

# **Colorado Division of Criminal Justice Adult and Juvenile Correctional Populations Forecasts**

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

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# Introduction

## **Background**

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

## **Organization of This Report**

The first section of this report describes the Colorado Criminal Justice Forecasting Model (CCJFM). The adult prison population forecasts for fiscal years 2018 through 2024, including estimates of prison admissions and releases by type is then presented, followed by a discussion of factors and assumptions applied to the current projections. The next section presents the adult parole caseload forecasts for the fiscal years 2018 through 2024.

Following the adult population forecasts, a brief discussion concerning the historical accuracy of the DCJ prison population forecasts is presented along with estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2017.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2018 through 2022. The juvenile population estimates include year-end and quarterly average daily population (ADP) forecasts for the committed population statewide, estimated numbers of new commitments, and year-end average daily caseload (ADC) forecasts for the juvenile parole population. These are followed by year-end and quarterly detention ADP forecasts.

# The Colorado Criminal Justice Forecasting Model

## Justice and Demographic Information

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

## Adult Prison Population Forecasting Methodology

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

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

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

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

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

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

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

### **Assumptions Affecting the Accuracy of the DCJ Projections**

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

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

- ❑ The forecasts of the Colorado population size, gender and age distributions provided by the Colorado Demographer's Office are accurate.
- ❑ District court filings, probation placements and revocations are accurately reported in annual reports provided by the Judicial Department.
- ❑ No catastrophic event such as war, disease or economic collapse will occur during the projection period.



# Colorado Adult Prison Population and Parole Caseload Projections

## ADULT INMATE POPULATION FORECAST

The Colorado prison population is expected to increase by 38.2% between fiscal years 2017 and 2024, from an actual year-end inmate population of 20,101 to a projected population of 27,770. This rate of growth is substantially higher than that predicted at this time last year.

During FY 2018, the overall inmate population is projected to decrease slightly, by 1.6%. However, strong growth is expected over the subsequent six years, averaging 5.8% per year. The number of men in prison is expected to increase from 18,108 to 24,806 (37.0%) by the end of FY 2024, while the number of women in prison is expected to increase from 1,993 to 2,964 (48.7%) across the same time frame.

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

As shown in Figure 1, the total population is expected to experience negative growth in the short term. This is the result of HB 17-1326, which reduces the length of stay in prison following a parole revocation for many offenders. In FY 2019 and beyond, the growth in the prison population previously anticipated

### **IN BRIEF:**

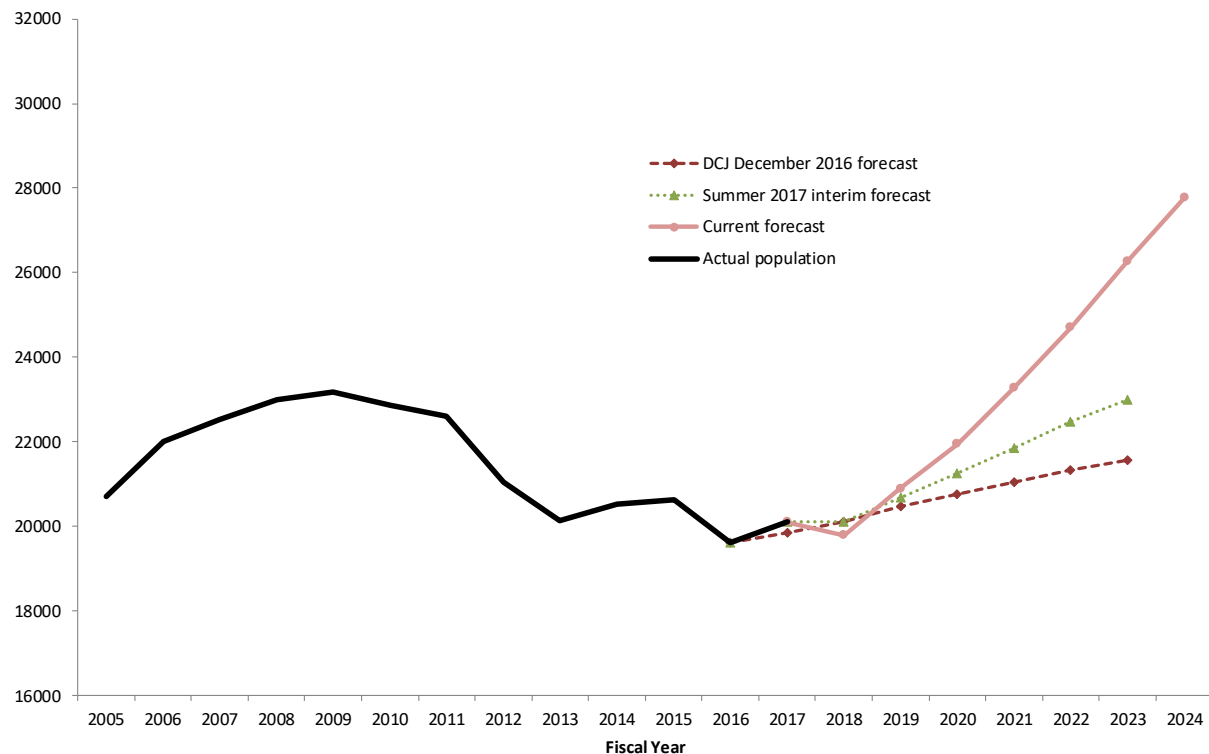
*The number of adult inmates in Colorado is expected to decrease by 1.6% across FY 2018, from 20,101 to 19,786 offenders by year-end. However, strong growth is expected in the following six years, such that the population is expected to increase 38.2% between fiscal years 2017 and 2024, from an actual year-end inmate population of 20,101 to a projected population of 27,770.*

*The number of men in prison is expected to increase 37.0% by the end of FY 2024, while the number of women in prison is expected to increase 48.7%.*

*The domestic parole caseload is expected to increase 4.6% in the upcoming year, from 8,286 to 8,670 parolees by the end of FY 2018. However, a decrease to 7,766 parolees is expected across FY 2019, followed by increases in each of the following five years. Overall, the caseload is expected to rise 21.9% between FY 2017 and FY 2024.*

continues in the current forecast, but at a much greater rate. This adjustment is in small part due to the actual numbers of admissions and releases realized by the end of FY 2017.

**Figure 1: Actual and projected total prison population FY 2005 through FY 2024: Comparison of DCJ December 2016, Summer 2017 and December 2017 Prison Population Forecasts**



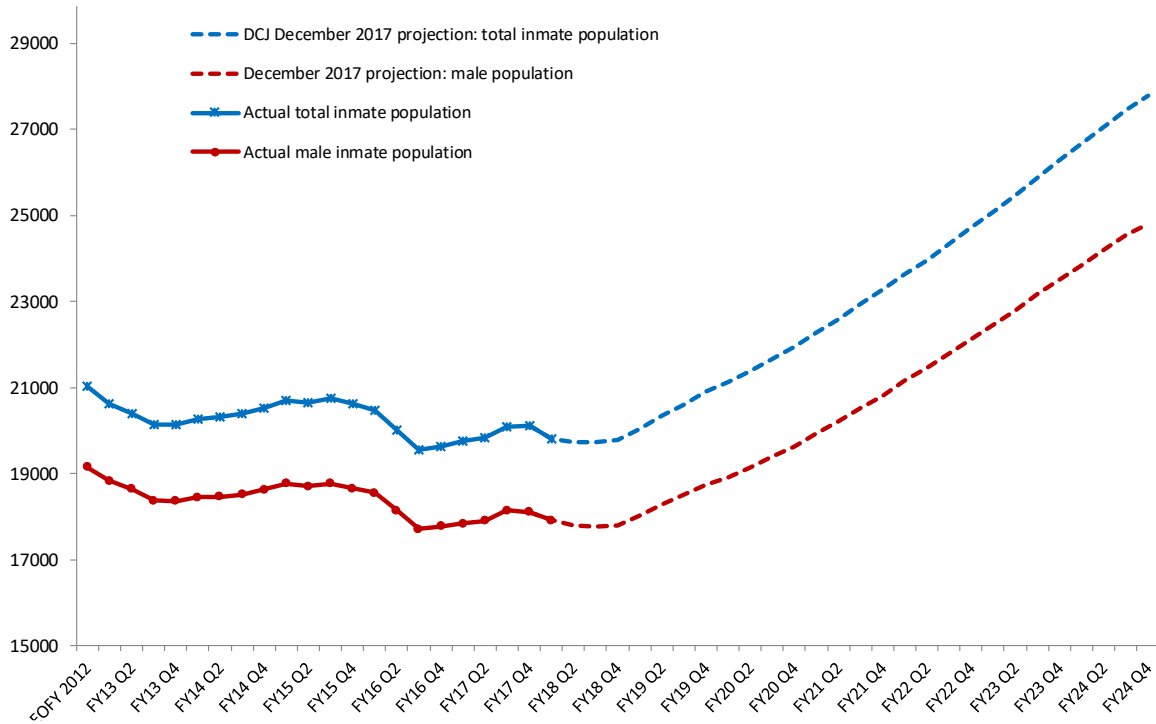
Data source: Actual population figures FY 2005 through FY 2017: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

New court commitments exceeded the number expected at the time of the 2016 forecast by 3.9%, while parole returns with a new crime exceeded expectations by 17.8%. Combined, these resulted in 5.7% more new sentence admissions than expected during FY 2017. Furthermore, parole releases fell short of expectations by 9.1%. This was especially evident among discretionary releases which were expected to increase slightly. However, the opposite occurred, such that 17.8% fewer discretionary releases occurred than projected. Overall, there were 8.0% fewer releases than expected.

The following section provides greater detail regarding the factors influencing this expectation of accelerating growth in the prison population.

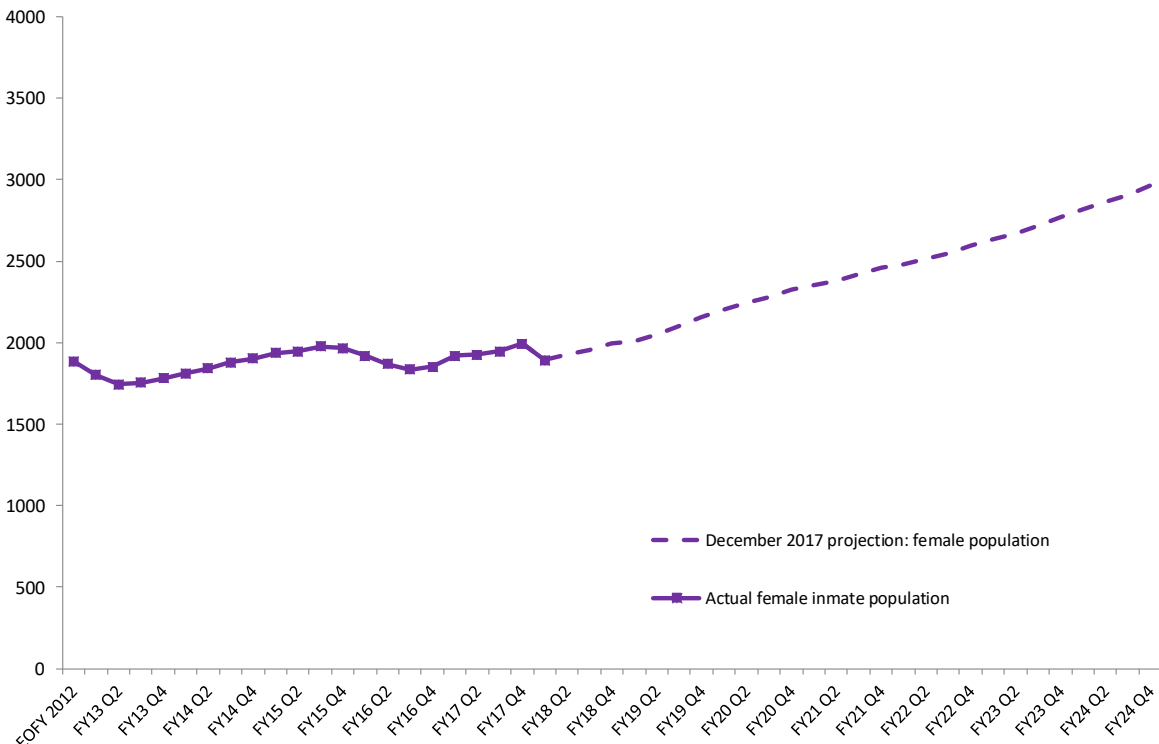
Figure 2, below, displays the quarterly total and male prison populations between the end of FY 2012 through the first quarter of FY 2018 (September, 2017), and the projected population at the end of each quarter through FY 2024. Figure 3 displays the actual and projected trends in the female inmate population over this same time frame.

**Figure 2: Actual and projected quarterly total and male prison population FY 2012 through FY 2024**



Data source: Actual population figures June 30, 2012 through September 30, 2017 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

**Figure 3: Actual and projected quarterly female prison population FY 2012 through FY 2024**



Data source: Actual population figures June 30, 2012 through September 30, 2017 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2017, as well as the projected population through the end of fiscal year 2024. Table 2 displays total and gender-specific projected growth in the prison population by quarter for fiscal years 2018 through 2024. Annual projected numbers of admissions by type are given in Table 3, followed by the projected number of releases in Table 4.

Historical and projected trends in admission types for fiscal years 2012 through 2024 are graphically displayed in Figure 4. Release trends for the same time frame can be found in Figures 5 and 6.

**Table 1: DCJ December 2017 Adult Prison Population Projections: Actual and projected populations FY 2005 through FY 2024**

Fiscal Year End	Total Inmate Population		Male Population		Female Population	
	Count	Annual Growth	Count	Annual Growth	Count	Annual Growth
2005*	20,704	5.80%	18,631	4.59%	2,073	18.12%
2006*	22,012	6.32%	19,792	6.23%	2,220	7.09%
2007*	22,519	2.30%	20,178	1.95%	2,341	5.45%
2008*	22,989	2.09%	20,684	2.51%	2,305	-1.54%
2009*	23,186	0.86%	20,896	1.02%	2,290	-0.65%
2010*	22,860	-1.41%	20,766	-0.62%	2,094	-8.56%
2011*	22,610	-1.09%	20,512	-1.22%	2,098	0.19%
2012*	21,037	-6.96%	19,152	-6.63%	1,885	-10.15%
2013*	20,135	-4.29%	18,355	-4.16%	1,780	-5.57%
2014*	20,522	1.92%	18,619	1.44%	1,903	6.91%
2015*	20,623	0.49%	18,655	0.19%	1,968	3.42%
2016*	19,619	-4.87%	17,768	-4.75%	1,851	-5.95%
2017*	20,101	2.46%	18,108	1.91%	1,993	7.67%
2018	19,786	-1.57%	17,788	-1.77%	1,998	0.23%
2019	20,900	5.63%	18,741	5.35%	2,159	8.09%
2020	21,943	4.99%	19,620	4.69%	2,324	7.62%
2021	23,270	6.04%	20,809	6.06%	2,460	5.88%
2022	24,710	6.19%	22,112	6.26%	2,598	5.59%
2023	26,263	6.29%	23,496	6.26%	2,767	6.51%
2024	27,770	5.74%	24,806	5.58%	2,964	7.12%

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

**Table 2: DCJ December 2017 Quarterly Adult Prison Population Projections: June 2017 through June 2024**

Fiscal Year	End of Month	Total Inmate Population		Male Population		Female Population	
		Count	Growth	Count	Growth	Count	Growth
2017*	June 2017*	20,101	0.04%	18,108	-0.21%	1,993	2.47%
2018	September 2017	19,803	-1.48%	17,909	-1.10%	1,894	-4.97%
2018	December 2017	19,728	-0.38%	17,803	-0.59%	1,925	1.66%
2018	March 2018	19,718	-0.05%	17,760	-0.24%	1,958	1.69%
2018	June 2018	19,786	0.34%	17,788	0.16%	1,998	2.03%
2019	September 2018	20,033	1.25%	18,024	1.33%	2,009	0.58%
2019	December 2018	20,328	1.47%	18,277	1.40%	2,051	2.07%
2019	March 2019	20,601	1.34%	18,496	1.20%	2,105	2.62%
2019	June 2019	20,900	1.45%	18,741	1.32%	2,159	2.60%
2020	September 2019	21,128	1.09%	18,921	0.96%	2,206	2.19%
2020	December 2019	21,378	1.18%	19,134	1.13%	2,244	1.68%
2020	March 2020	21,664	1.34%	19,383	1.30%	2,280	1.64%
2020	June 2020	21,943	1.29%	19,620	1.22%	2,324	1.90%
2021	September 2020	22,276	1.52%	19,927	1.56%	2,349	1.10%
2021	December 2020	22,591	1.42%	20,213	1.44%	2,378	1.24%
2021	March 2021	22,926	1.48%	20,509	1.46%	2,417	1.62%
2021	June 2021	23,270	1.50%	20,809	1.46%	2,460	1.81%
2022	September 2021	23,623	1.52%	21,143	1.60%	2,480	0.80%
2022	December 2021	23,961	1.43%	21,448	1.44%	2,513	1.32%
2022	March 2022	24,336	1.57%	21,786	1.58%	2,550	1.47%
2022	June 2022	24,710	1.54%	22,112	1.49%	2,598	1.88%
2023	September 2022	25,079	1.49%	22,443	1.50%	2,636	1.46%
2023	December 2022	25,460	1.52%	22,790	1.55%	2,670	1.29%
2023	March 2023	25,873	1.63%	23,158	1.62%	2,715	1.69%
2023	June 2023	26,263	1.51%	23,496	1.46%	2,767	1.92%
2024	September 2023	26,655	1.49%	23,838	1.46%	2,817	1.81%
2024	December 2023	27,047	1.47%	24,185	1.46%	2,862	1.60%
2024	March 2024	27,444	1.47%	24,538	1.46%	2,906	1.54%
2024	June 2024	27,770	1.19%	24,806	1.09%	2,964	2.00%

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

**Table 3: DCJ December 2017 Prison Population Projections:**  
**Actual and projected prison admissions by type, FY 2005 through FY 2024**

Fiscal Year End	Prison Admissions				Total Admissions
	New Court Commitments	Parole Returns with a New Crime	Technical Parole Violations	Other Admits	
2005*	5,789	835	2,649	160	9,433
2006*	6,149	1,034	2,792	193	10,168
2007*	6,380	1,014	3,047	188	10,629
2008*	6,296	1,221	3,353	168	11,038
2009*	5,922	1,131	3,776	163	10,992
2010*	5,345	1,039	4,164	156	10,704
2011*	5,153	962	3,678	142	9,935
2012*	4,926	813	3,248	129	9,116
2013*	5,144	815	3,558	103	9,620
2014*	5,235	877	4,054	103	10,269
2015*	5,248	808	3,614	86	9,756
2016*	5,100	804	2,837	62	8,803
2017*	5,698	930	2,455	66	9,149
2018	6,160	882	2,426	62	9,529
2019	6,655	1,069	2,968	67	10,760
2020	7,184	947	2,646	73	10,850
2021	7,748	965	2,708	78	11,499
2022	8,345	983	2,790	84	12,203
2023	8,983	1,019	2,924	91	13,017
2024	9,653	1,063	3,086	98	13,900

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

**Table 4: DCJ December 2017 Adult Prison Population Projections:  
Actual and projected prison releases by type, FY 2005 through FY 2024**

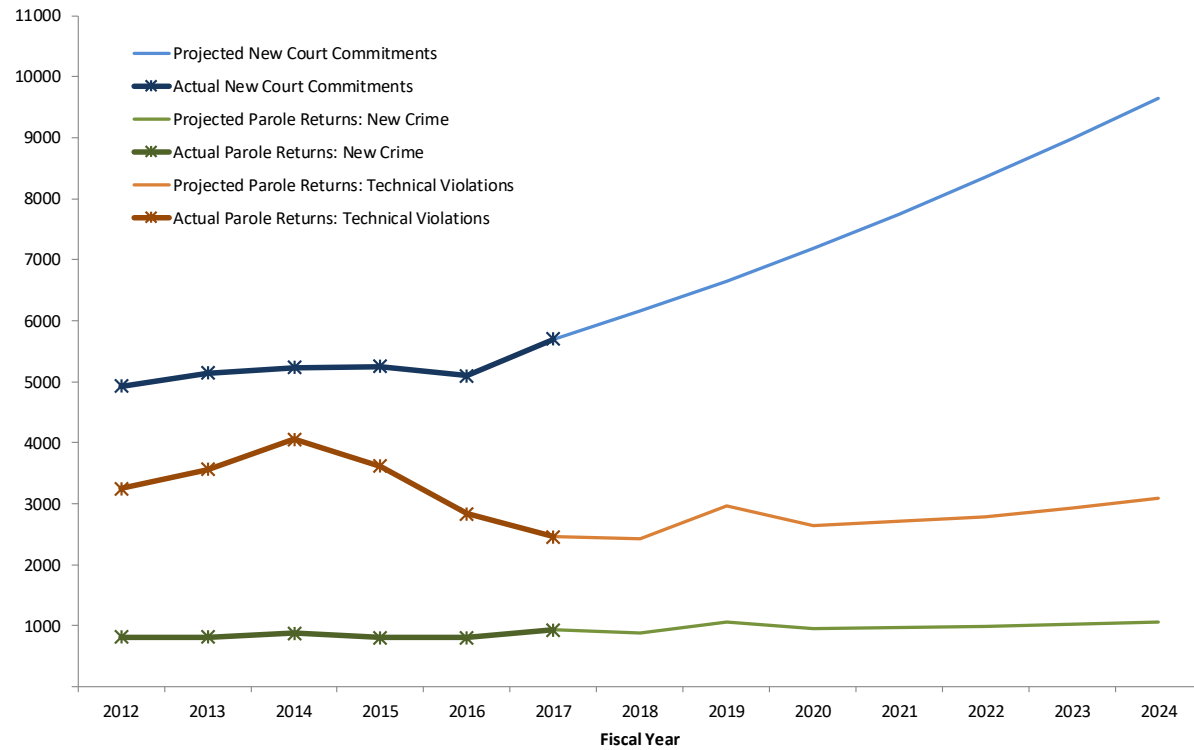
Fiscal Year End	Releases to Parole			Sentence Discharge	Other <sup>2</sup>	Total Discharges
	Mandatory	Discretionary <sup>1</sup>	Total			
2005*	4,688	1,598	6,286	1,576	387	8,249
2006*	4,370	2,813	7,183	1,397	374	8,954
2007*	3,439	5,069	8,508	1,283	319	10,110
2008*	3,279	5,596	8,875	1,367	323	10,565
2009*	4,918	4,118	9,036	1,452	315	10,803
2010*	6,466	2,868	9,334	1,415	284	11,033
2011*	6,413	2,095	8,508	1,427	225	10,160
2012*	5,584	3,607	9,191	1,284	183	10,658
2013*	5,140	3,806	8,946	1,397	163	10,506
2014*	5,020	3,220	8,240	1,510	162	9,912
2015*	5,278	2,658	7,936	1,577	146	9,659
2016*	5,228	3,084	8,312	1,361	168	9,841
2017*	4,793	2,557	7,350	1,191	146	8,687
2018	5,620	3,466	9,086	1,008	176	10,270
2019	5,025	3,113	8,139	981	160	9,280
2020	5,095	3,278	8,373	938	166	9,477
2021	5,278	3,439	8,717	951	173	9,841
2022	5,567	3,664	9,230	987	184	10,401
2023	5,921	3,923	9,844	1,038	196	11,078
2024	6,353	4,237	10,589	1,100	211	11,900

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

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

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

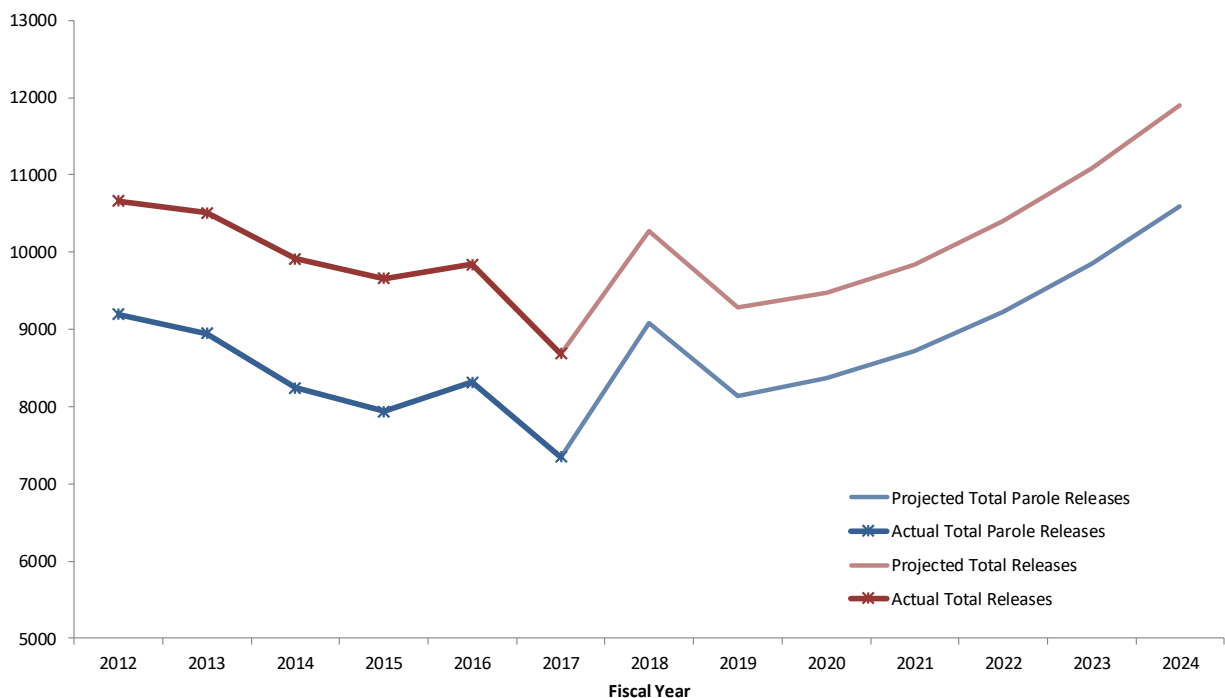
**Figure 4: Colorado prison admissions by type: Actual and projected FY 2012 through FY 2024**



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

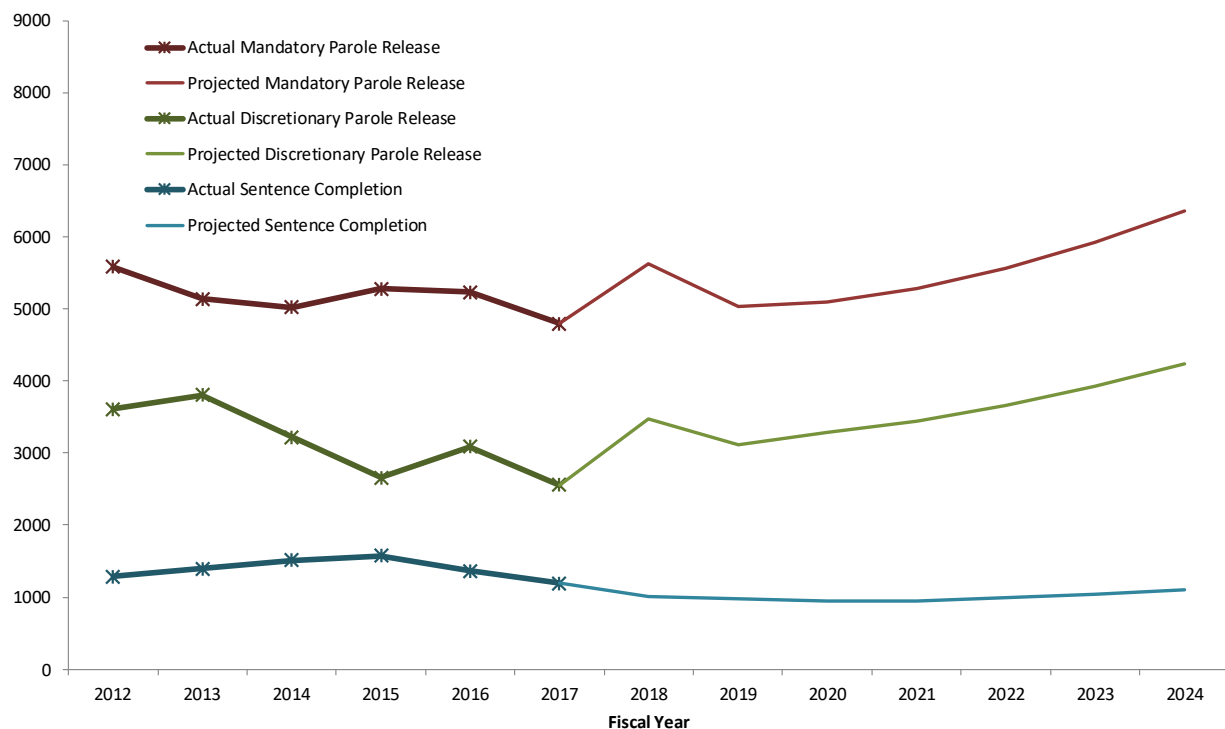


**Figure 5: Colorado prison releases: Actual and projected FY 2012 through FY 2024**



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

**Figure 6: Colorado prison release detail: Actual and projected FY 2012 through FY 2024**



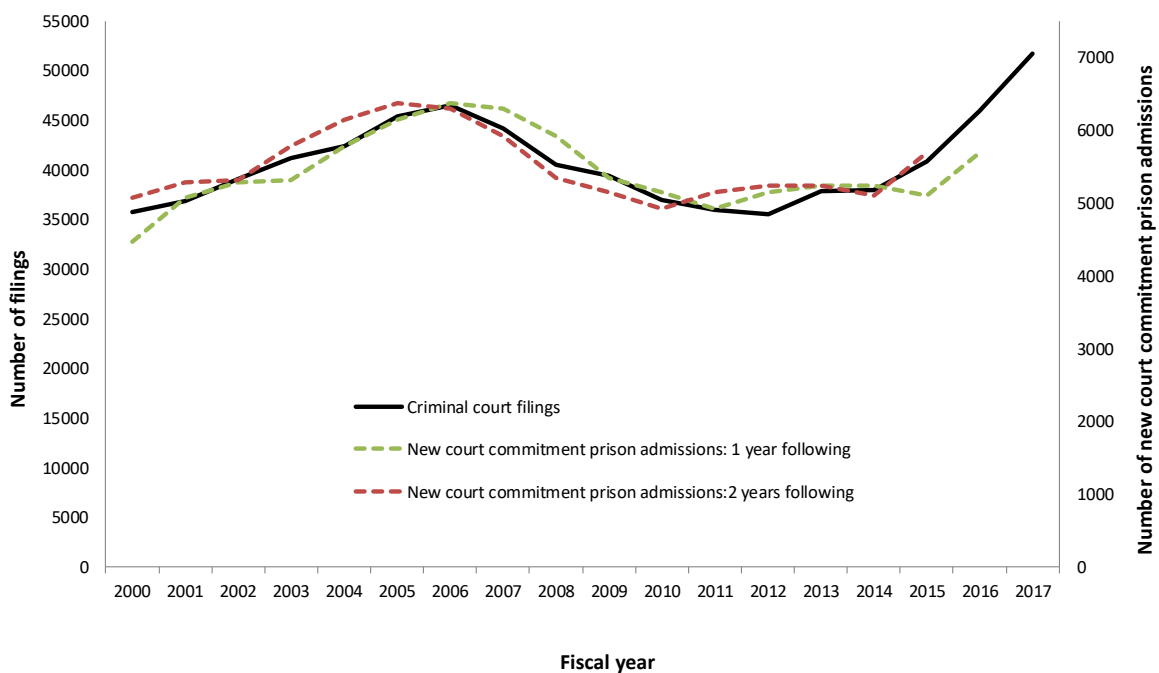
Data source: Actual prison discharge figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

## FACTORS INFLUENCING THE DCJ DECEMBER 2017 PRISON POPULATION FORECAST

The growth in the prison population previously forecast continues in the current forecast, but at a much-accelerated rate. In the short term, the total population is expected to experience negative growth as a result of HB 17-1326, which reduces the length of stay in prison following a parole revocation for many offenders. However, these offenders have a very short length of stay in prison and are not the primary contributors to future prison growth. Therefore, renewed growth is expected by the end of FY 2019. The main catalyst in the extended population growth is an increasing rate of growth in criminal court filings, which increased by 12.5% over each of the past two years. Over the past 5 years, criminal filings have increased 45.6%.

There is significant correspondence between the number of cases filed in criminal court and the numbers of new court commitments to prison between one and two years later, as demonstrated in Figure 7, below. While the discretionary practices of prosecutors and judges significantly influence the level of this correspondence, large increases in filings consistently predict future increases in commitments to prison.

**Figure 7: Correspondence of Colorado criminal court filings FY 2000 through FY 2017 and new court commitments to prison in following years**



Data Sources: Colorado Dept. of Corrections Annual Statistical Reports; Colorado Judicial Branch Annual Statistical Reports, FY 2000-FY 2017.

Adult probation revocations also play a role in new court commitments to prison, given that an estimated 38% of DOC sentences are due to probation revocations. Continuous growth in the proportion of probation sentences unsuccessfully terminated has occurred over the past five years, such that almost a quarter (24.0%) now end in revocation due to either technical violations or arrests for new crimes.<sup>4</sup>

While revocations have been increasing, this has not always corresponded with trends in prison admissions due to judiciary discretion regarding sanctions for probation violations. After many years of decline, reductions in the proportion of those revoked who are subsequently sentenced to DOC has remained relatively stable between 11 and 12 percent.<sup>5</sup>

Demographic trends also influence numbers of new court commitments. The very strong growth observed in the Colorado population is expected to continue into upcoming years, especially among those in the 24- to 44-year old age range, the demographic most likely to be sentenced to prison.<sup>6</sup> This may contribute to increases in new court commitments throughout the projection timeframe.

The passage of HB 15-1043, which created a class of felony DUI offenders, will serve to contribute to increases in new court commitments in upcoming years. During FY 2016, 110 offenders were admitted to prison with a felony DUI as their most serious crime. This number increased to 176 in FY 2017, and further increases are expected across upcoming years.<sup>7</sup>

Life sentences will continually exert upward pressure on the overall population. The number of sentences to life without parole is small, but is very consistent at approximately 30 per year. However, even fewer (less than 10) are removed from the population per year. This discrepancy has resulted in a 98.3% increase in the population of such inmates over the past twelve years, from 360 in 2005 to 714 in 2017. This population will continue to increase, continually driving the size of the population upwards in the future.

Sexual offenders sentenced under the Lifetime Supervision Act of 1998 have also contributed to the upward trend of the prison population and will continue to do so into the future. These individuals receive indeterminate prison sentences, ranging between one year and life. The first prison admission with an indeterminate sentence for a sexual offense occurred in late 1999. The number of these

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<sup>4</sup> Includes state-supervised adult probationers, excluding private DUI and non-DUI clients. Source: Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services; Colorado State Judicial Branch. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>.

<sup>5</sup> Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>.

<sup>6</sup> 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\\_colo\\_forecasts.html](http://www.dola.state.co.us/dlg/demog/pop_colo_forecasts.html).

<sup>7</sup> Colorado Legislative Council Staff Fiscal Note (October 10, 2015). Felony offense for repeat DUI offenders (H.B. 15-1043).

offenders in prison grew to 1,749 by the end of FY 2017, comprising 8.8% of the inmate population. While the growth of this population has slowed, the number is unlikely to diminish.

### **Women in prison**

Very strong growth in the female prison population is expected throughout the forecast horizon. The 4.8% decline observed in the July-September quarter of FY 2017 is partially an artifact of circumstances including the re-classification of offenders in community corrections facilities on revocation status to parole. This reclassification occurred in response to the requirements of HB 17-1326.

The female population rebounded with strong growth in the following 3 months, which is expected to continue. The increase in criminal filings discussed previously is a strong factor, with women comprising an increasing proportion of these filings. The proportion of new court commitments made up of women reached an unprecedented high of 16.0% in FY 2017. Overall, 14.6% of all prison admissions were women, and the proportion of the inmate population made up of women reached 9.9%, the highest observed in the past 9 years.

### **Admission and release trends**

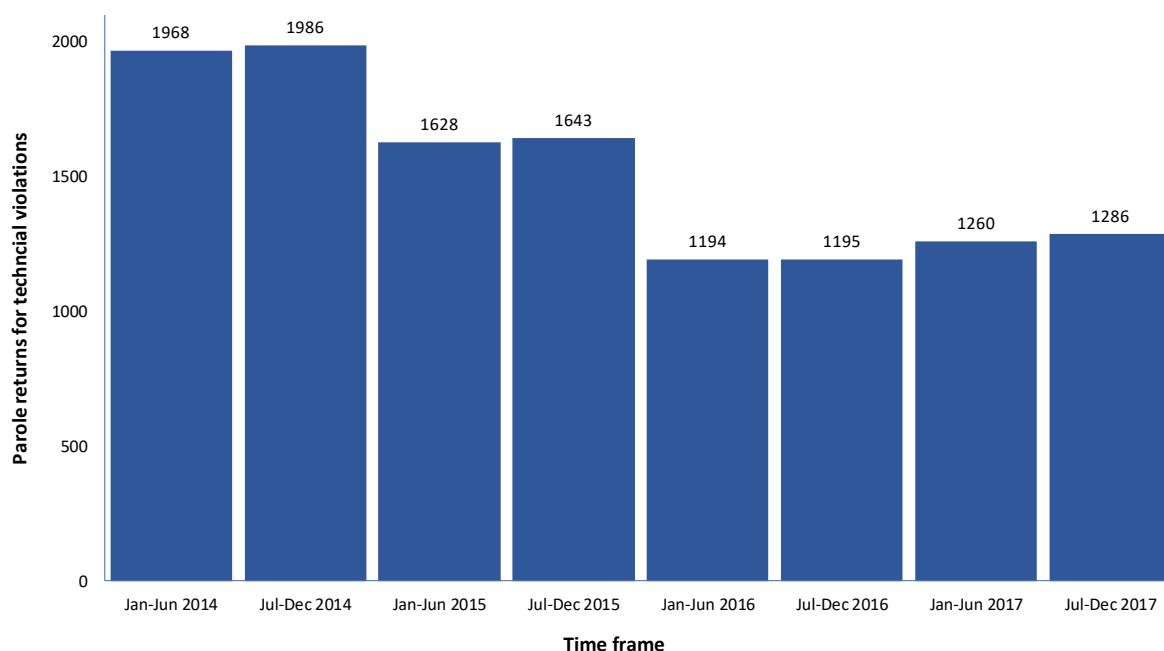
New court commitments increased by 11.9% across FY2017, the largest degree of growth observed in over a decade. Additionally, the proportion of admissions made up of new court commitments and of parolees returning with a new sentence has also grown substantially. This trend is expected to continue, and will put significant upward pressure on the population for many years in the future as these inmates will remain in prison for an average of three years.

In contrast, admissions for technical parole violations declined 12.8% in FY 2017. Double-digit declines also occurred across the prior two years, at least partially due to legislation passed in 2014 and 2015. This included House Bill 14-1355, which directed DOC to provide reentry services to offenders, and Senate Bill 15-124, which required the use of alternative sanctions for parole violations prior to revocation. Additionally, parole initiatives such as the Sure and Swift Program (which those imposed short time jail sanctions in lieu of revocation to prison) were expanded in FY 2016.

Comparing these reductions across fiscal years is somewhat deceiving. Rather, examining numbers of admissions on a semi-annual basis provides a more telling display of trends in prison admissions. Figure 8 displays the numbers of admissions due to technical parole violations in six-month increments. As shown, the impact of these initiatives appears to have primarily occurred between January and June of 2016, or the second half of FY 2016. Such admissions have remained at this lowered base level throughout FY 2017 and to date in FY 2018.

The passage of HB 17-1308, which removed the mandatory imposition of certain parole conditions, may result in fewer revocations for technical parole violations in the upcoming year. However, no such reduction has been observed in the first half of FY 2018, as seen in Figure 8.

**Figure 8: Semi-annual prison admissions for technical parole violations January 2014-December 2017**



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

Releases to parole are expected to increase in FY 2018. After a significant drop in early FY 2017, discretionary parole releases have been on an increasing trend since mid-FY 2017, continuing into early FY 2018. In addition, mandatory parole releases will increase due to the implementation of HB 17-1326. Individuals whose parole has been revoked will be more likely to be re-released to parole, rather than remaining in prison until their sentence discharge date. Accordingly, prison releases due to discharging one's sentence are expected to fall across the next three years.

Due to these increases in releases to parole, in combination with the impact of the legislation and initiatives described above having reached an equilibrium point, growth in parole returns is expected to resume by mid-FY 2018 and across FY 2019.

Parole releases are expected to slow in FY 2019 due to the leveling of growth in the number of mandatory re-paroles in the wake of HB 17-1326. This reduction in releases to parole is expected to be followed by a decline in parole returns throughout FY 2020.

### **Risks to the forecast**

The current forecast is heavily dependent on three main assumptions:

- That growth in criminal court filings will continue; and that
- Observed trends in admissions and discretionary parole releases will continue, and
- The impact of known legislation and policy changes has been accurately assessed.

Given these assumptions, along with the additional factors discussed above, no rational exists to expect a decline or slowing of growth in the inmate population without significant reversals in legislation or policies.

However, multiple factors are imparting uncertainty. For example, HB 17-1326, which shortened the amount of time certain parole returns could be re-incarcerated, was not enacted until August 9, 2017. No savings from this bill were expected until September at the earliest. However, the number of mandatory parole releases in August increased 67.6% over the number experienced in July. The number of mandatory re-paroles more than doubled in August. This was at least partially due to the re-assignment of a number of inmates in community corrections facilities to parole status. It is possible that the impact of this bill was underestimated, but the degree to which this may be the case is unknown given the recency of implementation and a lack of data on which to base an estimate.

House Bill 17-1308 removed the mandatory imposition of certain parole conditions, and may result in fewer revocations for technical parole violations which in turn will increase parole caseload and reduce the inmate population. However, the extent to which these will occur is dependent on future decisions made by the Parole Board. No data are currently available to provide a basis for estimating the degree to which this may affect releases.

A recent Colorado Supreme Court decision concluded that the Department of Corrections' method of calculating parole eligibility dates for certain offenders with multiple sentences was incorrect. Changes in time computation methods in response to this ruling may result in the recalculation of PED for up to 432 inmates in FY 2018, and an additional 590 inmates in the following two years. The degree to which this will shorten time to parole eligibility is unknown. In addition, while some of these inmates may reach parole eligibility somewhat sooner, release to parole is still up to the discretion of the Parole Board. Minimal information exists on which to estimate the effect of this ruling on the prison and parole populations at this time.

Should any of the assumptions outlined above prove to be false, and as additional data become available with which to examine the effects of legislation and extrapolate trends, adjustments to the current forecast will be made accordingly.

## ADULT PAROLE CASELOAD FORECAST

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

Table 5 displays the DCJ projections for the total domestic parole caseload through the end of FY 2024. The caseload remained very stable throughout FY 2017, following a period of rapid growth in late FY 2016. However, significant growth occurred in the first four months of FY 2018, during which the caseload grew by 4.0%. Much of this growth was attributable to mandatory re-paroles which occurred in response to HB 17-1326. As this legislation removed the Department's authority to operate community return-to-custody facilities, a number of inmates in community corrections facilities were re-assigned to parole status.

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

However, the caseload is expected to fall in FY 2019 due to shortening lengths of stay. Drug offenders sentenced under the new legislation introduced by SB 13-250 have much shorter parole periods than those sentenced prior to 2013. These individuals will be beginning to discharge their parole sentences in late FY 2018, exerting downward pressure on the size of the caseload in the following years. Overall releases to parole are expected to slow in FY 2019, partially as a 'leveling' of the large increase expected in FY 2018, and partially due to the potential deceleration of new court commitments in FY 2018.

By FY 2020 the current influx of new court commitments will begin to be released to parole, forcing the caseload up each year thereafter. In addition, HB 15-1043 created a class of felony-level DUI offenders who are expected to appear among prison admissions in increasing numbers. With an expected length of stay of 2.5 years, these individuals will begin to be paroled beginning in late FY 2019, additionally driving the caseload up.

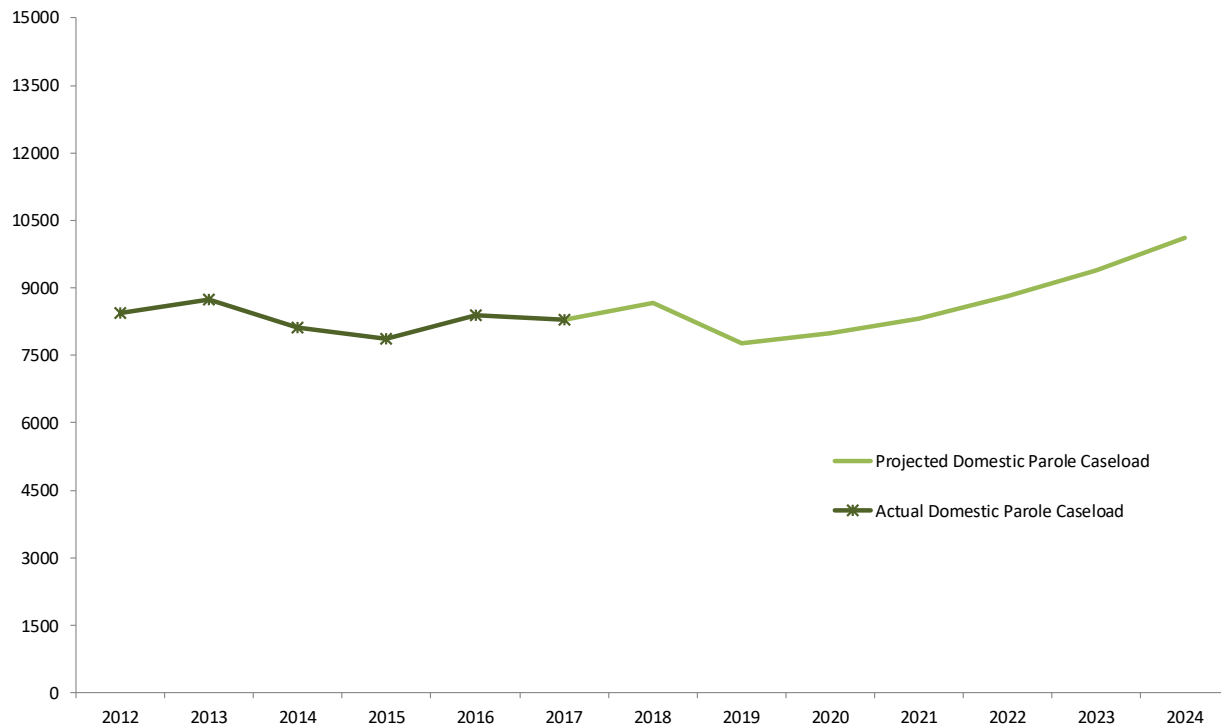
Due to the above factors in combination with the growth forecast for the inmate population, very strong and accelerating growth in the parole caseload is expected from FY 2021 through the remainder of the forecast horizon. Overall, the domestic caseload is expected to increase from 8,286 parolees at the end of FY 2017 to 10,104 by the end of FY 2024, a 21.9% increase.

**Table 5: DCJ December 2017 adult domestic parole caseload projection  
FY 2017 through FY 2024**

Fiscal Year End	Domestic Parole Caseload	Annual Growth
2017*	8,286	-1.38%
2018	8,670	4.63%
2019	7,766	-10.42%
2020	7,989	2.88%
2021	8,317	4.11%
2022	8,807	5.89%
2023	9,393	6.65%
2024	10,104	7.57%

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

**Figure 9: Historical and projected end of fiscal year total parole caseloads FY 2012 through FY 2024**



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



## ACCURACY OF DCJ PRISON POPULATION FORECASTS: 2013-2016

Forecasting future prison populations is not an exact science, as factors which can affect growth are often unpredictable and somewhat speculative. The projection figures for the Colorado Department of Corrections' incarcerated population is based on a number of assumptions, including the following:

- ❑ 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.
- ❑ 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.
- ❑ Admission, release and sentencing patterns will not change dramatically from the prior year through the upcoming seven years, except in ways that are accounted for in the current year's projection model.

Each of the above assumptions applies to the error displayed in Figure 11, which range from -1.2% to 2.5% in the first forecast year, and from 0.5% to 9.5% in the second forecast year. Each year, the DCJ prison population forecast is calculated based on data available at the time, independent of the prior year's forecast. Though short-term downturns may be predicted, forecasts have consistently indicated a return to growth in the inmate population in future years as shown in Figure 12.

The errors observed in the third year of the 2013 forecast and in the second and third years of the 2014 forecast projection were due to the same series of circumstances that occurred in late FY 2015. At the time of the 2013 and 2014 forecasts, the prison population was rising. This increase was mainly due to a decline in releases, in particular discretionary parole releases. Additionally, new court commitments were trending upward. However, the population began to fall in mid-FY 2015, such that the year-end population was lower than expected.

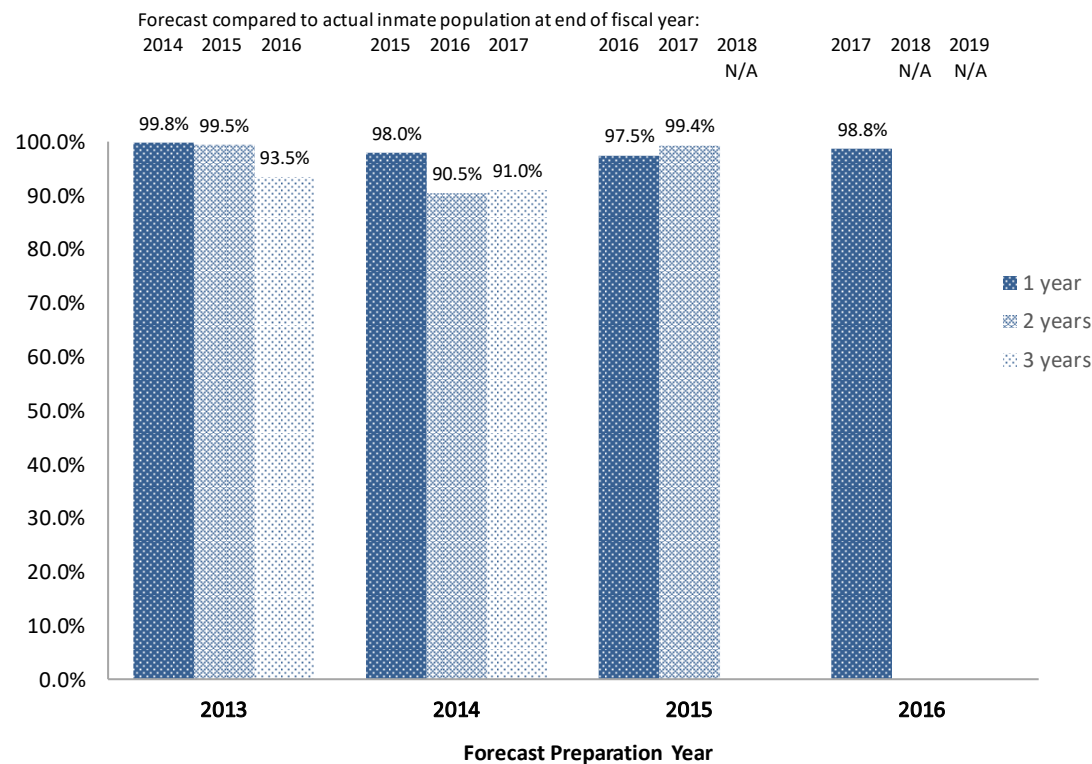
The decline in late FY 2015 was due to a fall in admissions due to technical parole violations which, in turn, was due to legislation passed in 2014 and 2015 (and therefore unaccounted for in the 2013 and 2014 forecasts). This included House Bill 14-1355, which directed DOC to provide reentry services to offenders, and Senate Bill 15-124, which required the use of alternative sanctions for parole violations prior to revocation. Additionally, parole initiatives such as the Sure and Swift Program (which those imposed short time jail sanctions in lieu of revocation to prison) were expanded in FY 2016.

By the time of the December 2015 forecast, prison admissions due to technical parole violations were expected to fall due to the above legislation and initiatives, as can be seen in Figure 12. However, the reality far exceeded expectations which contributed to the first-year error of 2.5%.

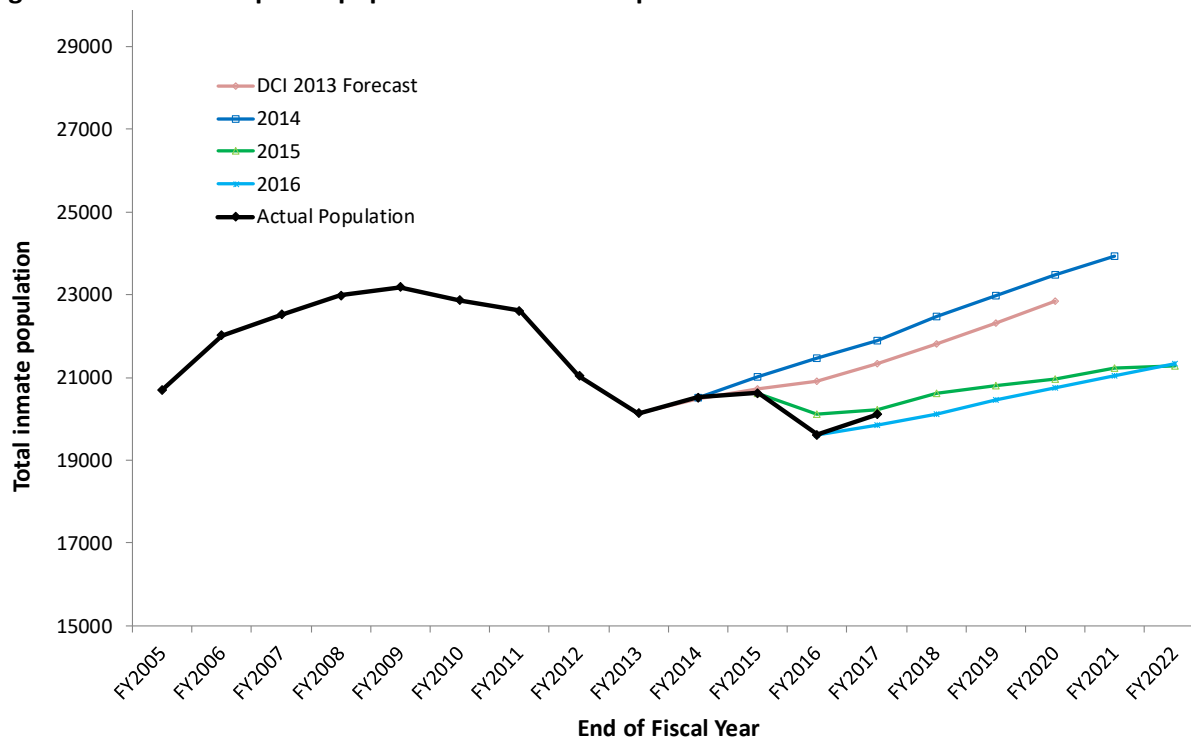
In the case of the December 2016 forecast, the first-year error of -1.2% was due to the extraordinary 1.4% growth that occurred between January and March of 2017. This degree of growth in a single quarter has not been observed since 2006, during the decades-long period of continuous growth in the population. This growth is attributed to substantially more sentences to prison than expected, such that

admissions with new convictions increased by 12.3% by the end of FY 2017. However, this growth has stabilized, such that the 2016 forecast very slightly overestimated the size of the prison population.

**Figure 11: DCJ prison population forecast accuracy one, two and three years into forecast horizon**



**Figure 12: DCJ annual prison population forecast comparison: 2013-2016**



# **Length of Stay Estimates for FY 2017**

## **Prison and Parole Admissions**

Tables 6 through 12 below display the estimated average length of stay (ALOS) for admissions to prison during FY 2017. Parole returns due to technical parole violations are excluded. These figures are broken out by crime category and felony class, with separate tables provided for new court commitments and for parole returns with a new crime, by gender, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 13 and 14.

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

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

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

Estimates for the length of stay on parole were also included last year, and are presented in Table 15. These figures include only new admissions to parole, and exclude any parolees who have previously had their parole revoked for either new crimes or for technical violations. The estimated length of stay is calculated using data regarding the length of stay for individuals who were discharged from parole in FY 2017.

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

Of the 620 lifetime sex offenders on parole at the end of FY 2017, over 90% have been paroled only in the past 6 years. Since the inception of the Lifetime Supervision Act in 1998, only two have been approved for early discharge, both after serving 10 years. The pool of parolees eligible for discharge will remain very small for several years to come.

These factors significantly impede the ability to make a factual approximation of how long these offenders will remain on parole. The length of stay estimate provided was calculated assuming 75% of statutory minimums (based on felony class) will be served.

**Table 6: Estimated average length of stay for FY 2017 new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	35	0.54%	2.58
F2 Ext <sup>3</sup>	199.55	93	1.43%	2.85
F2 Sex <sup>4</sup>	199.16	8	0.12%	0.24
F2 Other <sup>5</sup>	79.02	39	0.60%	0.47
Total Felony 2 <sup>6</sup>	165.95	140	2.21%	3.66
F3 Ext	96.86	281	4.31%	4.17
F3 Sex	86.82	44	0.67%	0.59
F3 Other	53.47	182	2.79%	1.49
Total Felony 3 <sup>7</sup>	80.29	508	8.01%	6.43
F4 Ext	45.45	583	8.94%	4.06
F4 Sex	35.18	28	0.43%	0.15
F4 Other	26.51	1074	16.47%	4.37
Total Felony 4 <sup>8</sup>	33.31	1664	26.22%	8.73
F5 Ext	19.85	353	5.41%	1.07
F5 Sex	21.34	116	1.78%	0.38
F5 Other	15.51	1220	18.71%	2.90
Total Felony 5 <sup>9</sup>	16.92	1709	26.93%	4.56
F6 Ext	11.17	154	2.36%	0.26
F6 Sex	10.85	47	0.72%	0.08
F6 Other	8.02	550	8.43%	0.68
Total Felony 6 <sup>10</sup>	8.84	751	11.83%	1.05
Drug Felony (DF) Level 1 <sup>11,12</sup>	70.11	8	0.12%	0.09
DF Level 2 <sup>12</sup>	35.30	8	0.12%	0.04
DF Level 3 <sup>12</sup>	24.38	8	0.12%	0.03
DF Level 4	5.36	318	4.88%	0.26
Ext DF Level 1 <sup>12,13</sup>	79.23	64	0.98%	0.78
Ext DF Level 2	43.31	143	2.19%	0.95
Ext DF Level 3	21.19	151	2.32%	0.49
Ext DF Level 4	7.72	28	0.43%	0.03
Total Drug Felony <sup>14</sup>	23.93	728	11.47%	2.75
Total excluding Habitual and Sex Offender Act categories	34.19	5535	87.22%	29.82
Habitual <sup>15</sup>	172.85	30	0.46%	0.80
Sex Offender Act <sup>16</sup>	247.87	122	1.87%	4.64
Total including Habitual and Sex Offender Act categories	39.50	5687	87.21%	34.45

Note: Refer to the footnotes following Table 14.

**Table 7: Estimated average length of stay for FY 2017 male new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	34	0.52%	2.50
F2 Ext <sup>3</sup>	202.99	85	1.30%	2.65
F2 Sex <sup>4</sup>	231.46	6	0.09%	0.21
F2 Other <sup>5</sup>	81.38	35	0.54%	0.44
Total Felony 2 <sup>6</sup>	170.56	126	1.99%	3.39
F3 Ext	100.06	247	3.79%	3.79
F3 Sex	87.52	43	0.66%	0.58
F3 Other	53.84	154	2.36%	1.27
Total Felony 3 <sup>7</sup>	82.67	445	7.01%	5.80
F4 Ext	46.48	514	7.88%	3.66
F4 Sex	35.52	26	0.40%	0.14
F4 Other	27.83	855	13.11%	3.65
Total Felony 4 <sup>8</sup>	34.99	1374	21.65%	7.58
F5 Ext	20.77	277	4.25%	0.88
F5 Sex	20.99	114	1.75%	0.37
F5 Other	16.08	1036	15.89%	2.55
Total Felony 5 <sup>9</sup>	17.49	1447	22.80%	3.99
F6 Ext	11.08	145	2.22%	0.25
F6 Sex	10.53	46	0.71%	0.07
F6 Other	8.16	439	6.73%	0.55
Total Felony 6 <sup>10</sup>	9.01	630	9.93%	0.89
Drug Felony (DF) Level 1 <sup>11,12</sup>	70.11	8	0.12%	0.09
DF Level 2 <sup>12</sup>	35.30	8	0.12%	0.04
DF Level 3 <sup>12</sup>	24.38	8	0.12%	0.03
DF Level 4	5.56	251	3.85%	0.21
Ext DF Level 1 <sup>12,13</sup>	82.95	55	0.84%	0.70
Ext DF Level 2	43.75	121	1.86%	0.81
Ext DF Level 3	21.51	115	1.76%	0.38
Ext DF Level 4	7.77	27	0.41%	0.03
Total Drug Felony <sup>14</sup>	25.25	593	9.34%	2.36
Total excluding Habitual and Sex Offender Act categories	36.27	4649	73.26%	26.57
Habitual <sup>15</sup>	172.85	30	0.46%	0.80
Sex Offender Act <sup>16</sup>	245.16	119	1.82%	4.47
Total including Habitual and Sex Offender Act categories	42.31	4798	73.58%	31.13

Note: Refer to the footnotes following Table 14.

**Table 8: Estimated average length of stay for FY 2017 female new commitments<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new commitments <sup>2</sup>	Percent of all new commitments	Average length of stay effect (months)
Felony 1	480.00	1	0.02%	0.07
F2 Ext <sup>3</sup>	162.97	8	0.12%	0.20
F2 Sex <sup>4</sup>	102.25	2	0.03%	0.03
F2 Other <sup>5</sup>	58.32	4	0.06%	0.04
Total Felony 2 <sup>6</sup>	124.40	14	0.22%	0.27
F3 Ext	73.57	34	0.52%	0.38
F3 Sex	56.63	1	0.02%	0.01
F3 Other	51.40	28	0.43%	0.22
Total Felony 3 <sup>7</sup>	63.45	63	0.99%	0.63
F4 Ext	37.81	69	1.06%	0.40
F4 Sex	30.78	2	0.03%	0.01
F4 Other	21.33	219	3.36%	0.72
Total Felony 4 <sup>8</sup>	25.31	290	4.57%	1.16
F5 Ext	16.49	76	1.17%	0.19
F5 Sex	41.58	2	0.03%	0.01
F5 Other	12.30	184	2.82%	0.35
Total Felony 5 <sup>9</sup>	13.74	262	4.13%	0.57
F6 Ext	12.58	9	0.14%	0.02
F6 Sex	25.57	1	0.02%	0.00
F6 Other	7.45	111	1.70%	0.13
Total Felony 6 <sup>10</sup>	7.98	121	1.91%	0.15
Drug Felony (DF) Level 1 <sup>11,12</sup>	0.00	0	0.00%	0.00
DF Level 2 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 3 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 4	4.63	67	1.03%	0.05
Ext DF Level 1 <sup>12,13</sup>	56.53	9	0.14%	0.08
Ext DF Level 2	40.89	22	0.34%	0.14
Ext DF Level 3	20.14	36	0.55%	0.11
Ext DF Level 4	6.37	1	0.02%	0.00
Total Drug Felony <sup>14</sup>	18.15	135	2.13%	0.39
Total excluding Habitual and Sex Offender Act categories	23.22	886	13.96%	3.24
Habitual <sup>15</sup>	0.00	0	0.00%	0.00
Sex Offender Act <sup>16</sup>	355.20	3	0.05%	0.16
Total including Habitual and Sex Offender Act categories	24.34	889	13.63%	3.32

Note: Refer to the footnotes following Table 14.

**Table 9: Estimated average length of stay for FY 2017 parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	1	0.02%	0.07
F2 Ext <sup>3</sup>	117.67	6	0.09%	0.11
F2 Sex <sup>4</sup>	255.60	1	0.02%	0.04
F2 Other <sup>5</sup>	35.09	5	0.08%	0.03
Total Felony 2 <sup>6</sup>	94.75	12	0.19%	0.18
F3 Ext	60.49	107	1.64%	0.99
F3 Sex	73.08	6	0.09%	0.07
F3 Other	52.34	54	0.83%	0.43
Total Felony 3 <sup>7</sup>	58.30	167	2.63%	1.53
F4 Ext	40.15	138	2.12%	0.85
F4 Sex	37.97	7	0.11%	0.04
F4 Other	34.21	217	3.33%	1.14
Total Felony 4 <sup>8</sup>	36.55	362	5.70%	2.08
F5 Ext	18.85	67	1.03%	0.19
F5 Sex	27.36	15	0.23%	0.06
F5 Other	22.32	131	2.01%	0.45
Total Felony 5 <sup>9</sup>	21.58	213	3.36%	0.72
F6 Ext	10.44	5	0.08%	0.01
F6 Sex	10.67	2	0.03%	0.00
F6 Other	12.65	26	0.40%	0.05
Total Felony 6 <sup>10</sup>	12.20	33	0.52%	0.06
Drug Felony (DF) Level 1 <sup>11,12</sup>	0.00	0	0.00%	0.00
DF Level 2 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 3 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 4	9.43	10	0.15%	0.01
Ext DF Level 1 <sup>12,13</sup>	78.72	2	0.03%	0.02
Ext DF Level 2	65.69	7	0.11%	0.07
Ext DF Level 3	37.00	3	0.05%	0.02
Ext DF Level 4	12.00	1	0.02%	0.00
Total Drug Felony <sup>14</sup>	36.28	23	0.36%	0.13
Total excluding Habitual and Sex Offender Act categories	37.51	811	12.78%	4.79
Habitual <sup>15</sup>	175.95	10	0.15%	0.27
Sex Offender Act <sup>16</sup>	157.97	13	0.20%	0.31
Total including Habitual and Sex Offender Act categories	41.04	834	12.79%	5.25

Note: Refer to the footnotes following Table 14.



**Table 10: Estimated average length of stay for FY 2017 male parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	480.00	1	0.02%	0.07
F2 Ext <sup>3</sup>	117.67	6	0.09%	0.11
F2 Sex <sup>4</sup>	0.00	0	0.00%	0.00
F2 Other <sup>5</sup>	35.09	5	0.08%	0.03
Total Felony 2 <sup>6</sup>	80.13	11	0.17%	0.14
F3 Ext	62.28	98	1.50%	0.94
F3 Sex	73.08	6	0.09%	0.07
F3 Other	52.85	50	0.77%	0.41
Total Felony 3 <sup>7</sup>	59.64	154	2.43%	1.45
F4 Ext	42.55	116	1.78%	0.76
F4 Sex	37.97	7	0.11%	0.04
F4 Other	34.94	194	2.98%	1.04
Total Felony 4 <sup>8</sup>	37.79	317	5.00%	1.89
F5 Ext	19.44	53	0.81%	0.16
F5 Sex	27.36	15	0.23%	0.06
F5 Other	23.01	117	1.79%	0.41
Total Felony 5 <sup>9</sup>	22.34	185	2.92%	0.65
F6 Ext	10.44	5	0.08%	0.01
F6 Sex	10.67	2	0.03%	0.00
F6 Other	12.49	23	0.35%	0.04
Total Felony 6 <sup>10</sup>	12.02	30	0.47%	0.06
Drug Felony (DF) Level 1 <sup>11,12</sup>	0.00	0	0.00%	0.00
DF Level 2 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 3 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 4	9.26	7	0.11%	0.01
Ext DF Level 1 <sup>12,13</sup>	78.72	2	0.03%	0.02
Ext DF Level 2	69.91	6	0.09%	0.06
Ext DF Level 3	34.20	1	0.02%	0.01
Ext DF Level 4	12.00	1	0.02%	0.00
Total Drug Felony <sup>14</sup>	40.46	17	0.27%	0.11
Total excluding Habitual and Sex Offender Act categories	38.75	715	11.27%	4.37
Habitual <sup>15</sup>	175.95	10	0.15%	0.27
Sex Offender Act <sup>16</sup>	157.97	13	0.20%	0.31
Total including Habitual and Sex Offender Act categories	42.71	738	11.32%	4.83

Note: Refer to the footnotes following Table 14.

**Table 11: Estimated average length of stay for FY 2017 female parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of new crime returns <sup>2</sup>	Percent of all new crime returns	Average length of stay effect (months)
Felony 1	0.00	0	0.00%	0.00
F2 Ext <sup>3</sup>	0.00	0	0.00%	0.00
F2 Sex <sup>4</sup>	255.60	1	0.02%	0.04
F2 Other <sup>5</sup>	0.00	0	0.00%	0.00
Total Felony 2 <sup>6</sup>	255.60	1	0.02%	0.04
F3 Ext	41.01	9	0.14%	0.06
F3 Sex	0.00	0	0.00%	0.00
F3 Other	45.90	4	0.06%	0.03
Total Felony 3 <sup>7</sup>	42.51	13	0.20%	0.09
F4 Ext	27.49	22	0.34%	0.09
F4 Sex	0.00	0	0.00%	0.00
F4 Other	28.06	23	0.35%	0.10
Total Felony 4 <sup>8</sup>	27.78	45	0.71%	0.20
F5 Ext	16.63	14	0.21%	0.04
F5 Sex	0.00	0	0.00%	0.00
F5 Other	16.56	14	0.21%	0.04
Total Felony 5 <sup>9</sup>	16.60	28	0.44%	0.07
F6 Ext	0.00	0	0.00%	0.00
F6 Sex	0.00	0	0.00%	0.00
F6 Other	13.93	3	0.05%	0.01
Total Felony 6 <sup>10</sup>	13.93	3	0.05%	0.01
Drug Felony (DF) Level 1 <sup>11,12</sup>	0.00	0	0.00%	0.00
DF Level 2 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 3 <sup>12</sup>	0.00	0	0.00%	0.00
DF Level 4	9.83	3	0.05%	0.00
Ext DF Level 1 <sup>12,13</sup>	0.00	0	0.00%	0.00
Ext DF Level 2	40.33	1	0.02%	0.01
Ext DF Level 3	38.40	2	0.03%	0.01
Ext DF Level 4	0.00	0	0.00%	0.00
Total Drug Felony <sup>14</sup>	24.44	6	0.09%	0.02
Total excluding Habitual and Sex Offender Act categories	28.24	96	1.51%	0.43
Habitual <sup>15</sup>	0.00	0	0.00%	0.00
Sex Offender Act <sup>16</sup>	0.00	0	0.00%	0.00
Total including Habitual and Sex Offender Act categories	28.24	96	1.47%	0.42

Note: Refer to the footnotes following Table 14.

**Table 12: Estimated average length of stay for FY 2017 combined new court commitments and parole returns with a new crime<sup>1</sup>**

Offense category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Felony 1	480.00	36	0.55%	2.65
F2 Ext <sup>3</sup>	194.58	99	1.52%	2.95
F2 Sex <sup>4</sup>	205.43	9	0.14%	0.28
F2 Other <sup>5</sup>	74.02	44	0.67%	0.50
Total Felony 2 <sup>6</sup>	160.33	152	2.40%	3.84
F3 Ext	86.83	388	5.95%	5.17
F3 Sex	85.17	50	0.77%	0.65
F3 Other	53.21	236	3.62%	1.93
Total Felony 3 <sup>7</sup>	74.85	675	10.64%	7.96
F4 Ext	44.44	721	11.06%	4.91
F4 Sex	35.74	35	0.54%	0.19
F4 Other	27.80	1291	19.80%	5.50
Total Felony 4 <sup>8</sup>	33.89	2026	31.93%	10.82
F5 Ext	19.69	420	6.44%	1.27
F5 Sex	22.03	131	2.01%	0.44
F5 Other	16.17	1351	20.72%	3.35
Total Felony 5 <sup>9</sup>	17.44	1922	30.29%	5.28
F6 Ext	11.14	159	2.44%	0.27
F6 Sex	10.84	49	0.75%	0.08
F6 Other	8.23	576	8.83%	0.73
Total Felony 6 <sup>10</sup>	8.98	784	12.35%	1.11
Drug Felony (DF) Level 1 <sup>11,12</sup>	70.11	8	0.12%	0.09
DF Level 2 <sup>12</sup>	35.30	8	0.12%	0.04
DF Level 3 <sup>12</sup>	24.38	8	0.12%	0.03
DF Level 4	5.49	328	5.03%	0.28
Ext DF Level 1 <sup>12,13</sup>	79.22	66	1.01%	0.80
Ext DF Level 2	44.36	150	2.30%	1.02
Ext DF Level 3	21.49	154	2.36%	0.51
Ext DF Level 4	7.87	29	0.44%	0.03
Total Drug Felony <sup>14</sup>	24.31	751	11.83%	2.88
Total excluding Habitual and Sex Offender Act categories	34.61	6346	100%	34.61
Habitual <sup>15</sup>	173.62	40	0.61%	1.07
Sex Offender Act <sup>16</sup>	239.21	135	2.07%	4.95
Total including Habitual and Sex Offender Act categories	39.70	6521	100%	39.70

Note: Refer to the footnotes following Table 14.

**Table 13: Estimated average length of stay for FY 2017 prison admissions, category totals *excluding* habitual and sex offender act convictions\***

Admission category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	34.19	5535	87.22%	29.82
Total Parole Returns	37.51	811	12.78%	4.79
Total Male Admissions	36.60	5364	84.53%	30.94
Total Female Admissions	23.72	982	15.47%	3.67
Grand Total	34.61	6346	100%	34.61

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

*Note: Refer to the footnotes on the following page.*

**Table 14: Estimated average length of stay for FY 2017 prison admissions, category totals *including* habitual and sex offender act convictions\***

Admission category	Average length of stay (months)	Number of commitments <sup>2</sup>	Percent of all commitments	Average length of stay effect (months)
Total New Commitments	39.50	5687	87.21%	34.45
Total Parole Returns	41.04	834	12.79%	5.25
Total Male Admissions	42.36	5536	84.89%	35.96
Total Female Admissions	24.72	985	15.11%	3.73
Grand Total	39.70	6521	100%	39.70

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

*Note: Refer to the footnotes on the following page.*

*Footnotes:*

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>14</sup> Includes all admissions sentenced under the "Uniform Controlled Substances Act of 2013".

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

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

**Table 15: Estimated average length of stay for FY 2017 new parole intakes<sup>1</sup>**

Offense Category	Average Length of Stay (Months)	Number of releases to parole <sup>2</sup>	Percent of all parole releases	Average Length of Stay Effect (Months)
F2 Ext <sup>3</sup>	40.53	58	1.25%	0.51
F2 Sex <sup>4</sup>	0.00	0	0.00%	0.00
F2 Other <sup>5</sup>	43.27	20	0.43%	0.19
Total Felony 2 <sup>6</sup>	41.23	78	1.72%	0.71
F3 Ext	42.50	246	5.29%	2.25
F3 Sex	41.10	32	0.69%	0.28
F3 Other	41.17	198	4.25%	1.75
Total Felony 3 <sup>7</sup>	41.85	476	10.48%	4.39
F4 Ext	26.79	545	11.71%	3.14
F4 Sex	26.97	28	0.60%	0.16
F4 Other	25.63	929	19.96%	5.12
Total Felony 4 <sup>8</sup>	26.14	1491	32.83%	8.58
F5 Ext	18.30	265	5.69%	1.04
F5 Sex	18.17	130	2.79%	0.51
F5 Other	18.33	969	20.82%	3.82
Total Felony 5 <sup>9</sup>	18.31	1375	30.28%	5.54
F6 Ext	9.40	125	2.69%	0.25
F6 Sex	9.23	39	0.84%	0.08
F6 Other	9.57	504	10.83%	1.04
Total Felony 6 <sup>10</sup>	9.52	668	14.71%	1.40
Drug Felony (DF) Level 1 <sup>11</sup>	0.00	0	0.00%	0.00
DF Level 2	0.00	0	0.00%	0.00
DF Level 3 <sup>12</sup>	9.23	1	0.02%	0.00
DF Level 4	9.47	268	5.76%	0.55
Ext DF Level 1 <sup>13, 14</sup>	25.20	3	0.06%	0.02
Ext DF Level 2 <sup>15</sup>	18.23	65	1.40%	0.25
Ext DF Level 3	9.30	87	1.87%	0.17
Ext DF Level 4	9.20	29	0.62%	0.06
Total Drug Felony <sup>16</sup>	10.78	453	9.98%	1.08
Total excluding Habitual and Sex Offender Act categories	21.70	4541	100%	21.70
Habitual <sup>17</sup>	26.17	14	0.30%	0.08
Sex Offender Act <sup>18</sup>	130.91	99	2.13%	2.78
Total including Habitual and Sex Offender Act categories	24.03	4654	100%	24.03

Note: Refer to the footnotes on the following page.

*Footnotes:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<sup>18</sup> Includes all parole intakes sentenced under the Colorado Sex Offender Lifetime Supervision Act of 1998. These cases are excluded from the other sex crime categories as well as the data for each of the overall felony classes.

*Note regarding the Sex Offender Act category:* The parole term for sex offenders subject to the Sex Offender Lifetime Supervision Act ranges from a minimum of 10 to 20 years (dependent on felony class), up to the remainder of the offender's life. To date, approximately 750 of these offenders have been paroled. Of these, only one has discharged their parole sentence. This lack of data concerning parole discharges impedes the calculation of how long these new parolees will remain on parole. The estimate provided is based on the assumption that 75% of statutory minimums will be served.

# Division of Youth Services Juvenile Commitment, Detention and Parole Projections

## **IN BRIEF:**

*New commitments are expected to increase 10.9% between the ends of FY 2017 and FY 2022. Most of this growth is expected to occur across FY 2018, with a small decline in the following year and increases in the following three years. However, the average daily population (ADP) of committed juveniles is expected to remain very stable with minor fluctuations year-to-year, with a year-end ADP ranging between 645.8 and 652.1 over the upcoming five years.*

*The juvenile parole average daily caseload (ADC) is anticipated to decrease by 2.4% over the course of FY 2018, increase slightly in FY 2019, and remain very stable in following years. Overall growth between FY 2017 and FY 2022 is expected to be very minor at 0.5%.*

*The detention ADP is expected to increase 3.5% by the end of FY 2018, followed by consistent decreases in each of the following four years. Between FY 2017 and FY 2022 the ADP is expected to fall by 4.8% from 257.1 to 244.8.*

## **Organization of this Section**

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

## **Juvenile Commitment, Detention and Parole Forecasting Methodology**

The forecasts are developed utilizing data concerning historical monthly trends in detention, commitment and parole populations. Time series analyses are applied to data derived from these historical trends, producing a variety of scenarios.<sup>8</sup> The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends in juvenile delinquency filings and probation revocations, and population forecasts prepared by the Colorado Demographer's Office provides the basis for the forecasts presented in the following tables.

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<sup>8</sup> Box, G. E. P., G. M. Jenkins, and G. C. Reinsel (1994). *Time series analysis: Forecasting and control*, 3rd ed. Englewood Cliffs, N.J.: Prentice Hall.



## JUVENILE COMMITMENT POPULATION FORECAST

The two factors driving the size of the population committed to the Division of Youth Services (DYS) are the number of youth sentenced to DYS, and the length of their incarceration. The number of youth committed to the DYS declined consistently between FY 2005 and FY 2016.<sup>9</sup> Likewise, the ADP began to fall in FY 2006 after years of growth. This decline continued through FY 2017. However, the decline in new commitments stabilized in FY 2017, and has reversed slightly in early FY 2018. Early indications lead to a potential increase of 5.8% in new admissions in the current year. However, this rate of growth is not expected to be sustained, given juvenile delinquency filings fell by 3.1% in FY 2017, and the proportion of juvenile probation terminations resulting in a DYS commitment has remained very low at under 2.0%.<sup>10</sup>

While the ADP experienced negative growth over the past 12 years, a slight increase was observed through the last half of FY 2017. In addition, while releases to parole fell by 13.4% in FY 2017, early indications lead to very little change in the caseload across FY 2018. Based on these trends and the recent increase in new commitments the expected commitment ADP has been adjusted upward over that predicted in January 2017. Growth is expected to remain very flat, decreasing at less than 1.0% per year through FY 2020, and increasing very slightly between FY 2021 and FY 2022.

Table 16 summarizes the year-end ADP and new commitment forecasts, while Table 17 presents the projected quarterly YTD ADP. The historical ADP from FY 2002 through FY 2017 and the projected ADP through 2022 are depicted in Figure 13. Figure 14 displays historical new commitments to DYS since FY 2002, and projected new commitments through FY 2022.

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<sup>9</sup> Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

<sup>10</sup> Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services. Available at <http://www.courts.state.co.us/Administration/Unit.cfm?Unit=eval>

**Table 16: DCJ January 2018 juvenile commitment fiscal year-end average daily population and new admissions forecast, FY 2016 through FY 2022**

Fiscal Year End	YTD ADP <sup>1</sup> Forecast	Annual Growth	Annual DYS Admissions	Annual Growth
2016*	692.6	-6.4%	381	-7.1%
2017*	651.1	6.0%	381	0.0%
2018	650.1	-0.1%	403	5.8%
2019	646.4	-0.6%	399	-1.1%
2020	645.8	-0.1%	408	2.4%
2021	648.4	0.4%	419	2.6%
2022	652.1	0.6%	423	0.9%

<sup>1</sup> Year to date average daily population.

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

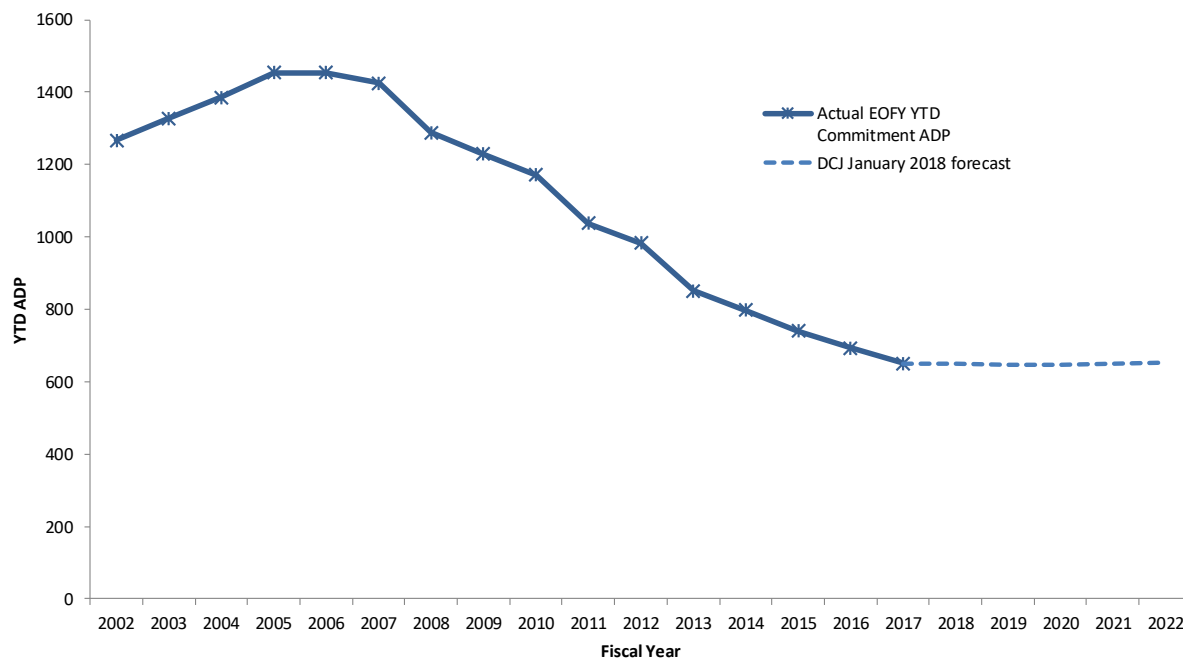
**Table 17: DCJ January 2018 quarterly juvenile commitment average daily population forecast, FY 2017 through FY 2022**

Fiscal Year	Quarter Ending	YTD ADP <sup>1</sup> Forecast	Quarterly Growth
2017*	June, 2017*	651.1	0.5%
2018*	September, 2017*	646.0	-0.8%
2018	December, 2017	647.2	0.2%
2018	March, 2018	648.1	0.1%
2018	June, 2018	650.1	0.3%
2019	September, 2018	650.7	0.1%
2019	December, 2018	647.5	-0.5%
2019	March, 2019	644.9	-0.4%
2019	June, 2019	646.4	0.2%
2020	September, 2019	648.5	0.3%
2020	December, 2019	646.3	-0.3%
2020	March, 2020	644.0	-0.4%
2020	June, 2020	645.8	0.3%
2021	September, 2020	651.0	0.8%
2021	December, 2020	648.8	-0.3%
2021	March, 2021	646.5	-0.4%
2021	June, 2021	648.4	0.3%
2022	September, 2021	654.4	0.9%
2022	December, 2021	652.3	-0.3%
2022	March, 2022	650.0	-0.4%
2022	June, 2022	652.1	0.3%

<sup>1</sup> Year to date average daily population.

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

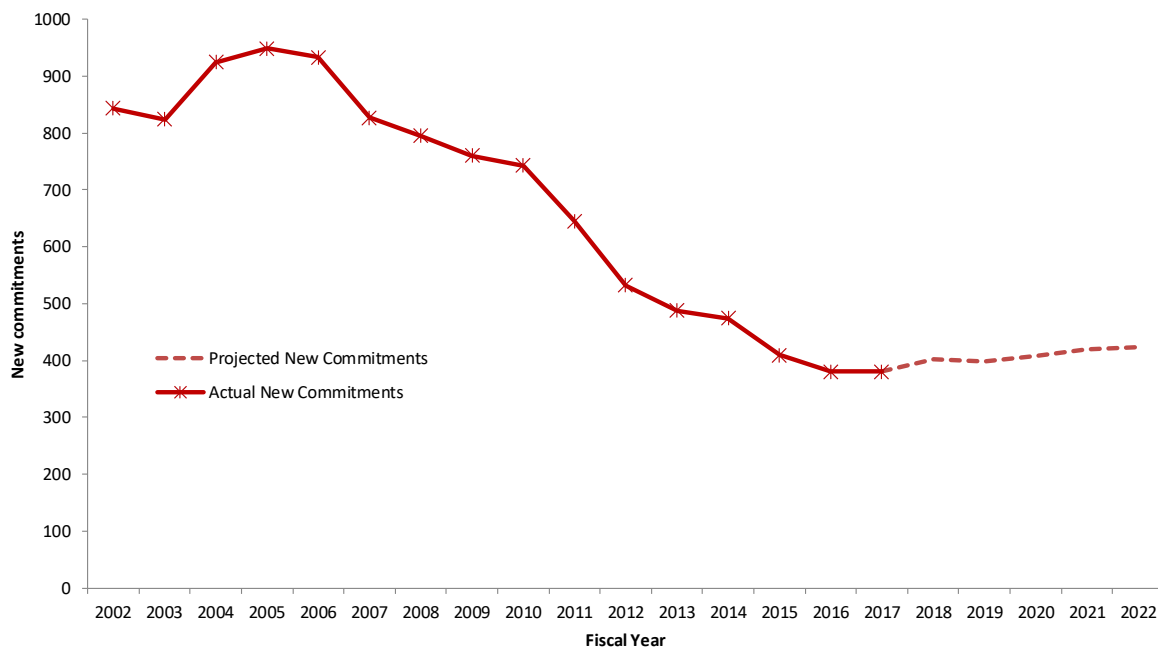
**Figure 13: Historical and projected year-end year to date juvenile commitment average daily population FY 2002 through FY 2022**



Note: FY 2000-2017 data points reflect actual year-end average daily population figures.

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

**Figure 14: Historical and projected annual new juvenile commitments FY 2002 through FY 2022**



Note: FY 2002-2017 data points reflect actual year-end average daily population figures.

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

## JUVENILE PAROLE CASELOAD FORECAST

In correspondence with the commitment population, the parole average daily caseload has declined over the past decade. A short-lived increase was observed in FY 2010, followed by declines each year since. In fiscal years 2014 and 2015, the parole ADC fell by 15.2% and 12.7%, respectively.<sup>11</sup> However, the significant decline observed in FY 2015 occurred strictly in the first month of the year, with the caseload remaining very stable throughout the remainder of FY 2015 and through FY 2016. Throughout FY 2017 the caseload began again to decline, falling by 10.6% by year-end. This decline stabilized during the last quarter of FY 2017, and the caseload has increased slightly in the first half of FY 2018.

Based on this recent trend in the parole ADC and expectations for the committed population, the caseload is expected to stabilize in the second half of FY 2018. Note the end-of-year decline of 2.4% indicated in Table 18 is an artifact of the low ADC observed early in the year. The monthly increase continues into the FY 2019, such that an increase of 2.1% in the YTD ADP is expected by the end of the year. Very minor increases and decreases are expected over the following three years.

Table 18 summarizes these estimates, while Figure 15 depicts the historical fluctuations in parole ADC over the past 15 years, along with the projected ADC through FY 2022.

**Table 18: DCJ January 2018 juvenile parole year-end average daily caseload forecast, FY 2016 through FY 2022**

Fiscal Year End	YTD ADC <sup>1</sup> Forecast	Annual Growth
2016*	246.6	0.4%
2017*	220.4	-10.6%
2018	215.1	-2.4%
2019	219.7	2.1%
2020	219.5	-0.1%
2021	220.4	0.4%
2022	221.6	0.6%

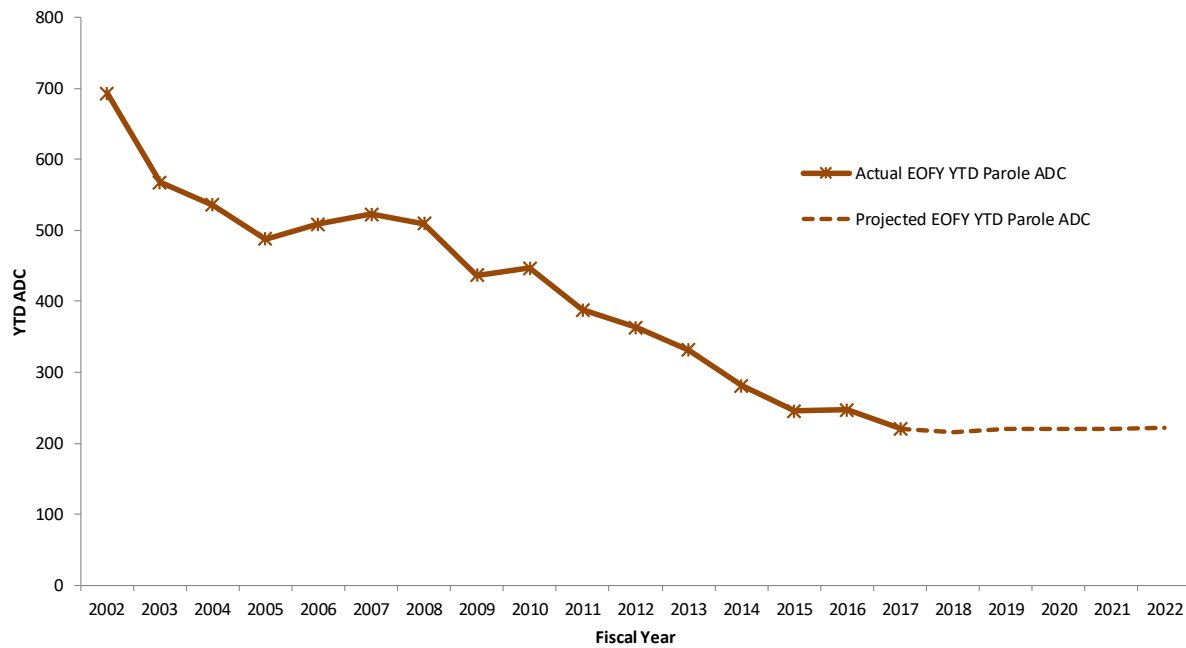
<sup>1</sup> Year to date average daily caseload.

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

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<sup>11</sup>Colorado Department of Human Services (2006-2016). *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Figure 15: Historical and projected juvenile parole year-end average daily caseload  
FY 2002 through FY 2022**



Note: FY 2002-FY 2017 data points represent actual average daily caseload figures.

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

## JUVENILE DETENTION POPULATION FORECAST

While the juvenile detention ADP declined by 6.5% in FY 2017, the population has increased steadily in the first half of FY 2018. An overall increase of 3.5% is expected by year-end. However, based on historical trends in detention ADP and continued declines in juvenile delinquency filings, the detention population is expected to stabilize and decline such that negative growth is expected in each of the following four years.

Table 19 summarizes the year-end detention ADP, while Table 20 presents the projected quarterly detention YTD ADP. The historical detention year-end ADP from FY 2002 through FY 2017 and the projected ADP through 2022 are depicted in Figure 16.

**Table 19: DCJ January 2018 juvenile detention fiscal year-end average daily population, FY 2016 through FY 2022**

<b>Fiscal Year End</b>	<b>YTD ADP<sup>1</sup> Forecast</b>	<b>Annual Growth</b>
2016*	275.0	-2.4%
2017*	257.1	-6.5%
2018	266.0	3.5%
2019	258.2	-2.9%
2020	251.8	-2.5%
2021	245.5	-2.5%
2022	244.8	-0.3%

<sup>1</sup> Year to date average daily population.

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

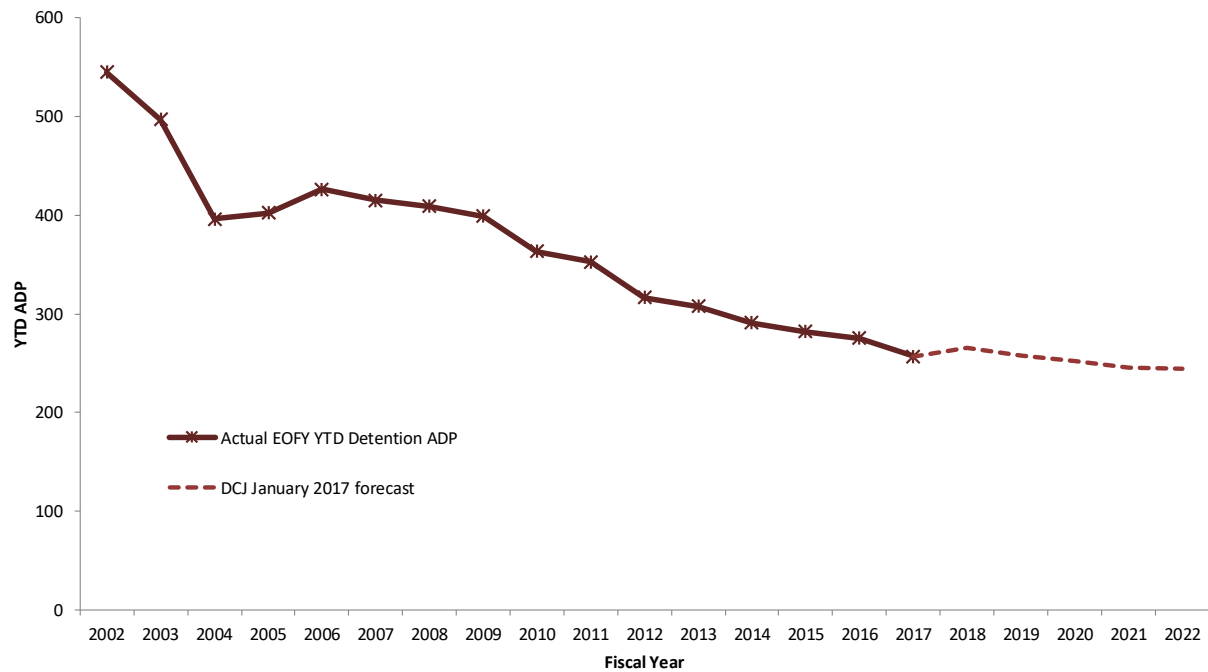
**Table 20: DCJ January 2018 quarterly juvenile detention average daily population forecast, FY 2017 through FY 2022**

<b>Fiscal Year</b>	<b>Quarter Ending</b>	<b>YTD ADP<sup>1</sup> Forecast</b>	<b>Quarterly Growth</b>
2017*	June, 2017*	257.1	-1.0%
2018*	September, 2017*	264.5	2.9%
2018	December, 2017	268.2	1.4%
2018	March, 2018	265.6	-1.0%
2018	June, 2018	266.0	0.2%
2019	September, 2018	260.2	-2.2%
2019	December, 2018	260.8	0.2%
2019	March, 2019	258.5	-0.9%
2019	June, 2019	258.2	-0.1%
2020	September, 2019	255.9	-0.9%
2020	December, 2019	254.5	-0.5%
2020	March, 2020	252.4	-0.8%
2020	June, 2020	251.8	-0.2%
2021	September, 2020	249.9	-0.8%
2021	December, 2020	248.3	-0.7%
2021	March, 2021	246.3	-0.8%
2021	June, 2021	245.5	-0.3%
2022	September, 2021	245.2	-0.1%
2022	December, 2021	244.8	-0.2%
2022	March, 2022	244.3	-0.2%
2022	June, 2022	244.8	0.2%

<sup>1</sup> Year to date average daily population.

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

**Figure 16: Historical and projected juvenile detention year-end average daily population  
FY 2002 through FY 2022**



Note: FY 2002-2017 data points reflect actual year-end average daily population figures.

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



## **Appendix A**

### **Legislation Affecting Prison Population Growth**

## LEGISLATION AFFECTING PRISON POPULATION GROWTH

Prisoners in Colorado are subject to many different sentencing laws, the most significant of which dates back to 1979 with H.B. 1589. Many of the ensuing changes in legislation have affected the size of the prison population, particularly House Bill 1320, passed in 1985. Changes to parole laws in the 1990s significantly affected the size of the parole population and the associated number of individuals subject to revocation decisions. Several pieces of legislation were passed in 2010 which are expected to have a significant impact on the size of both the prison and the parole populations. These sentencing laws are outlined below.<sup>12</sup>

- ❑ 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

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<sup>12</sup> Portions of this section were excerpted from: Rosten, K. (2003) *Statistical Report: Fiscal Year 2002*. (pp. 4-22). Colorado Springs, CO: Department of Corrections.

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.

- ❑ 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.<sup>13</sup>
- ❑ 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.

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<sup>13</sup> Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- ❑ In 1996, House Bill 1005 broadened the criminal charges eligible for direct filings of juveniles in adult court and possible sentencing to the YOS. This legislation also lowered the age limit of juveniles eligible for direct filing and sentencing to YOS from 14 to 12 years of age.
- ❑ House Bill 98-1160 applied to offenses occurring on or after July 1, 1998, mandating that every offender must complete a period of parole supervision after incarceration. A summary of the major provisions that apply to mandatory parole follows:
  - 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,<sup>14</sup> 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,<sup>15</sup> 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.

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<sup>14</sup> 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.

<sup>15</sup> Defined by CRS § 18-1.3-406.

- o For sex offenders eligible for sentencing as a habitual sex offender against children (pursuant to 18-3-412, C.R.S.), the sex offender shall receive an indeterminate term of at least the upper limit of the presumptive range for the level of offense committed and a maximum of the sex offender's natural life.
  - o The period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least 10 years and a maximum of the remainder of the sex offender's natural life.
  - 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.<sup>16</sup> 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.

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<sup>16</sup> As defined by CRS § 18-1.3-406.

- ❑ Also in 2008, House Bill 1382 modified the law regarding offenders for whom the Department of Corrections can mandate sex offender treatment, and also expanded the population of offenders who are eligible for earned time by allowing earned time eligibility while on parole or after re-parole following a parole revocation.
- ❑ House Bill 09-1351 increased the maximum monthly earned time from 10 days to 12 days per month for certain inmates convicted of class 4, 5, or 6 felonies and changed the maximum earned time reduction from 25% to 30% of an offender's total sentence. In addition, the bill created 'earned release time' for inmates meeting certain qualifications. Inmates convicted of class 4 or class 5 felonies who meet these qualifications may earn their release 60 days prior to their mandatory release date, while eligible class 6 felons may earn release 30 days prior to their mandatory release date.
- ❑ In 2010, House Bill 1374 clarified eligibility criteria for the enhanced earned time that was created the prior year in House Bill 09-1351 and made substantial changes to the statutory parole guidelines in C.R.S. § 17-22.5-404. A statement of legislative intent was added, with the requirement that the Division of Criminal Justice (DCJ) develop a risk assessment scale for use by the Parole Board that includes criteria shown to be predictors of recidivism risk. The DCJ, DOC, and the Parole Board were also required to develop the Parole Board Action Form, to document the rationale for decisions made by the Board. The Parole Board is required to use the risk assessment scale and the administrative guidelines for both release and revocation decision making.
- ❑ Also in 2010, House Bill 1360 allows the Parole Board to modify the conditions of parole and require the parolee to participate in a treatment program in lieu of a parole revocation. A parolee who commits a technical parole violation, and was not on parole for a crime of violence, may have his or her parole revoked for a period of no more than 90 days if assessed as below high risk to reoffend, or up to 180 days if assessed as high risk. Additionally, placement in a community return to custody facility for a technical parole violation was expanded to include people convicted of a non-violent class 4 felony. The bill also specified that the Division of Adult Parole provide the judiciary committees of the House and Senate with a status report regarding parole outcomes and the use of money allocated pursuant to the bill. A portion of the savings are required to be allocated for re-entry support services for parolees including obtaining employment, housing, transportation, substance abuse treatment, mental health treatment, and other services.
- ❑ House Bill 11-1064 created a presumption favoring the granting of parole to certain qualifying inmates serving sentences for drug possession or drug use offenses.
- ❑ Senate Bill 11-241 expands the definition of special needs offenders, and permits the inclusion of offenders convicted of certain felony 1 and felony 2 crimes qualifying for a special needs

parole consideration. Additionally, the bill creates a presumption in favor of granting parole for certain inmates with a detainer from the United States Immigration and Customs Enforcement Agency (ICE).

- ❑ House Bill 12-1223 restores eligibility for earned time to people re-incarcerated for a parole revocation and expands earned time for major program completion or extra-ordinary conduct by an inmate that promotes the safety of staff, volunteers or other inmates. Additionally, the bill allows prisoners re-incarcerated for technical parole violations to accrue earned time. Any cost savings are to be reinvested into vocational and educational programming inside prison and re-entry support services for people on parolee.
- ❑ House Bill 14-1355 provided over \$8 million in funding and 78.4 FTE per year for reentry programs for adult parolees. These funds are to develop and implement programs to assist inmates to prepare for release to the community as well as provide equipment, training, and programs to better supervise offenders in the community.
- ❑ Senate Bill 15-124 narrows the scope of behavior warranting arresting a parolee for a technical violation, and requires the use of intermediate and alternative sanctions to address noncompliance with conditions of parole. Such sanctions can include a short-term period of jail confinement and referral to treatment or other support services.
- ❑ House Bill 15-1122 stipulated that an offender is ineligible for parole if he or she has been convicted of certain penal discipline violations or failed to participate in required programs.
- ❑ Senate Bill 16-180 required CDOC to develop and implement a specialized program for juveniles convicted as adults and sentenced to an adult prison. Additionally, Senate Bill 16-181 allowed juveniles sentenced for a class 1 felony committed on or after July 1, 1990, and before July 1, 2006, to be re-sentenced to life with the possibility of parole.
- ❑ House Bill 17-1308 removed the mandatory imposition of certain parole conditions related to changes of residence, drug testing, personal contacts and payment of restitution.
- ❑ House Bill 17-1326 lowered parole revocation terms for certain parolees from 180 days to 30 or 90 days, dependent on conviction crimes. Additionally, the bill changed the maximum time a revoked parolee can be held in the preparole release and revocation facility from 180 to 90 days and repealed the Department of Corrections' authority to operate community return-to-custody facilities. Finally, it directed the Parole Board to conduct parole release review in lieu of a hearing for certain low-risk inmates.

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.