

Colorado Division of Criminal Justice Correctional Population Forecasts

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

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Executive Summary

After three years of decline, the Colorado adult prison population is expected to increase in the upcoming years. Conversely, the juvenile commitment and detention populations are expected to continue the declining trend observed in recent years. These projections are based on historical trends in these populations, including arrests, criminal and juvenile delinquency court filings and probation revocations, as well as the shifts in all aspects of the criminal and juvenile justice systems. Recent legislation and parole practice reforms also significantly influence these forecasts.

The Colorado prison population is expected to increase by 13.5% by the end of fiscal year 2020, from an actual population of 20,135 to a projected population of 22,849 inmates. The number of men in prison is expected to increase 12.6% during this time frame, from 18,355 to 20,706, while the number of women in prison is expected to increase 20.4%, from 1,780 to 2,143.

After decades of continuous growth, the population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013. However, this pattern demonstrated a sharp reversal beginning in the fourth quarter of FY 2013, which has continued through November 2013 and is expected to continue throughout the current projection period.

The total population is projected to increase by 1.7% during FY 2014. Growth is then forecast to slow to 1.1% and 0.9% respectively in fiscal years 2015 and 2016, then accelerate to between 2.0% and 2.4% over the following 4 years. The female inmate population is expected to realize significant growth across fiscal years 2014 and 2015, at 5.2% and 6.2%, respectively. A small decline (0.4%) is expected by the end of FY 2016, after which moderate growth is predicted to resume, averaging 2.0% per year over the next 3 years.

The domestic parole caseload is projected to decrease by 5.3% by the end of FY 2014. This decline will continue into FY 2015, followed by a period of relative stability over the following four years. The caseload is expected to begin to increase again in late FY 2019 into FY 2020. Overall, the parole caseload is expected to decrease from 8,746 to 8,337, or 4.7%, between FY 2013 and FY 2020.

The Division of Youth Corrections commitment average daily population (ADP) is projected to decrease to 811.2, or 4.7%, during FY 2014 and by 26.8% by the end of FY 2018. Corresponding to the decline in the commitment ADP, the parole average daily caseload is also expected to fall throughout the projection period, from an average daily caseload of 331.6 at the end of FY 2013 to 230.1 by the end of FY 2018.

The juvenile detention ADP is expected to continue the decline observed over the past six years, falling by 22.7% between FY 2013 and FY 2018.

Introduction

Background

The Colorado Division of Criminal Justice (DCJ), pursuant to 24-33.5-503(m), C.R.S., is mandated to prepare correctional population projections for the Director of the Legislative Council and the General Assembly. Per statute, DCJ has prepared projections of these populations since the mid-1980s. This report presents the December 2013 forecasts for the Colorado adult prison and parole populations and for the Colorado juvenile commitment, detention and parole populations.

The adult prison and parole forecasts estimate the size of these populations across the upcoming seven years. Additionally, they are utilized to simulate alternative future populations based on specific changes in laws, policies, or practices. Also included are estimates regarding average length of stay for future populations, which are used to calculate cost savings resulting from proposed legislation and policy changes.

The juvenile commitment, detention and parole forecasts estimate the average daily populations over the upcoming five years. The inclusion of detention population forecasts is a relatively new addition, as these forecasts were suspended with the enactment of legislation in 2003 which established a limit on the number of detention beds. However, with the recent declines in all juvenile corrections populations including detention, the reintroduction of juvenile detention projections was requested by the Colorado Joint Budget Committee in 2012.

Organization of This Report

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM) and the assumptions applied to the current year's projections. Following this discussion, the adult prison and parole population projections for fiscal years 2014 through 2020 are presented, including quarterly inmate population projections and annual admission and release projections. These are followed by annual projections for domestic parole, out-of-state and absconder populations. Also included are estimates of the average lengths of stay by offender category for the fiscal year 2013 cohort of prison admissions.

The last section of the report presents the juvenile commitment, detention and parole projections for fiscal years 2014 through 2018. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide. These are followed by statewide year-end and quarterly detention ADP forecasts and year-end average daily caseload (ADC) forecasts for the juvenile parole population statewide.

The Colorado Criminal Justice Forecasting Model

Justice and Demographic Information

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

Adult Prison Population Forecasting Methodology

Future prison populations are modeled in terms of three cohorts: new court commitments to prison, parole returns to prison, and the population currently incarcerated. The future admissions cohort estimates the composition and number of future admissions, including offenders who fail probation or community corrections and are subsequently incarcerated due to a technical violation of probation. Projected future admissions are based on historical prison admission trends, taking into account crime trends, observed criminal case filings, conviction rates and sentencing practices. Trends in probation placements and probation revocation rates are also examined.

A variety of statistical models are generated to develop the future admissions projections, incorporating recent changes in laws or policy. This projected future admissions cohort is disaggregated into approximately 70 offender profile groups according to governing offense type, felony class and sentence length.

Parole revocations are estimated using a cohort propagation method, which tracks cohorts of individuals paroled each year and calculates the rate of reduction in the size of each cohort according to assumptions regarding length of stay on parole and revocation rates. The estimated number of future parole revocations is then included in the future admissions cohort.

¹ Data concerning criminal court filings are extracted from the Judicial Branch's information management system (ICON) and analyzed by DCJ's office of Research and Statistics.

² *Judicial Branch Annual Statistical Reports*, available at <http://www.courts.state.co.us/Administration/Unit.cfm/Unit/annrep>.

³ *Colorado Judicial Branch Annual Recidivism Reports*, available at http://www.courts.state.co.us/Administration/Custom.cfm/Unit/eval/Page_ID/189.

While the number of offenders admitted to prison each month of the projection period is tracked, the duration of their stay in prison is estimated and the point at which they are expected to be released from prison is also tracked. The length of stay in prison is estimated using data concerning the length of stay for offenders with similar profiles released in prior years, adjusted to reflect recent changes in law or policy. Cumulative survival distributions are developed and applied to each of the offender profile/sentence length groups to estimate a rate of release and the remaining population on a monthly basis.

The cohort of offenders that are currently incarcerated is treated in a similar manner. This cohort is also disaggregated into approximately 70 offender profile and sentence length groups, with cumulative survival distributions calculated to estimate their rate of release. These survival distributions are adjusted to reflect changes in law or policy that may impact those currently incarcerated, which may differ from those impacting the future admissions cohort. The release of offenders currently in prison (referred to as the stock population), the estimates of future admissions, and the anticipated release of those admissions are combined to forecast the size of incarcerated populations in the future.

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

Assumptions Affecting the Accuracy of the DCJ Projections

The projection figures for the Colorado Department of Corrections' incarcerated and parole populations and for the Division of Youth Corrections' commitment and parole populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time offenders are incarcerated or the number of individuals receiving such a sentence.
- ❑ The General Assembly will not expand or reduce community supervision programs in ways that affect commitments.
- ❑ Decision makers in the justice system will not change the way they use their discretion, except in explicitly stated ways that are accounted for in the model.
- ❑ The data provided by the Colorado Departments of Corrections and Human Services accurately describe the number and characteristics of offenders committed to, released from, and retained in DOC and DYC facilities.
- ❑ Incarceration times and sentencing data are accurate.

- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming 7 years, except in ways that are accounted for in the current year's projection model.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions provided by the Colorado Demographer's Office are accurate.
- ❑ District court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.
- ❑ No catastrophic event such as war, disease or economic collapse will occur during the projection period.

Colorado Adult Prison Population and Parole Caseload Projections

The Colorado prison population is expected to increase by 13.5% by the end of fiscal year 2020, from an actual population of 20,135 to a projected population of 22,849 inmates. The number of men in prison is expected to increase 12.6% during this time frame, from 18,355 to 20,706, while the number of women in prison is expected to increase 20.4%, from 1,780 to 2,143.

The domestic parole caseload is projected to decrease by 5.3% by the end of FY 2014. This decline will continue into FY 2015, followed by a period of relative stability over the following four years. The caseload is expected to begin to increase again in late FY 2019 into FY 2020. Overall, the parole caseload is expected to decrease from 8,746 to 8,337, or 4.7%, between FY 2013 and FY 2020.

ADULT INMATE POPULATION FORECAST

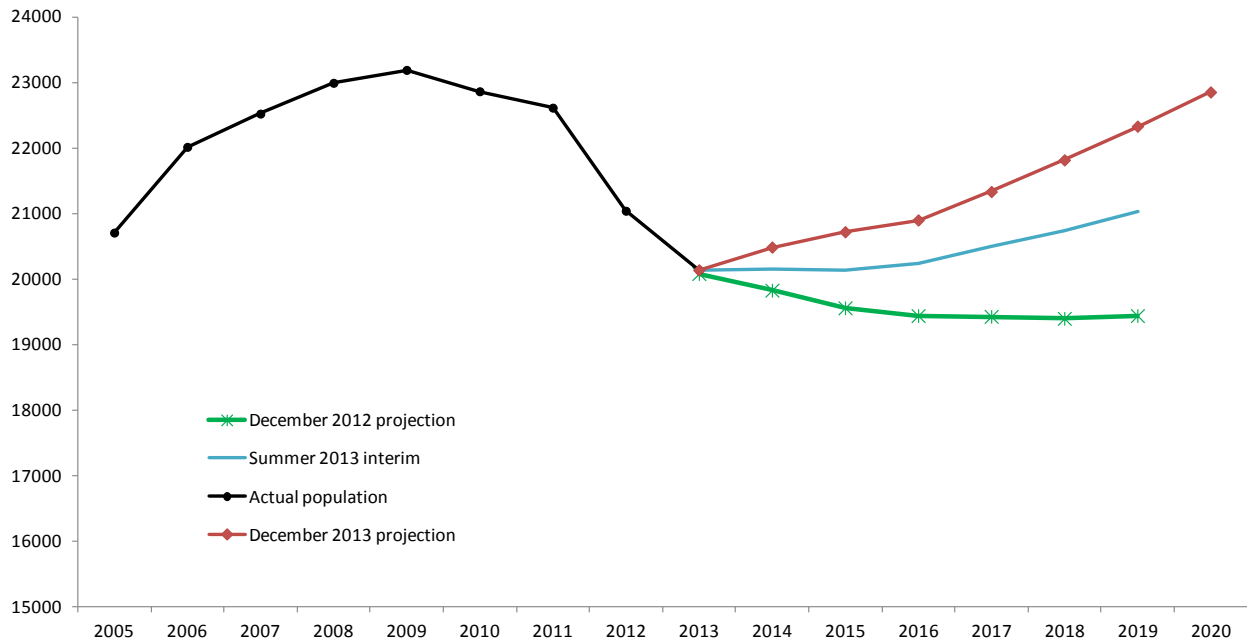
The Colorado prison population is expected to increase by 13.5% between the ends of fiscal years 2013 and 2020, from an actual population of 20,135 to a projected population of 22,849 inmates. The number of men in prison is expected to increase 12.6% during this time frame, from 18,355 to 20,706, while the number of women in prison is expected to increase 20.4%, from 1,780 to 2,143.

The total population is projected to increase by 1.7% during FY 2014. Growth is then forecast to slow to 1.1% and 0.9% respectively in fiscal years 2015 and 2016, then accelerate to between 2.0% and 2.4% over the following 4 years. The female inmate population is expected to realize significant growth across fiscal years 2014 and 2015, at 5.2% and 6.2%, respectively. A small decline (0.4%) is expected by the end of FY 2016, after which moderate growth is predicted to resume, averaging 2.0% per year over the next 3 years.

Figure 1 compares the adult inmate prison population to the current projections to the DCJ December 2011 and December 2012 projection figures. As shown, after decades of continuous growth, the population began to decrease in FY 2010. This decline accelerated dramatically in FY 2012 and FY 2013. However, this pattern demonstrated a sharp reversal beginning in the fourth quarter of FY 2013, which has continued through November 2013 and is expected to continue throughout the current projection period (see Figure 2). This expectation is based on a number of factors which are described in the next section.

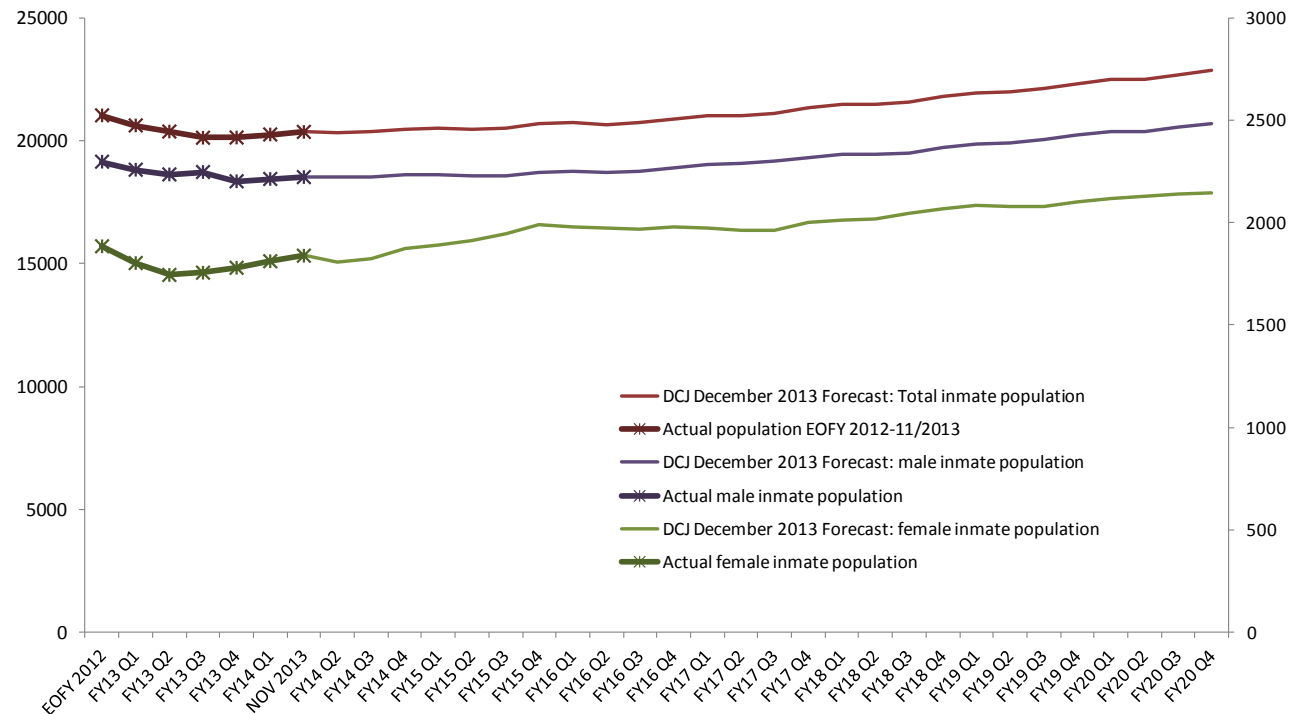
Even though the December 2012 DCJ projection of the end of FY 2013 prison population varied from the actual by less than 0.3%, the current forecast is a significant change from last year's estimates.

Figure 1: Actual and projected total prison population FY 2005 through FY 2020: Comparison of DCJ December 2012, Summer 2013, and December 2013 Prison Population Projections



Data source: Actual population figures FY 2005 through FY 2013: DOC Monthly Capacity and Population Reports.

Figure 2: Actual and projected quarterly prison population FY 2012 through FY 2020



Data source: Actual population figures June 30, 2012 through November 30, 2013: DOC Monthly Capacity and Population Reports.

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for

FY 1995 through FY 2013, as well as the projected population through the end of fiscal year 2020. Table 2 displays total and gender-specific projected growth in the prison population by quarter for fiscal years 2014 through 2020. Annual projected numbers of admissions by type are given in Table 3, followed by the projected number of releases in Table 4.

Historical and projected trends in admission types for fiscal years 2011 through 2020 are graphically displayed in Figure 3. Release trends for the same time frame can be found in Figures 4 and 5.

**Table 1: DCJ December 2013 Adult Prison Population Projections: Actual and projected populations
FY 1995 through FY 2020**

Fiscal Year End	Total Prison		Male Population		Female Population	
	Population	Annual Growth	Population	Annual Growth	Population	Annual Growth
1995*	10,669	-	10,000	-	669	-
1996*	11,019	3.28%	10,250	2.50%	769	14.95%
1997*	12,590	14.26%	11,681	13.96%	909	18.21%
1998*	13,663	8.52%	12,647	8.27%	1,016	11.77%
1999*	14,726	7.78%	13,547	7.12%	1,179	16.04%
2000*	15,999	8.64%	14,733	8.75%	1,266	7.38%
2001*	16,833	5.21%	15,498	5.19%	1,340	5.85%
2002*	18,045	7.20%	16,539	6.72%	1,506	12.39%
2003*	18,846	4.44%	17,226	4.15%	1,620	7.57%
2004*	19,569	3.84%	17,814	3.41%	1,755	8.33%
2005*	20,704	5.80%	18,631	4.59%	2,073	18.12%
2006*	22,012	6.32%	19,792	6.23%	2,220	7.09%
2007*	22,519	2.30%	20,178	1.95%	2,341	5.45%
2008*	22,989	2.09%	20,684	2.51%	2,305	-1.54%
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010*	22,860	-1.41%	20,766	-0.62%	2,094	-8.56%
2011*	22,610	-1.09%	20,512	-1.22%	2,098	0.19%
2012*	21,037	-6.96%	19,152	-6.63%	1,885	-10.15%
2013*	20,135	-4.29%	18,355	-4.16%	1,780	-5.57%
2014	20,482	1.73%	18,610	1.39%	1,872	5.19%
2015	20,717	1.14%	18,728	0.63%	1,989	6.21%
2016	20,897	0.87%	18,916	1.00%	1,981	-0.40%
2017	21,330	2.07%	19,329	2.18%	2,002	1.05%
2018	21,813	2.26%	19,745	2.15%	2,068	3.32%
2019	22,327	2.36%	20,226	2.44%	2,101	1.58%
2020	22,849	2.34%	20,706	2.37%	2,143	2.00%

*Actual population figures. Data sources: FY 1995 through FY 2012; DOC Annual Statistical Reports. FY 2013; DOC Monthly Capacity and Population Reports.

Table 2: DCJ December 2013 Quarterly Adult Prison Population Projections June 2013 through June 2020

Year	End of Month	Total Prison		Male Population		Female Population	
		Population	Growth	Population	Growth	Population	Growth
2013	June*	20,135	0.04%	18,355	-0.09%	1,780	1.37%
2013	September*	20,260	0.62%	18,448	0.51%	1,812	1.80%
2013	December	20,344	0.42%	18,538	0.49%	1,807	-0.29%
2014	March	20,371	0.13%	18,546	0.04%	1,825	1.00%
2014	June	20,482	0.55%	18,610	0.35%	1,872	2.61%
2014	September	20,504	0.10%	18,611	0.00%	1,893	1.10%
2014	December	20,468	-0.18%	18,554	-0.31%	1,914	1.11%
2015	March	20,538	0.34%	18,590	0.20%	1,948	1.79%
2015	June	20,717	0.87%	18,728	0.74%	1,989	2.07%
2015	September	20,760	0.21%	18,782	0.29%	1,978	-0.54%
2015	December	20,672	-0.43%	18,698	-0.45%	1,974	-0.18%
2016	March	20,736	0.31%	18,766	0.37%	1,970	-0.23%
2016	June	20,897	0.78%	18,916	0.80%	1,981	0.56%
2016	September	21,032	0.65%	19,058	0.75%	1,974	-0.36%
2016	December	21,040	0.04%	19,075	0.09%	1,965	-0.46%
2017	March	21,124	0.40%	19,162	0.45%	1,963	-0.10%
2017	June	21,330	0.97%	19,329	0.87%	2,002	1.99%
2017	September	21,484	0.72%	19,469	0.73%	2,015	0.65%
2017	December	21,464	-0.09%	19,443	-0.13%	2,020	0.29%
2018	March	21,561	0.46%	19,514	0.36%	2,048	1.36%
2018	June	21,813	1.17%	19,745	1.19%	2,068	1.00%
2018	September	21,943	0.60%	19,857	0.57%	2,086	0.86%
2018	December	21,979	0.16%	19,902	0.23%	2,077	-0.43%
2019	March	22,116	0.62%	20,036	0.67%	2,080	0.14%
2019	June	22,327	0.95%	20,226	0.95%	2,101	1.01%
2019	September	22,499	0.77%	20,382	0.77%	2,117	0.76%
2019	December	22,512	0.06%	20,384	0.01%	2,128	0.52%
2020	March	22,695	0.81%	20,555	0.84%	2,140	0.56%
2020	June	22,849	0.68%	20,701	0.71%	2,148	0.37%

*Actual population figures. Data source: DOC Monthly Capacity and Population Reports.

Table 3: DCJ December 2013 Adult Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2020

Fiscal Year End	Prison Admissions				Total Admissions
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	
2005*	5,789	835	2,649	160	9,433
2006*	6,149	1,034	2,792	193	10,168
2007*	6,380	1,014	3,047	188	10,629
2008*	6,296	1,221	3,353	168	11,038
2009*	5,922	1,131	3,776	163	10,992
2010*	5,345	1,039	4,164	156	10,704
2011*	5,153	962	3,678	142	9,935
2012*	4,926	813	3,248	129	9,116
2013*	5,149	787	3,571	90	9,597
2014	5,360	778	4,193	91	10,506
2015	5,414	764	3,905	96	10,179
2016	5,669	747	3,652	100	10,168
2017	5,921	755	3,691	104	10,471
2018	6,168	758	3,708	108	10,743
2019	6,409	772	3,774	112	11,068
2020	6,656	798	3,903	116	11,473

*Actual prison admission figures. Data source: DOC Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; DOC Monthly Capacity and Population Reports

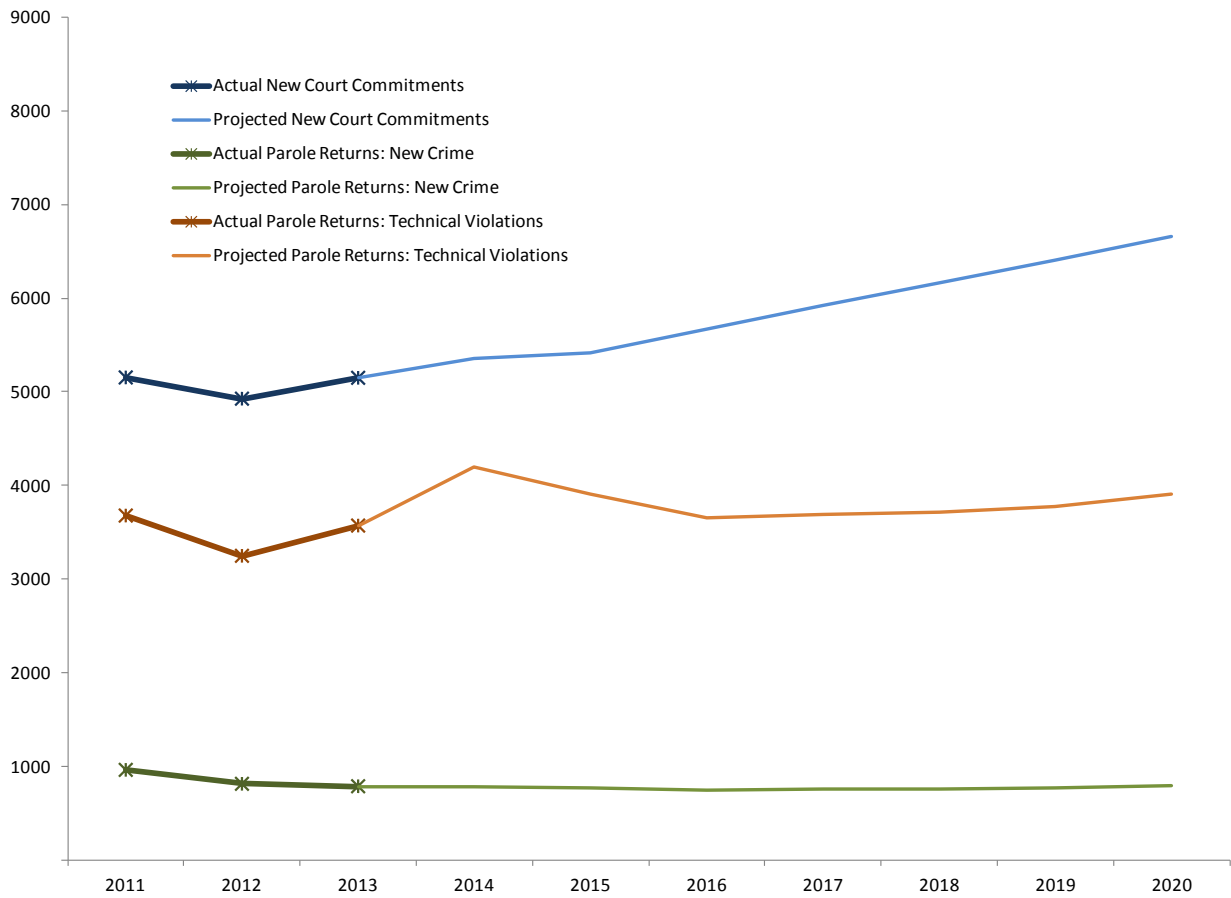
Table 4: DCJ December 2013 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2020

Fiscal Year End	Releases to Parole			Sentence Discharge	Other ²	Total Discharges
	Mandatory	Discretionary ¹	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	1,452	315	10,803
2010*	6,466	2,868	9,334	1,415	284	11,033
2011*	6,413	2,095	8,508	1,427	225	10,160
2012*	5,584	3,607	9,191	1,284	183	10,658
2013*	5,140	3,806	8,946	1,397	163	10,506
2014	4,849	3,641	8,489	1,406	158	10,054
2015	4,747	3,554	8,301	1,376	154	9,830
2016	4,796	3,593	8,389	1,391	155	9,936
2017	4,818	3,610	8,427	1,395	156	9,978
2018	4,909	3,669	8,578	1,421	158	10,158
2019	5,072	3,798	8,870	1,470	164	10,504
2020	5,225	3,914	9,138	1,514	169	10,822

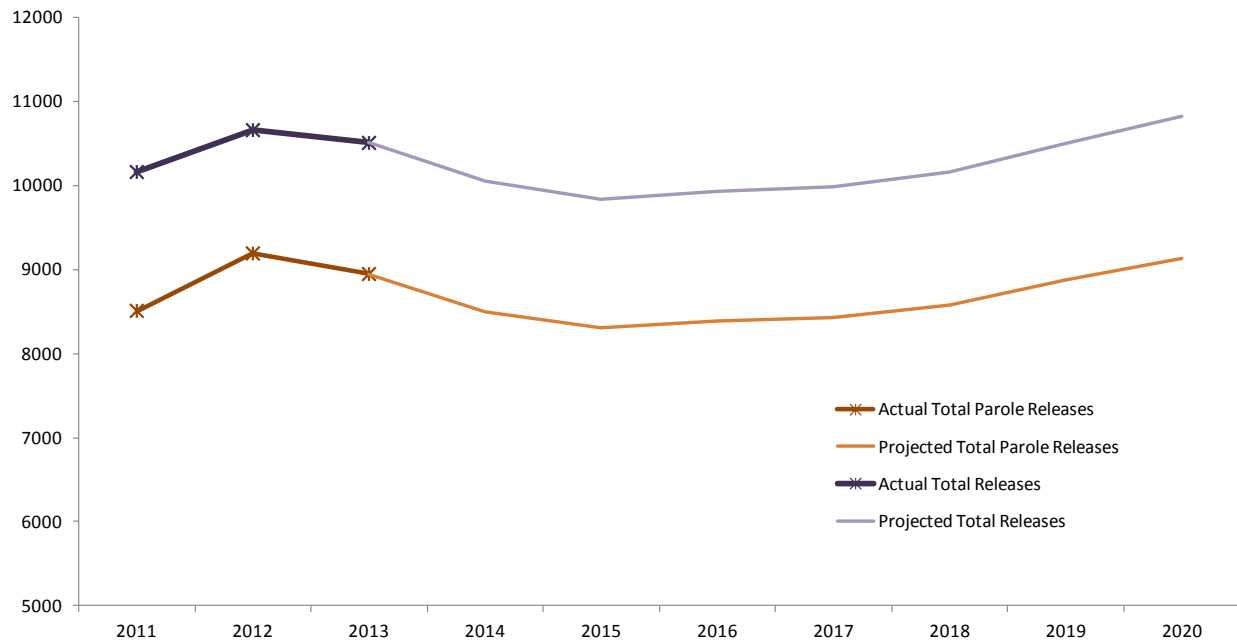
1. Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase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

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

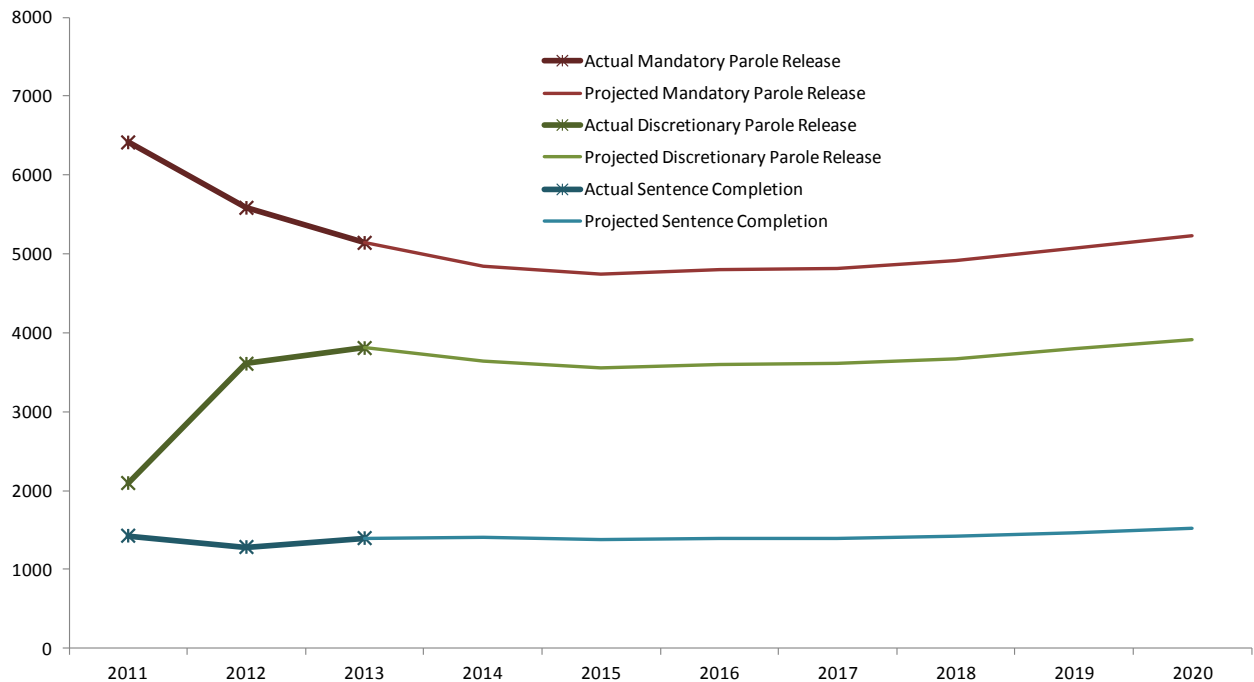
*Actual prison discharge figures. Data Source: DOC Annual Statistical Reports; Admission and Release Trends Statistical Bulletins; DOC Monthly Capacity and Population Reports.

Figure 3: Colorado prison admissions by type: Actual and projected FY 2011 through FY 2020

Data Source: Historical data obtained from the Colorado Department of Corrections Admission and Release Trends Statistical Bulletins and data provided by DOC.

Figure 4: Colorado prison releases: Actual and projected FY 2011 through FY 2020

Data Source: Historical data obtained from the Colorado Department of Corrections Admission and Release Trends Statistical Bulletins and data provided by DOC.

Figure 5: Colorado prison release detail: Actual and projected FY 2011 through FY 2020

Data Source: Historical data obtained from the Colorado Department of Corrections Admission and Release Trends Statistical Bulletins and data provided by DOC.

FACTORS AFFECTING THE ADULT PRISON POPULATION PROJECTIONS

Even though the size of the Colorado state prison population decreased during each of the past 4 fiscal years, resulting in a total decline of 13.4% between the end of FY 2009 and FY 2013,⁴ significant increases are projected each year between FY 2014 through FY 2020. The following bullets summarize factors influencing the current forecast of the size of the Colorado inmate and parole populations over the next seven years.

- ❑ **Growth of the Colorado population between the ages of 24 and 44**⁵ accelerated slightly in FY 2013, and is expected to increase further throughout the projection period.⁶ This trend serves to influence upward movement in projected prison growth.
- ❑ Following a six-year period of decline, **felony filings in district courts statewide increased**. Between the end of FY 2006 and FY 2012, there was a 23.7% reduction in the number of criminal filings.⁷ However, this trend has reversed, increasing 6.6% across FY 2013. Preliminary estimates indicate continuing growth in FY 2014. The number of new court commitments to DOC correlates with the number of criminal filings initiated during the prior year.
- ❑ **Probation revocations** to DOC fell in FY 2011 and FY 2012, but increased by 16.8% in FY 2013.⁸ As in the case of felony filings, trends in probation revocations correlate with the number of new court commitments to DOC during the following year.
- ❑ **The state incarceration rate** has decreased each year since 2009, most notably in the past two years. The number of people in prison per 100,000 Colorado adults decreased by 8.5% in 2012 and by 6.0% in 2013.⁹ This incarceration rate is expected to remain stable throughout the projection period.

⁴ Historical data obtained from the Colorado Department of Corrections Monthly Population and Capacity Reports. Available at: <http://www.doc.state.co.us/statistical-reports-and-bulletins>.

⁵ The 24 to 44 age group is representative of the majority of admissions to prison. Data provided by the Colorado Department of Corrections, Office of Planning and Analysis.

⁶ Colorado State Demographer's Office, Department of Labor and Employment. Population forecasts based on the 2010 national census. Available at: http://www.dola.state.co.us/dlg/demog/pop_color_forecasts.html.

⁷ Colorado Judicial Branch Annual Statistical Reports, FY 2005-FY 2013. Available at: <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep>.

⁸ Ibid.

⁹ Colorado State Demographer's Office, Department of Labor and Employment. Available at: http://www.dola.state.co.us/dlg/demog/pop_color_forecasts.html. Colorado Department of Corrections Monthly Population and Capacity Reports.

- ❑ While admissions to prison decreased each year between FY 2009 and FY 2012, **total admissions increased 5.3% in FY 2013**. Admission counts from the first half of FY 2014 indicate this increase could accelerate throughout the current year.¹⁰
- ❑ **Parole returns in particular are expected to rise**, jumping from a 7.3% increase in FY 2013 to an estimated 14.1% increase in FY 2014.¹¹
- ❑ **Prison admissions with a new sentence** (including new court commitments, probation revocations to prison, and parole returns with a new crime) increased in FY 2013 and are expected to continue to increase throughout FY 2014.¹² This growth is expected to moderate in FY 2015 due to recent legislation which is expected to divert some number of offenders from incarceration.¹³ The number of diverted offenders is expected to increase throughout the remainder of the projection period.
- ❑ **Releases from prison** have exhibited a downward trend beginning in early FY 2013 and continuing through the first half of FY 2014.
- ❑ **Admissions to prison exceeded the number of releases** throughout the 2000's, but beginning in early FY 2010 this pattern reversed. Admissions again exceeded releases beginning in May 2013. This pattern has continued each month throughout the first half of FY 2014.
- ❑ **The maturation of the impact of legislation** passed in 2010 may contribute to the recent reversal in the decline of new court commitments.¹⁴
- ❑ **The overall length of stay in prison was significantly longer** for those released in FY 2013 than for those released over the prior five years. This was true of prisoners convicted across all crime categories except escape and lower-level drug crimes, which exhibited a significantly shorter length of stay than observed in prior years.¹⁵
- ❑ **Two key pieces of legislation** were passed in 2013 which are expected to have a significant impact on the size of future prison and the parole populations:

¹⁰ Colorado Department of Corrections Monthly Population and Capacity Reports.

¹¹ Ibid.

¹² Ibid.

¹³ See Colorado Senate Bill 13-250 and House Bill 13-1160.

¹⁴ In particular, see Colorado House Bills 10-1338, 10-1352, 10-1374 and 10-1360.

¹⁵ House Bill 10-1373 removed the requirement that a consecutive sentence be imposed for an escape conviction for certain offenders. This was expected to shorten the length of stay in prison for offenders convicted of an escape. Additionally, HB 10-1352 greatly modified penalties for crimes involving controlled substances.

- **House Bill 13-1160** adjusted penalties theft convictions. The bill is expected to result in 6 offenders receiving longer sentences, 169 offenders receiving shorter sentences, and 49 offenders becoming ineligible for sentencing to the DOC.¹⁶
- **Senate Bill 13-250** makes a number of changes to current law concerning the sentencing of individuals convicted of drug-related offenses. In particular, it creates new felony and misdemeanor drug sentencing grids, assigning each existing drug crime a new drug penalty. Additionally, it provides an option for offenders convicted of certain drug felonies to have a felony conviction replaced with a misdemeanor conviction if the offender successfully completes a community-based sentence. This legislation also requires alternative sentencing options for certain level 4 drug felony offenses be exhausted prior to a prison sentence. This legislation is projected to divert as many as 220 offenders per year from prison.¹⁷

The impact of this legislation is expected to be realized by late FY 2016, resulting in accelerating growth between FY 2017 through FY 2020.

While all of the factors described above affect both the male and the female population forecast, additional considerations influenced the significant growth forecast for the female inmate population. These are described below.

- ❑ The majority of the growth in the female inmate population is expected to occur in the first 2 years. Based on data available through November, 2013, new court commitments of women are projected to increase by 24.0% by the end of FY 2014, compared to 2.0% for men.
- ❑ These new commitments are expected to remain in prison for an average 3 years, driving the population up during the early years of the forecast period (see Table 7).
- ❑ While overall admissions are projected to increase 19.4%, releases are projected to increase by less than 1%. If these trends in admissions and releases continue, admissions for FY 2014 will exceed releases by 9.8% (compared to 3.9% for males).
- ❑ The female population grew by 4.0% in the 12 months between the beginning of December 2012 and November 2013. A 3.0% increase occurred in the past six months alone.
- ❑ The passage of H.B. 13-1160 and S.B. 13-250 (described above) will significantly affect commitments to prison and sentence lengths for theft and drug crimes. Because women comprise 21.0% of all new prison sentences for theft (compared to 11.7% of new sentences for other crimes), and 15.0%

¹⁶ Colorado Legislative Council Staff Fiscal Note. (July 11, 2013). Concerning criminal theft, and, in connection therewith, reducing an appropriation (H.B. 13-1160).

¹⁷ Colorado Legislative Council Staff Fiscal Note. (May 1, 2013). Concerning changes to sentencing of persons convicted of drug crimes, and, in connection therewith, making an appropriation (S.B. 13-250).

of all new prison sentences for drug crimes (compared to 11.6% of new sentences for other crimes), this legislation is expected to slow the growth of the female inmate population more significantly than for the overall population.

- ❑ By the end of FY 2017, the impact of this legislation is expected to have been realized, resulting in the resumption of growth of the female inmate population. Therefore, the population starts to grow again for the same reasons the overall population is expected to grow, as described above.

In addition to the passage of new laws influencing sentences to prison, prisoners in Colorado are subject to many policies and legislation that impact their length of stay in prison, earned time and parole eligibility. These laws significantly affect the size of both the prison population and the parole caseload. A summary of this legislation is provided in Appendix A.

ADULT PAROLE CASELOAD FORECAST

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

Table 5 displays the DCJ projections for the total domestic parole caseload as well as the total caseload, which includes absconders and out-of-state parolees, at the end of fiscal years 2013 through 2020.

**Table 5: DCJ December 2013 adult domestic and total parole caseload projections
FY 2013 through FY 2020**

Fiscal Year End	Domestic Parole Caseload	Annual Growth	Total Parole Caseload ²	Annual Growth
2013¹	8,746	3.85%	11,426	2.45%
2014	8,280	-5.32%	10,726	-6.13%
2015	8,057	-2.70%	10,423	-2.82%
2016	8,100	0.53%	10,465	0.40%
2017	8,009	-1.12%	10,344	-1.15%
2018	7,930	-0.98%	10,232	-1.08%
2019	8,041	1.41%	10,369	1.34%
2020	8,337	3.68%	10,688	3.08%

¹ Actual parole caseload figures. Data source: DOC monthly Population and Capacity Reports.

² Includes absconders and out-of-state parolees

Figure 6, below, displays the projected domestic and total parole caseloads for fiscal years 2011 through 2020. The size of the total parole caseload declined by 9.0% in the two years between the end of FY 2009 and FY 2011. This trend reversed during the following year, such that the caseload expanded 6.8% by the end of FY 2013. However, the caseload once again demonstrated a diminishing pattern in the final quarter of the most recent fiscal year, and has declined 4.7% over the most recent six months alone.

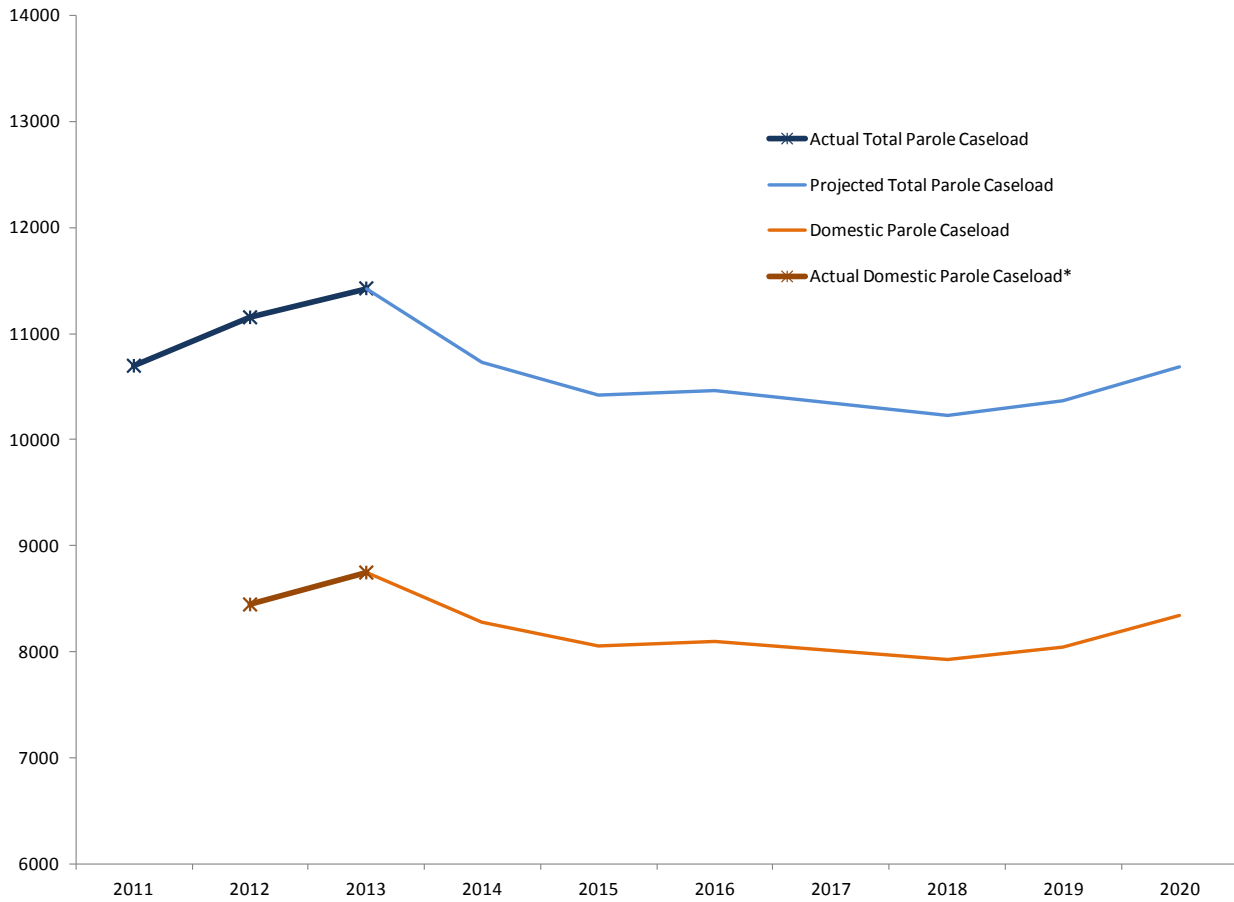
Both the domestic and overall parole caseloads are expected to decrease throughout FY 2014 and FY 2015. A period of relative stability is expected over the following three years, followed by gradual increases in fiscal years 2019 and 2020.

Multiple factors influenced the current parole caseload forecast. Even though a period of growth was observed in FY 2013, the caseload began a consistent trend of decline in the last quarter of that year, which has continued through the present. Given releases to parole remained constant during this time frame, this decline is attributable to both the increase in parole returns to prison and a 5.5% reduction in the length of stay on parole. This decrease in the length of stay on parole is partially due to the increase in revocations, but also to a slightly shorter (3.5%) length of stay for successful parole terminations.

This increase in revocations is expected to exert downward pressure on the parole caseload. However, beginning in mid-FY 2015, an increase in parole releases is expected, due to the shorter sentence lengths of most drug offenders due to S.B. 13-250 as well as certain theft offenders affected by the sentence modifications introduced by H.B. 13-1160. These individuals will have not only shorter sentences, but also shorter periods of parole. This will exert downward pressure on the caseload in subsequent years. However, the simultaneous escalation of the prison population will drive the parole caseload up.

Finally, the Colorado Violations Decision Making Process (CVDMP) is expected to be fully implemented in during FY 2014. The goal of the CVDMP is to improve consistency among parole officers in responding to violations and as a method of supporting an officer's ability to use intermediate sanctions in lieu of seeking regression or revocation. This is expected to decrease parole revocations, while concurrently increasing the length of stay on parole, exercising upward pressure on the size of the parole caseload.¹⁸

¹⁸ For further information concerning the Colorado Violation Decision Making Process, see: Hochevar, K.E., Wells, H.D., Sturm, K., Rhoades, C.S. (2011). *Colorado Violation Decision Making Process (CVDMP) Pilot Study*. Colorado Springs, CO: Colorado Department of Corrections. Available at: <http://www.doc.state.co.us/sites/default/files/opa/CVDMP%20Dec%202011.pdf>.

Figure 6: Historical and projected end of fiscal year total parole caseloads FY 2011 through FY 2020*

Data Source: Historical data obtained from the Colorado Department of Corrections Monthly Population and Capacity Reports. *Due to modifications in the method of reporting monthly caseloads implemented in 2012, domestic parole caseload data are available for FY 2012 and FY 2013 only.

Average Length Of Stay Estimates For FY 2013 Prison Admissions

Tables 6 through 13, below, display the estimated average length of stay (ALOS) by crime category and felony class for admissions to prison during FY 2013. Parole returns due to technical parole violations are excluded. This information is presented by admission type and gender, and for combined populations. Totals by admission type, gender and overall are presented in Table 12. The average time that these new admissions are expected to actually serve in prison is estimated using data provided by DOC regarding conviction crimes, sentence length and time served for inmates released during the same year.

The methodology applied to derive these estimates has been modified from that used in prior years. In the past, the estimates of these lengths of stay were based on maximum governing sentences, whereas the estimates presented below take into account minimum governing sentences in cases where the minimum and maximum differ. This particularly (but not exclusively) affects admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

The estimation of the length of stay in prison for those convicted under the Lifetime Supervision Act is complicated by a number of factors. These offenders receive indeterminate prison sentences, such that minimum sentence lengths for offenders sentenced to prison under this law have ranged between one year and life, and maximum sentence lengths have ranged between 18 months and life.

Even though the first admission to prison under the lifetime supervision act occurred in the fall of 1999, few of these offenders have been released from prison. Between July 2000 and June 2011, 218 had been discharged, most often due to death or an amendment to their prison sentence.

The number of releases has accelerated, such that 225 inmates were released over the following two years. However, these releases have a minimum governing sentence less than half that of those admitted during the same time frame (68 months compared to 205 months). Only 5% of those released had a governing minimum sentence exceeding 20 years, in contrast to 24% of admissions.

This situation is further complicated by the requirement that offenders sentenced under the Colorado Lifetime Supervision Act must serve the term of their minimum sentence in prison AND both participate and progress in treatment in order to be considered a candidate for parole. Therefore, an individual's eligibility for parole release is subject to the availability of treatment services in prison, access to and participation in that treatment.

The factors described above have resulted in significant inconsistencies in the estimated LOS of the lifetime supervision sex offender group reported over the past four years. Therefore, these estimates cannot be compared to the estimates provided in prior reports.

Note any changes in the decision-making process of criminal justice professionals will impact the accuracy of these estimates. For the purposes of these calculations, all sentences are capped at forty years. Admissions with incomplete crime class, status, or sentencing data are excluded from this analysis.

Table 6: Estimated average length of stay for FY 2013 male new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	28	0.47%	2.24
F2 EXT ³	221.35	78	1.30%	2.88
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	98.47	22	0.37%	0.36
TOTAL FELONY 2 ⁷	211.79	109	1.82%	3.86
F3 EXT	80.61	505	8.43%	6.80
F3 SEX	104.08	35	0.58%	0.61
F3 DRUG	55.94	25	0.42%	0.23
F3 OTHER	65.58	144	2.41%	1.58
TOTAL FELONY 3 ⁸	104.37	793	13.25%	13.82
F4 EXT	50.05	534	8.92%	4.46
F4 SEX	52.91	27	0.45%	0.24
F4 DRUG	28.40	167	2.79%	0.79
F4 OTHER	38.97	705	11.78%	4.59
TOTAL FELONY 4 ⁹	47.90	1500	25.05%	12.00
F5 EXT	25.77	166	2.77%	0.71
F5 SEX	35.43	166	2.77%	0.98
F5 DRUG	19.97	52	0.87%	0.17
F5 OTHER	23.35	836	13.96%	3.26
TOTAL FELONY 5 ¹⁰	25.33	1234	20.61%	5.22
F6 EXT	13.52	98	1.64%	0.22
F6 SEX	11.73	66	1.10%	0.13
F6 DRUG	13.15	221	3.69%	0.49
F6 OTHER	11.45	455	7.60%	0.87
TOTAL FELONY 6 ¹¹	12.31	844	14.10%	1.74
HABITUAL ¹²	226.24	36	0.60%	1.36
SEX OFF ACT ¹³	248.43	142	2.37%	5.89
TOTAL	51.64	4508	75.30%	38.88

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 7: Estimated average length of stay for FY 2013 female new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	3	0.05%	0.24
F2 EXT ³	240.75	10	0.17%	0.40
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	75.37	1	0.02%	0.01
TOTAL FELONY 2 ⁷	225.72	11	0.18%	0.41
F3 EXT	63.80	65	1.09%	0.69
F3 SEX	-	-	-	-
F3 DRUG	35.73	3	0.05%	0.02
F3 OTHER	59.63	30	0.50%	0.30
TOTAL FELONY 3 ⁸	64.79	100	1.67%	1.08
F4 EXT	41.06	65	1.09%	0.45
F4 SEX	-	-	-	-
F4 DRUG	25.92	28	0.47%	0.12
F4 OTHER	33.61	161	2.69%	0.90
TOTAL FELONY 4 ⁹	35.50	255	4.26%	1.51
F5 EXT	19.89	23	0.38%	0.08
F5 SEX	24.75	2	0.03%	0.01
F5 DRUG	14.80	3	0.05%	0.01
F5 OTHER	20.43	123	2.05%	0.42
TOTAL FELONY 5 ¹⁰	20.30	151	2.52%	0.51
F6 EXT	10.30	5	0.08%	0.01
F6 SEX	-	-	-	-
F6 DRUG	11.44	54	0.90%	0.10
F6 OTHER	11.56	53	0.89%	0.10
TOTAL FELONY 6 ¹¹	11.45	112	1.87%	0.21
HABITUAL ¹²	288.00	1	0.02%	0.05
SEX OFF ACT ¹³	196.98	2	0.03%	0.07
TOTAL	37.66	632	10.56%	3.98

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 8: Estimated average length of stay for FY 2013 total new commitments

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	31	0.52%	2.49
F2 EXT ³	223.55	88	1.47%	3.29
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	97.47	23	0.38%	0.37
TOTAL FELONY 2 ⁷	213.07	120	2.00%	4.27
F3 EXT	78.69	570	9.52%	7.49
F3 SEX	104.08	35	0.58%	0.61
F3 DRUG	53.78	28	0.47%	0.25
F3 OTHER	64.55	174	2.91%	1.88
TOTAL FELONY 3 ⁸	99.94	893	14.92%	14.91
F4 EXT	49.07	599	10.01%	4.91
F4 SEX	52.91	27	0.45%	0.24
F4 DRUG	28.05	195	3.26%	0.91
F4 OTHER	46.10	1755	29.31%	13.51
TOTAL FELONY 4 ⁹	37.98	866	14.46%	5.49
F5 EXT	25.05	189	3.16%	0.79
F5 SEX	35.30	168	2.81%	0.99
F5 DRUG	19.69	55	0.92%	0.18
F5 OTHER	22.97	959	16.02%	3.68
TOTAL FELONY 5 ¹⁰	24.78	1385	23.13%	5.73
F6 EXT	13.37	103	1.72%	0.23
F6 SEX	11.73	66	1.10%	0.13
F6 DRUG	12.81	275	4.59%	0.59
F6 OTHER	11.46	508	8.49%	0.97
TOTAL FELONY 6 ¹¹	12.21	956	15.97%	1.95
HABITUAL ¹²	227.91	37	0.62%	1.41
SEX OFF ACT ¹³	247.72	144	2.41%	5.96
TOTAL	49.92	5140	85.85%	42.86

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 9: Estimated average length of stay for FY 2013 male parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	-	-	-	-
F2 EXT ³	111.80	7	0.12%	0.13
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	30.63	1	0.02%	0.01
F2 OTHER ⁶	44.00	3	0.05%	0.02
TOTAL FELONY 2 ⁷	102.37	12	0.20%	0.21
F3 EXT	59.65	109	1.82%	1.09
F3 SEX	101.63	1	0.02%	0.02
F3 DRUG	25.63	5	0.08%	0.02
F3 OTHER	55.07	48	0.80%	0.44
TOTAL FELONY 3 ⁸	62.52	169	2.82%	1.76
F4 EXT	42.61	118	1.97%	0.84
F4 SEX	-	-	-	-
F4 DRUG	24.14	40	0.67%	0.16
F4 OTHER	35.69	163	2.72%	0.97
TOTAL FELONY 4 ⁹	36.88	325	5.43%	2.00
F5 EXT	26.87	47	0.79%	0.21
F5 SEX	28.64	13	0.22%	0.06
F5 DRUG	27.29	7	0.12%	0.03
F5 OTHER	23.05	128	2.14%	0.49
TOTAL FELONY 5 ¹⁰	24.96	200	3.34%	0.83
F6 EXT	24.79	6	0.10%	0.02
F6 SEX	19.13	3	0.05%	0.01
F6 DRUG	14.01	9	0.15%	0.02
F6 OTHER	14.60	23	0.38%	0.06
TOTAL FELONY 6 ¹¹	16.29	41	0.68%	0.11
HABITUAL ¹²	150.93	11	0.18%	0.28
SEX OFF ACT ¹³	40.89	5	0.08%	0.03
TOTAL	39.41	747	12.48%	4.92

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 10: Estimated average length of stay for FY 2013 female parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	-	-	-	-
F2 EXT ³	74.40	1	0.02%	0.01
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	-	-	-	-
F2 OTHER ⁶	81.12	2	0.03%	0.03
TOTAL FELONY 2 ⁷	78.88	3	0.05%	0.04
F3 EXT	40.31	16	0.27%	0.11
F3 SEX	-	-	-	-
F3 DRUG	46.07	1	0.02%	0.01
F3 OTHER	56.90	7	0.12%	0.07
TOTAL FELONY 3 ⁸	45.39	24	0.40%	0.18
F4 EXT	26.79	16	0.27%	0.07
F4 SEX	-	-	-	-
F4 DRUG	28.42	11	0.18%	0.05
F4 OTHER	35.31	29	0.48%	0.17
TOTAL FELONY 4 ⁹	31.52	56	0.94%	0.29
F5 EXT	32.06	5	0.08%	0.03
F5 SEX	-	-	-	-
F5 DRUG	-	-	-	-
F5 OTHER	25.20	10	0.17%	0.04
TOTAL FELONY 5 ¹⁰	27.48	15	0.25%	0.07
F6 EXT	-	-	-	-
F6 SEX	14.03	1	0.02%	0.00
F6 DRUG	25.20	1	0.02%	0.00
F6 OTHER	-	-	-	-
TOTAL FELONY 6 ¹¹	19.62	2	0.03%	0.01
HABITUAL ¹²	-	-	-	-
SEX OFF ACT ¹³	-	-	-	-
TOTAL	35.43	100	1.67%	0.59

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Convicted sexual offenders typically serve more time, though some sexual crimes are considered extraordinary risk crimes. Therefore, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 11: Estimated average length of stay for FY 2013 total parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	-	-	-	-
F2 EXT ³	107.13	8	0.13%	0.14
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	30.63	1	0.02%	0.01
F2 OTHER ⁶	58.85	5	0.08%	0.05
TOTAL FELONY 2 ⁷	97.67	15	0.25%	0.24
F3 EXT	57.17	125	2.09%	1.19
F3 SEX	101.63	1	0.02%	0.02
F3 DRUG	29.03	6	0.10%	0.03
F3 OTHER	55.31	55	0.92%	0.51
TOTAL FELONY 3 ⁸	60.39	193	3.22%	1.95
F4 EXT	40.72	134	2.24%	0.91
F4 SEX	-	-	-	-
F4 DRUG	25.06	51	0.85%	0.21
F4 OTHER	35.63	192	3.21%	1.14
TOTAL FELONY 4 ⁹	36.09	381	6.36%	2.30
F5 EXT	27.37	52	0.87%	0.24
F5 SEX	28.64	13	0.22%	0.06
F5 DRUG	27.29	7	0.12%	0.03
F5 OTHER	23.20	138	2.30%	0.53
TOTAL FELONY 5 ¹⁰	25.14	215	3.59%	0.90
F6 EXT	24.79	6	0.10%	0.02
F6 SEX	17.86	4	0.07%	0.01
F6 DRUG	15.13	10	0.17%	0.03
F6 OTHER	14.60	23	0.38%	0.06
TOTAL FELONY 6 ¹¹	16.45	43	0.72%	0.12
HABITUAL ¹²	150.93	11	0.18%	0.28
SEX OFF ACT ¹³	40.89	5	0.08%	0.03
TOTAL	38.94	847	14.15%	5.51

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Though some sexual crimes are considered extraordinary risk crimes, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 12: Estimated average length of stay for FY 2013 combined new court commitments and parole returns with a new crime

Offense Category	Average Length of Stay (Months) ¹	Number of Commitments ²	Percent of all Commitments	Average Length of Stay Effect (Months)
F1	480.00	31	0.52%	2.49
F2 EXT ³	213.85	96	1.60%	3.43
F2 SEX ⁴	-	-	-	-
F2 DRUG ⁵	30.63	1	0.02%	0.01
F2 OTHER ⁶	90.57	28	0.47%	0.42
TOTAL FELONY 2 ⁷	200.25	135	2.25%	4.52
F3 EXT	74.82	695	11.61%	8.69
F3 SEX	104.01	36	0.60%	0.63
F3 DRUG	49.41	34	0.57%	0.28
F3 OTHER	62.33	229	3.82%	2.38
TOTAL FELONY 3 ⁸	92.91	1086	18.14%	16.85
F4 EXT	47.54	733	12.24%	5.82
F4 SEX	52.91	27	0.45%	0.24
F4 DRUG	27.43	246	4.11%	1.13
F4 OTHER	37.55	1058	17.67%	6.64
TOTAL FELONY 4 ⁹	44.31	2136	35.68%	15.81
F5 EXT	25.55	241	4.03%	1.03
F5 SEX	34.82	181	3.02%	1.05
F5 DRUG	20.55	62	1.04%	0.21
F5 OTHER	23.00	1097	18.32%	4.21
TOTAL FELONY 5 ¹⁰	24.83	1600	26.72%	6.64
F6 EXT	14.00	109	1.82%	0.25
F6 SEX	12.08	70	1.17%	0.14
F6 DRUG	12.89	285	4.76%	0.61
F6 OTHER	11.60	531	8.87%	1.03
TOTAL FELONY 6 ¹¹	12.39	999	16.69%	2.07
HABITUAL ¹²	210.27	48	0.80%	1.69
SEX OFF ACT ¹³	240.78	149	2.49%	5.99
TOTAL	48.37	5987	100.0%	48.37

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

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

³ The "EXT" category refers to violent offenses defined by statute as "extraordinary risk of harm offenses."

⁴ Though some sexual crimes are considered extraordinary risk crimes, this group is identified separately.

⁵ Drug crimes identified under statutes 18-18-405 and 18-18-412.7, with the exception of simple possession, are considered extraordinary risk crimes. These crimes are included in the 'EXT' category and are excluded from the drug category.

⁶ "Other" includes all crimes except sex, drug, and extraordinary risk crimes. Examples include theft, burglary, motor vehicle theft, forgery, and fraud.

⁷ Includes admissions convicted of felony 2 sex, drug, extraordinary risk, and other crimes. Felony 2 habitual offenders and sex offenders convicted under the sex offender act are included.

⁸ Includes admissions convicted of felony 3 sex, drug, extraordinary risk, and other crimes. Felony 3 habitual offenders and sex offenders convicted under the sex offender act are included.

⁹ Includes admissions convicted of felony 4 sex, drug, extraordinary risk, and other crimes. Felony 4 habitual offenders and sex offenders convicted under the sex offender act are included.

¹⁰ Includes admissions convicted of felony 5 sex, drug, extraordinary risk, and other crimes. Felony 5 habitual offenders are included.

¹¹ Includes admissions convicted of felony 6 sex, drug, extraordinary risk, and other crimes. Felony 6 habitual offenders are included.

¹² Includes all admissions with habitual criminal sentence enhancers.

¹³ Includes admissions sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998.

Table 13: Estimated average length of stay for FY 2013 prison admissions, category totals*

	Average Length of Stay (Months)¹	Number of Commitments²	Percent of all Commitments	Average Length of Stay Effect (Months)
Total New Commits	49.92	5140	85.85%	42.86
Total Parole Returns	38.94	847	14.15%	5.51
Total Males	49.90	5255	87.77%	43.80
Total Females	37.35	732	12.23%	4.57
Grand Total	48.37	5987	100.0%	48.37

*Parole returns on a technical violation are excluded.

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

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

Division of Youth Corrections Juvenile Commitment, Detention and Parole Projections

The Division of Youth Corrections commitment average daily population (ADP) is projected to decrease by 4.7% by the end of FY 2014, and by 26.8% by the end of FY 2018.

Corresponding to the decline in the commitment ADP, the parole average daily caseload is also expected to fall throughout the projection period, from an average daily caseload of 331.6 at the end of FY 2013 to 230.1 by the end of FY 2018.

The juvenile detention ADP is expected to continue the decline observed over the past six years, falling by 22.7% between FY 2013 and FY 2018.

Organization of this Section

The juvenile commitment, detention and parole estimates of the average daily populations over the upcoming five years are presented in this section. The juvenile commitment population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, along with the projected annual numbers of new juvenile commitments statewide. These are followed by statewide year-end and quarterly detention ADP forecasts and year-end average daily caseload (ADC) forecasts for the juvenile parole population statewide. Finally, the projected year-end commitment ADP and year-end parole ADC by DYC management region are presented.

The inclusion of detention population forecasts is a new addition, as these forecasts were suspended with the enactment of legislation in 2003 which established a limit on the number of detention beds. However, with the recent declines in all juvenile corrections populations including detention, the reintroduction of juvenile detention projections was requested by the Colorado Joint Budget Committee.

Juvenile Commitment, Detention and Parole Forecasting Methodology

The projection process utilizes data regarding historical monthly trends in detention, commitment and parole populations. Time series analysis was applied to data derived from these historical trends, producing a variety of scenarios.¹⁹ The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends juvenile delinquency filings and probation

¹⁹ Box, G. E. P., G. M. Jenkins, and G. C. Reinsel. 1994. *Time series analysis: Forecasting and control*, 3rd ed. Englewood Cliffs, N.J.: Prentice Hall.

revocations, and population forecasts provided by the Colorado Demographer's office provided the forecasts presented in the following tables.

DYC AVERAGE DAILY COMMITMENT POPULATION FORECAST

Factors contributing to the expected decline in the juvenile committed population include:

- ❑ The ADP of youth committed to the Colorado Division of Youth Corrections (DYC) has consistently declined over the past six fiscal years, coinciding with the implementation of the Continuum of Care Initiative and the Colorado Juvenile Risk Assessment (CJRA).²⁰ The year-to-date ADP dropped by an average of 4.6% per year between FY 2007 and FY 2010. This decline accelerated to 11.3% by the end of FY 2011, and while the rate of decline slowed to 5.3% in FY 2012, it increased further to 13.4% in FY 2013. To date, the commitment ADP has declined by 5.3% in the first five months of FY 2014. These trends prompted the projected continuing reduction in the commitment ADP.²¹
- ❑ The number of juvenile delinquency filings has fallen consistently over the past decade. Across FY 2012 and FY 2013, such filings decreased by 19.2%.²² The assumption that fewer delinquency filings will lead to fewer new commitments influences the projected downward trend in the commitment ADP.
- ❑ Juvenile probation revocations have fallen each year since FY 2010. Revocations declined by 35.6% over the past five years.²³ Since many new commitments are the result of a probation revocation, this exerts a significant downward influence on the forecast.
- ❑ New commitments to DYC began to fall in FY 2006. The most significant declines occurred in fiscal years 2011 and 2012, by 13.2% and 17.2% during each of those two years.²⁴

Conversely, factors contributing to upward pressure on the committed population include:

²⁰ TriWest Group. (2010). *Continuum of Care Youth Transitions and Non-Residential Services Annual Report: Fiscal Year 2009-2010*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.

²¹ Colorado Department of Human Services. (2007-2012). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; Colorado Department of Human Services. (2013). *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <http://www.cdhs.state.co.us/dyc/Research.htm>.

²² Colorado State Judicial Branch. (2007-2013). *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

²³ Ibid.

²⁴ Colorado Department of Human Services. (2006-2012). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at:

<http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

- ❑ During the first five months of FY 2014, new commitments have increased slightly above the number observed during the same time frame in FY 2013.²⁵
- ❑ Additionally, the ADP has exhibited a pattern of growth over the first 5 months of FY2014.²⁶
- ❑ Colorado population forecasts provided by the Colorado Demographer's office indicated an increase in the growth rate of the Colorado population between the ages of 13 and 17. The growth rate for this segment of the population remained at or below 1% since 2002, even displaying negative growth between 2008 and 2010. However, this population is expected to increase by 1.9% in 2013, and by at least 2% per year through 2017. This growth rate is expected to slow slightly beginning in 2018.²⁷

Based on these factors, the DYC commitment ADP is projected to continue to decrease throughout the projection period, but at a slower rate than observed over recent years. The ADP is expected to decrease 4.7% by the end of FY 2014, and 26.8% by the end of FY 2018. New commitments are expected to increase very slightly (1.6%) in FY 2014, and resume declining by an average of 9.2% per year each year between FY 2015 and FY 2018. Table 14 summarizes the year-end ADP and new commitment forecasts, while Table 15 presents the projected quarterly year-to-date (YTD) ADP. The historical YTD ADP from FY 2002 through FY 2012, and the projected ADP through 2017 are depicted in Figure 7. Figure 8 displays historical new commitments since FY 2002, and projected new commitments through FY 2017.

²⁵ Colorado Department of Human Services. (2013). *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at:

<http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

²⁶ Ibid.

²⁷ Colorado State Demographer's Office, Department of Labor and Employment. Available at: http://www.dola.state.co.us/dlg/demog/pop_colo_forecasts.html.

Table 14: DCJ December 2013 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2013 through FY 2018

Fiscal Year End	YTD ADP ¹ Forecast	Annual Growth	Annual DYC Admissions	Annual Growth
2013²	851.0	-13.4%	488	-8.4%
2014	811.2	-4.7%	496	1.6%
2015	784.8	-3.2%	459	-7.4%
2016	729.2	-7.1%	420	-8.5%
2017	678.9	-6.9%	389	-7.5%
2018	623.3	-8.2%	336	-13.6%

¹ Year to date average daily population.

² Actual average daily population: Data source CDHS DYC Monthly Population Report. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

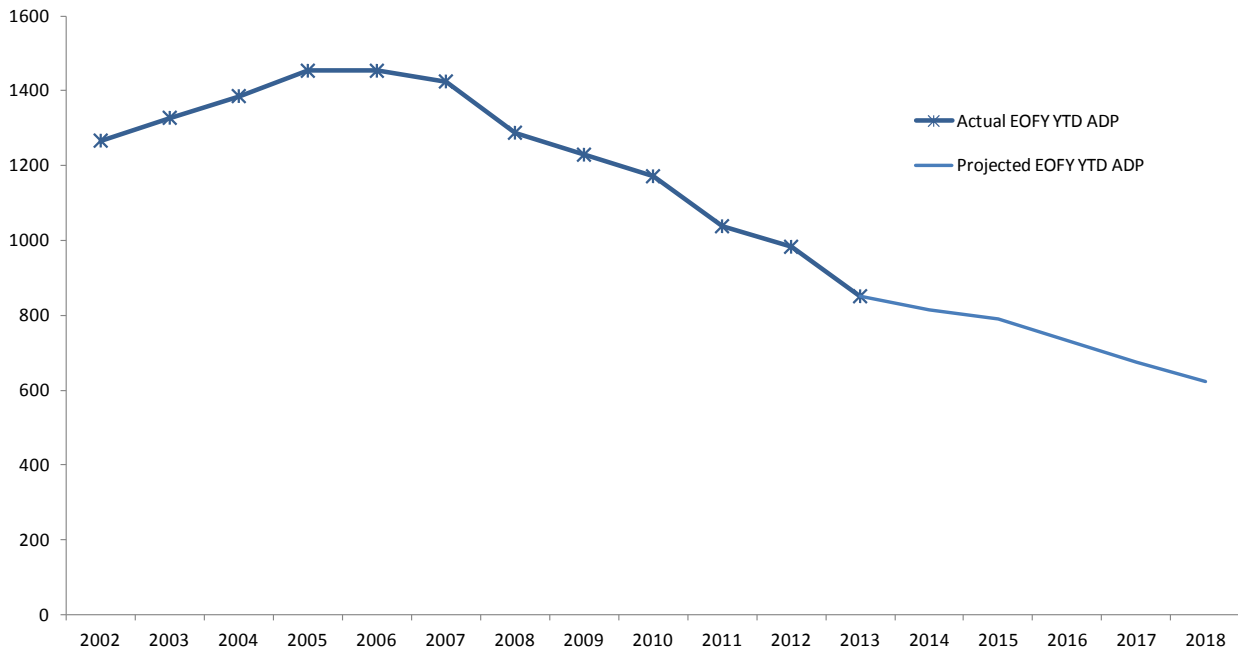
Table 15: Quarterly juvenile commitment average daily population forecast, FY 2013 through FY 2018

Fiscal Year	Quarter Ending	YTD ADP ¹ Forecast	Quarterly Growth
2013	June, 2013²	851.0	-1.0%
2014	September, 2013²	797.2	-6.3%
2014	December, 2013	807.4	1.3%
2014	March, 2014	809.3	0.2%
2014	June, 2014	811.2	0.2%
2015	September, 2014	802.1	-1.1%
2015	December, 2014	801.1	-0.1%
2015	March, 2015	790.9	-1.3%
2015	June, 2015	784.8	-0.8%
2016	September, 2015	745.8	-5.0%
2016	December, 2015	744.6	-0.2%
2016	March, 2016	735.1	-1.3%
2016	June, 2016	729.2	-0.8%
2017	September, 2016	695.7	-4.6%
2017	December, 2016	692.8	-0.4%
2017	March, 2017	684.4	-1.2%
2017	June, 2017	678.9	-0.8%
2018	September, 2017	645.7	-4.9%
2018	December, 2017	642.7	-0.5%
2018	March, 2018	630.8	-1.9%
2018	June, 2018	623.3	-1.2%

¹ Year to date average daily population.

² Actual average daily population figures. Data source: Division of Youth Corrections Monthly Population Reports. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

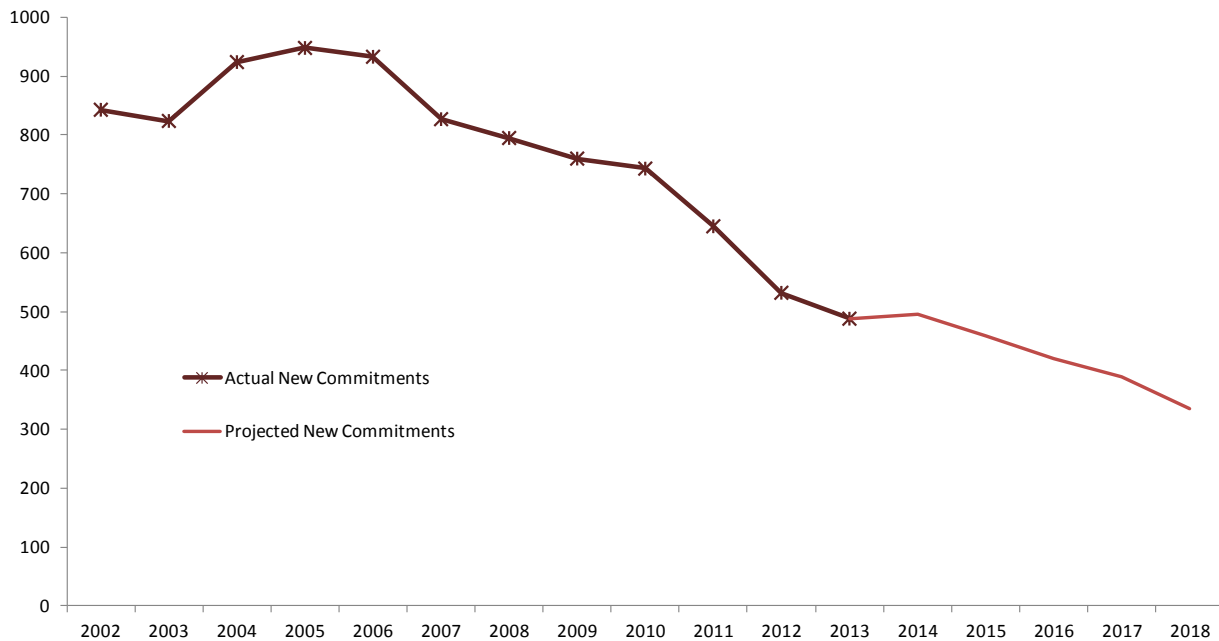
Figure 7: Fiscal year-end year to date juvenile commitment average daily population FY 2002 through FY 2013 and DCJ forecast through FY 2018



Note: FY 2000-2013 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals and Monthly Population Reports. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

Figure 8: Annual new juvenile commitments FY 2002 through FY 2013 and DCJ forecast through FY 2018



Note: FY 2002-2013 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals. FY 2012 data source: June 2012 Monthly Population Report. Available at <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

AVERAGE DAILY JUVENILE DETENTION POPULATION FORECAST

Prior to 2004, juvenile detention projections were included in the annual DCJ correctional population forecasts. The passage of S.B. 03-286 placed a limit of 479 beds for detention placements, so the development of these projections was suspended. In 2011, this bed limit was further lowered to 422 beds in 2011 and to 382 in 2013. However, the re-introduction of juvenile detention forecasts was made at the request of the Colorado Joint Budget Committee in 2012.

Factors influencing the juvenile detention forecasts include:

- ❑ House bill 12-1139, which requires that juveniles who are charged as adults be detained in a juvenile rather than an adult facility unless a judge determines differently, is expected to increase detention admissions.
- ❑ As in the case of the commitment population, growth among the 13- to 17-year old Colorado population throughout the projection period will also exert an upward influence on the detention population.
- ❑ House Bill 13-1254 creates a restorative justice pilot project, which allows juveniles with a class 3, 4, 5, or 6 felony and has no prior charges to participate in a restorative justice program as an alternative to adjudication. This is unlikely to have an immediate impact on detention sentences, but may ultimately divert some number of juveniles from the justice system.
- ❑ House Bill 13-1021 limits detention sentences for truancy to five days. Given 340 truants were sentenced to detention in CY 2012, with average length of stay of 43 days, this bill is likely to exert significant downward pressure on the detention population.

Additionally, the recent declines in all juvenile corrections populations influenced the projected continued decline in the juvenile detention ADP, which is expected to decrease 22.7% by the end of FY 2018. Table 16 summarizes the year-end detention ADP, while Table 17 presents the projected quarterly detention YTD ADP. The historical detention YTD ADP from FY 2002 through FY 2013 and the projected ADP through 2018 are depicted in Figure 9.

Table 16: DCJ December 2013 juvenile detention fiscal year-end average daily population, FY 2013 through FY 2018

Fiscal Year End	YTD ADP¹ Forecast	Annual Growth
2013²	307.6	-2.8%
2014	297.8	-3.2%
2015	284.3	-4.5%
2016	268.8	-5.5%
2017	252.3	-6.1%
2018	237.8	-5.8%

¹ Year to date average daily population.

² Actual ADP figures. Data source: CDHS DYC Monthly Population Report. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

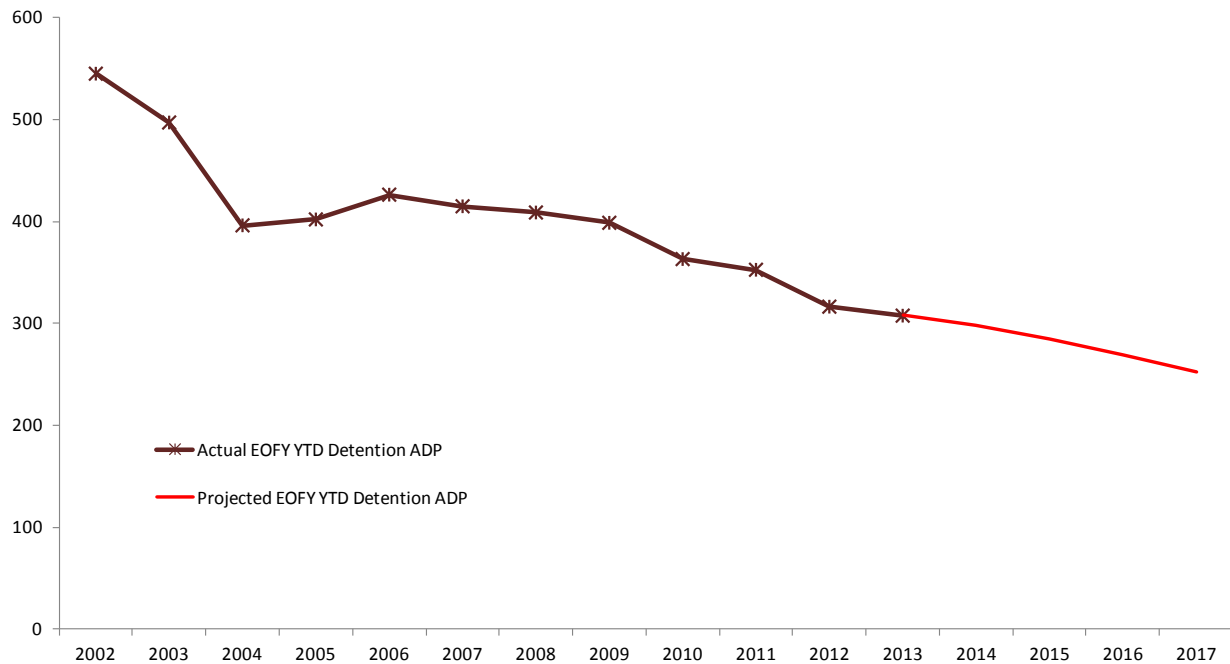
Table 17: Quarterly juvenile detention average daily population forecast, FY 2013 through FY 2018

Fiscal Year	Quarter Ending	YTD ADP¹ Forecast	Quarterly Growth
2013	June, 2013²	307.6	1.0%
2014	September, 2013²	304.9	-0.9%
2014	December, 2013	296.9	-2.6%
2014	March, 2014	293.3	-1.2%
2014	June, 2014	297.8	1.6%
2015	September, 2014	289.3	-2.9%
2015	December, 2014	280.4	-3.1%
2015	March, 2015	278.7	-0.6%
2015	June, 2015	284.3	2.0%
2016	September, 2015	272.8	-4.0%
2016	December, 2015	263.9	-3.3%
2016	March, 2016	262.2	-0.6%
2016	June, 2016	268.8	2.5%
2017	September, 2016	256.3	-4.6%
2017	December, 2016	248.4	-3.1%
2017	March, 2017	245.7	-1.1%
2017	June, 2017	252.3	2.7%
2018	September, 2017	240.8	-4.6%
2018	December, 2017	234.8	-2.5%
2018	March, 2018	233.2	-0.7%
2018	June, 2018	237.8	2.0%

¹ Year to date average daily population.

² Actual ADP figures. Data source: CDHS DYC Monthly Population Report. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

**Figure 9: Historical and projected juvenile detention year-end average daily population
FY 2002 through FY 2018**



Note: FY 2002-2013 data points reflect actual year-end average daily population figures.

Data Sources: CDHS DYC Management Reference Manuals, Monthly Population Reports. Available at : <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

AVERAGE DAILY JUVENILE PAROLE CASELOAD FORECAST

The juvenile parole population experienced widely varied growth over the past fifteen years due to multiple factors, particularly due to changes in mandatory parole terms. In 1997 mandatory one-year parole terms were implemented. Subsequently, the ADC grew sharply through July 2001. In 2001 the mandatory parole term was lowered to nine months,²⁸ after which the ADC fell rapidly. However, after two years, steep growth resumed. In 2003 the mandatory parole term was further lowered to six months,²⁹ resulting in a significant decline in the ADC for a period of time. The ADC dropped significantly until April of 2004, at which point it began to grow again at a significant rate before leveling off in mid-FY 2005.

The parole population remained relatively stable through mid-FY 2008, with short-term increases corresponding with decreases in the commitment population. Beginning in January 2008, the parole population began a period of significant decline corresponding with the overall decline in the commitment

²⁸ Senate Bill 2001-77, effective July 1, 2001.

²⁹ Senate Bill 2003-284, effective May 1, 2003.

population. A short-lived increase was observed in FY 2010, followed by declines of 6.5% in FY 2011, 13.1% in FY 2012, and 8.8% in FY 2013.³⁰

The parole YTD ADC is expected to continue to fall throughout the projection period, corresponding to the expected reduction in the commitment ADP. While short-term fluctuations in the ADC are inversely correlated with fluctuations in ADP, the long-term trend is positively correlated. The parole ADC is expected to decrease by 13.9% over the course of FY 2014 and by 30.6% between FY 2013 and FY 2018. Table 18 summarizes these estimates, while Figure 10 depicts the historical fluctuations in parole ADC between FY 2002 and FY 2013, along with the projected ADC through FY 2018.

Table 18: Juvenile parole year-end average daily caseload forecast, FY 2013 through FY 2018

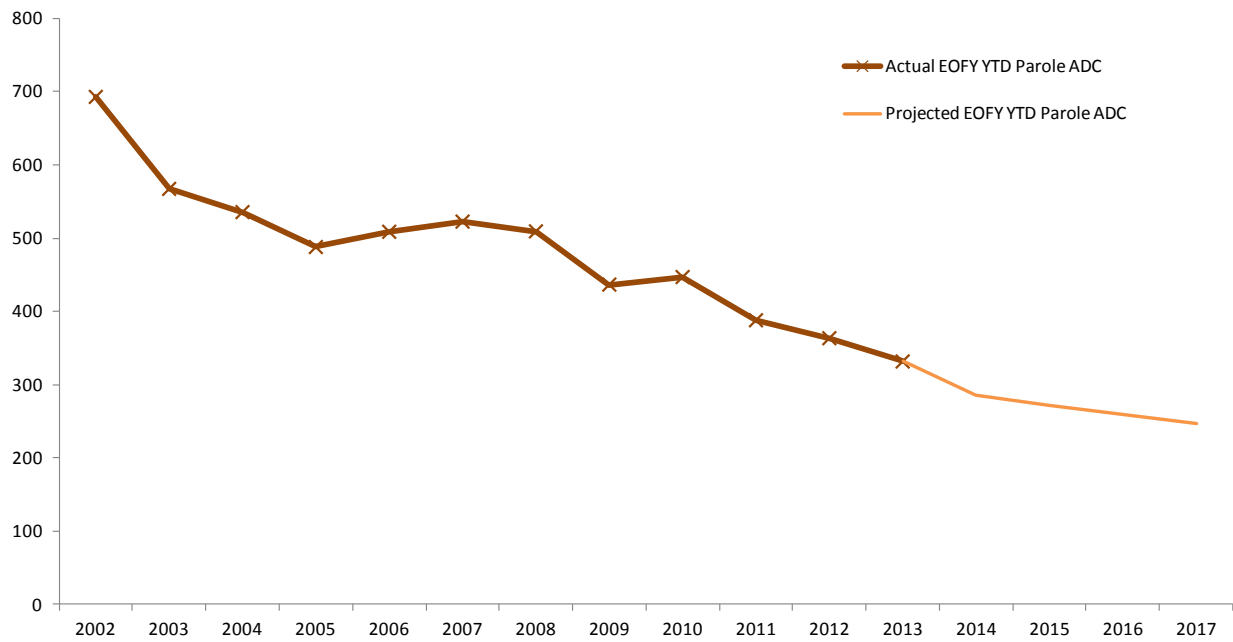
Fiscal Year End	YTD ADC¹ Forecast	Annual Growth
2013²	331.6	-8.8%
2014	288.0	-13.2%
2015	273.1	-5.2%
2016	258.6	-5.3%
2017	247.2	-4.4%
2018	230.1	-6.9%

¹ Year to date average daily caseload.

² Actual ADC figures. Data source: CDHS DYC Monthly Population Report. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

³⁰ Colorado Department of Human Services. (2006-2012). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

**Figure 10: Historical and projected juvenile parole year-end average daily caseload
FY 2002 through FY 2018**



Note: FY 2002-FY 2013 data points represent actual average daily caseload figures.

Data Sources: CDHS DYC Management Reference Manuals, Monthly Population Reports. Available at: <http://www.colorado.gov/cs/Satellite/CDHS-ChildYouthFam/CBON/1251581932067>.

Appendix A

Laws Affecting Prison Sentences and Length Of Stay in Prison

LEGISLATION AFFECTING PRISON POPULATION GROWTH

Prisoners in Colorado are subject to many different sentencing laws, the most significant of which dates back to 1979 with H.B. 1589. Many of the ensuing changes in legislation have affected the size of the prison population, particularly House Bill 1320, passed in 1985. Changes to parole laws in the 1990s significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. Several pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations. These sentencing laws are outlined below.³¹

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

³¹ Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4 – 22). Colorado Springs, CO: Department of Corrections.

- ❑ In 1990, Senate Bill 117 modified life sentences for first-degree felony convictions to “life without parole.” The previous parole eligibility occurred after 40 calendar years were served. This affected sentences for crimes committed after September 20, 1991.
- ❑ In 1993, House Bill 1302 reduced the presumptive ranges for certain non-violent class 3 through class 6 felonies and added a split sentence mandating a period of parole for all crimes following a prison sentence. This legislation also eliminated earned time awards while on parole.
- ❑ Sentencing for habitual offenders was also changed in 1993 with House Bill 1302. This bill revised the sentence for repeat offenders convicted of class 1 through class 5 felonies. Offenders who have twice been convicted of a previous felony are subject to a term of three times the maximum of the presumptive range of the current felony conviction. Those who have received three prior felony convictions are sentenced to four times the maximum of the presumptive range of the current felony conviction. Additionally, any offender previously sentenced as a habitual offender with three prior convictions, and thereafter convicted of a crime of violence, is subject to a life sentence with parole eligibility after 40 calendar years.³²
- ❑ In 1993, Senate Bill 9 created the provision for certain juvenile offenders to be prosecuted and sentenced as adults, and established the Youthful Offender System (YOS) within the Department of Corrections (DOC). Initially, 96 beds were authorized, with the construction of a YOS facility with a capacity of 480 beds approved.
- ❑ In 1994, Senate Bill 196 created a new provision for habitual offenders with a current conviction of any class one or two felony, or any class three felony that is defined as a crime of violence, and who have been previously convicted of these same offenses twice. This “three strikes” legislation requires that these offenders be sentenced to a term of life imprisonment with parole eligibility in forty calendar years.
- ❑ In 1995, House Bill 1087 reinstated earned time provisions for certain non-violent offenders while on parole. This legislation was enacted in part as a response to the projected parole population growth resulting from the mandatory parole periods established by H.B. 93-1302.
- ❑ In 1996, House Bill 1005 broadened the criminal charges eligible for direct filings of juveniles in adult court and possible sentencing to the YOS. This legislation also lowered the age limit of juveniles eligible for direct filing and sentencing to YOS from 14 to 12 years of age.

³² Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- ❑ House Bill 98-1160 applied to offenses occurring on or after July 1, 1998, mandating that every offender must complete a period of parole supervision after incarceration. A summary of the major provisions that apply to mandatory parole follows:
 - Offenders committing class 2, 3, 4 or 5 felonies or second or subsequent class 6 felonies, and who are revoked during the period of their mandatory parole, may serve a period up to the end of the mandatory parole period while incarcerated. In such a case, one year of parole supervision must follow.
 - If revoked during the last six months of mandatory parole, intermediate sanctions including community corrections, home detention, community service or restitution programs are permitted, as is a re-incarceration period of up to twelve months.
 - If revoked during the one year of parole supervision, the offender may be re-incarcerated for a period not to exceed one year.
- ❑ House Bill 98-1156 concerned the lifetime supervision of certain sex offenders, and is referred to as the 'Colorado Sex Offender Lifetime Supervision Act of 1998'. A number of provisions in the bill addressing sentencing, parole terms, and parole conditions are summarized below:
 - For certain crimes,³³ a sex offender shall receive an indeterminate term of at least the minimum of the presumptive range specified in 18-1-105, C.R.S. for the level of offense committed and a maximum of the sex offender's natural life.
 - For crimes of violence,³⁴ a sex offender shall receive an indeterminate term of at least the midpoint in the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.
 - For sex offenders eligible for sentencing as a habitual sex offender against children (pursuant to 18-3-412, C.R.S.), the sex offender shall receive an indeterminate term of at

³³ Such crimes are defined in CRS § 18-1.3-10, and include the following: Sexual assault, as described in section 18-3-402; sexual assault in the first degree, as described in section 18-3-402 as it existed prior to July 1, 2000; Sexual assault in the second degree, as described in section 18-3-403 as it existed prior to July 1, 2000; Felony unlawful sexual contact as described in section 18-3-404; Felony sexual assault in the third degree, as described in section 18-3-404 (2) as it existed prior to July 1, 2000; Sexual assault on a child, as described in section 18-3-405; Sexual assault on a child by one in a position of trust, as described in section 18-3-405.3; Aggravated sexual assault on a client by a psychotherapist, as described in section 18-3-405.5(1); Enticement of a child, as described in section 18-3-305; Incest, as described in section 18-6-301; Aggravated incest, as described in 18-6-302; Patronizing a prostituted child, as described in section 18-7-406; Class 4 felony internet luring of a child, in violation of section 18-3-306(3); Internet sexual exploitation of a child in violation of section 18-3-405/4/; Attempt, conspiracy, or solicitation to commit any of these offenses if such attempt, conspiracy, or solicitation would constitute a class 2, 3, or 4 felony.

³⁴ Defined by CRS § 18-1.3-406.

least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.

- o The period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life.
- o The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least 20 years and a maximum of the sex offender's natural life.
- ❑ In 2003, Senate Bill 252 allowed the Parole Board to revoke an individual who was on parole for a nonviolent class 5 or class 6 felony, except in cases of menacing and unlawful sexual behavior, to a community corrections program or to a pre-parole release and revocation center for up to 180 days. This bill also allowed DOC to contract with community corrections programs for the placement of such parolees. Additionally, the bill limited the time a parolee can be revoked to the DOC to 180 days for a technical revocation, provided that the parolee was serving parole for a nonviolent offense. Finally, this bill repealed the requirement of an additional year of parole if a parolee is revoked to prison for the remainder of the parole period (originally effected by H.B. 98-1160).
- ❑ House Bill 04-1189 lengthened the amount of time that must be served prior to parole eligibility for violent offenders.³⁵ First time offenders convicted of a violent offense must serve 75% of their sentence less any earned time awarded. If convicted of a second or subsequent violent offense, the full 75% of their sentence must be served.
- ❑ Also in 2004, Senate Bill 04-123 recognized the YOS as a permanent program by eliminating the repeal date.
- ❑ In 2008, House Bill 1352 modified the revocation placement options available to the Parole Board for offenders whose parole has been revoked based on a technical violation, who have no active felony warrants, and who were on parole for a class 5 or class 6 nonviolent felony offense other than menacing or unlawful sexual behavior by precluding such offenders from being placed in community return-to-custody facilities.
- ❑ Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders

³⁵ As defined by CRS § 18-1.3-406.

who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.

- ❑ House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25% to 30% of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.
- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).

- ❑ House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, cost savings are to be reinvested into vocational/educational programming inside prison and re-entry support services for people on parolee.

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