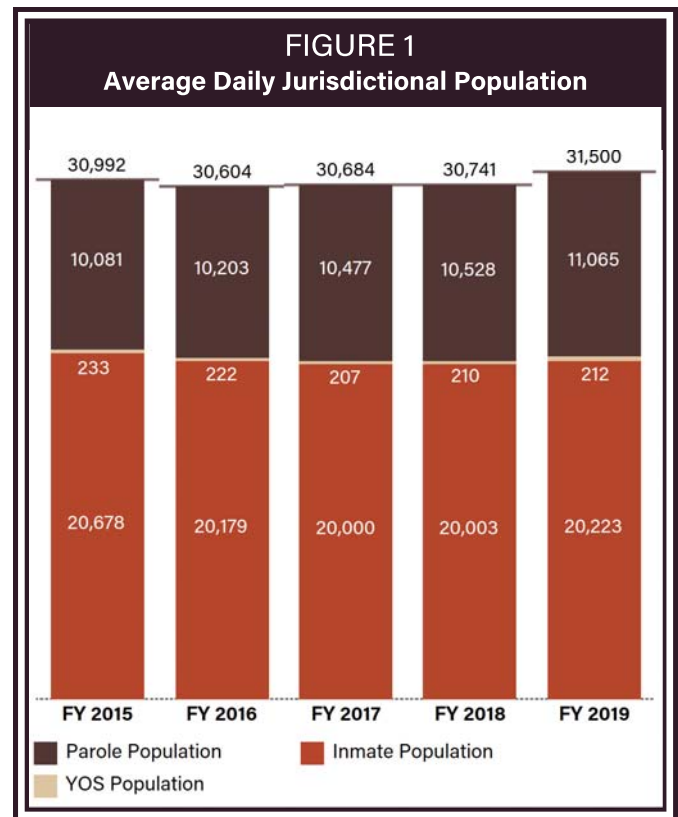
# OVERVIEW

## INTRODUCTION

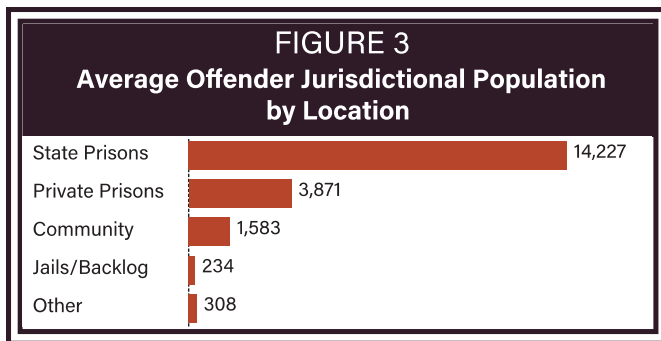
The Colorado Department of Corrections' (CDOC) statistical report provides a descriptive and visual overview of a range of aspects of Colorado's correctional system. Topics and areas covered include, to start with: growth trends, population projections, facilities, costs, and staff data. Subsequent sections focus on admissions, releases, inmate and parolee characteristics, and recidivism. Both adult inmate and parole populations are represented in this report. A separate annual report is produced for the Youthful Offender System (YOS).

## POPULATION GROWTH

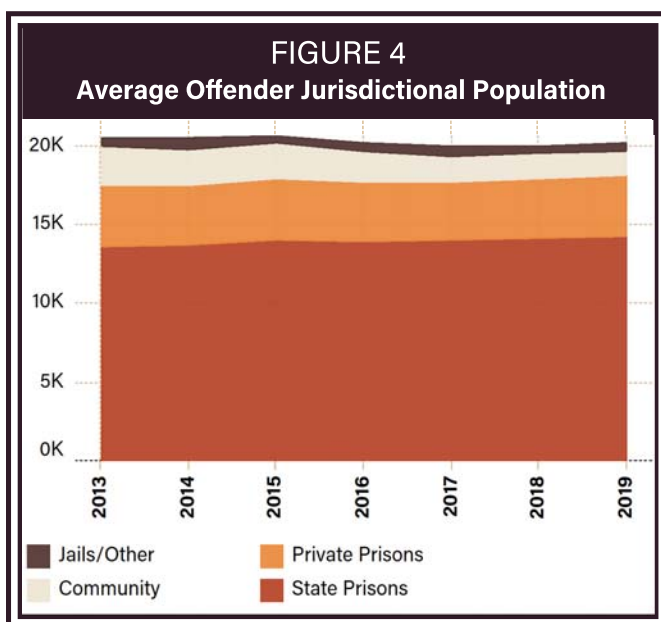
The average daily population (ADP) tracks trends in the CDOC population. **Figure 1** shows the ADP of the inmate, parole (including absconders and interstate parolees), YOS, and total populations over the past five fiscal years (FY). There was a 1.6% increase in CDOC's jurisdictional population from FY 2015 to FY 2019. **Figure 2** details the one-year, five-year, and 10-year growth rates of the jurisdictional population. The inmate and parole populations showed a total decrease over the last decade although they experienced an overall increase from FY 2018 to FY 2019.



**Figures 3 and 4** convey the ADP breakdown for state and private prisons, community corrections, jail backlog, and others. Private prisons in use during FY 2019 included Bent County Correctional Facility, Crowley County Correctional Facility, and Cheyenne Mountain Reentry Center. In FY 2019, 19.2% of the incarcerated population was housed in private prisons. This was a 0.2% increase from FY 2018. The actual number of inmates managed by both private and state-run prisons increased slightly between FY 2018 and FY 2019.



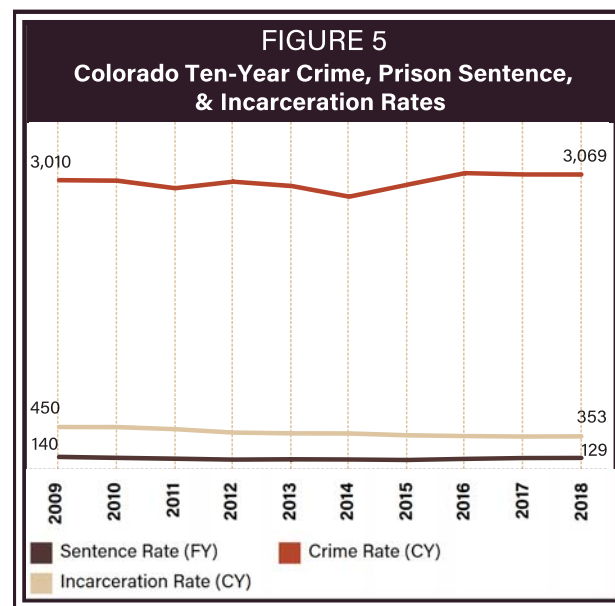
Note: Other includes fugitives, revocations in jail, awaiting transfer and external placements.



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

## CRIME, PRISON SENTENCE & INCARCERATION RATES

**Figure 5** displays Colorado sentence, incarceration, and crime rates since 2009. Crime rates<sup>1</sup>, 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<sup>2</sup> each December for the previous year; therefore, 2018 data is the most current. Prison sentence and incarceration rates are used as indicators of growth in the prison population compared to growth in the state populace, as estimated annually by the Colorado Department of Local Affairs. Prison sentence rates are expressed as the proportion of new court commitments per



1. *Annual Crime in the United States reports, 2009-2018.* Washington, D.C.: FBI.

2. *Prisoners in 2018.* Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

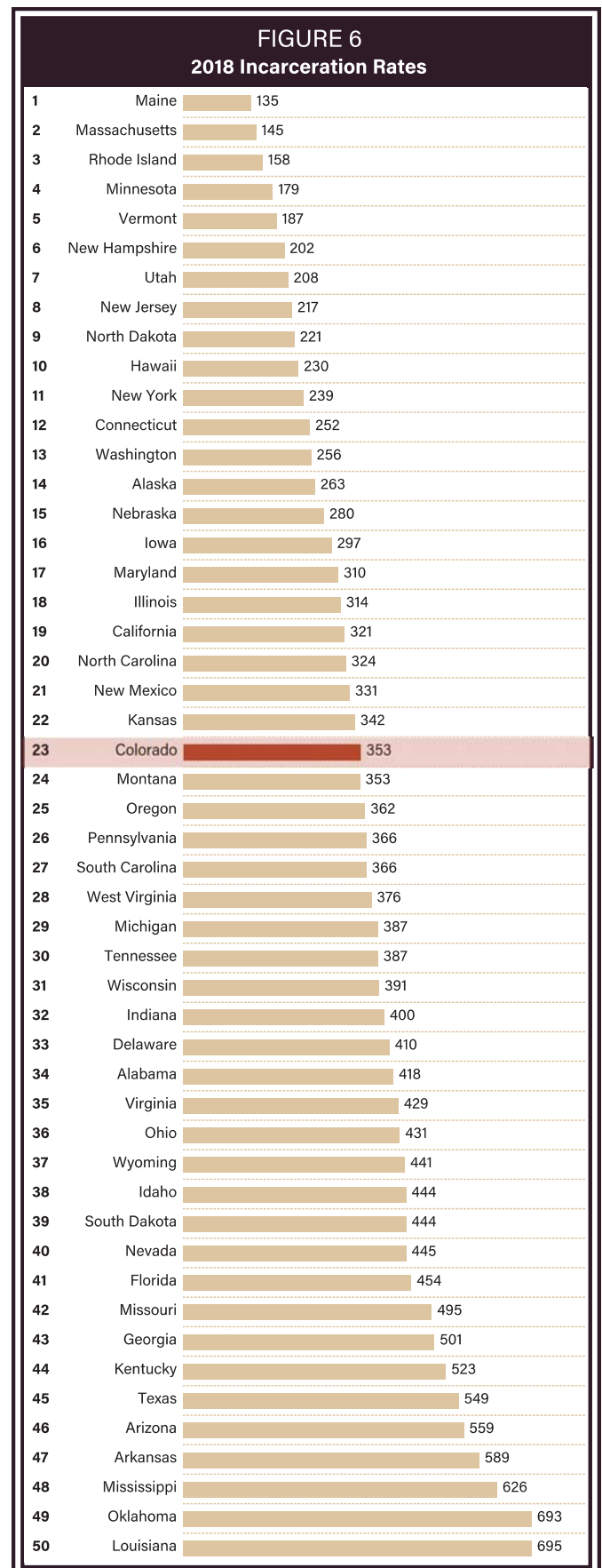
100,000 Colorado residents during a fiscal year (FY). Incarceration and crime rates are computed per 100,000 Colorado residents for a calendar year (CY).

The overall crime rate has increased 2.0% since CY 2009. However, this includes only a 0.03% increase between CY 2017 and CY 2018. The sentence rate also increased by 0.8% between FY 2017 and FY 2018 but showed an overall decrease of 7.9% since FY 2009. The incarceration rate has shown an overall decrease of 21.6% since CY 2009. However between CY 2017 and CY 2018, there was an increase of 0.6%. The CY 2018 incarceration rates for all 50 states are shown in **Figure 6**. Colorado's rate of incarceration ranked 23rd among the 50 states.

## LEGISLATIVE CHANGES

Several key pieces of legislation that have been passed since 1979 have influenced the size of the CDOC prison population. This document's Appendix lists the historical legislative bills. To follow is a summary of recent House Bills (HB) and Senate Bills (SB) that have impacted felony sentencing and the CDOC in FY 2019.

■ House Bill 19-1030 creates the crime of unlawful sexual communication with a



minor by an adult in a position of trust, which is a class 6 felony or a class 5 felony if committed with the intent of engaging in sexual exploitation or sexual contact. To the extent that an actor is convicted and sentenced to prison for the new crime, and would not have otherwise been sentenced to prison, the bill could increase admissions from new court commitments.

■ House Bill 19-1155 expands the definition of sexual contact for the purpose of the preexisting crimes of unlawful sexual contact or sexual assault on a child. To the extent that an actor is convicted and sentenced to prison as a result of the expanded definition, and would not have otherwise been sentenced to prison, the bill would increase admissions from new court commitments.

■ House Bill 19-1250 creates the criminal offense of unlawful sexual conduct by a peace officer. The bill is expected to increase new court commitment admissions to the DOC.

■ Senate Bill 19-043 increases the number of district court judges. To the extent that the additional judges expedite the pace at which criminal cases are tried and sentenced, the bill could accelerate admissions to the DOC, which would increase the prison population.

■ Senate Bill 19-143 makes a number of changes to parole, many of which are discussed

above. The bill broadens the circumstances in which the DOC can refer inmates to the Parole Board for application hearings, requires a majority vote of the Parole Board to deny the parole application of certain very low or low risk inmates, narrows the circumstances in which a parolee may be revoked for a technical parole violation, requires that revoked parolees be returned to the DOC for the duration of their sentence, lengthens the allowable jail confinement period for intermediate sanctions, and expands eligibility for participation in a parolee work training program. The impact of the bill on the prison and parole population is bidirectional because it is expected to increase discretionary releases to parole, decrease revocations to the DOC, and lengthen the prison length of stay for revoked parolees. On net, the bill is expected to decrease the prison population and increase the parole population.

■ Senate Bill 19-165 increases the number of Parole Board members from seven to nine. It is expected to accelerate the pace at which parole application hearings can be conducted, which will decrease the prison population and increase the parole population correspondingly.

■ Senate Bill 19-172 creates offenses for unlawful abandonment or false



imprisonment of an at-risk person. This offense is usually a class 1 misdemeanor; however, false imprisonment of an at-risk person can become a class 6 felony depending on the circumstances of the crime. The bill is expected to increase new court commitment admissions to the DOC.

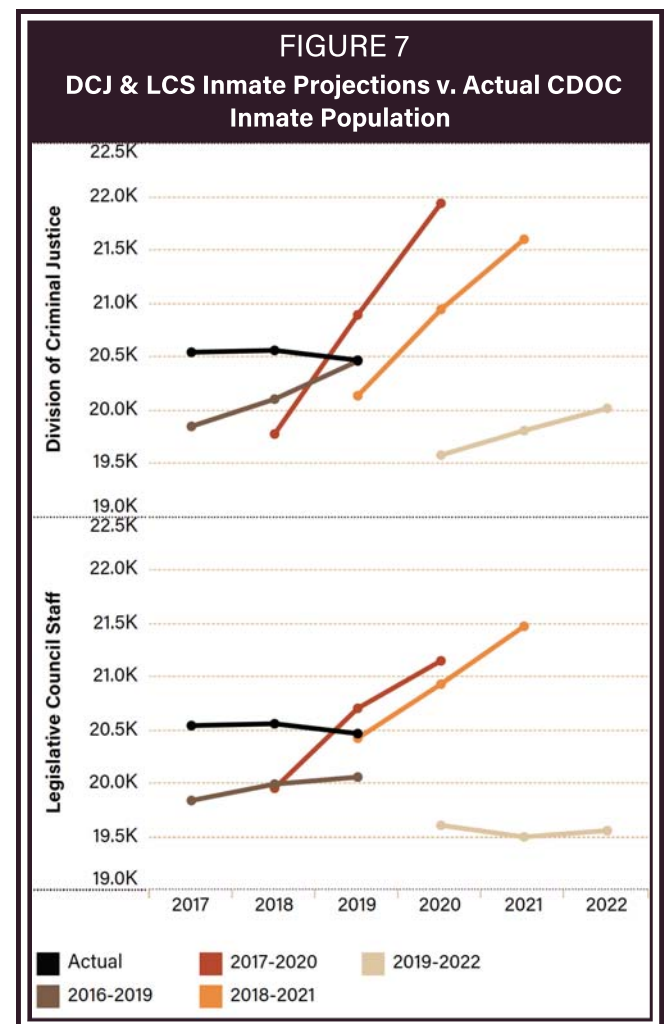
■ Senate Bill 19-211 extends a preexisting Mental Health Criminal Justice Diversion Grant Program in four judicial districts. To the extent that the bill allows for continued diversion of inmates who would otherwise be sentenced to the DOC, the bill decreases admissions from new court commitments.

■ Senate Bill 19-259 allows for the temporary use of the south campus of the Centennial Correctional Facility when the state male inmate vacant bed rate falls below 1 percent for two consecutive months. The bill is not expected to affect the prison population. If the male inmate vacant bed rate were to fall below 1 percent for two consecutive months, the bill could increase the share of jurisdictional inmates located at state-operated prisons and decrease the share located at private prisons, the jail backlog, or other locations.

## POPULATION PROJECTIONS

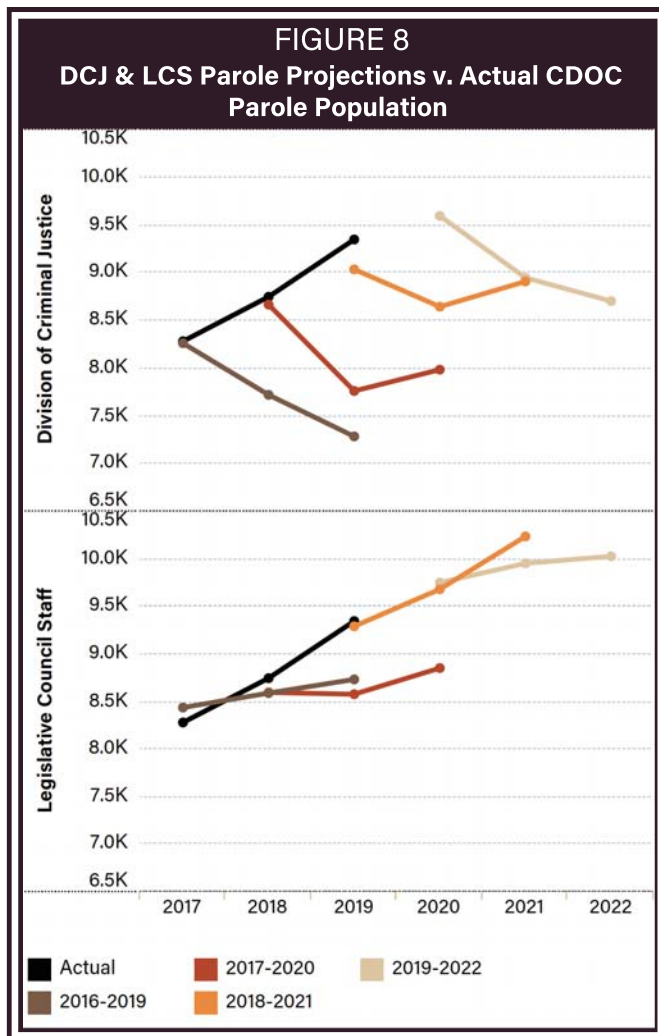
Two sets of population projections are prepared by outside agencies for budgeting

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 with developing 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 the CDOC to the last four years of inmate population projections developed by DCJ and LCS. The most recent inmate population projections were released in January of 2020. The comparison shows the





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 determinations for release of inmates, rates of revocation for parolees, and new legislation.



## PRISON FACILITIES

**Figure 9** maps the locations and levels of the 23 prisons throughout Colorado. Twenty are owned and operated by the state of Colorado,

and three are private-contract facilities. The security levels identified are defined in Colorado Revised Statutes (CRS) 17-1-104.3 as follows:

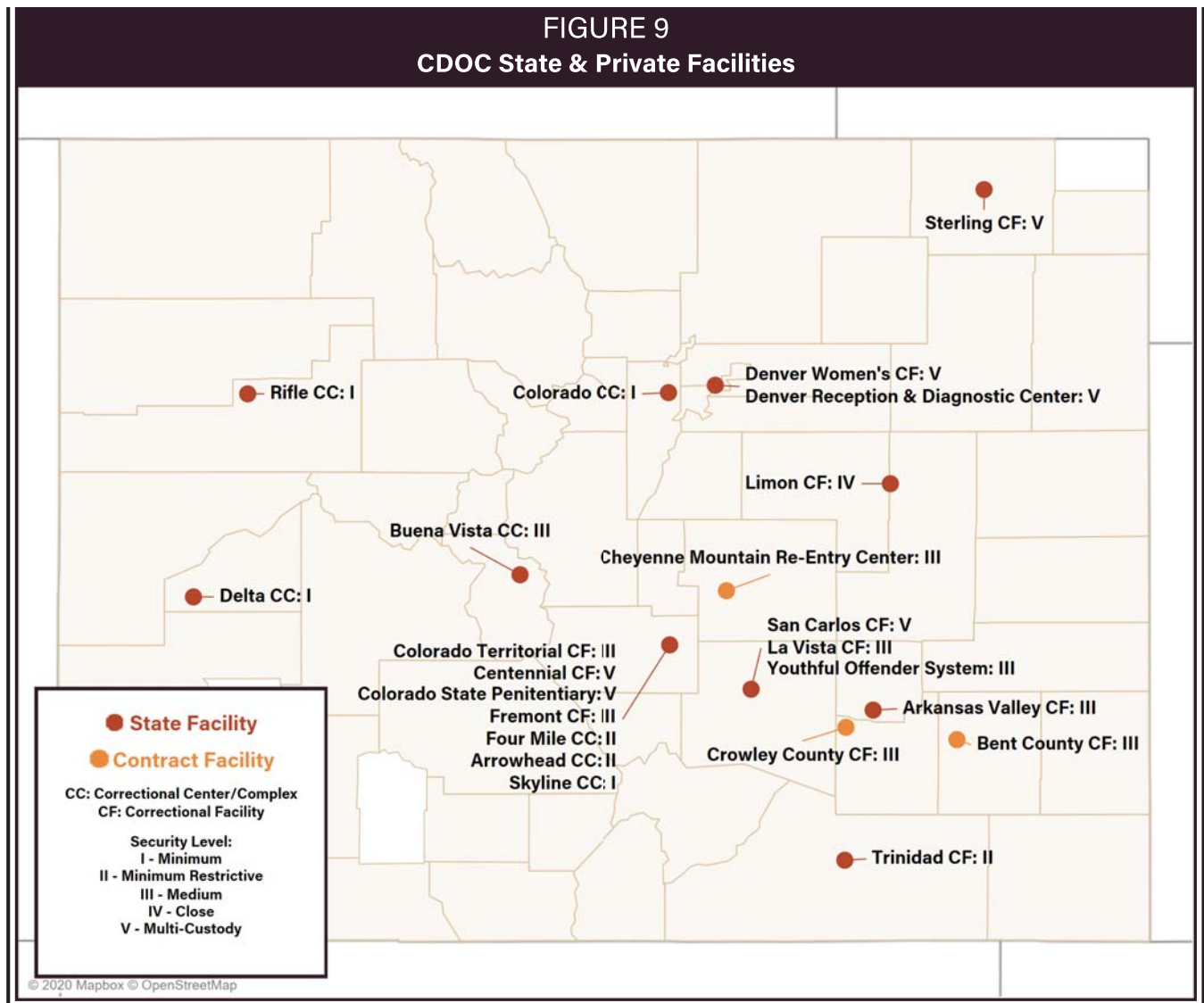
**LEVEL I** facilities shall have designated boundaries, but need not have perimeter fencing. Inmates classified as minimum may be incarcerated in level I facilities, but generally inmates of higher classifications shall not be incarcerated in level I facilities.

**LEVEL II** facilities shall have designated boundaries with single or double perimeter fencing. The perimeter of level II facilities shall be patrolled periodically. Inmates who are classified as minimum restrictive and minimum may be incarcerated in level II facilities, but generally, inmates 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 inmates, medium classified inmates, and inmates of lower classification levels may be incarcerated in level III facilities, but generally, inmates 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 inmates and inmates of lower classification levels may be incarcerated in level IV facilities, but generally, those 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 inmates. Three capacity terms are used by the CDOC to describe prison bed space:

- **Design capacity:** The number of housing spaces a facility originally provided, or the number of beds it provides after remodeling, redesign, or expansion.
- **Expanded capacity:** The number of housing spaces above the facility design capacity.
- **Operational capacity:** The design capacity plus expanded capacity. Management

control, Residential Treatment Program (RTP), special use, and reception beds are included in the design capacity for all facilities.

State facility capacities and on-grounds population on June 30, 2019 are shown in **Table 1**. The percent of design 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.

STATE FACILITIES	ON-GROUNDS POPULATION	DESIGN CAPACITY	EXPANDED CAPACITY	OPERATIONAL CAPACITY	% DESIGN CAPACITY
Arkansas Valley Correctional Facility	1,076	1,007	82	1,089	107%
Arrowhead Correctional Center	512	484	36	520	106%
Buena Vista Correctional Complex	1,192	1,107	127	1,234	108%
Centennial Correctional Facility	310	294	42	336	105%
Colorado Correctional Center	148	150	0	150	99%
Colorado State Penitentiary	695	756	-31	725	92%
Colorado Territorial Correctional Facility*	905	694	235	929	130%
Delta Correctional Center	478	480	0	480	100%
Denver Reception & Diagnostic Center*	511	496	74	570	103%
Denver Women's Correctional Facility	967	900	108	1,008	107%
Four Mile Correctional Center	517	484	37	521	107%
Fremont Correctional Facility	1,602	1,448	172	1,620	111%
La Vista Correctional Facility	668	549	158	707	122%
Limon Correctional Facility	920	500	430	930	184%
Rifle Correctional Center	183	192	0	192	95%
San Carlos Correctional Facility	207	250	5	255	83%
Skyline Correctional Center	249	249	3	252	100%
Sterling Correctional Facility	2,424	2,445	43	2,488	99%
Trinidad Correctional Facility	496	404	96	500	123%
Youthful Offender System/YOS Transfers	179	241	38	279	74%
<b>TOTAL STATE CAPACITY</b>	<b>14,239</b>	<b>13,130</b>	<b>1,655</b>	<b>14,785</b>	<b>108%</b>

\*Infirmity 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. The average annual cost per adult inmate increased from \$39,701 in FY 2018 to \$42,665 in FY 2019 for state facilities. The FY

2019 cost per day was \$64.67 for private prison, and \$59.37 per day for local jails. 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 (CPOs) are responsible for the supervision of these transitional inmates. CPOs provide case management and release planning services 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. Youthful Offender System costs are higher than that of adult facilities because of the intensive education and treatment services provided to YOS inmates.

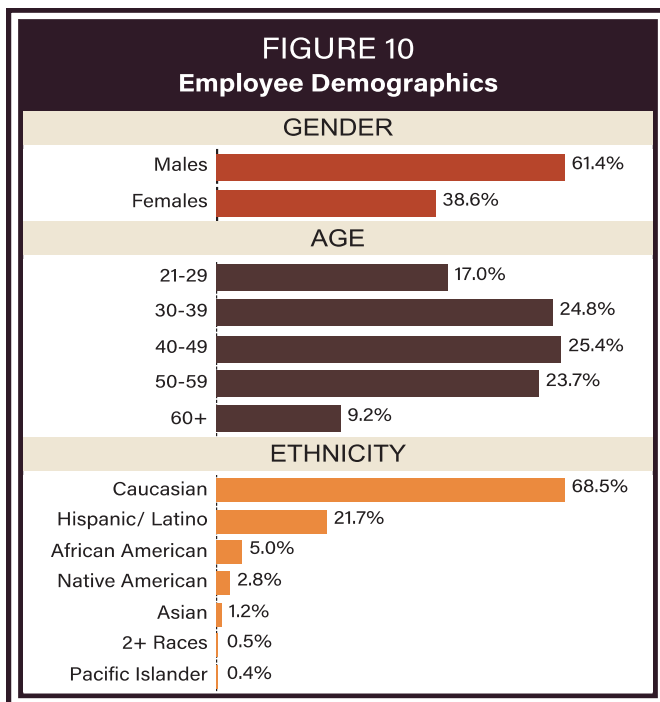
TABLE 2 Cost Per Offender by Facility*		
FACILITY	ANNUAL	DAILY
LEVEL I SECURITY		
Colorado Correctional Center	\$30,452	\$83.43
Delta Correctional Center	\$33,631	\$92.14
Rifle Correctional Center	\$35,087	\$96.13
Skyline Correctional Center	\$29,609	\$81.12
LEVEL II SECURITY		
Arrowhead Correctional Center	\$31,675	\$86.78
Four Mile Correctional Center	\$32,569	\$89.23
Trinidad Correctional Facility	\$35,515	\$97.30
LEVEL III SECURITY		
Arkansas Valley Correctional Facility	\$37,256	\$102.07
Buena Vista Correctional Complex	\$36,099	\$98.90
CO Territorial Correctional Facility	\$47,366	\$129.77
Fremont Correctional Facility	\$35,179	\$96.38
La Vista Correctional Facility	\$39,037	\$106.95
LEVEL IV SECURITY		
Limon Correctional Facility	\$42,304	\$115.90
LEVEL V SECURITY		
Centennial Correctional Facility	\$93,024	\$254.86
Colorado State Penitentiary	\$55,484	\$152.01
Denver Reception & Diagnostic Center	\$82,070	\$224.85
Denver Women's Correctional Facility	\$43,742	\$119.84
San Carlos Correctional Facility	\$111,051	\$304.25
Sterling Correctional Facility	\$38,157	\$104.54
<b>Average Cost Grand Total</b>	<b>\$42,665</b>	<b>\$116.89</b>
EXTERNAL CAPACITY		
Private Prisons	\$23,604	\$64.67
County Jails	\$21,669	\$59.37
COMM. & PAROLE SUPERVISION		
Parole	\$5,862	\$16.06
Community	\$9,716	\$26.62
YOUTHFUL OFFENDER SYSTEM		
YOS Pueblo Facility	\$91,363	\$250.31
YOS Aftercare	\$38,164	\$104.56
YOS Backlog	\$20,049	\$54.93

\*Colorado Department of Corrections Finance and Administration.

## FULL-TIME EMPLOYEES

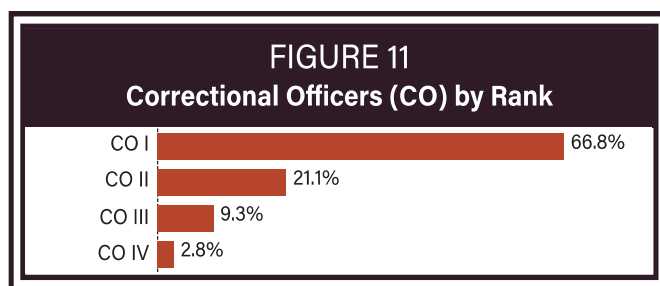
There were 6,150 full-time CDOC employees at the end of FY 2019. The predominant demographic consisted of Caucasian males from 30-59 years of age (**Figure 10**). The ethnic composition of CDOC staff is similar to that of Coloradocitizens(68.5%ofCDOCstaffmembers identify as Caucasian, while 67.9% of Colorado citizens identify as Caucasian<sup>3</sup>). Correctional officers (CO) comprise 54.2% of CDOC staff.

3. 2018-2019 United States Census Bureau Colorado.



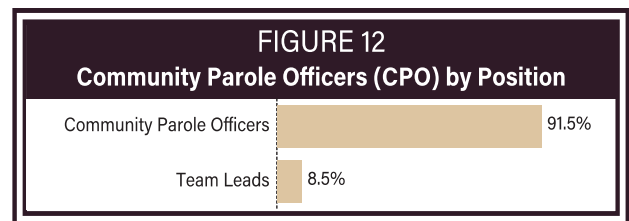
\*Values may not total 100% due to rounding.

**Figure 11** delineates the rank of the CO series. The majority (66.8%) of officers are at the first level of rank (I); while a small percentage (2.8%) have promoted to the highest level (IV).

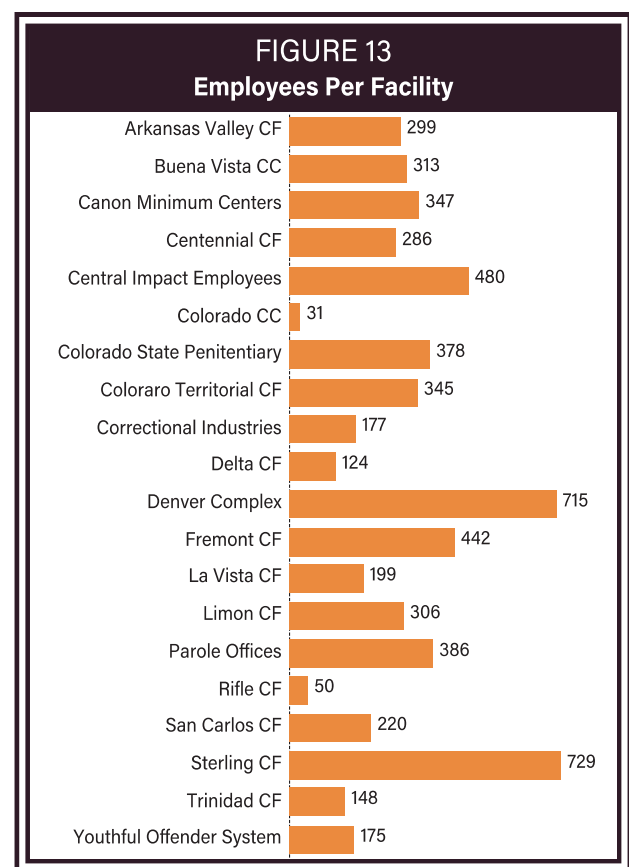


\*Values may not total 100% due to rounding.

**Figure 12** shows the percentage of Community Parole Officer assignment designations. The types of parole employees range throughout the 19 parole office locations. Distribution of parole employees varies depending on the caseload of each office.



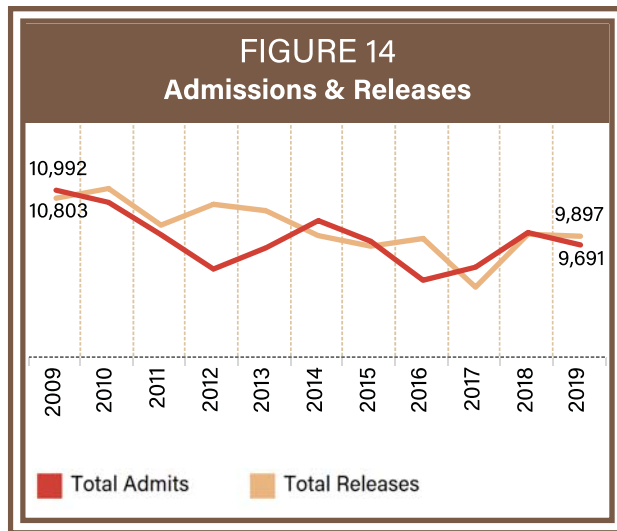
**Figure 13** shows the number of employees by location. During the course of the fiscal year, 1,139 employees left employment, resulting in a turnover rate of 18.5%.





# ADMISSIONS

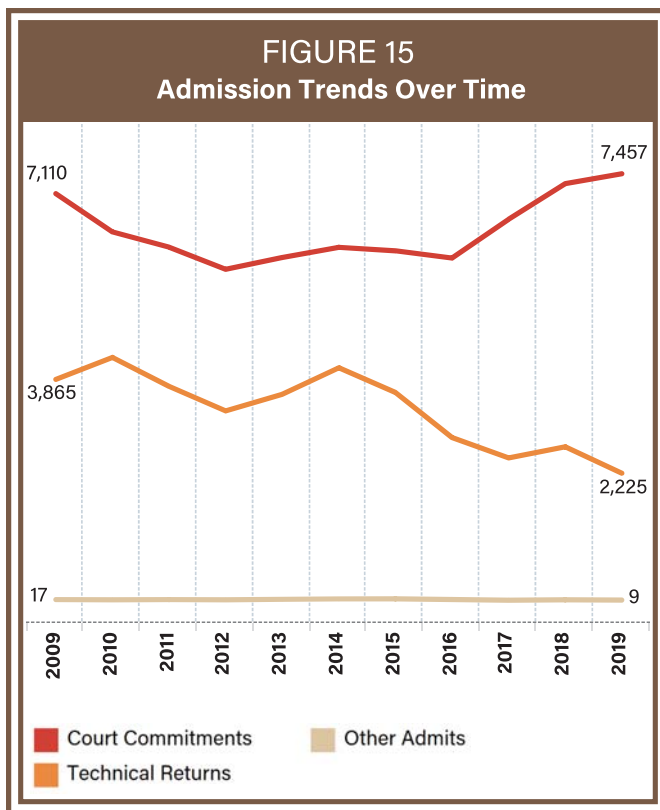
Admissions to the CDOC adult prison system decreased in FY 2019. This is the first year of decrease after two years of increase between FY 2016 and FY 2018 (**Figure 14**). In FY 2019, releases surpassed admissions with an overall decrease of 0.5% from FY 2018.



**Table 3** shows totals by admission type and gender for FY 2019. Compared to FY 2018, male admissions decreased by 4.2%, and female admissions increased by 4.1%, for a total decrease of 2.9% since 2018. Court commitments include individuals receiving new incarceration sentences. Technical returns include inmates who were previously incarcerated and released to parole or probation, or who were discharged by court order and later returned without a new felony conviction.

TABLE 3 Adult Admissions			
	Male	Female	Total
COURT COMMITMENTS/NEW CONVICTION			
New Commitments	5,170	1,047	6,217
Parole Return	1,001	218	1,219
Court-Ordered Return	2	1	3
Probation	4	2	6
YOS Failure	12	0	12
<b>SUBTOTAL</b>	<b>6,189</b>	<b>1,268</b>	<b>7,457</b>
TECHNICAL RETURNS			
Parole Return	1,925	280	2,205
Court-Ordered Discharge	8	1	9
Probation	10	1	11
<b>SUBTOTAL</b>	<b>1,943</b>	<b>282</b>	<b>2,225</b>
OTHER			
Bond Return/Audit Return	1	0	1
Interstate Compact	8	0	8
<b>SUBTOTAL</b>	<b>9</b>	<b>0</b>	<b>9</b>
<b>TOTAL ADMISSIONS</b>	<b>8,141</b>	<b>1,550</b>	<b>9,691</b>

Technical returns may also 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 under the consecutive sentence audit, and dual commitments. **Figure 15** shows 10-year trends of admissions by type. Court commitments increased while technical returns decreased from FY 2018. The decrease in technical returns contributed to



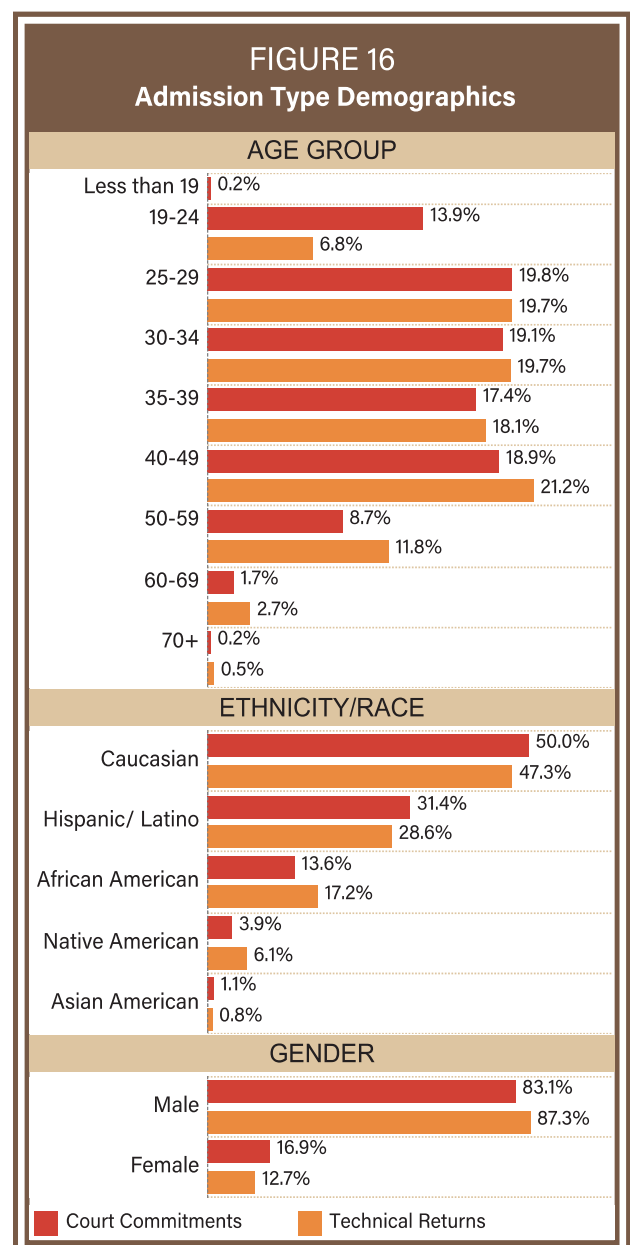
\*Other includes Audit, Dual Commitment, and Interstate Compact In.

the decrease in admissions between FY 2018 and FY 2019. Court commitments increased by 2.4%, and technical returns decreased by 17.2% between FY 2018 and FY 2019.

## DEMOGRAPHIC CHARACTERISTICS

In FY 2019, 290 inmates had multiple admissions. To most accurately portray admission characteristics, each inmate with a multiple admission was included in the profile only once, using only his or her first admission for the fiscal year. First admissions included a total of 9,392 admissions (7,381 court commitments and 2,118 technical returns). The demographic characteristics of

FY 2019 inmate admissions are provided in **Figure 16** by admission types. The majority of admissions ranged from age 25 to 49. Less than 1% of court commitments were under the age of 19, and only 10.6% over age 50. The population of youthful inmates that received an adult sentence but were eligible for YOS is reported in the *Youthful Offender System Annual Report*.



\*Values may not total 100% due to rounding.

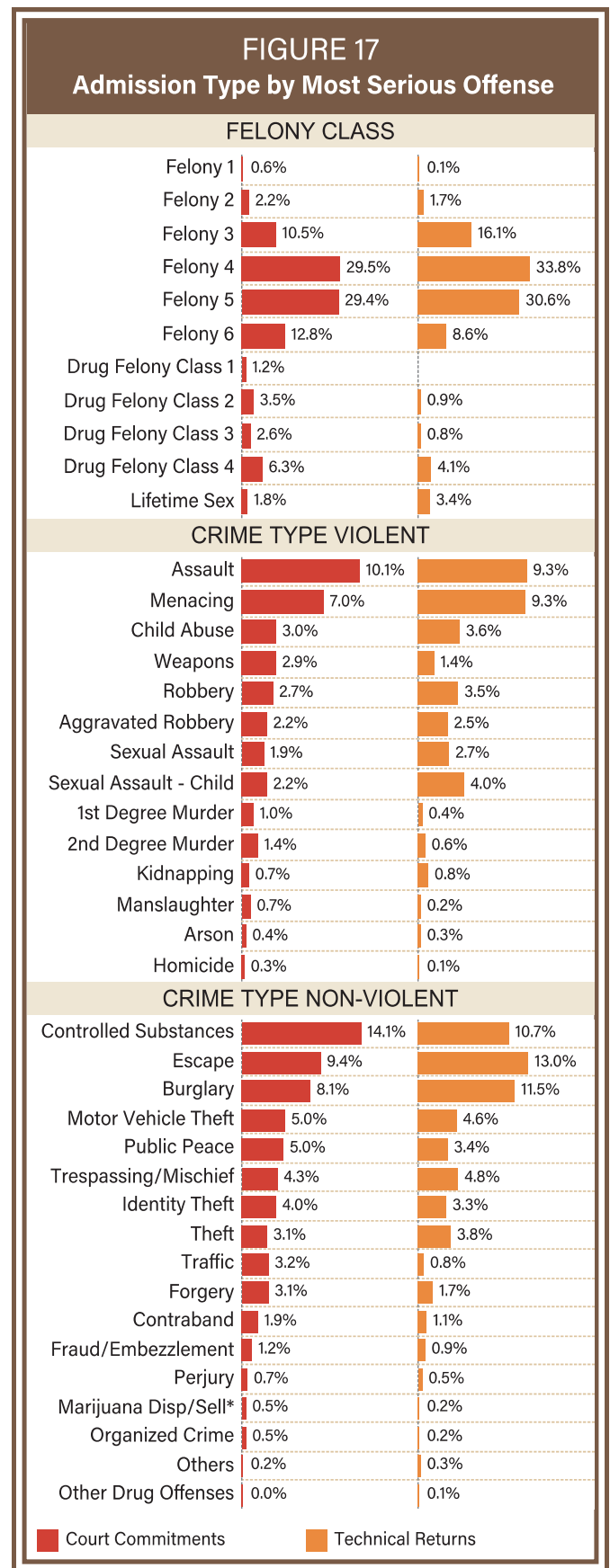


## OFFENSE DATA

To assess the seriousness of inmate sentences, the class of felony for the most serious offense conviction is used. The most serious offense designation is defined by a number of factors including sentence length, class of felony, enhancements (e.g., habitual, lifetime supervision), and type of crime. As with demographics, individuals with more than one admission in the same year were included only 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 CRS. 18-1.3-406. In FY 2019, 37.3% of admissions were for violent crimes and 62.8% were for non-violent crimes.

In FY 2019, the rate of returns based on violent offenses was higher for technical returns (39.0%) than for new court commitments (36.5%). In previous years new commitments tended to involve more violent offenses than technical returns.



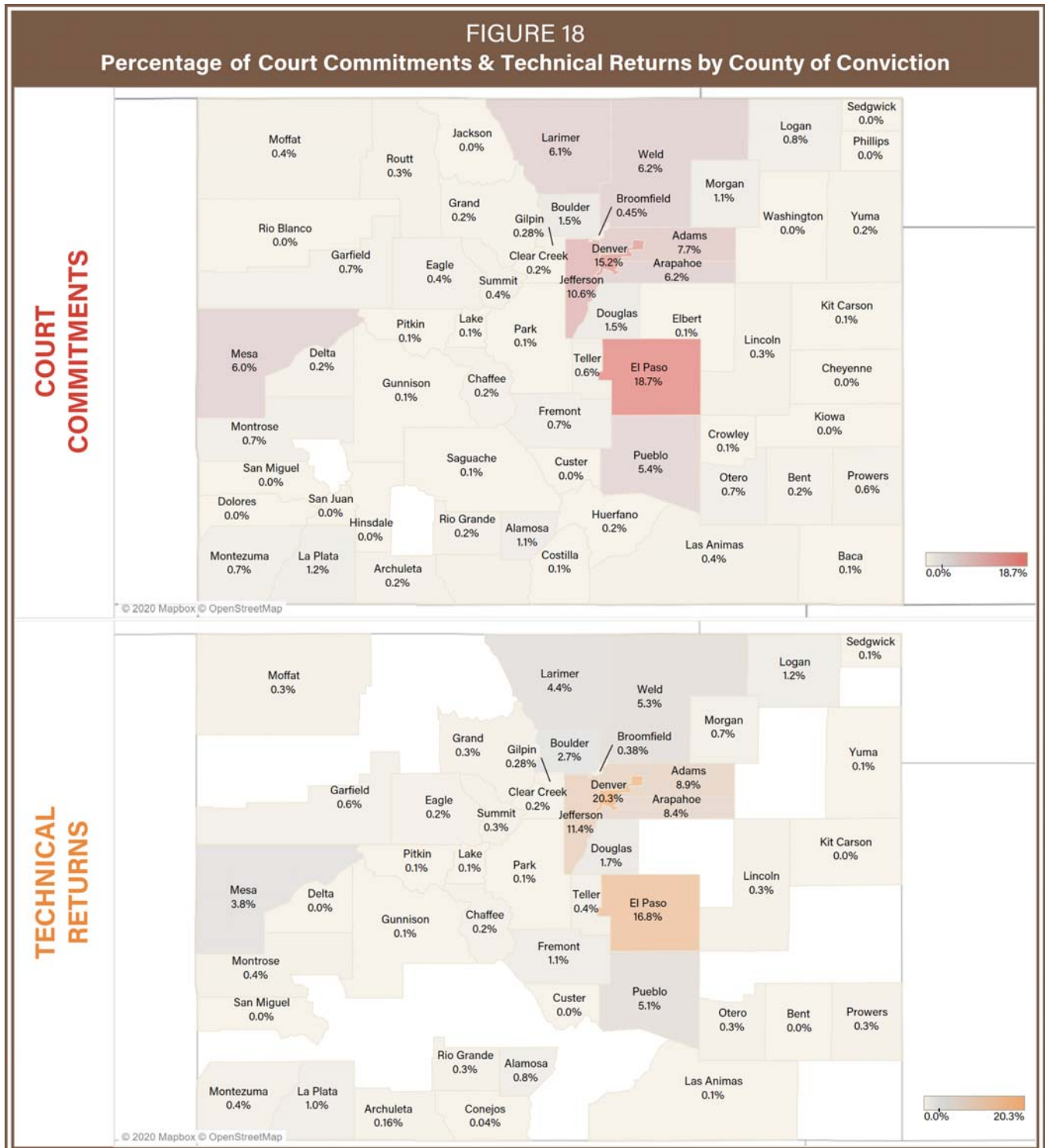
\*Includes illegal dispensing/sale/distribution, cultivation/processing of over 30 plants, and possessions of over 12 ounces.

\*\*Values may not total 100% due to rounding.

## COUNTY OF COMMITMENT

**Figure 18** displays the percentage of court commitments and technical returns from each county in the state. El Paso County demonstrated the largest

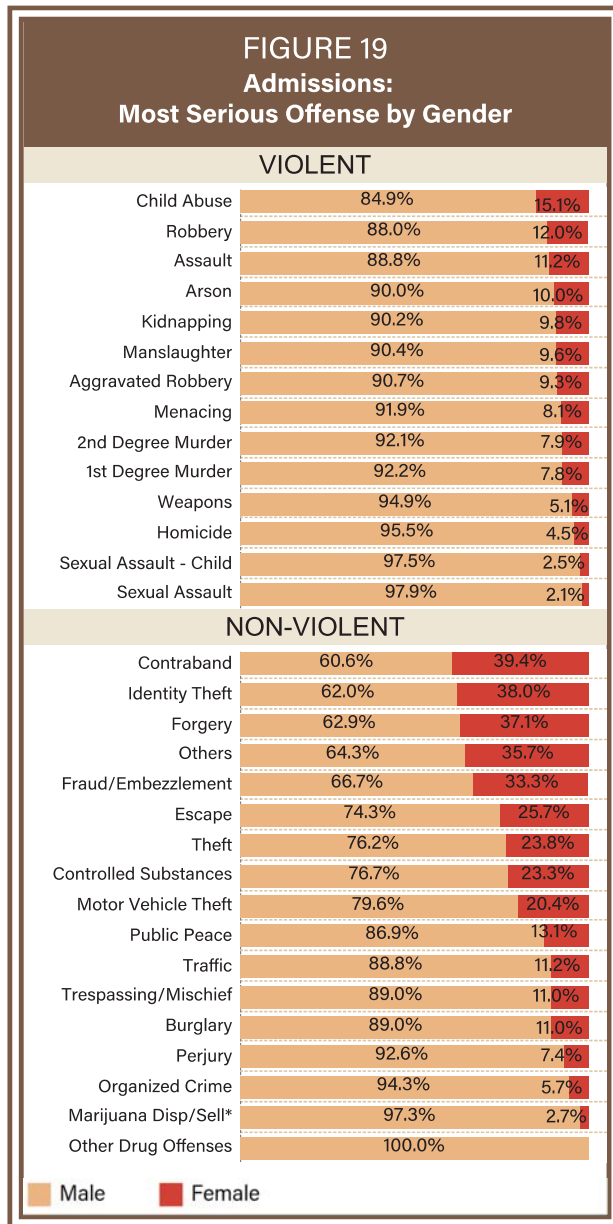
percentage (18.7%) of court commitment admissions. Denver County continues to show the largest percentage (20.3%) of technical return admissions.



\*Values may not total 100% due to rounding.

## GENDER COMPARISON

**Figure 19** divides each crime category between genders. Gender in this report is defined as the gender an offender identifies with.



\*Includes illegal dispensing/sale/distribution, cultivation/processing of over 30 plants, and possessions of over 12 ounces.

## LENGTH OF STAY

The Correctional Population Forecast<sup>4</sup>

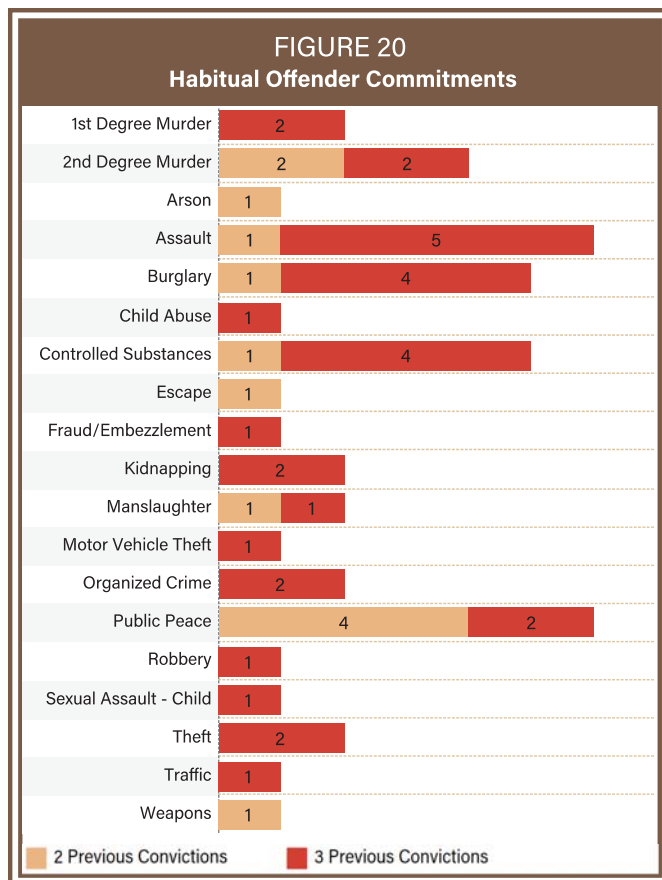
is issued annually by the Division of Criminal Justice (DCJ). It estimates the average length of stay for new court commitments and parole returns with a new crime. Average lengths of stay are estimates of the amount of time that new admissions are expected to serve. These calculations are based upon sentence length and actual time served for inmates released during the same year. **Table 4** displays projected lengths of stay by class of felony (F1-F6) and type of crime, extraordinary risk, sex offenses, and other.

TABLE 4 Estimated Average Length of Stay (Months)				
FELONY/TYPE	NEW COMMITMENTS		PAROLE RETURNS	
	MALE	FEMALE	MALE	FEMALE
F1	Life	Life	-	-
Sex Offender Act	267.46	229.14	93.92	49.93
Habitual	166.35	85.32	112.88	-
F2 Extraordinary	205.40	163.02	63.32	249.60
F2 Sex	66.30	-	-	-
F2	68.42	71.37	67.83	64.67
F3 Extraordinary	105.21	80.22	52.96	31.20
F3 Sex	83.50	42.03	25.88	-
F3	48.63	39.72	37.02	13.33
F4 Extraordinary	40.80	31.33	28.39	25.08
F4 Sex	28.40	66.97	25.20	-
F4	25.84	21.08	32.06	23.50
F5 Extraordinary	19.03	16.35	15.03	16.84
F5 Sex	22.61	-	17.48	20.40
F5	14.03	11.43	20.92	15.67
F6 Extraordinary	9.11	10.05	12.24	-
F6 Sex	7.19	5.53	-	-
F6	7.59	7.27	13.07	13.13
DF 1 Extraordinary	61.60	47.52	66.96	-
DF 1	59.16	69.60	-	-
DF 2 Extraordinary	31.39	21.31	48.65	7.80
DF 2	21.23	17.77	3.33	-
DF 3 Extraordinary	14.89	12.35	17.48	11.28
DF 3	13.03	-	-	-
DF 4 Extraordinary	5.46	3.22	3.03	-
DF 4	4.21	3.73	8.69	9.60
<b>TOTAL AVG.</b>	<b>40.10</b>	<b>21.26</b>	<b>31.30</b>	<b>21.40</b>

\*Felony (F), Drug Felony (DF)

## HABITUAL OFFENDER SENTENCES

**Figure 20** summarizes court commitments with a habitual conviction. In FY 2019, 45 inmates were sentenced under habitual offender provisions for his or her most serious offense. The figures reported below exclude a minority of instances in which an inmate's most serious offense fell in a different category than those constituting his or her habitual sentence. Inmates sentenced after HB 93-1302 was passed received a sentence at three times the maximum presumptive range if they had two previous convictions and four times the maximum presumptive range if they had three previous convictions.



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

TABLE 5 Habitual Offender Sentences (Years)		
	2 Previous Convictions	3 Previous Convictions
Average Governing Years	21.3	79.4
Maximum Governing Years	72.0	897.8
Minimum Governing Years	2.0	3.0

## LIFETIME SUPERVISION SEX OFFENDERS

Legislation enacted in 1998 requires most inmates 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 inmates sentenced to prison under the Lifetime Supervision Sex Offender Act in FY 2019. 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.

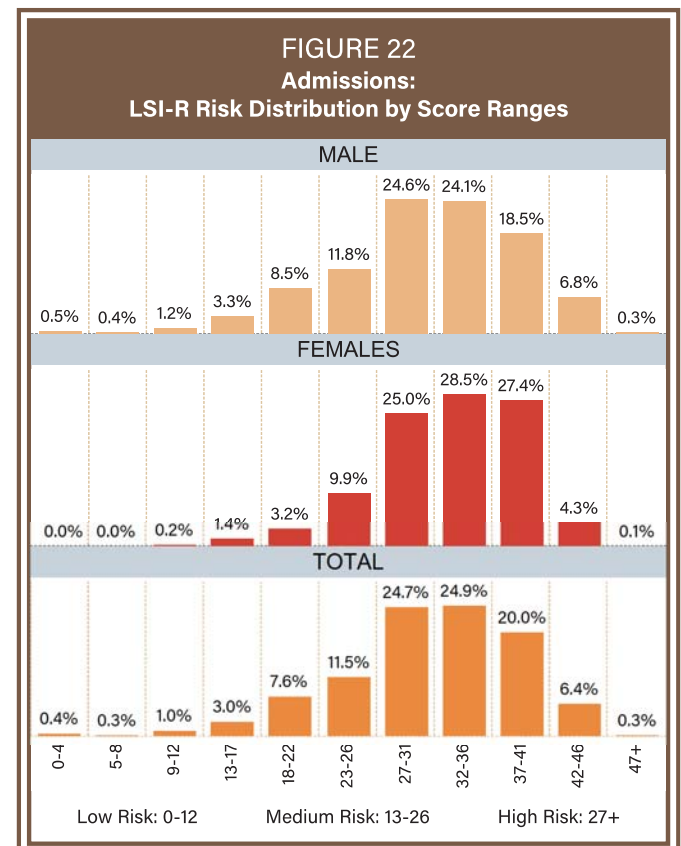
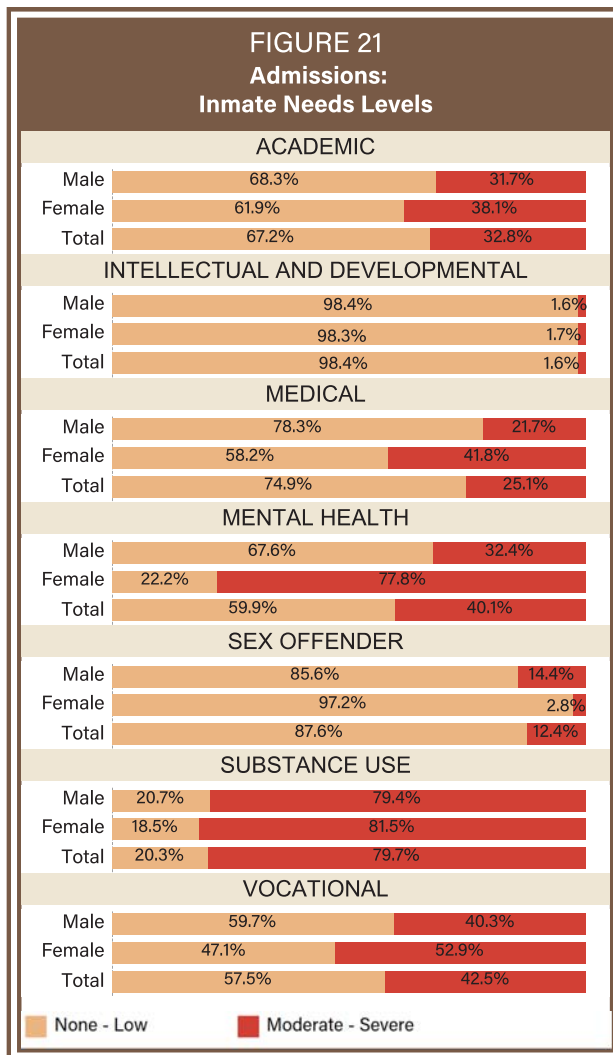
TABLE 6 Lifetime Supervision Sentences (Years)		
	Average Minimum Sentence	Number of Offenders
Felony Class 2	60	8
Felony Class 3	71	79
Felony Class 4	5	48
<b>TOTAL AVERAGE</b>	<b>47</b>	<b>135</b>

## RISK & NEED ASSESSMENTS

Initial needs levels are calculated during the diagnostic process for court commitments and are used to identify inmates for placement in services. 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** shows ratios of court commitments involving moderate-to-severe needs (Levels

3-5) versus none-to-low needs (Levels 1-2). Inmates with moderate-to-severe needs are targeted for services. The three most prevalent areas of moderate-to-severe needs were found to be substance use, mental health, and vocational. Females showed higher academic, medical, mental health, substance use, and vocational needs, but lower sex offender treatment needs, compared to males. Intellectual and developmental needs were similar between genders.

**Figure 22** shows court commitments by LSI-R (Level of Supervision Inventory - Revised) risk score ranges and gender. The most common score range was 30-34 for both males and females in FY 2019.





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# RELEASES

This section reflects 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 reflect when releases are granted (i.e. not enacted), and may not occur in the same fiscal year as the actual release.

Three main release categories are used by the CDOC: parole release, sentence discharge, and other releases. Parole releases include the following: inmates who are granted discretionary parole by the Parole Board; inmates who serve their maximum sentence and release on their mandatory release date; and inmates who re-parole after having their parole revoked. Inmates with certain class 4-6 felonies who do not receive discretionary parole may release 30-60 days before their mandatory release date if eligible per the provisions of HB 09-1351.

Sentence discharges include Martin/Cooper discharges, court-ordered discharges, and discharges to pending charges or detainers. These discharges resulted in the release of 181 inmates in FY 2019. Martin/Cooper discharges apply to inmates 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. An appellate court decision in People v. Falls, Case 00CA2169, ruled that habitual inmates 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. Of the 181 sentence discharges, five (5) inmates fell under Martin/Cooper discharges in FY 2019.

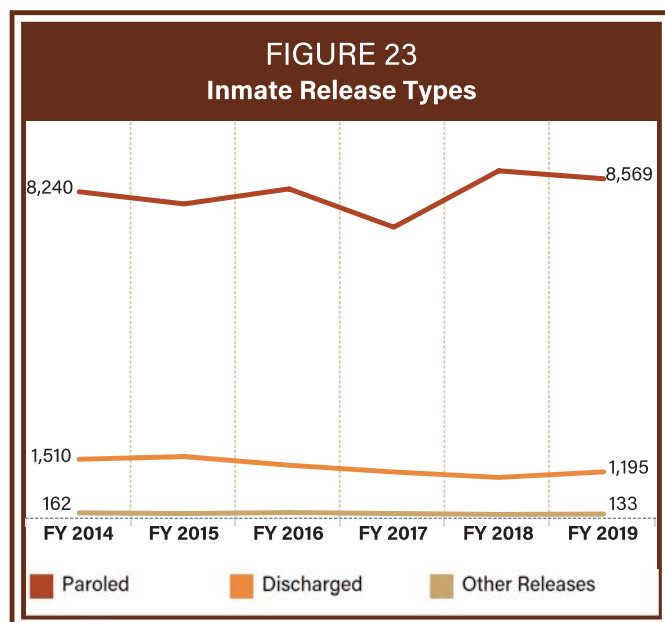
Other types of releases occur on relatively rare occasions, including release to probation and deaths in custody. These release types constituted only 1.3% of releases in FY 2019.

## RELEASES BY TYPE

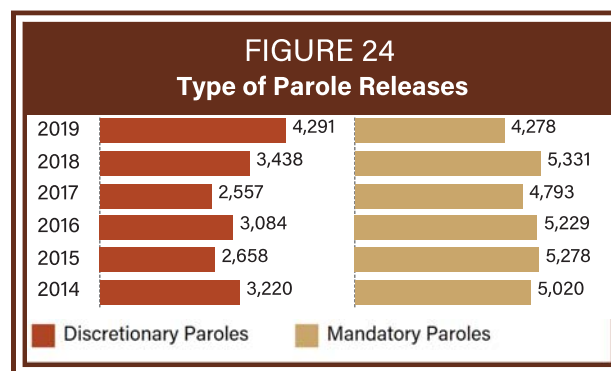
Offender releases decreased between FY 2016 and FY 2017, then increased in FY 2018. In FY 2019, releases began to decrease again,



dropping by 0.5% (see Figure 14, pg. 11). An examination of release types shows that most releases reflect inmates who have paroled (**Figure 23**).



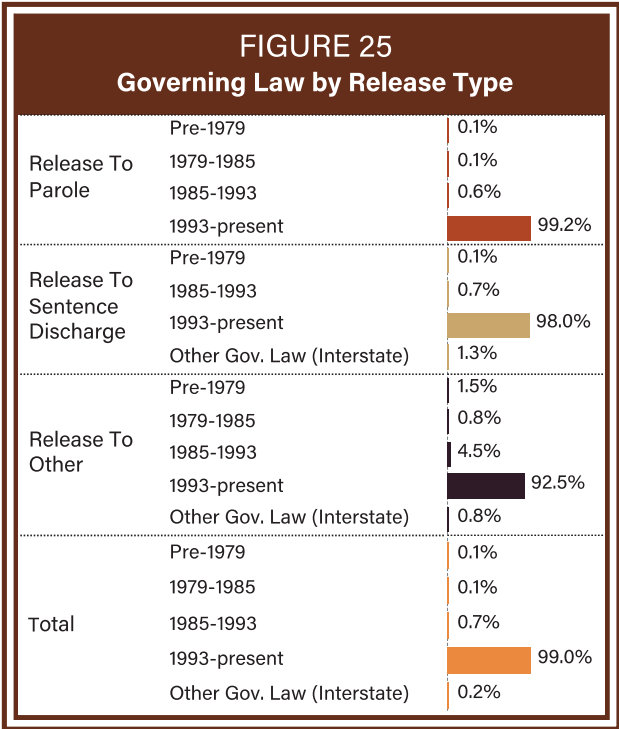
In December 2005, the CDOC implemented procedural changes that affected inmates scheduled for weekend parole release. Inmates with mandatory release dates or mandatory re-parole dates that fell on a weekend or on an observed federal holiday were released a few days earlier. This resulted in inmates being 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 parole releases by fiscal year. The decrease in total parole releases in FY 2019 is attributable to a decrease in mandatory parole releases.



**Table 7** provides details of releases by type and gender for FY 2019. Approximately 12.1% of these annual releases were sentence discharges while 86.6% were parole releases.

TABLE 7 Offender Release Types by Gender			
	Male	Female	Total
PAROLE			
Discretionary	3,529	762	4,291
Mandatory	2,181	286	2,467
Mandatory Re-parole	769	119	888
HB 1351 Mandatory	694	229	923
<b>SUBTOTAL</b>	<b>7,173</b>	<b>1,396</b>	<b>8,569</b>
SENTENCE DISCHARGE			
Discharge	939	111	1,050
Discharge to Pending Charges	95	15	110
Discharge to Detainer	24	6	30
Martin/Cooper Discharges	5	0	5
<b>SUBTOTAL</b>	<b>1,063</b>	<b>132</b>	<b>1,195</b>
OTHER			
Deceased	58	6	64
Probation	30	3	33
Court Ordered Discharge	30	6	36
Colorado State Hospital Transfer	0	0	0
Appeal Bond	0	0	0
<b>SUBTOTAL</b>	<b>118</b>	<b>15</b>	<b>133</b>
<b>TOTAL RELEASES</b>	<b>8,354</b>	<b>1,543</b>	<b>9,897</b>

The majority of released inmates were governed by current law (1993–present), which requires a period of parole supervision (Figure 25). Only 2.0% of the 1,195 inmates who released to sentence discharge were not required to serve a period of parole. The remaining 1,171 inmates who discharged his or her sentence were those who had returned to a prison facility after a parole violation, and then discharged from inmate status by reaching their sentence discharge date before they could re-parole.

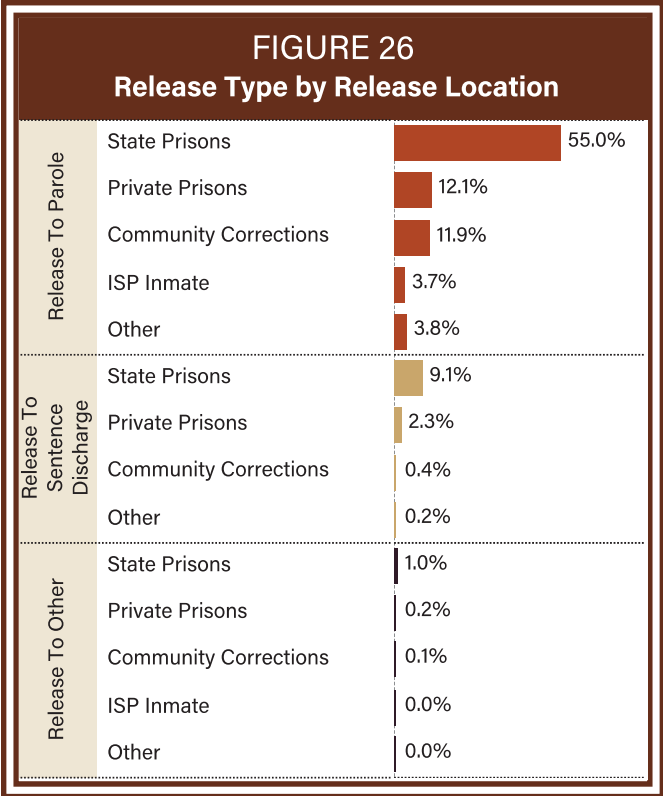


Note: Other includes Probation, Court-Ordered Discharge, Deceased, Dual Commitment and Appeal Bond.

\*Values may not total 100% due to rounding.

Figure 26 illustrates the percentage of releases by type and location. Releases are not shown by specific prison facilities because inmates often release from a transport hub. In FY 2019, the majority of inmates released

from state prisons to parole. Approximately 16.1% of inmates successfully transitioned from prison to parole via community corrections and/or Intensive Supervision Parole status. Fewer inmates released from private prisons in FY 2019 than in previous years. This is attributable to a smaller number (790) of releases directly from Cheyenne Mountain Re-entry Center than in previous years. Inmates who are under the supervision of other jurisdictions but are sentenced to the CDOC are reported in the “Other” category. Those jurisdictions include the Colorado Mental Health Institute at Pueblo (CMHIP) and other state facilities, dual commitments to Colorado and interstate compact, and the federal system.

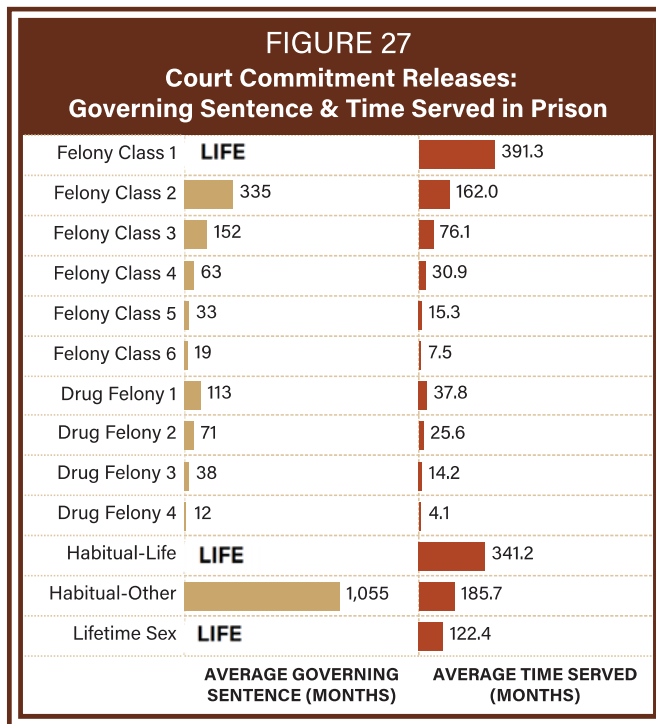


Note: Other includes Probation, Court-Ordered Discharge, Deceased, Dual Commitment and Appeal Bond.

\*Values may not total 100% due to rounding.

## TIME SERVED IN PRISON

The time served in prison in relation to inmates' governing sentences was charted in **Figure 27**. The governing sentence determines the Mandatory Release Date (MRD) or Statutory Discharge Date (SDD).

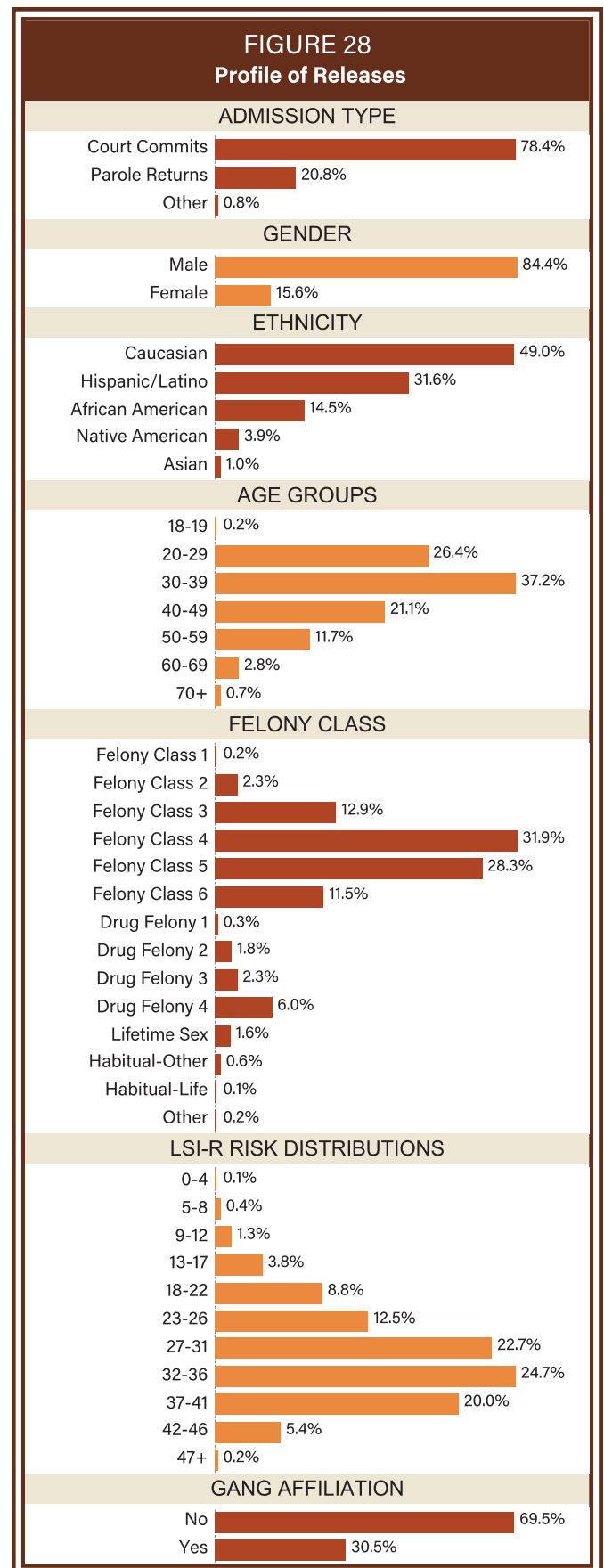


Once an inmate paroles, the statutorily mandated parole period then governs. If the inmate is revoked for a technical violation, the parole period continues to govern. If an inmate is revoked due to a new conviction, the governing sentence can be either the new conviction or the existing parole period. The sentence resulting in the latest mandatory release or statutory discharge date will govern. If the new conviction is ordered to run consecutively with 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 differences 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, or pre-sentence confinement awards. However, time spent in county jail (backlog) waiting for prison bed space after sentencing is included. A limited definition was used to represent the amount of time that newly sentenced inmates might spend in prison. Only court commitments that released to parole or who discharged a sentence were included in the comparison. Governing sentences and imprisonment time increase with felony class. Habitual offenders and lifetime-supervision sex offenders also serve extended sentences. Habitual offenders serve most similarly the amount of time as Class 2 felons. Lifetime sex offenders serve an average total time between that of Class 2 and Class 3 felons. Notably, many inmates 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.

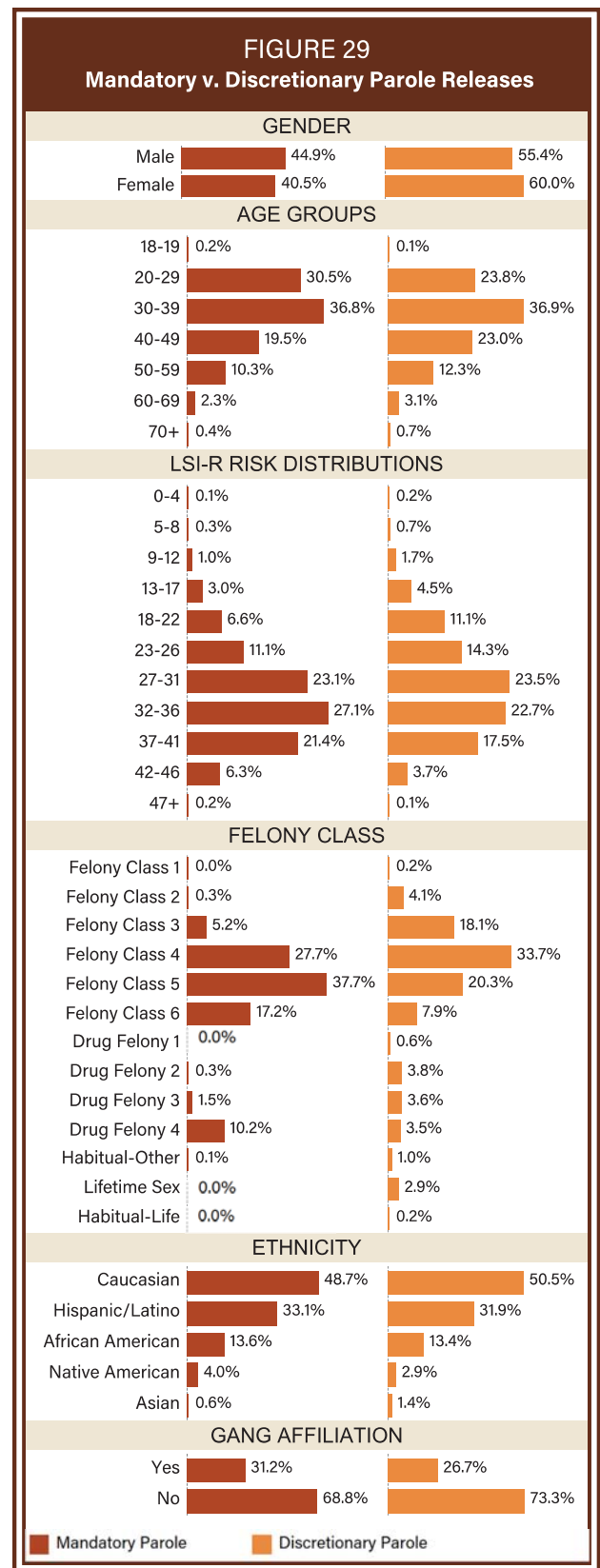
## PROFILE OF OFFENDER RELEASES

Demographic and sentencing data was examined for the FY 2019 release cohort (**Figure 28**). Certain offenders may release more than once during a given year (particularly those who violate the conditions of parole). To most accurately represent the characteristics of individuals who release from offender status, each offender was included in the release profile only once using his or her first release. Consequently, the profile cohort included 8,110 males and 1,490 females, totaling 9,600 first releases. An exploration of the profile data by release type revealed few meaningful differences, so the data is not displayed here. In **Figure 29** various differences between offenders who release on discretionary parole versus mandatory parole are contrasted. As in previous comparisons, only the first release was counted, and only releases to discretionary parole and mandatory parole (including HB 09-1351) were included. Reparoles are not included in the mandatory parole releases. The final sample included 4,288 first discretionary parole releases and 3,376 first mandatory parole releases, totaling 7,664 first releases. Offenders who released on discretionary parole during FY 2019 were more likely to have Class 3



\*Values may not total 100% due to rounding.

or 4 felonies and have lower LSI-R risk scores compared to offenders on mandatory parole. Offenders with more serious felonies were more likely to receive discretionary parole. However, for offenders convicted of Class 1 felonies or who were sentenced to lifetime supervision for sex offenses, release can only be granted by the Parole Board. Inmates with higher LSI-R risk scores are less likely to be granted discretionary parole.



\*Values may not total 100% due to rounding.

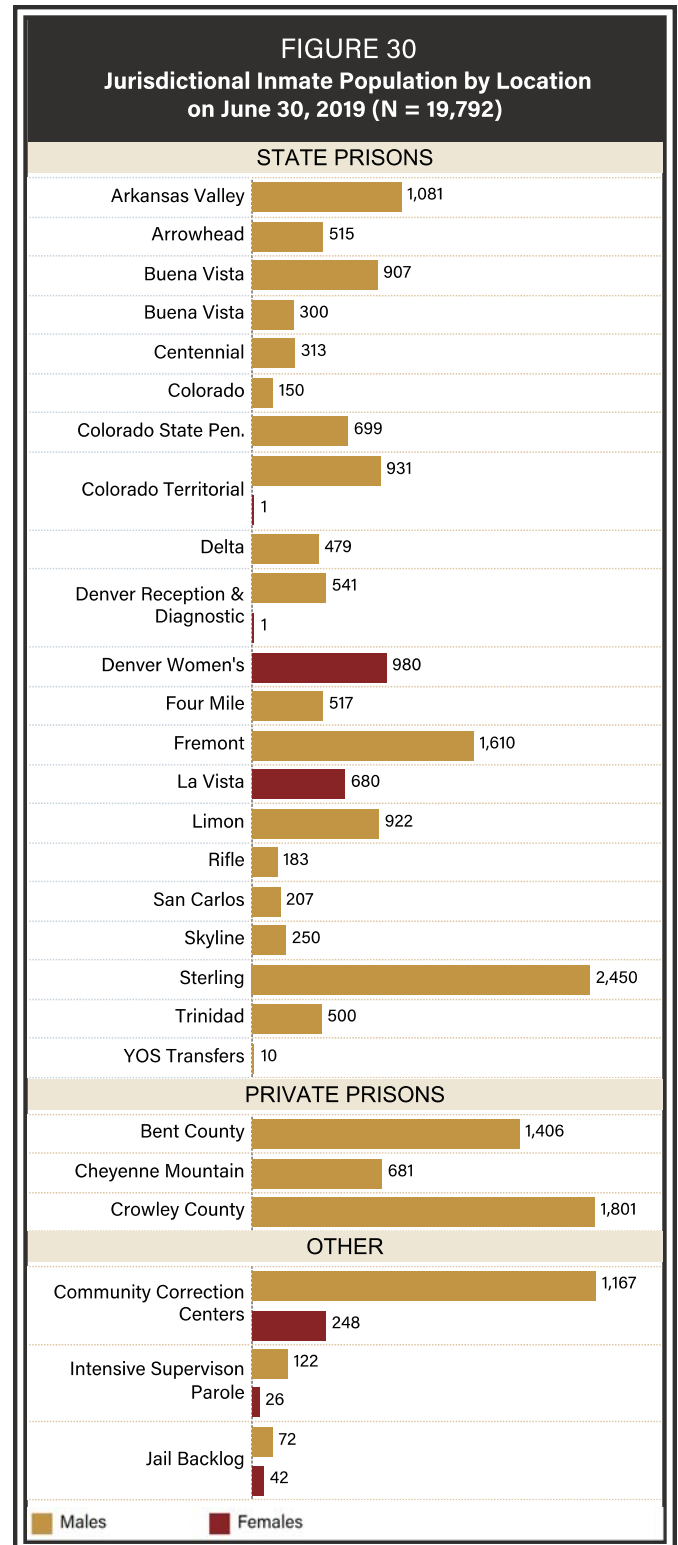


# INMATE POPULATION CHARACTERISTICS

## INMATE POPULATION

This section explores and summarizes the adult jurisdictional inmate population.

**Figure 30** shows the number of inmates by location on the last day of the fiscal year (excluding 159 fugitives). The majority of inmates (71.9%) were in state prisons, 19.6% were in private prisons, and 8.5% were in the community, on Intensive Supervision Parole, or in jail backlog. Jail backlog includes inmates awaiting placement into the CDOC as a court commitment, parole return for a new crime or technical violation, or regression from a community placement. The three private prisons used in FY 2019 house male inmates only. Denver Women's Correctional Facility and La Vista Correctional Facility exclusively house female inmates. However, female inmates 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. Qualifying women may also volunteer to be placed in a specialized program (per SB16-180) located at YOS (YOS Transfers).



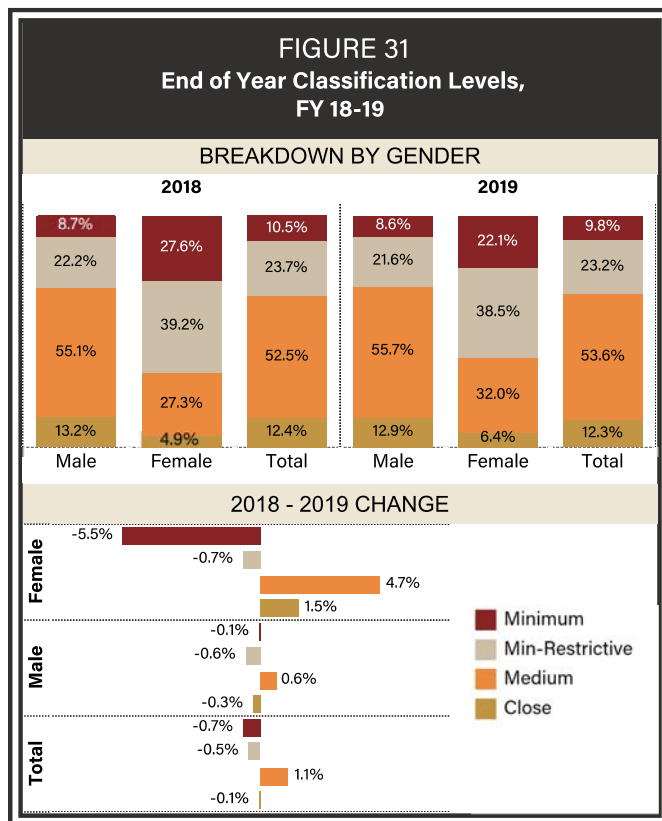
## CUSTODY CLASSIFICATION & STATUS

All inmates are assessed upon intake into the CDOC and then re-assessed at different intervals during their incarceration. These assessments are completed to help determine appropriate housing placement. Initial and reclassification assessments include gender-specific criteria.

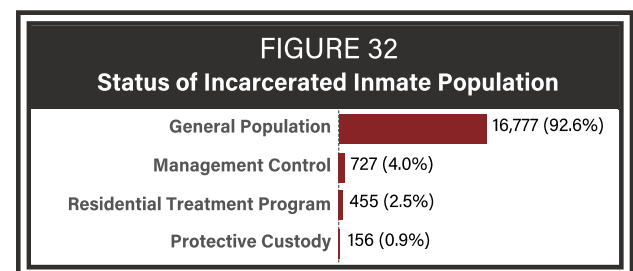
**Figure 31** provides a comparison of inmate classification levels at the end of FY 2018 and FY 2019. Over the last several years, significant changes in custody designations have occurred. This has included the elimination of administrative segregation and restrictive

housing followed by the implementation of Management Control (MC) status. Management Control status is designed for inmates who have demonstrated (through behavior) that they pose a risk to the safety and security of a general prison population. Protective Custody (PC) was added in 2013 to provide a non-punitive housing option for inmates who would be at substantial risk of harm if placed in general population housing. The Residential Treatment Program (RTP) is 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 92.6% of the inmates in prison facilities are in general population and 7.4% have special designations. The effort to remove all inmates housed in administrative segregation and restrictive housing has been successful. As of August 2017, Management Control is the most restrictive status designation, though punitive segregation is still used to house inmates serving disciplinary sanctions.



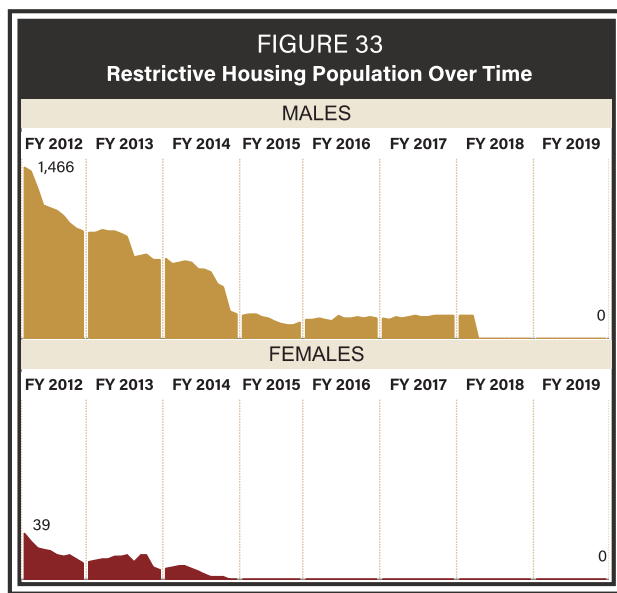
\*Values may not total 100% due to rounding. Does not include offenders who were unclassified at the end of each fiscal year.



\*Values may not total 100% due to rounding.



**Figure 33** shows changes that have occurred in the restrictive housing population over time. This population peaked in September 2011 with 1,505 inmates (7.4%) in administrative segregation. No inmates were housed in Extended Restrictive Housing in FY 2019 due to full elimination of the status in August 2017.

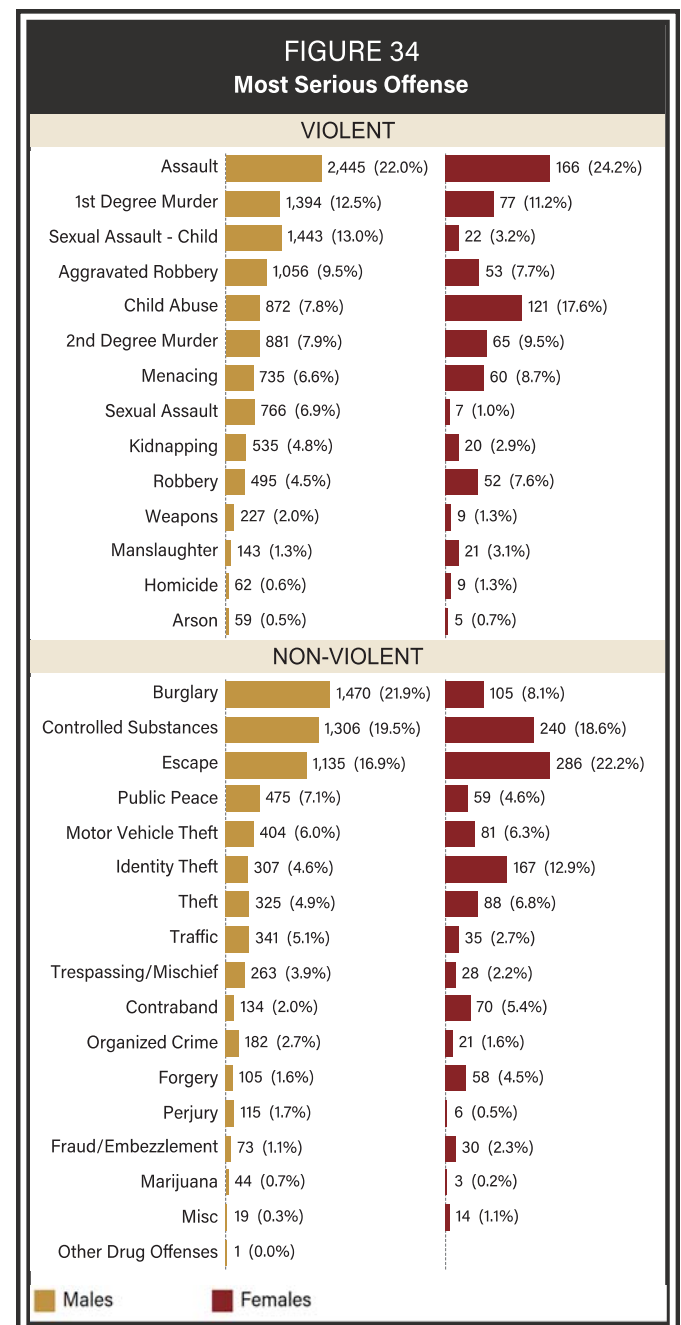


\*Restrictive Housing includes the historical statuses Administrative Segregation, Restrictive Housing - Maximum Security (RH-Max), and Extended Restrictive Housing (ERH).

## MOST SERIOUS OFFENSE

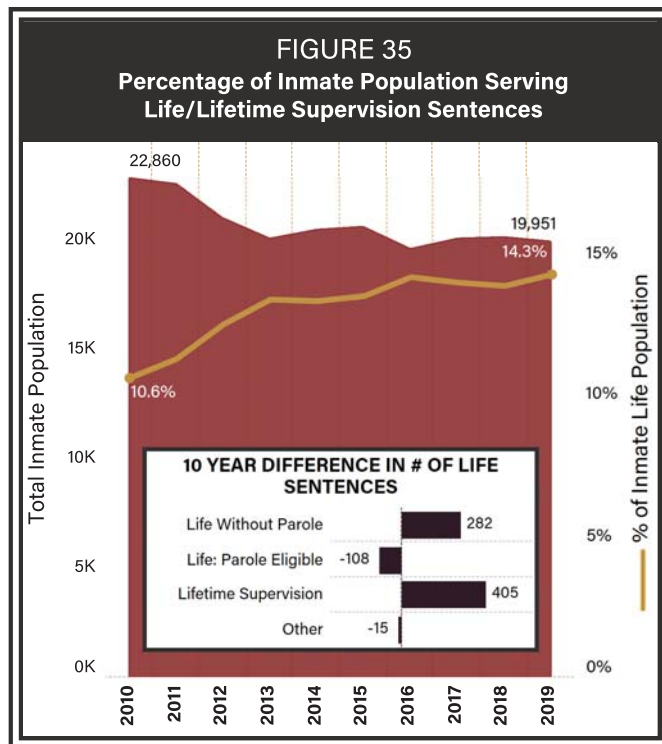
**Figure 34** contains the most serious offense distribution for the adult inmate population as of June 30, 2019. Of the currently incarcerated inmate population, 59.6% has a violent offense while only 37.3% (Figure 17) of new court commitments have a violent offense. Since 2010, numerous legislative bills have been passed in an effort to reduce the inmate population

(Overview and Appendix sections). These bills target less serious inmates for alternatives to incarceration, shorter sentences, increased earned time, and increased preference for discretionary parole. As a result, the inmate population now includes a higher proportion of inmates with more serious crimes and longer sentences.



\*Values may not total 100% due to rounding.

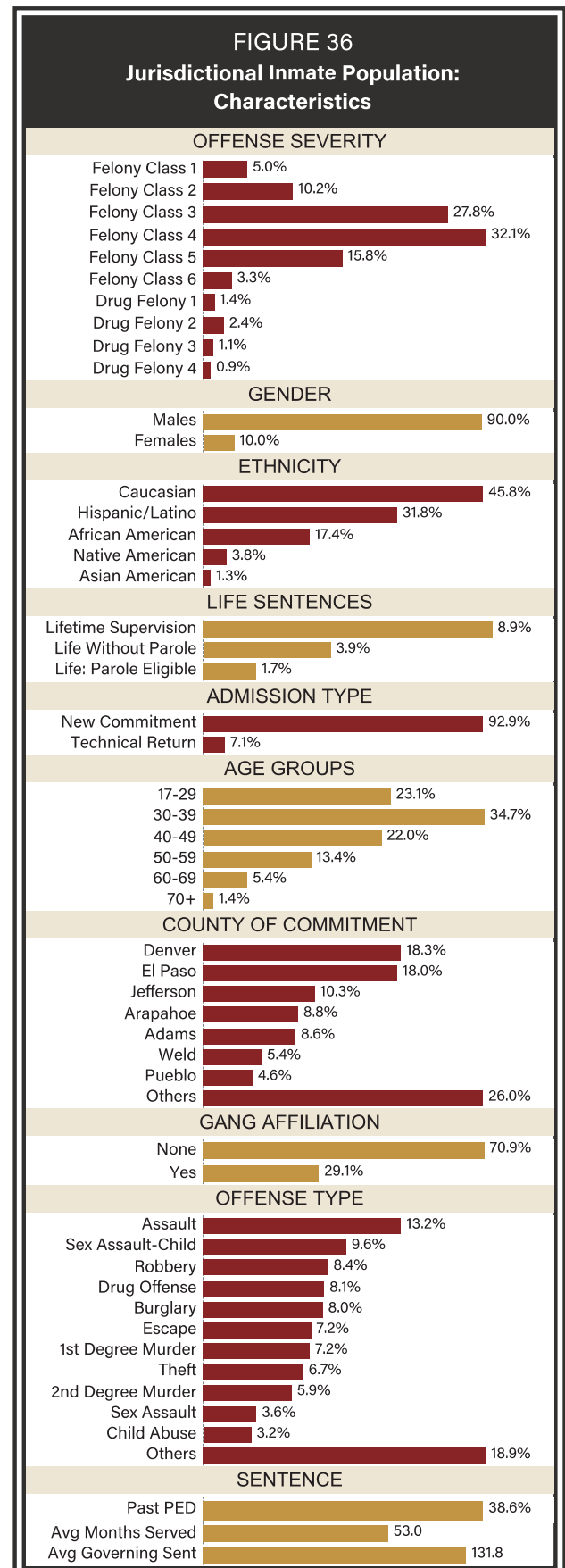
**Figure 35** shows a 10-year history of the total inmate population and the percent serving life or lifetime sentences. Even during periods of population decline, inmates serving life and lifetime supervision sentences continued to account for a greater percentage of the population. Inmates serving life without parole sentences have risen by 3.7% while the inmate population decreased by 12.7% from 2010 to 2019. A large proportion of the increase is due to inmates sentenced under lifetime supervision.



\*Includes Fugitives

## INMATE PROFILE

**Figure 36** shows the profile of the total inmate jurisdictional population on June 30, 2019. This population includes inmates

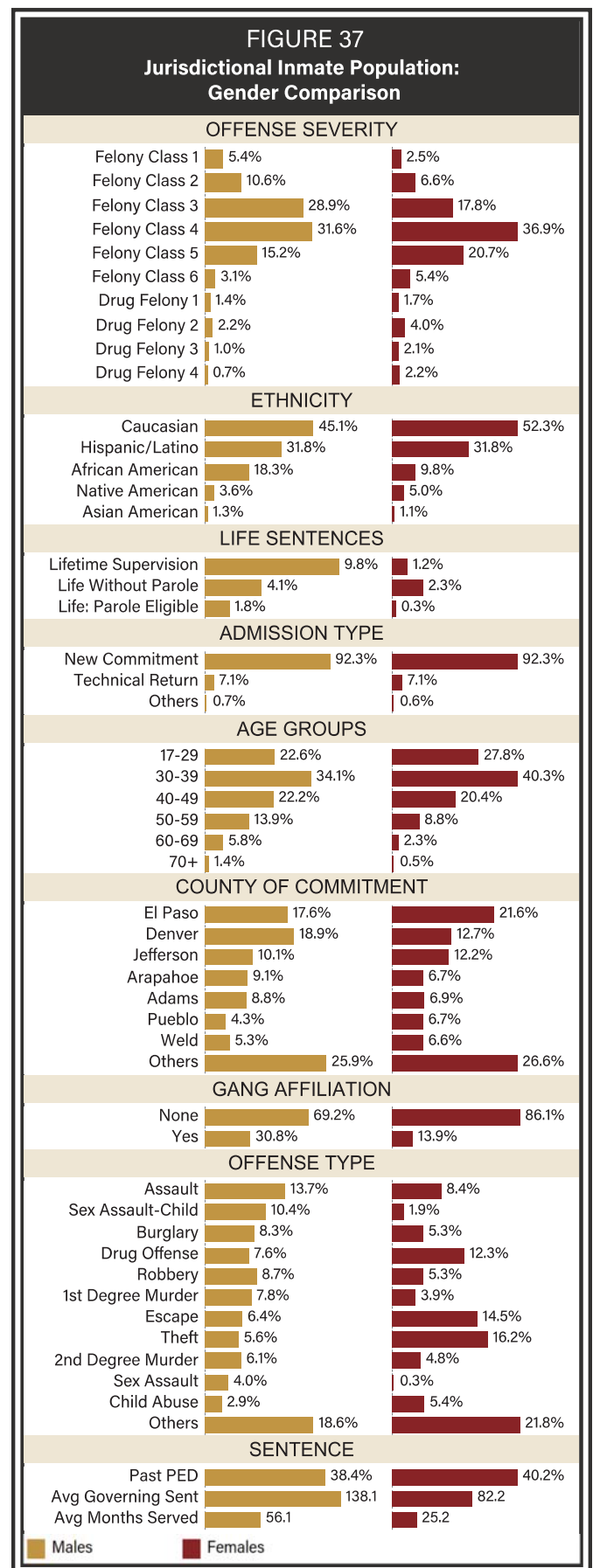


\*Values may not total 100% due to rounding.

in jail, prison, and the community but does not include fugitives. Inmates were predominantly male (90.0%), Caucasian or Latino (77.6%), and between the ages of 17–49 (79.8%). Within this population, 14.5% of inmates were serving sentences with a maximum term of life; 1.7% of those serving life sentences will be parole eligible. This group's average maximum governing sentence was 131.8 months, or 11.0 years. However, they had only served an average of 53.0 months (4.4 years).

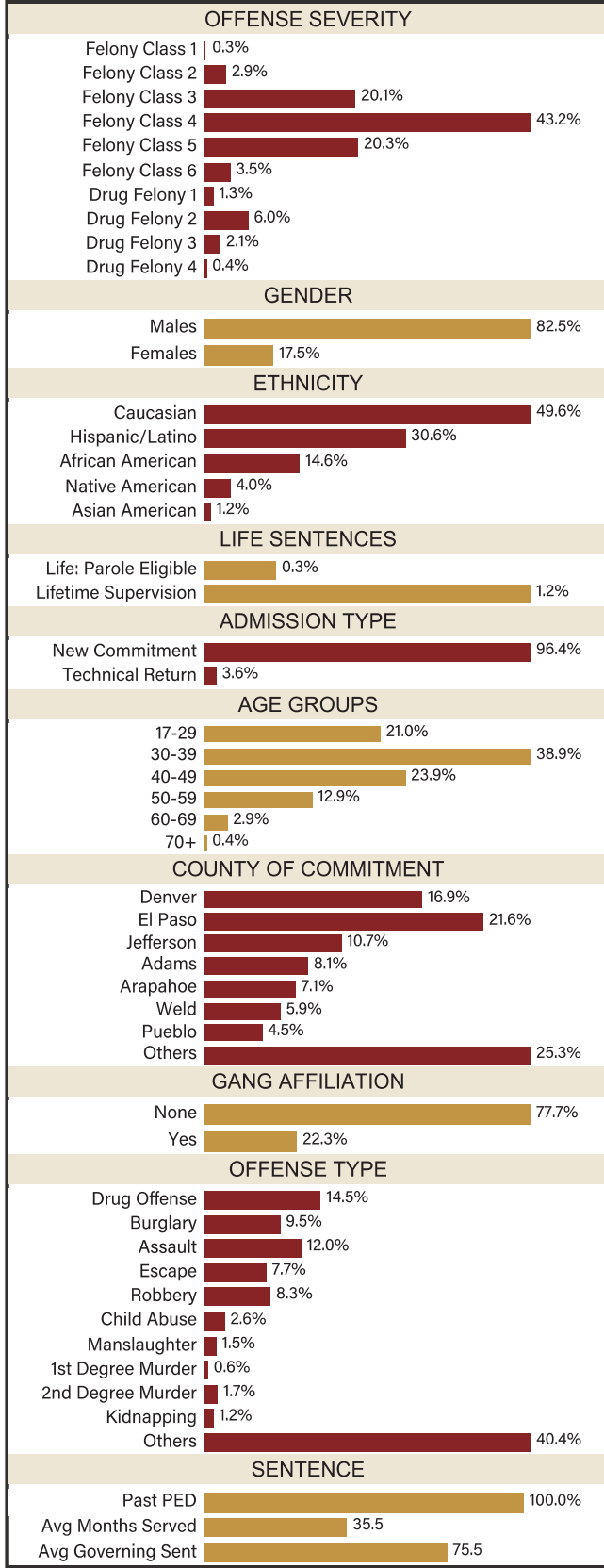
Parole Eligibility Date (PED) is calculated as 50% of the maximum governing sentence length minus credit for pre-sentence confinement awarded by the court. Mandatory release date is calculated as 100% of the maximum governing sentence length minus any pre-sentence confinement awarded by the court. Various types of earned time awards can be applied to both PEDs and MRDs to reduce the actual amount of time spent incarcerated.

**Figure 37** highlights the gender differences across the jurisdictional population. Among some larger observed differences, males showed higher rates of violent offense types, a higher rate of gang affiliation, and a higher rate of life sentences. Females had notably shorter governing sentences and time served, on average. Females also showed



\*Values may not total 100% due to rounding.

**FIGURE 38**  
**Community-Based Inmate Population:**  
**Characteristics**



\*Values may not total 100% due to rounding.

higher rates of theft, escape, and drug convictions as their most serious offense.

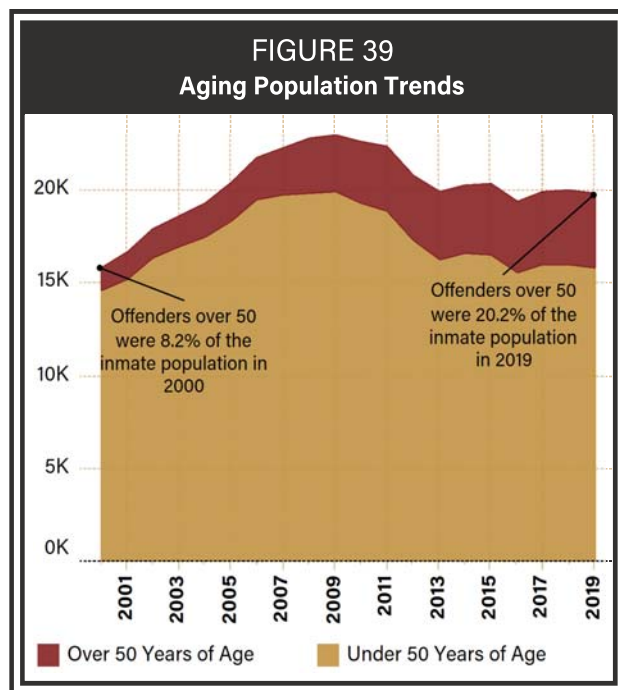
The profile of community inmates is shown in **Figure 38**. This population differs in various ways from the total jurisdictional population. Inmates serving sentences in the community were more likely to have been convicted of a lower felony class. Very few community inmates were serving life or lifetime supervision sentences. All of the community inmates were past their PED due to meeting community eligibility requirements.

## AGING TRENDS

Inmates over 50 years of age are one of the fastest-growing prison populations. Between 2000 and 2019, the number of inmates over the age of 50 grew by more than eight times the rate of the overall general prison population. During the last 10 years, the number of inmates aged 50 and over increased from 3,286 to 3,994 (21.5%), while the total population experienced a 12.5% decrease (from 22,671 to 19,792) during the same time (**Figure 39**). This growth is attributed to a combination of factors: aging baby boomers representing a larger percentage of the U.S. population<sup>5</sup>, increased life expectancy among adults,

5. Administration on Aging, U.S. Department of Health and Human Services. (2018). 2018 Profile of older Americans. Washington, DC: U.S. Government Printing Office.

and tougher sentencing laws<sup>6</sup>. The aging population creates unique challenges for the criminal justice system, including higher medical costs, the need for special housing and programming, and a higher risk of victimization.

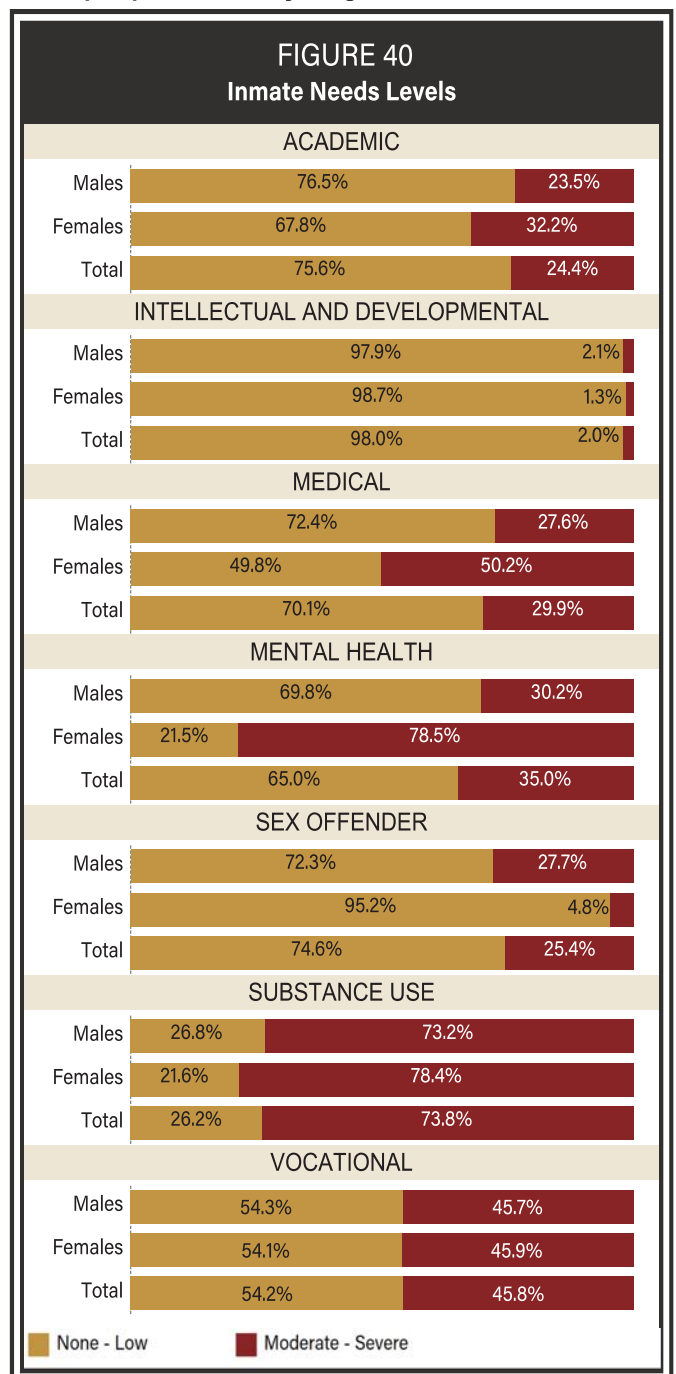


## NEEDS LEVELS

**Figure 40** displays the needs levels of the jurisdictional inmate population. Needs are grouped as moderate-to-severe needs (Levels 3-5) and none-to-low needs (Levels 1-2). Need levels are examined by gender and across multiple need categories. Examination of the data shows that females have more moderate-to-severe needs levels for academic, medical, mental health, and substance needs levels than males. Males have more moderate-to-severe needs levels

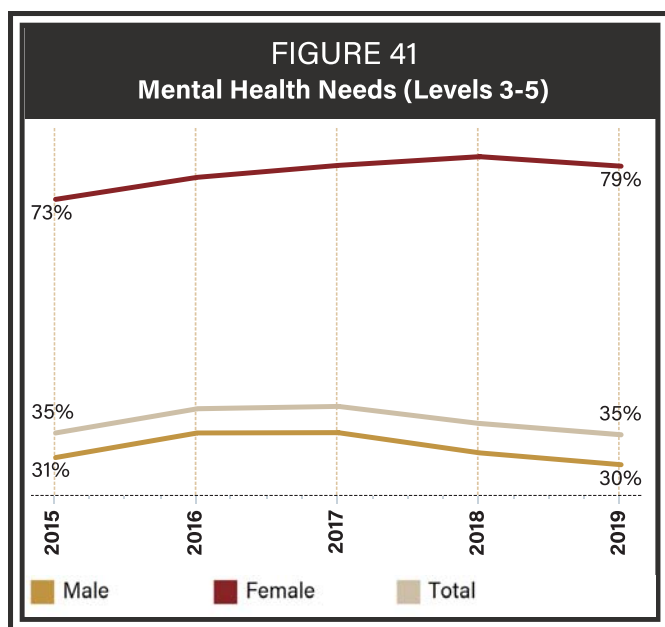
for sex offender treatment and intellectual and developmental needs than females have. Both gender groups showed similar need levels in the vocational training area.

**A disproportionately large number of individuals**





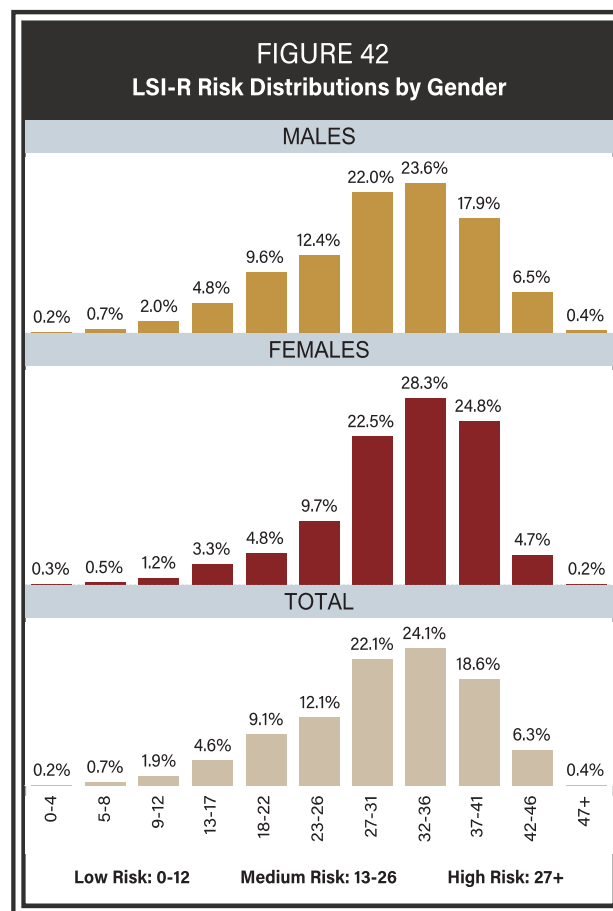
with mental illness exist within the criminal justice system. National data suggests that inmates are nearly three times as likely to have a mental illness as members of the general population<sup>7</sup>. **Figure 41** shows the percent of inmates with significant mental health needs (Levels 3–5) since FY 2015. Female inmates have consistently showed moderate-to-severe needs more often than males, though males also tend to show moderate-to-severe needs to a substantive degree.



## RISK ASSESSMENT

The LSI-R is used to assess risk of offender recidivism. **Figure 42** displays the most recent LSI-R score distributions as of June 30, 2019 for both genders in the total inmate population.

CDOC inmates most often score in the high risk range of the LSI-R scale. Female inmates also score in the high range most often, but even more frequently than male inmates. Females have diverse pathways to crime, including not only substance use and mental illnesses common among male offenders, but also potentially additional mental health complications following from, for example, a potential history of sexual abuse victimization and/or increased stress following from heavier parenting responsibilities.



\*Values may not total 100% due to rounding.

7. Fazel, S., Hayes, A. J., Bartellas, K., Clerici, M., & Trestman, R. (2016). Mental health of prisoners: prevalence, adverse outcomes, and interventions. *The Lancet Psychiatry*, 3(9), 871-881.



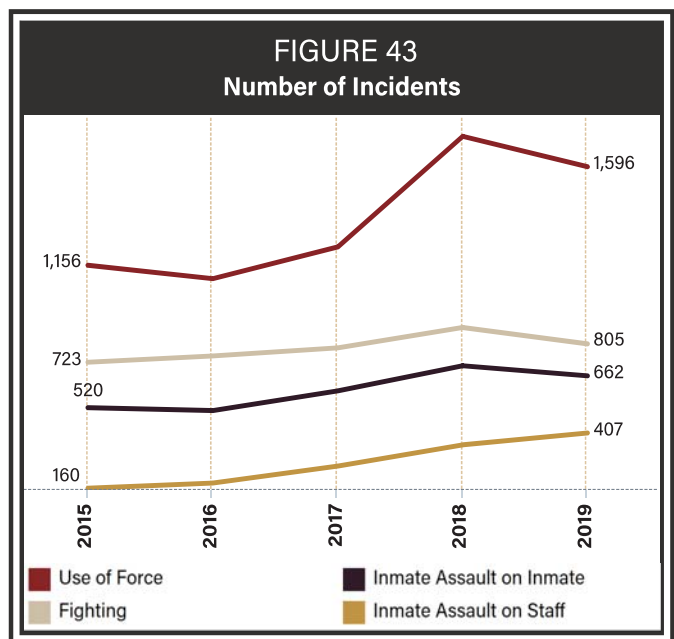
## REPORTABLE INCIDENTS

The reportable incidents described here include inmate assaults on staff, inmate assaults on other inmates, fighting, uses of force, inmate deaths, and escapes. The 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. PREA incidents in the CDOC are investigated by the CDOC Office of the Inspector General (OIG) to determine whether a factual basis for any report exists and whether reports meet PREA criteria. The CDOC is mandated to report this data annually to the Bureau of Justice Statistics (BJS). PREA data is not included in this report but can be found on the CDOC's website.

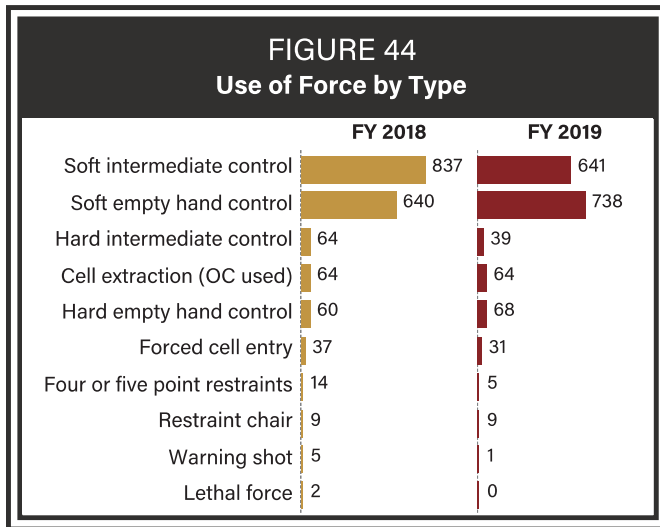
## ASSAULTS & USE OF FORCE

Prison-based incidents are tracked electronically through the Reportable Incident System, which became operational on January 1, 2008. This system has since been used to report incidents department wide. Assaults against inmates and staff include any uses of physical force, intentional transfers of hazardous substances (i.e., feces, urine, or chemicals), or use of any object for the purpose of threatening or causing harm, regardless of whether injury

occurs. Beginning in July of 2013, assaults against staff have been tracked by type (e.g., with serious injury, without serious injury, hazardous liquid, or spitting). The use-of-force category includes incidents involving: soft and hard empty-hand control; soft and hard intermediate control; a forced cell entry; a cell extraction with oleoresin capsicum (OC); use of a restraint chair; four or five point restraints; warning shots; or use of lethal force. **Figure 43** shows a five-year history of assaults and use-of-force incidents. Assaults and fighting are counted by unique incident rather than by the number of inmates involved. Use-of-force incidents are counted by the number of inmates involved in each incident. In FY 2019, decreases can be seen in all categories except assaults on staff, which increased by 15.0% since FY 2018. The total staff assaults shown do not include incidental contacts or attempted assaults that did not result in staff injury.



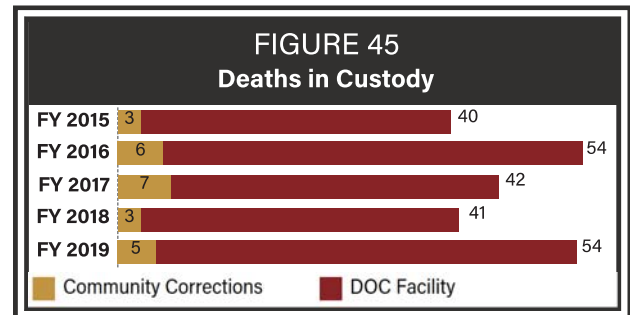
**Figure 44** shows how often different types of force were used during FY 2019. There was a decrease for most force types in FY 2019. However, the use of both soft and hard empty hand control increased from FY 2018 and the use of restraint chair and cell extractions with OC were the same as in FY 2018.



## DEATHS IN CUSTODY

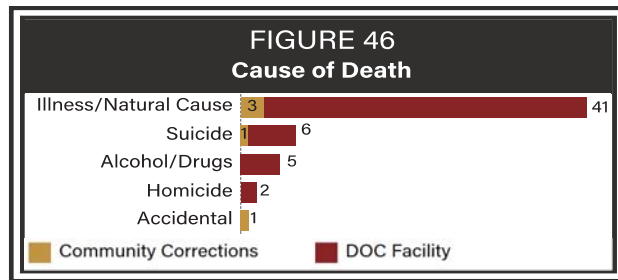
The CDOC participates annually in the BJS' Mortality in Correctional Institutions (MCI) program, which collects national, state and incident level data on persons who died while in the physical custody of the 50 state departments of corrections and approximately 2,800 local adult jail jurisdictions. MCI records decedent characteristics, information on whether an autopsy was conducted, the circumstances surrounding deaths, and in cases of deaths due to illness, information on the presence of pre-existing medical conditions and prior medical treatment. Deaths in

custody, as defined by MCI, apply to inmates confined in CDOC facilities, whether housed under CDOC jurisdiction or the jurisdiction of another state (i.e. interstate compact); private facilities; special facilities (medical, treatment, or release center, halfway house, police or court lockup, and work farm); and inmates 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 2019, there were 59 deaths in custody, five of which occurred in community corrections (**Figure 45**). Cause of death is always determined by a coroner or medical examiner external to the CDOC.



Approximately 74.6% percent of inmates who died in FY 2019 did so due to an illness or natural cause (**Figure 46**). Among all deaths, five of the deceased were female inmates. The average age at the time of death was 46.6 years (excluding of those who died of illness or of natural causes) and

59.0 years (including of those who died of illness or of natural causes).

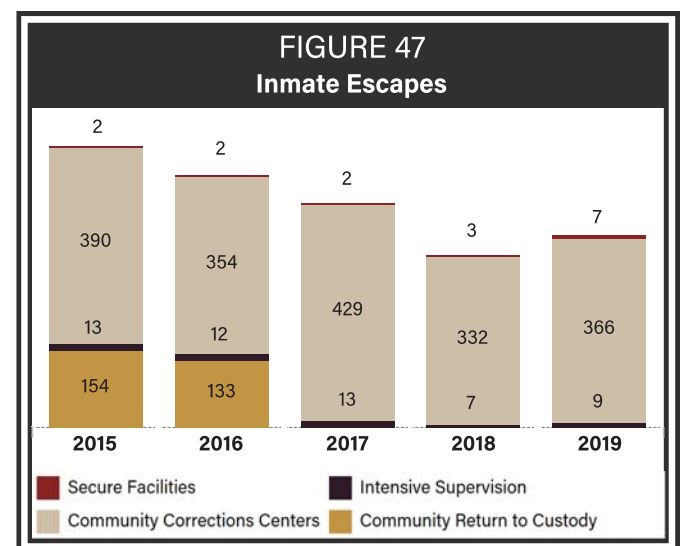


## ESCAPES

CDOC defines escape as an act whereby an inmate, without any authorization, leaves the confines of the last barrier of a secured facility, the imaginary barrier of an unsecured facility (camp) or work crew, leaves 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. Escapes can result in a court conviction or a code of penal discipline conviction. In the context of community supervision (a community corrections facility or ISP placement), an unauthorized absence for 24 hours or more constitutes an escape. Escapes are most often committed by inmates in some form of community supervision. **Figure 47** provides a five-year history of escapes from secure facilities (state and private prisons), community corrections centers, Intensive Supervision Program status, and community return-to-custody facilities. The

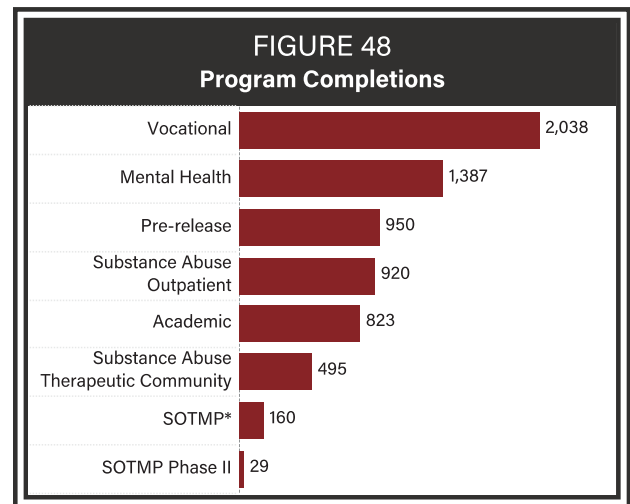
number of escapes from community corrections centers and the number of ISP escapes both decreased in FY 2019. In August of 2017, HB 17-1326 revoked the Departments' authority to operate community return-to-custody facilities. Because these facilities are no longer being utilized, there were no reported escapes from them in FY 2019. During the last five fiscal years 16 escapes occurred from CDOC facilities:

- FY 2015: Colorado Correctional Center (two)
- FY 2016: Colorado Correctional Center (one), Trinidad Correctional Facility (one)
- FY 2017: Colorado Correctional Center (one), Delta Correctional Center (one)
- FY 2018: Colorado Correctional Center (one), Four Mile Correctional Center (one), Skyline Correctional Center (one)
- FY 2019: Colorado Correctional Center (two), Colorado Territorial Correctional Center (two), Crowley County Correctional Facility (one), Delta Correctional Center (one), Skyline Correctional Center (one)

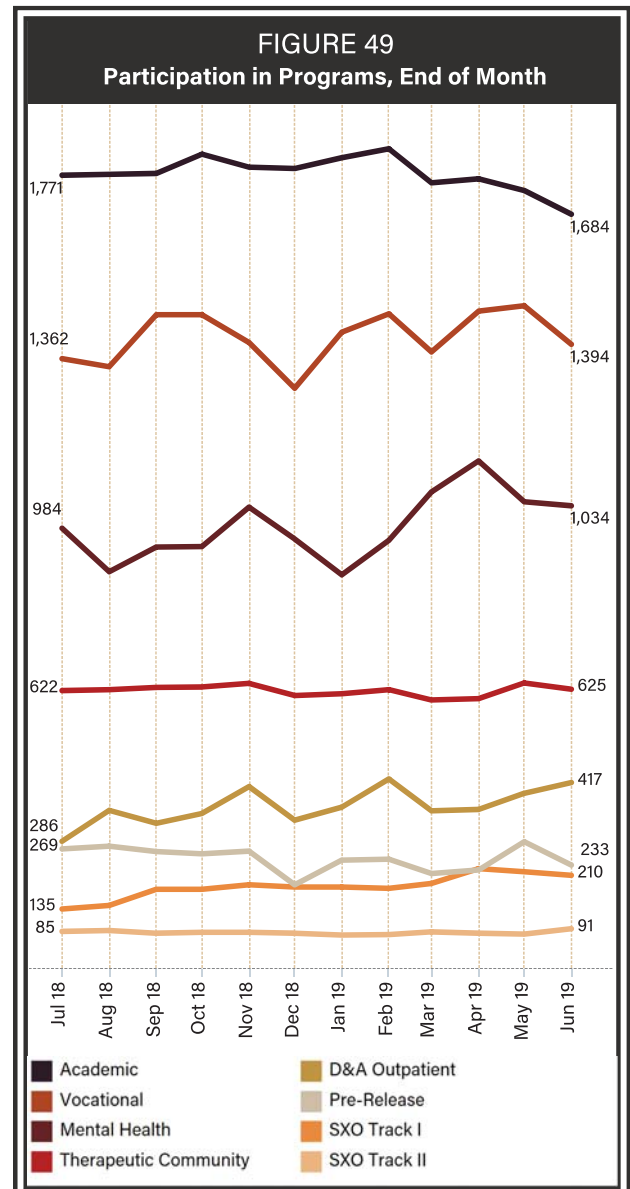


## PROGRAM PARTICIPATION

To improve the chances of success upon re-entry, inmates have the opportunity to participate in educational, behavioral health and pre-release programs during their incarceration. **Figure 48** shows completions by program area across all state and private prisons as determined by earned time awarded. In August 2012, CDOC implemented achievement earned time awards per HB 12-1223 for program completions or milestone achievements and compliance. **Figure 49** shows the participation levels at the end of each of 12 consecutive months, for funded programs. Participation in other elective programs such as *Alcoholics Anonymous*, *7 Habits on the Inside* or *Thinking for a Change*, may also take place but are not included in this chart.



\*Sex Offender Treatment and Management Program Criteria





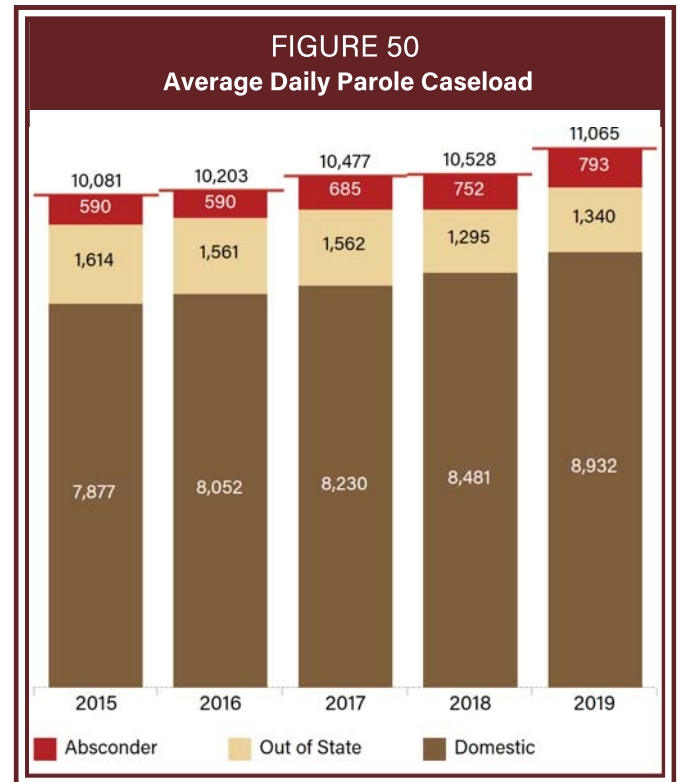
# PAROLE POPULATION CHARACTERISTICS

## 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 their full sentence. However, all inmates sentenced for a crime committed after 1993 are required to serve a period of parole, unless sentenced to life in prison or death. Those who release before serving the full term of their sentence receive discretionary parole. Those who serve the maximum term of their sentence release on mandatory parole. Upon release, both discretionary and mandatory parolees complete their prison sentences and begin serving their parole sentence. If parole is revoked, they will continue to serve their parole sentence and may discharge that sentence during re-incarceration or re-parole.

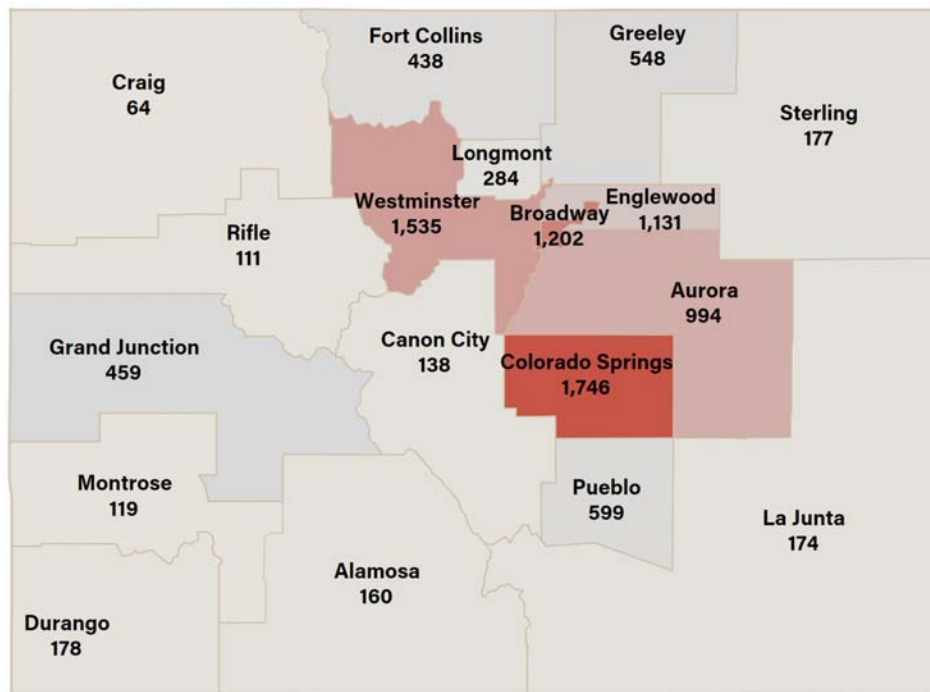
## PAROLE CASELOAD

The average daily parole caseload is shown in **Figure 50**. Using the daily average caseload is the best way to reflect the total workload of staff maintained throughout



the year. The average daily parole caseload in FY 2019 totaled 11,065, an increase of 5.1% from FY 2018. **Figure 51** displays the number of parolees by servicing parole office. The highest concentrations were found in the vicinities of Denver and Colorado Springs. This can be attributed to the overall higher populations and access to needed programs located in these areas. The highest percentage of parolees (15.1%) is assigned to the Colorado Springs office followed by the Westminster office (13.3%).

**FIGURE 51**  
**Parole Office Caseload as of June 30, 2019**



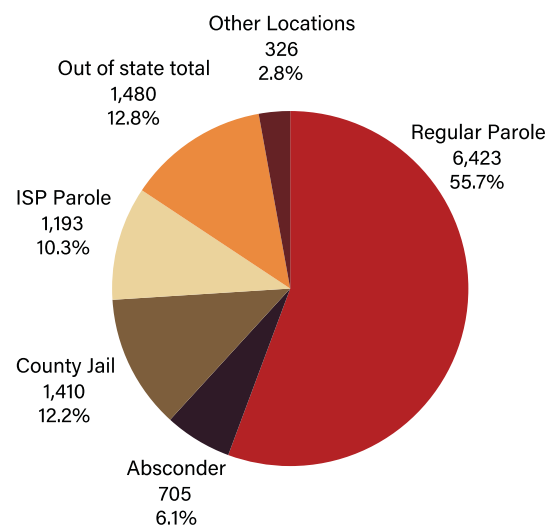
© 2020 Mapbox © OpenStreetMap

\*Excludes 1,477 out of state parolees and 3 parole absconders.

## PAROLEE PROFILE

**Figure 52** shows the parole population by supervision type. Over half (55.7%) of the population is active on regular parole supervision. Ten percent (10.3%) of parolees are assigned to the Intensive Supervision Program, which was launched in 1991 to provide additional supervision and program participation for especially high-risk parolees. Out-of-state, county jail, absconders, and parolees in other locations account for 34.0% of the population. The out-of-state category includes inmates: paroled to a felony detainer; deported by U.S. Immigrations and Customs

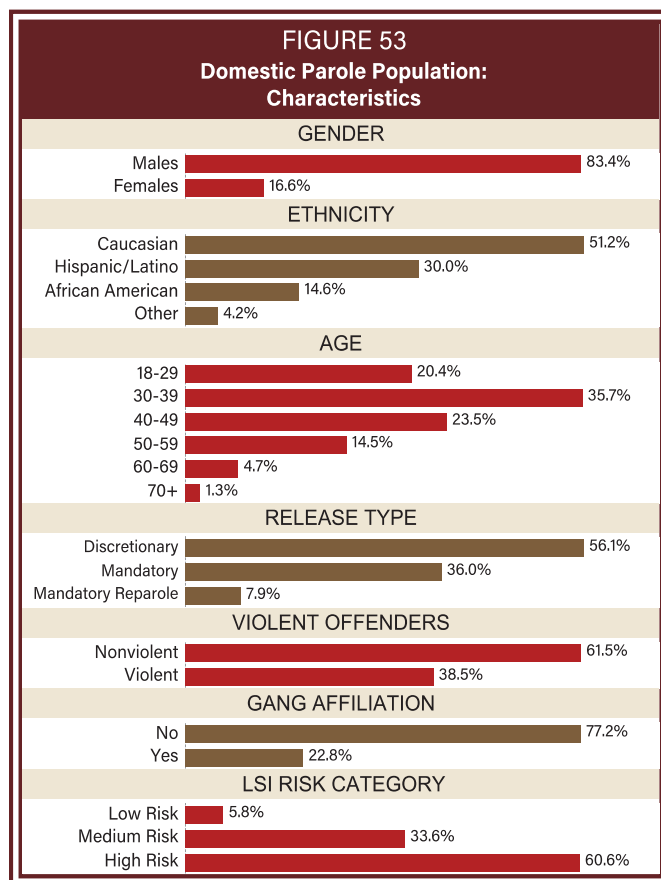
**FIGURE 52**  
**Total Parole Population as of June 30, 2019**



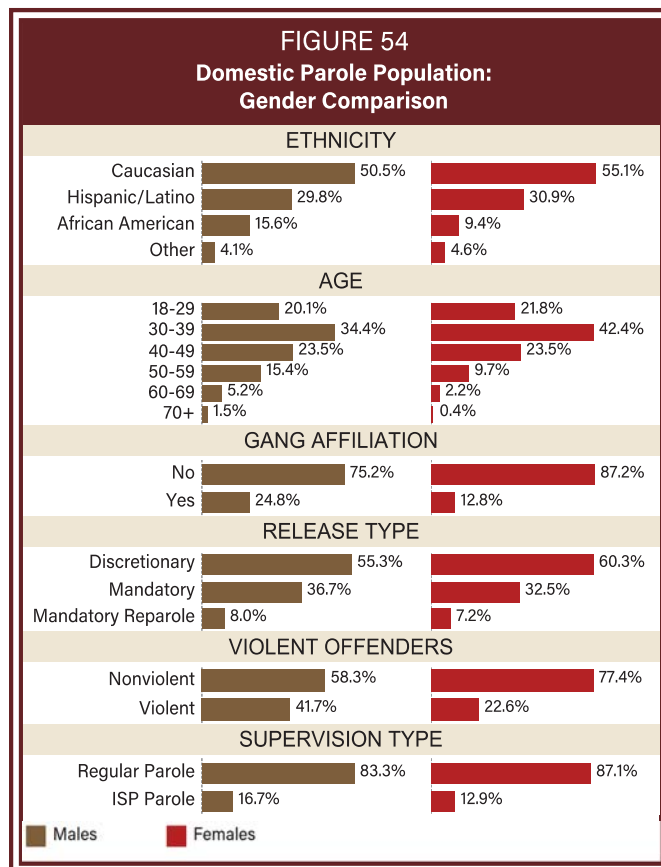


Enforcement; and supervised on parole in other states. Parolees in county jail are likely awaiting a revocation hearing by the Parole Board due to a technical parole violation or pending a new criminal conviction.

Absconders are parolees who fail to report to their Parole Officer or whose whereabouts and activities are unknown due to their failure to report as required. The parolees in other locations encompass those who are in residential programs (e.g. community corrections or inpatient substance use disorder 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 a larger proportion of females are on parole (16.6%) versus in prison (10.0%) (Figure 36). Non-violent parolees comprised 61.5% of sentences, whereas 40.4% of the incarcerated inmate population had been sentenced for non-violent crimes. The majority of parolees can be defined as: male, Caucasian, aged 18 to 49, having a discretionary or mandatory release types, being classified as non-violent, having no gang affiliation, and having a medium-to-high LSI risk level. When compared to males (**Figure 54**), fewer females are classified as violent and have fewer gang affiliations.



\*Values may not total 100% due to rounding.



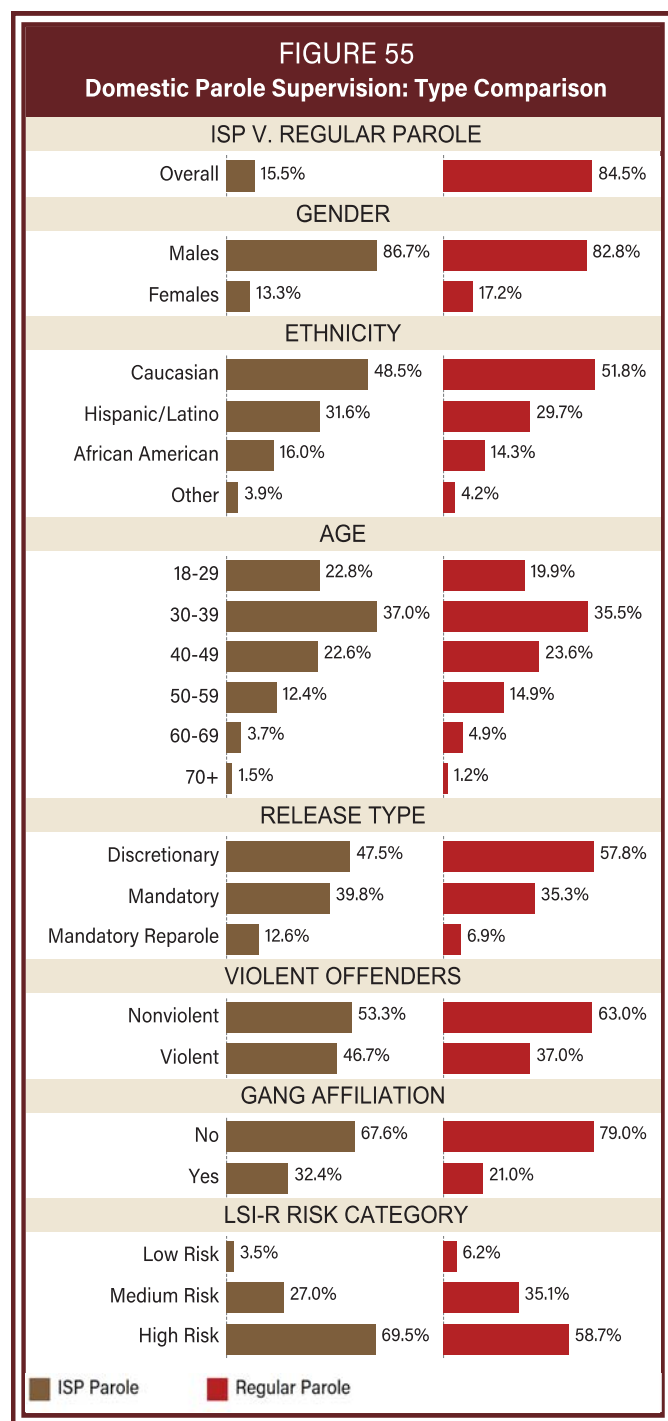
\*Values may not total 100% due to rounding.

**Figure 55** shows that ISP parolees, compared to regular parolees are: substantially less prevalent; tend to be younger; less often receive discretionary release; more often are released on mandatory re-parole; tend to be classified as violent more often; more

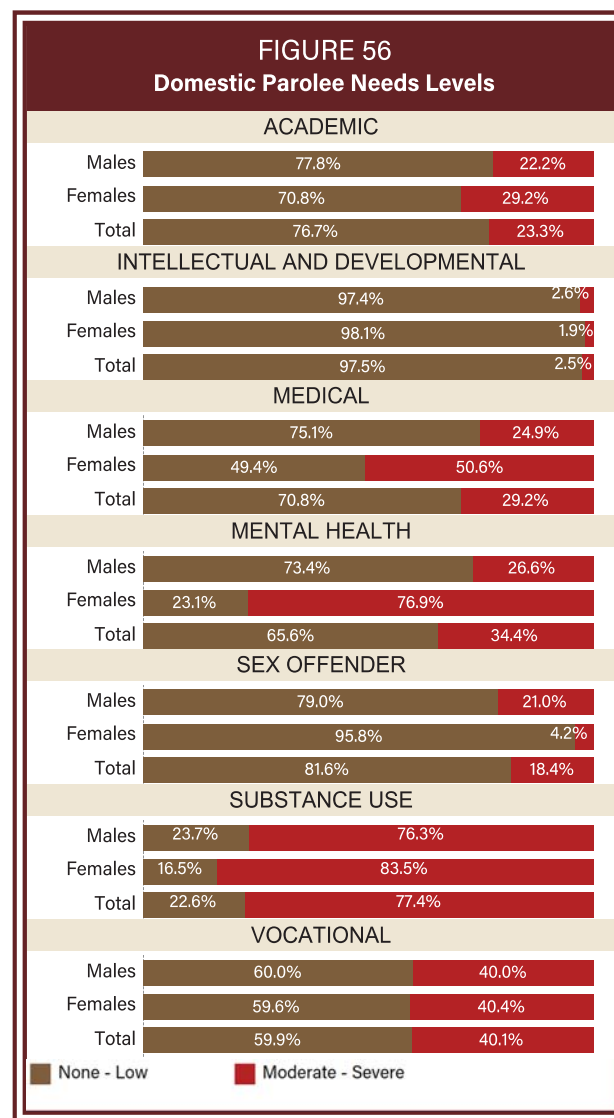
often are gang affiliated; and more often score in the LSI-R High risk range.

## NEEDS LEVELS

The needs levels for parolees are shown in **Figure 56**, contrasting individuals with none-to-low needs to those with moderate-to-severe needs, and according to gender. As shown in the figure,



\*Values may not total 100% due to rounding.



\*Values may not total 100% due to rounding.

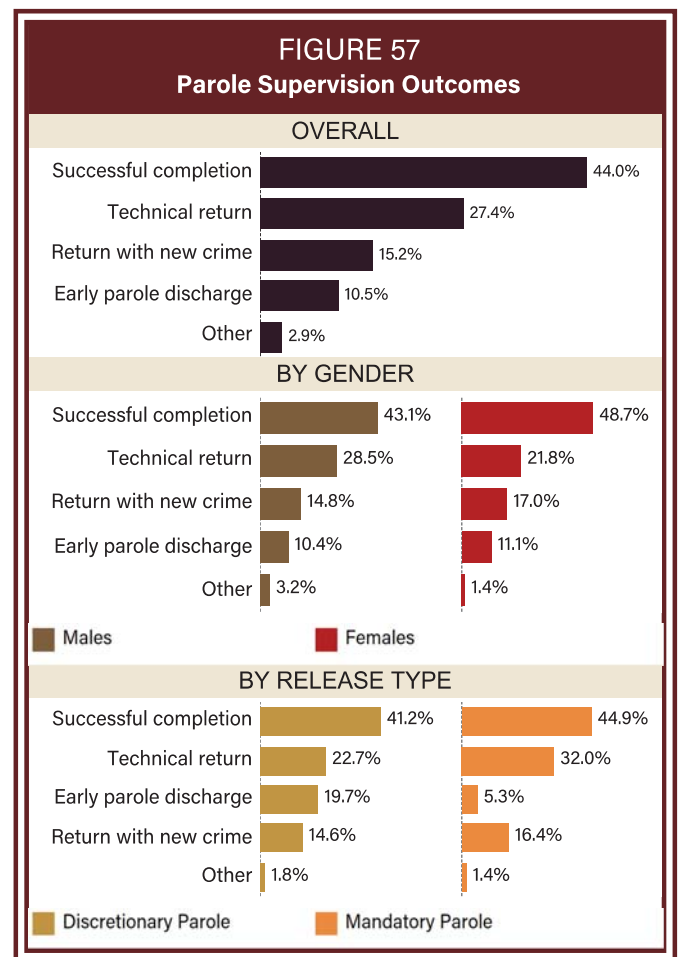
parolees show the greatest moderate-to-severe needs in the area of substance use and vocational skills needs. Female parolees also show higher levels of need in the areas of mental and medical health.

When comparing the needs levels of parolees to needs levels of the jurisdictional inmate population (Figure 40), the profiles of the two groups are similar. However, a few minor to moderate differences appear. Compared to the total jurisdictional population, male parolees show less severe sex offender and vocational needs. Differences between male and female parolees match the differences already highlighted for the total jurisdictional population.

## PAROLE SUPERVISION OUTCOMES

Less than half (44.0%) of parolees leaving parole supervision completed their parole sentence (**Figure 57**). Early parole discharge was granted to 10.5% of parolees in FY 2019. Parolees who have been under supervision for at least six months, have served at least half of their parole sentence, and are compliant with the conditions of parole may be eligible for early discharge. Final decision authority rests with the Parole Board. As indicated in the chart, female parolees successfully completed parole more often than males. Those with mandatory

parole more often experienced technical violation returns and much less often received early parole discharges. Technical returns, regardless of parolee gender, represents the most prevalent obstacle to successful parole completion.



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# **RECIDIVISM RATES**

The 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 correctional departments, but the methodology for computing recidivism is often not reported. After a review of other correctional recidivism rate calculation

methods and national standards, the CDOC developed new methodology in 2008. The new methodology did not change the historical standard definition of recidivism used in Colorado. However, explicit counting rules were confirmed and additional recidivism (or return-rate) definitions were made available for optional use (e.g., one year and two year definitions). The new methodology is based on the Association of State Correctional



Administrators (ASCA) performance-based measurement system, which has specific measures and counting rules for calculating recidivism rates. The following summarizes the methodology:

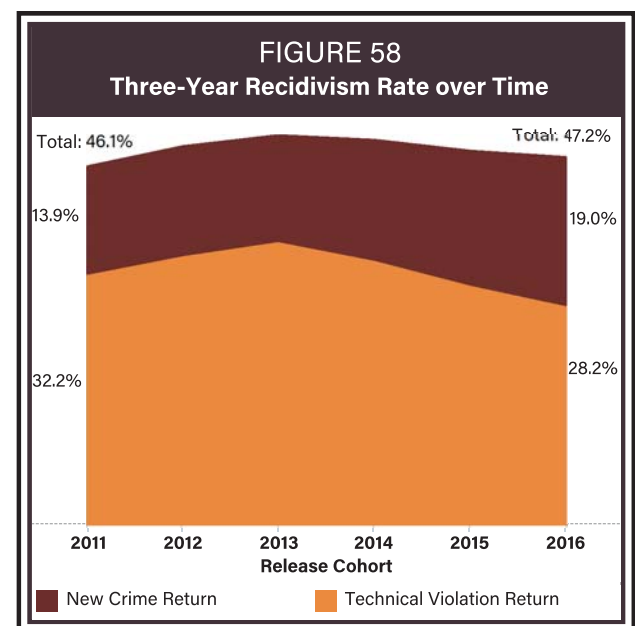
■ **Recidivism:** Return to inmate status calculated by combining new convictions plus technical violations to equal overall returns at one-year post-release intervals.

■ **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 is counted only once per release cohort. Therefore, only one inmate failure can be counted per cohort.

■ **Release types:** Includes inmates who released to the community to include releases to parole, completion of sentence, court-ordered discharge, and release to probation. To be counted, inmates must release from inmate status. Those who died while incarcerated, escaped, or had a sentence vacated or inactivated are not to be included in the recidivism cohort. Additionally, inmates who release to a detainer or pending charges are to be excluded.

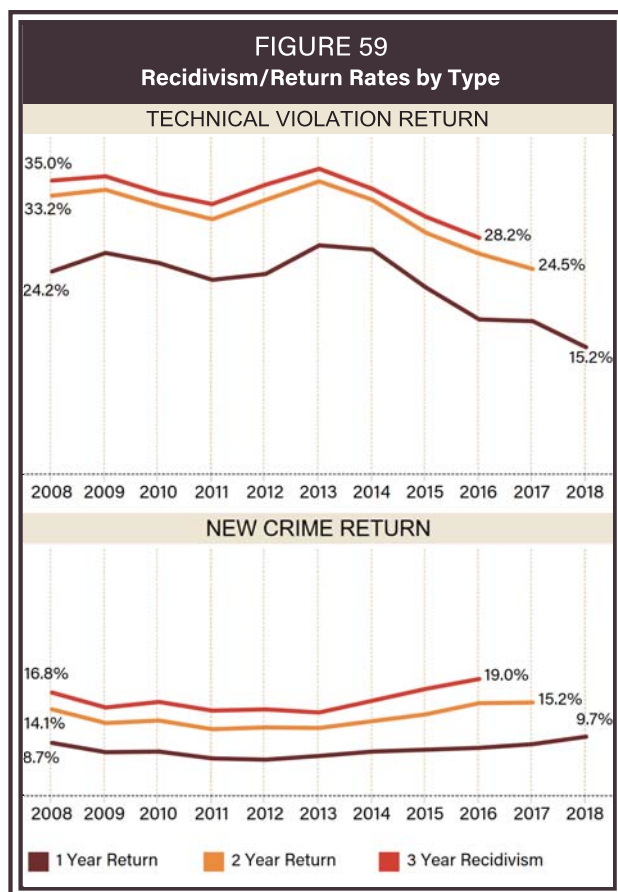
■ **Calendar year (CY):** Although the CDOC statistical report is based on fiscal year, reporting recidivism on a calendar year basis ensures data is consistent with ASCA standards and other national prison surveys.

The overall three-year recidivism rate (including returns for new crimes and technical violations) is 47.2% for the CY 2016 release cohort (**Figure 58**). The overall recidivism rate decreased 1.4% from 2012 releases to 2016 releases, though the rate gradually increased between 2012 and 2013 releases. More returns are for technical violations than for new crime convictions.

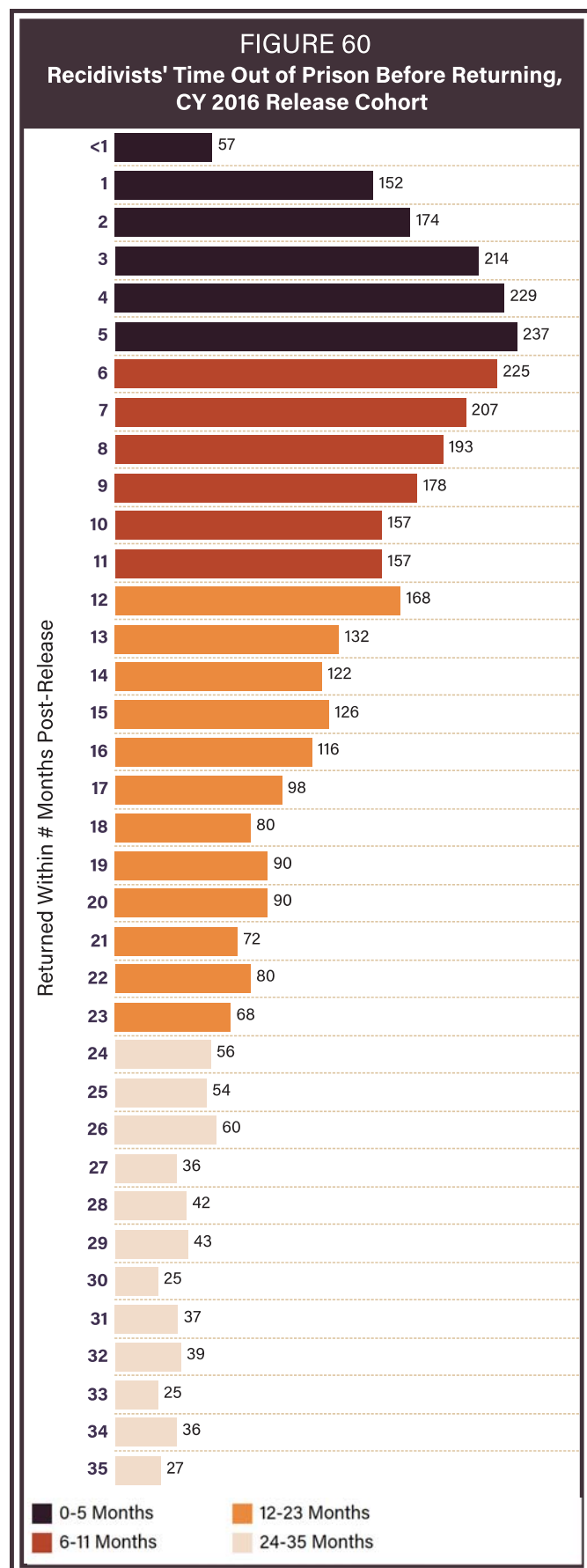


To further explore recidivism rates by return type, **Figure 59** displays cumulative return-to-prison rates across the past ten release cohorts, at one-year, two-year, and three-year post release intervals. Technical returns have seen an overall decrease over the last decade, with a notable decline beginning in 2013. New crime returns, by comparison, have remained more steady but have showed an increase beginning in 2013.

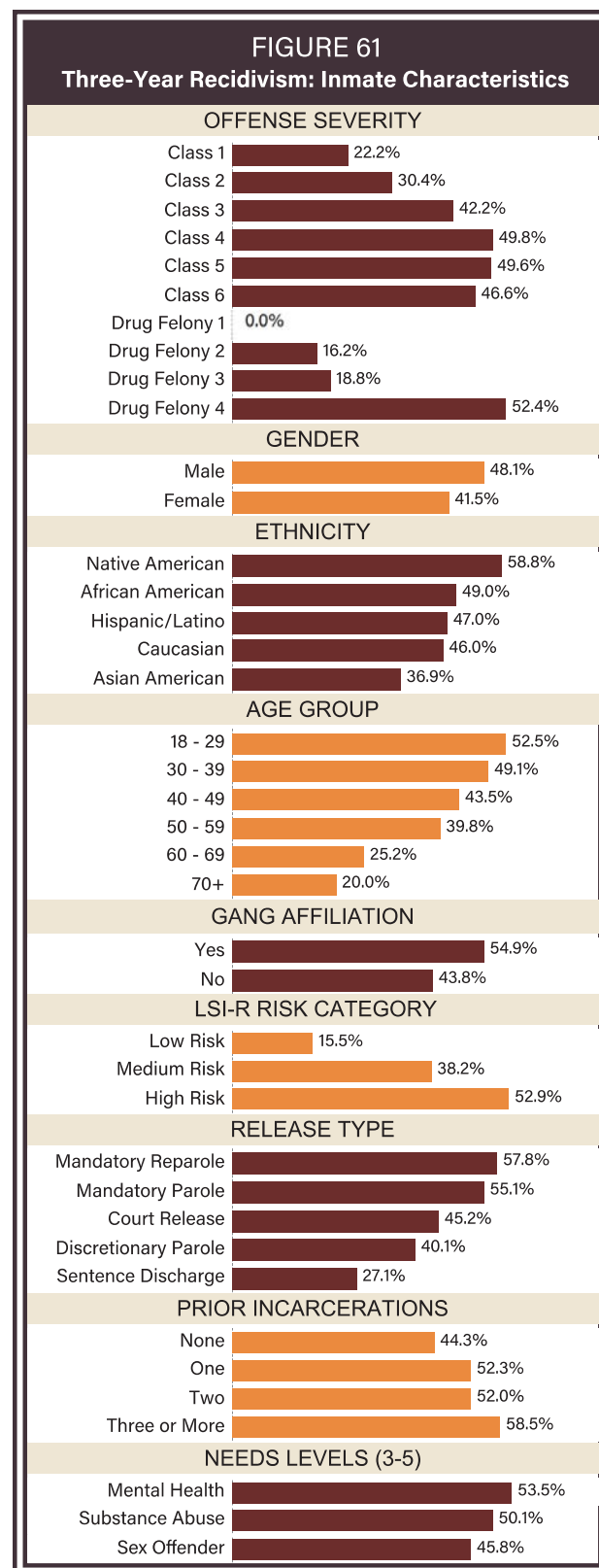




**Figure 60** illustrates the 2016 release cohort, detailing the amount of time it took an inmate to return to inmate status. The largest proportion of inmates failed within the first year (26.4%) compared to other post-release spans of time. Within this first year, 12.9% of inmates returned within 5 months, while a larger portion (13.5%) returned 6-11 months post release. This pattern is different than previous years where inmates were at the highest risk to return within their first six-months post-release. Between one and two years post-release, an additional 15.0% returned; followed by 5.8% between two and three years post-release. A total of 52.8% of inmates did not return within three years.



Recidivism rates vary by inmate characteristics (Figure 61). The most stand out characteristics include: having a Drug Felony 4 conviction, being younger than age 40, having gang affiliation, having a high LSI-R Risk score, having been mandatory paroled or re-paroled, and having one or more past incarcerations. While Native American ethnicity showed a distinctively high rate, this is based on a relatively small subgroup and can't be assumed to be a generalizable characteristic. Although rates were not distinctively elevated, certain moderate-to-high needs areas, including mental health, substance use, and sex offender, may figure into any inmate's risk for recidivating.



\*Values may not total 100% due to rounding.

# APPENDIX

HB 79-1589 changed sentences from indeterminate to determinate terms and made parole mandatory at 50% of an inmate'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 5 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 September 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 inmate 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.

Special Fall Session SB 93-09 created a new judicial sentencing provision for inmates 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.

**TABLE 8**  
**Presumptive Sentencing Ranges & Parole Periods**

<b>Felony Class</b>	<b>1985 - 1993 Presumptive Range</b>		<b>1993 - Present Presumptive Range</b>		<b>Mandatory Parole Period*</b>
	<i>Minimum</i>	<i>Maximum</i>	<i>Minimum</i>	<i>Maximum</i>	
F1	Life	Death	Life	Death	N/A
DF1	-	-	8 yr	32 yr	3 yr
F2	8 yr	24 yr	8 yr	24 yr	5 yr
DF2	-	-	4 yr	8 yr	2 yr
3 Ext	4 yr	16 yr	4 yr	16 yr	5 yr
F3	4 yr	16 yr	4 yr	12 yr	5 yr
DF3	-	-	2 yr	4 yr	1 yr
4 Ext	2 yr	8 yr	2 yr	8 yr	3 yr
F4	2 yr	8 yr	2 yr	6 yr	3 yr
DF4	-	-	0.5 yr	1 yr	1 yr
5 Ext	1 yr	4 yr	1 yr	4 yr	2 yr
F5	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

Note: Ext = extraordinary risk crimes, F = Felony, DF = Drug Felony

\*Except as otherwise provided in section 18-1.3-401.5 the offenses contained here include any person sentenced for a felony committed on or after July 1, 1993, or a drug felony (DF) on or after October 1, 2013.

\*\*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**

<b>Legislation</b>	<b>Previous Convictions</b>		<b>Crime of Violence OR Previous Habitual*</b>	<b>Class 1 or 2 or Class 3 Crime of Violence</b>
	<i>Two Previous</i>	<i>Three Previous</i>		<b>OR 2 Previous Class 1 or 2 or 3 Crimes of Violence**</b>
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)

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.

\*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 convicted twice of a Class 1, 2 or 3 crime of violence, excluding first- and second-degree burglary.

\*\*\*PED = Parole Eligibility Date

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 inmates sentenced under this law must undergo evaluation and treatment to qualify for parole. The Colorado State Board of Parole determines when these inmates 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 inmate 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 inmates 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 inmates 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 inmate 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 inmates 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 inmate'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 inmates did.

HB 10-1413 changed the minimum age for being tried as an adult from 14 to 16 years of age, except in the case of first- and second-degree murder or certain sex offenses, and 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 detainers.

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 inmates 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 inmates to YOS. Provisions of this bill allowed certain young adult inmates 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 directed DOC to develop and implement initiatives to decrease recidivism, enhance public safety, and increase each inmate'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 inmates in a correctional facility to prepare for release to the community; efforts to assist each inmate's transition from a correctional facility into the community; and Operational enhancements, including equipment, training, and programs to supervise inmates 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.

HB 15-1122 stipulated that an inmate 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.

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 inmates who were sentenced to an adult prison for a felony offense committed while the inmate was less than 18 years of age and who are determined to be appropriate for placement in the program. An inmate 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.

HB 17-1308 removed the mandatory imposition of certain parole conditions, including the manner of restitution, regular urinalysis, other drug testing, and solicitation of a parole officer's permission to change residences or contact another person with a prior criminal history. The bill will result in fewer revocations for technical parole violations to the same extent that it will increase parole caseload and reduce the inmate population.

HB 17-1326 lowered the period of time for which an parolee who commits a technical parole violation may be revoked to DOC custody. The bill directs the Parole Board to conduct a parole release review in lieu of a hearing if the parolee is assessed to be a "low" or "very low" risk and victim notification is not required by law. This provision is expected to expedite discretionary parole releases, reducing the inmate population while increasing parole caseload.

HB 18-1029 lowers mandatory parole periods from five years to three years for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.

HB 18-1109 expands the existing eligibility requirements for special needs parole, and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs inmate categories from 60 to 55 years and older, and adds a category of special needs inmates to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.

HB 18-1410 requires that DOC track the prison bed vacancy rate in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.





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