

# **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 the most recently developed forecasts for the Colorado adult prison and parole populations across the upcoming seven fiscal years. Additionally, forecasts of the Colorado juvenile commitment, detention and parole populations through the next five fiscal years are presented. Also included are estimates of the average length of stay for inmates admitted to prison during the previous fiscal year. These are used to calculate cost savings resulting from proposed legislation and policy changes.

The Division produces this comprehensive analysis of the adult prison population forecast annually each winter. These figures are adjusted the following summer to accommodate recent trends in admissions and releases, new 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 state fiscal years 2023 through 2029, including estimates of prison admissions and releases by type. These are followed by the parole caseload forecasts for fiscal years 2023 through 2029. The next section provides a discussion of factors and assumptions applied to the current projections.

Following the adult population forecasts, estimates of the average lengths of stay by offender category for prisoners admitted during fiscal year 2022 are presented, as well as estimates for the average length of stay on parole for new releases to parole.

The last section presents the juvenile commitment, detention and parole projections for fiscal years 2023 through 2027. 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 caseload. These are followed by year-end and quarterly ADP forecasts for the detention population.

## Assumptions affecting the accuracy of the DCJ forecast

Forecasting future prison populations is not an exact science. Factors which can affect growth are often unpredictable and somewhat speculative, as they are dependent on the decisions and behaviors of individuals and organizations at multiple points in the criminal and juvenile justice systems. These include (but are not limited to) law enforcement, prosecutors, judges, probation and parole officers, and correctional officials.

The projection figures for the Colorado Department of Corrections' incarcerated and paroled populations and for the Division of Youth Services' committed, detained, and paroled populations are based on the multiple assumptions outlined below.

- ❑ The Colorado General Assembly will not pass new legislation that impacts the length of time individuals 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 prison sentences or 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 models.
- ❑ The data provided by the Colorado Department of Corrections (DOC) and the Division of Youth Services (DYS) accurately describe the number and characteristics of individuals committed to, released from, and retained in DOC and DYS facilities.
- ❑ Incarceration times and sentencing data provided by DOC and DYS 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 models.
- ❑ Seasonal variations observed in the past will continue into the future.
- ❑ The forecasts of the Colorado population size, gender and age distributions generated by the Colorado Demographer's Office are accurate.
- ❑ District and Juvenile 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. Note this final factor has been particularly relevant during recent years.

# 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, from the Division of Court Services, 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. 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 categories according to governing offense type, felony class and sentence length. The duration of each category's stay in prison is estimated using data concerning the length of stay for those 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.

The cohort of currently incarcerated individuals is treated in a similar manner. This cohort is also disaggregated into approximately 70 offense 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

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<sup>1</sup> 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>

differ from those influencing the future admissions cohort. The release of individuals 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 totaled to estimate the size of the parole caseload at the end of each fiscal year.



# Colorado Adult Prison Population and Parole Caseload Projections

## ***Adult Inmate Population Forecast***

After the profound 12.6% decline in the prison population seen in fiscal year (FY) 2020 in the wake of the COVID-19 pandemic and subsequent criminal justice system responses, the prison population continued to decline throughout FY 2021. Overall the population declined 11.6% through FY 2021, with a slow return to growth beginning in early FY 2022, accelerating through the end of the fiscal year. This rate of growth has slowed greatly in early FY 2023.

The total prison population is expected to increase 6.9% between the ends of FY 2022 and FY 2023, from 16,391 inmates to 17,481. The growth rate is expected to moderate in late FY 2024, continuing throughout the forecast horizon. By the end of FY 2029, the population is expected to reach 21,776 inmates, an increase of 33.1%.

The number of men in prison is expected to increase from 15,033 to 20,008 between the ends of FY 2022 and FY 2029, while the number of women in prison is expected to increase from 1,328 to 1,771 across the same time frame.

Figure 1 displays the year-end inmate population each year between FY 2005 and FY 2022. As shown, after decades of continuous growth, the population began to decrease in FY 2010, largely due to legislation passed in 2010 which diverted a significant number of offenders from prison and shortened sentence lengths.<sup>4</sup> This decline accelerated in FY 2012 and FY 2013, in the wake of additional legislation passed between 2011 and 2012 which expanded earn time, shortened the length of stay in prison for technical parole violators, and provided for the early parole of certain inmates.<sup>5</sup> 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.

***The Colorado prison population is expected to increase 7% between the end of FY 2022 and the end of FY 2023, from 16,391 inmates to a projected population of 17,481. Growth is expected to continue, though at a moderated rate over the following 6 years. By the end of FY 2029, the population is expected to reach 21,776 inmates, an increase of 33%.***

***The number of men in prison is expected to increase 33%, from 15,003 to 20,008 by the end of FY 2029, while the number of women in prison is expected to increase 34%, from 1,328 to 1,771 across the same time frame.***

***The domestic parole caseload is expected to continue to decline, from 7,862 to 6,610 parolees across FY 2023 (a 16% reduction). A return to growth is expected in FY 2024, resulting in a 23% increase by the end of FY 2029 with the caseload reaching 9,659.***

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<sup>4</sup> See House Bills 2010-1338, 1352, 1413, 1373, 1374

<sup>5</sup> See HB 12-1223 and SB 11-241

This interval of growth once again reversed, with the population declining at an accelerating rate through March of 2016. This decline was attributable to a reduction in parole returns, which in turn was partially due to legislation passed in 2014 and 2015. This legislation directed DOC to provide reentry services to offenders, and required the use of alternative sanctions for parole violations prior to revocation.<sup>6</sup> Additionally, policies implemented within the Division of Parole lead to further reductions in parole revocations during FY 2016. At the end of this period, the population reached 19,550, the lowest month-end figure observed since 2003. However, the population began increasing through the remainder of FY 2016 and throughout FY 2017. A short-lived decline occurred in August and September of 2018, coinciding with the appointments of new parole board positions. Subsequently the population remained relatively stable, with small decreases evident across FY 2019 and early FY 2020.

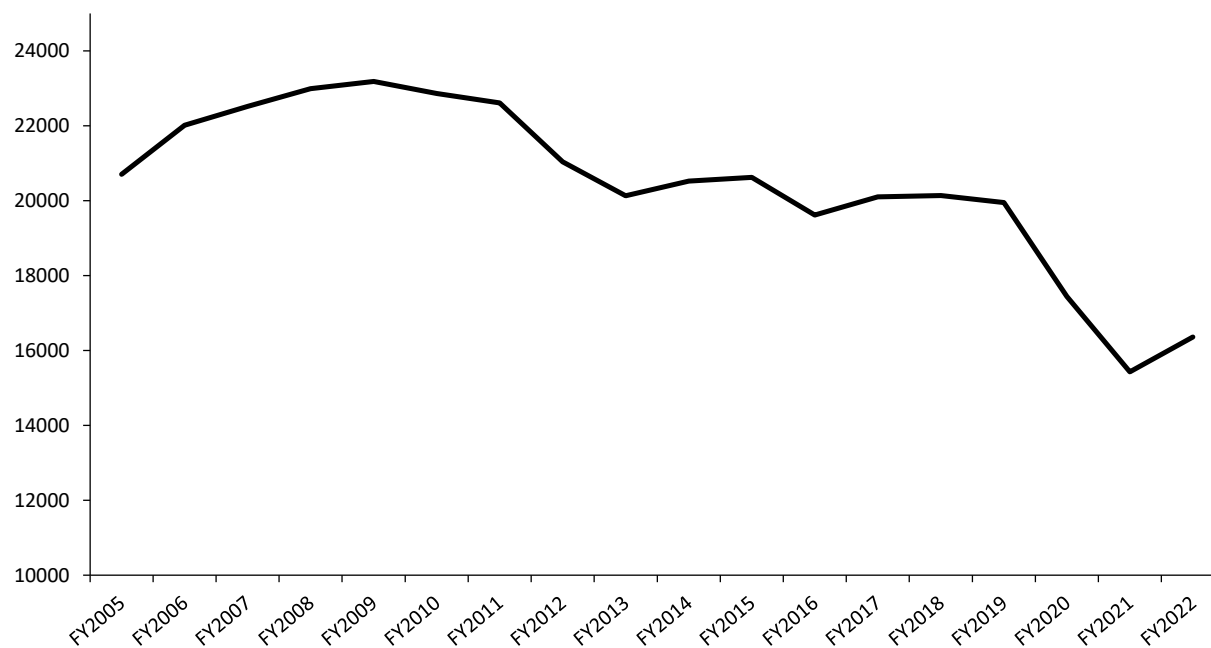
With the onset of the COVID-19 pandemic at the end of FY 2020, the decline in the population drastically accelerated. In the twelve months following March 2020, the population fell by 19.0%, to 15,670 inmates. By the end of FY 2021, the population fell further, to 15,434 inmates. This is the lowest inmate population seen in Colorado since 1999. Growth returned in early FY 2022, accelerating throughout the year. The population grew by 2.7% in the final quarter of FY 2022, the largest amount of growth observed in a single quarter in the past 20 years. However, this rate of growth has moderated in early FY 2023. Growth in the prison population is expected to continue, but somewhat more moderately than expected at the time of the November 2021 and June 2022 DCJ population forecasts.

Figure 2 displays the total prison population at the end of each quarter between the end of FY 2015 through the first half of FY 2023 (December, 2022), and provides comparisons between the current prison forecast and those prepared in November 2021 and June 2022. As shown, the growth rate predicted in the current forecast is moderated from that previously projected. The rationale for this modification is presented in the section beginning on page 17 in this report. Figure 3 compares the actual and projected trends in the male and female inmate populations through FY 2029.

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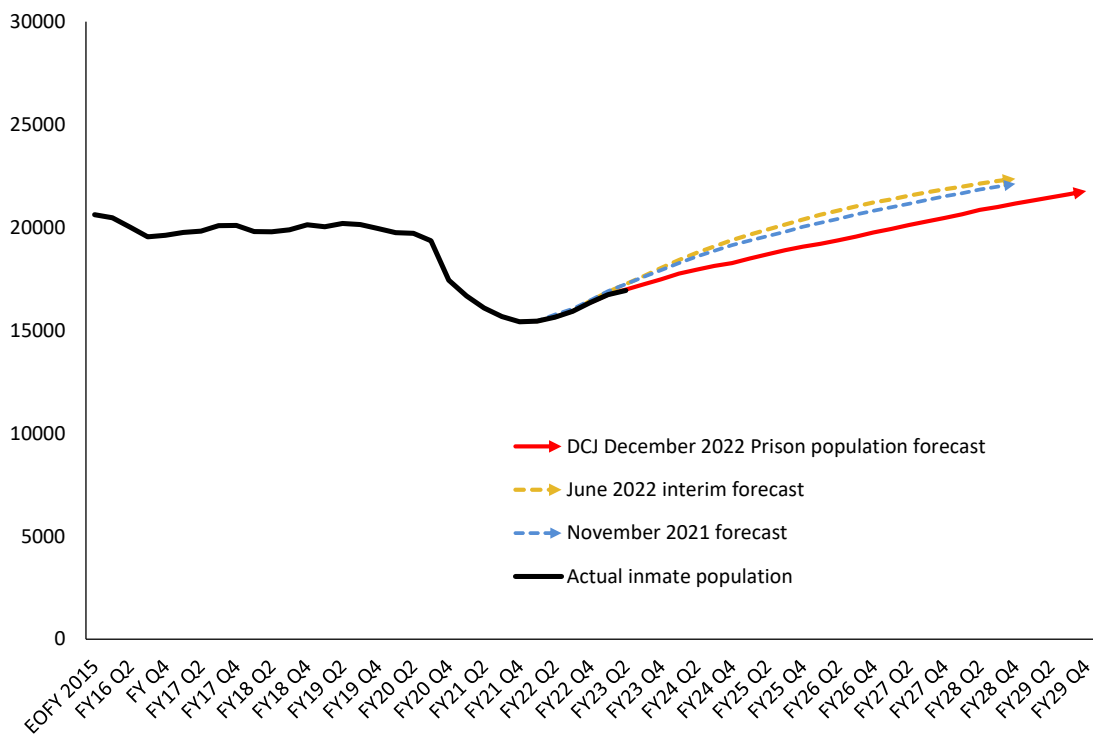
<sup>6</sup> See HB 14-1355 and SB 15-124

**Figure 1. Year-end prison population FY 2005 through FY 2022**



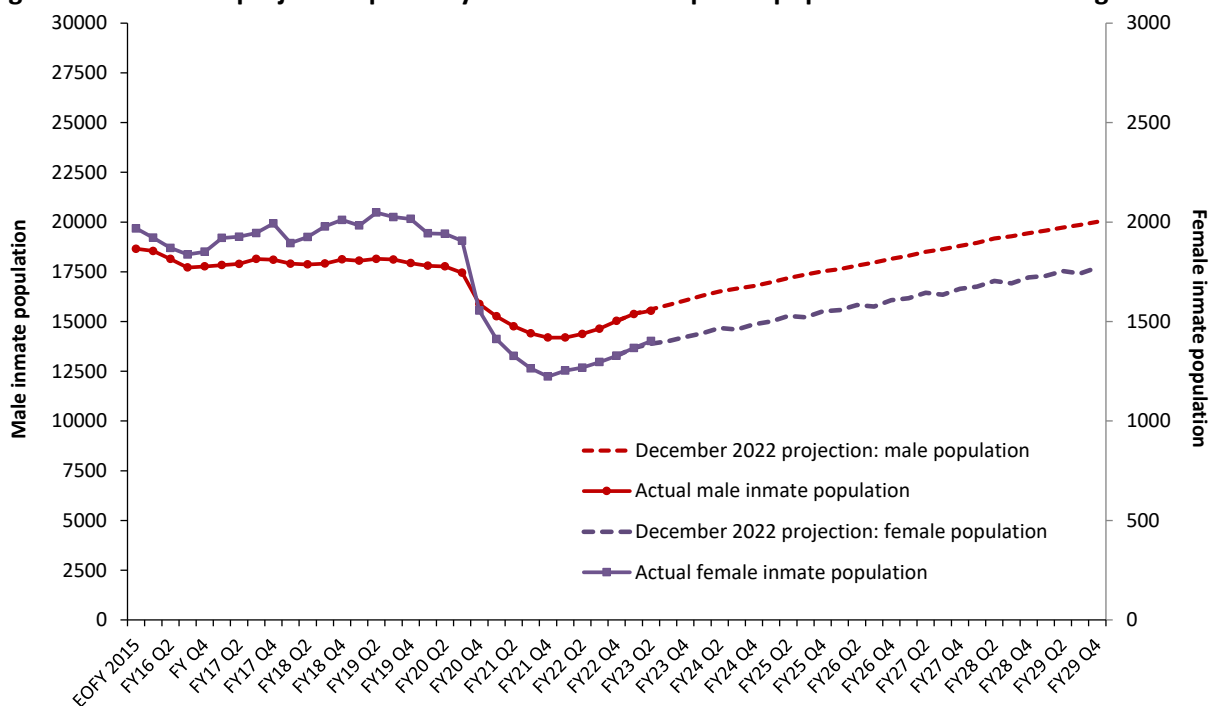
Data source: Actual population figures FY 2005 through FY 2022: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departamental-reports-and-statistics>

**Figure 2. Actual prison population FY 2015 through December 2022 with comparison of current DCJ prison population forecast to November 2021 forecast and June 2022 interim forecast**



Data source: Actual population figures FY 2015 through December 2021 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://cdoc.colorado.gov/about/data-and-reports/statistics>

**Figure 3. Actual and projected quarterly male and female prison populations FY 2015 through FY 2029**



Data source: Actual population figures FY 2015 through December 2021 Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://cdoc.colorado.gov/about/data-and-reports/statistics>

Table 1 displays the historical total and gender-specific growth in the prison population by fiscal year for FY 2005 through FY 2022, as well as the projected population through the end of fiscal year 2029. Table 2 displays total and gender-specific projected quarterly growth in the prison population across fiscal years 2023 through 2029. 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 admissions and releases from prison for fiscal years 2012 through 2029 are graphically displayed in Figure 4. Trends in admissions and releases by type for the same time frame can be found in Figures 5 and 6.

**Table 1. DCJ December 2022 adult prison population projections: actual and projected populations  
FY 2005 through FY 2029**

Fiscal Year End	Total inmate population		Male population		Female population	
	Count	% change	Count	% change	Count	% change
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*	20,136	0.17%	18,125	0.09%	2,011	0.90%
2019*	19,951	-0.92%	17,935	-1.05%	2,016	0.25%
2020*	17,441	-12.58%	15,886	-11.42%	1,555	-22.87%
2021*	15,434	-11.51%	14,218	-10.50%	1,216	-21.80%
2022*	16,361	6.01%	15,033	5.73%	1,328	9.21%
2023	17,481	6.85%	16,062	6.85%	1,422	7.09%
2024	18,267	4.50%	16,785	4.50%	1,486	4.50%
2025	19,070	4.39%	17,522	4.39%	1,551	4.39%
2026	19,759	3.62%	18,155	3.62%	1,607	3.62%
2027	20,459	3.54%	18,798	3.54%	1,664	3.54%
2028	21,162	3.44%	19,444	3.44%	1,722	3.44%
2029	21,776	2.90%	20,008	2.90%	1,771	2.90%

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

**Table 2. DCJ December 2022 end-of-quarter adult prison population projections:  
June 2022 through June 2029**

Fiscal Year	End of month	Total inmate population		Male population		Female population	
		Count	% change	Count	% change	Count	% change
2022	June 2022*	16,361	2.68%	15,033	2.70%	1,328	2.47%
2023	September 2022*	16,743	2.33%	15,376	2.28%	1,367	2.94%
	December 2022	16,984	1.44%	15,614	1.55%	1,388	1.55%
	March 2023	17,234	1.48%	15,833	1.40%	1,402	0.98%
	June 2023	17,481	1.43%	16,062	1.45%	1,422	1.45%
2024	September 2023	17,759	1.59%	16,309	1.54%	1,441	1.31%
	December 2023	17,956	1.11%	16,508	1.22%	1,468	1.87%
	March 2024	18,128	0.96%	16,653	0.88%	1,460	-0.50%
	June 2024	18,267	0.77%	16,785	0.79%	1,486	1.76%
2025	September 2024	18,491	1.22%	16,981	1.17%	1,500	0.94%
	December 2024	18,695	1.11%	17,188	1.22%	1,528	1.87%
	March 2025	18,894	1.06%	17,357	0.98%	1,522	-0.40%
	June 2025	19,070	0.93%	17,522	0.95%	1,551	1.92%
2026	September 2025	19,208	0.73%	17,640	0.67%	1,558	0.45%
	December 2025	19,374	0.86%	17,812	0.97%	1,584	1.62%
	March 2026	19,558	0.95%	17,967	0.87%	1,576	-0.51%
	June 2026	19,759	1.03%	18,155	1.05%	1,607	2.02%
2027	September 2026	19,935	0.89%	18,308	0.84%	1,617	0.62%
	December 2026	20,128	0.96%	18,505	1.08%	1,645	1.72%
	March 2027	20,288	0.80%	18,638	0.72%	1,634	-0.66%
	June 2027	20,459	0.84%	18,798	0.86%	1,664	1.83%
2028	September 2027	20,648	0.92%	18,962	0.87%	1,675	0.64%
	December 2027	20,854	1.00%	19,173	1.11%	1,705	1.76%
	March 2028	20,999	0.69%	19,291	0.61%	1,692	-0.76%
	June 2028	21,162	0.78%	19,444	0.79%	1,722	1.77%
2029	September 2028	21,314	0.72%	19,574	0.67%	1,729	0.44%
	December 2028	21,459	0.68%	19,729	0.79%	1,754	1.44%
	March 2029	21,612	0.71%	19,855	0.64%	1,741	-0.74%
	June 2029	21,776	0.76%	20,008	0.78%	1,771	1.75%

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

**Table 3. DCJ December 2022 Prison Population Projections: Actual and projected prison admissions by type, FY 2005 through FY 2029**

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*	6,172	1,072	2,660	68	9,972
2019*	6,217	2,214	1,245	50	9,726
2020*	5,324	1,577	1,040	44	7,985
2021*	3,603	751	698	39	5,091
2022*	4,710	792	740	14	6,256
2023	4,757	817	892	23	6,489
2024	5,111	784	877	27	6,799
2025	5,341	876	959	29	7,205
2026	5,589	928	994	32	7,543
2027	5,796	981	1,063	34	7,875
2028	5,946	1,044	1,100	37	8,126
2029	6,082	1,117	1,130	39	8,368

\*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 2022 Adult Prison Population Projections: Actual and projected prison releases by type, FY 2005 through FY 2029**

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*	5,333	3,436	8,769	1,052	123	9,944
2019*	4,278	4,291	8,569	1,191	132	9,892
2020*	3,400	5,710	9,110	1,280	131	10,521
2021*	2,177	4,049	6,226	763	126	7,115
2022*	1,741	2,928	4,669	563	103	5,335
2023	1,757	2,857	4,614	649	94	5,357
2024	1,933	3,250	5,184	718	110	6,012
2025	2,060	3,463	5,523	759	117	6,399
2026	2,204	3,705	5,908	815	125	6,848
2027	2,304	3,874	6,178	862	131	7,171
2028	2,382	4,003	6,385	898	135	7,418
2029	2,489	4,183	6,672	936	142	7,750

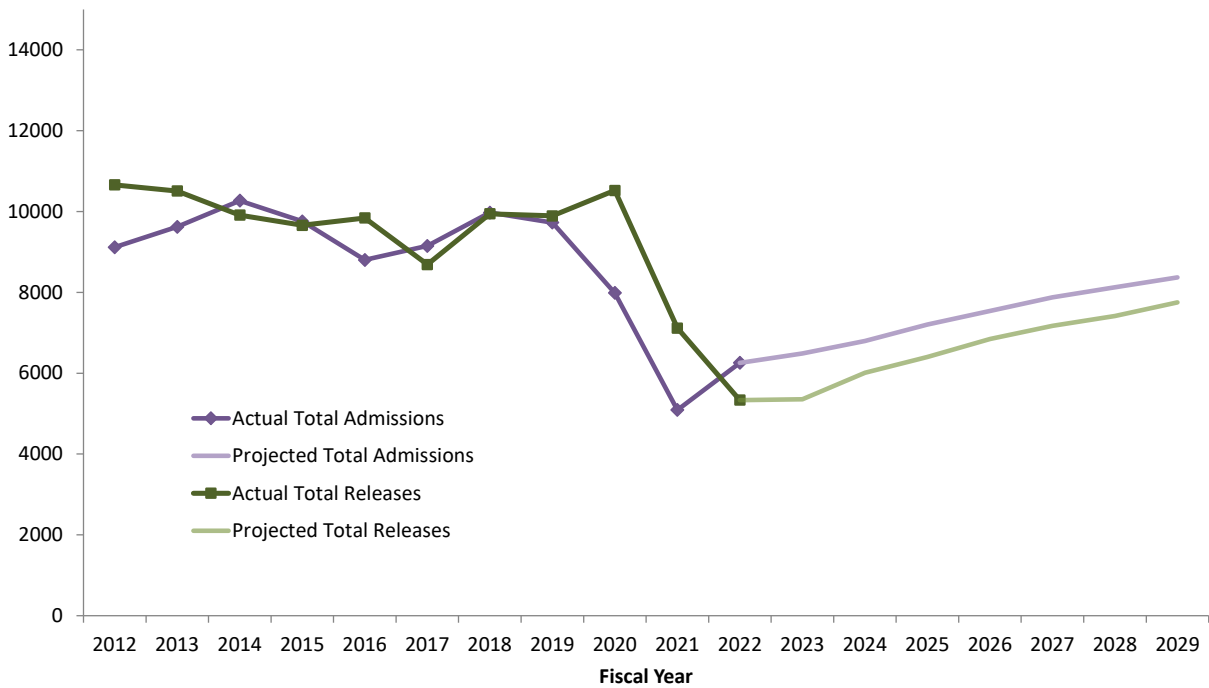
1. Due to a decrease in community transportation resources in 2005, inmates to be released on their mandatory release date were classified as discretionary releases. A change in the electronic coding of these inmates enabled them to be correctly classified as mandatory parole releases in 2008. The increase 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/departamental-reports-and-statistics>

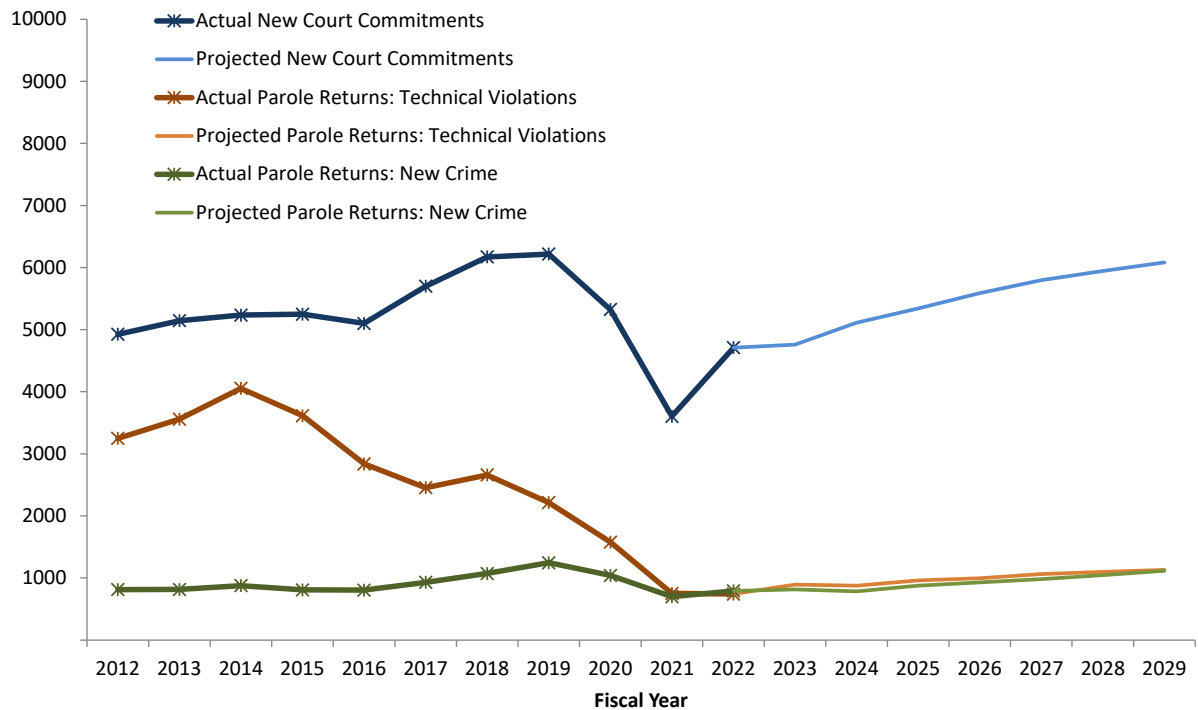


**Figure 4. Colorado prison admissions and releases: actual and projected FY 2012 through FY 2029**



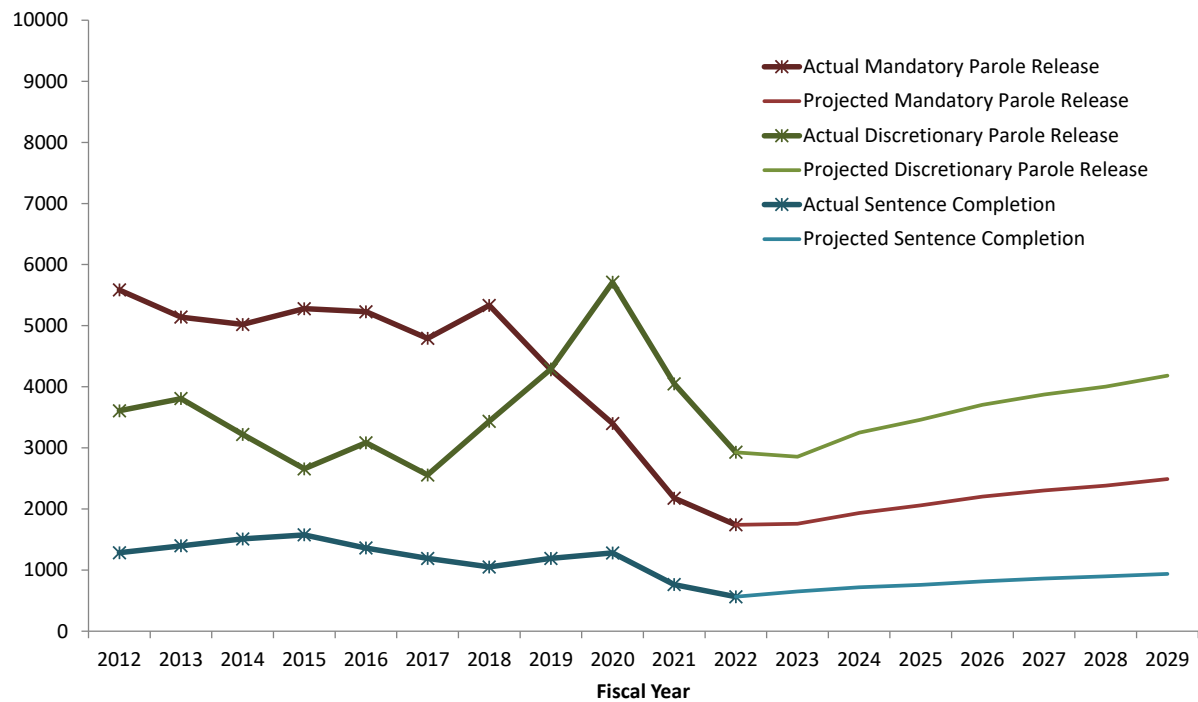
Data source: Actual prison admission/release figures: Colorado Department of Corrections Monthly Capacity and Population Reports. Available at: <https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics>

**Figure 5. Colorado prison admission detail: actual and projected FY 2012 through FY 2029**



Data source: Actual prison admission 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 2028**



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>

## Adult Parole Caseload Forecast

The two components used when forecasting future parole caseloads are the expected numbers of releases to parole, and their length of stay on parole. These may vary greatly depending on a number of factors, such as profiles of releases to parole, legislation, parole board policies, community resources and parole success or failure rates.

Table 5 displays the current DCJ forecast for the domestic parole caseload through the end of FY 2029, while Figure 7 displays the year-end caseloads for fiscal years 2012 through 2022, and the projected year-end caseloads for fiscal years 2023 through 2029.

While the parole caseload forecast developed in November 2021 overestimated the caseload realized at the end of FY 2022 by a single individual, the current forecast adjusts future expectations significantly downward based on modifications to the projected growth of the prison population and additional factors described in the next section.

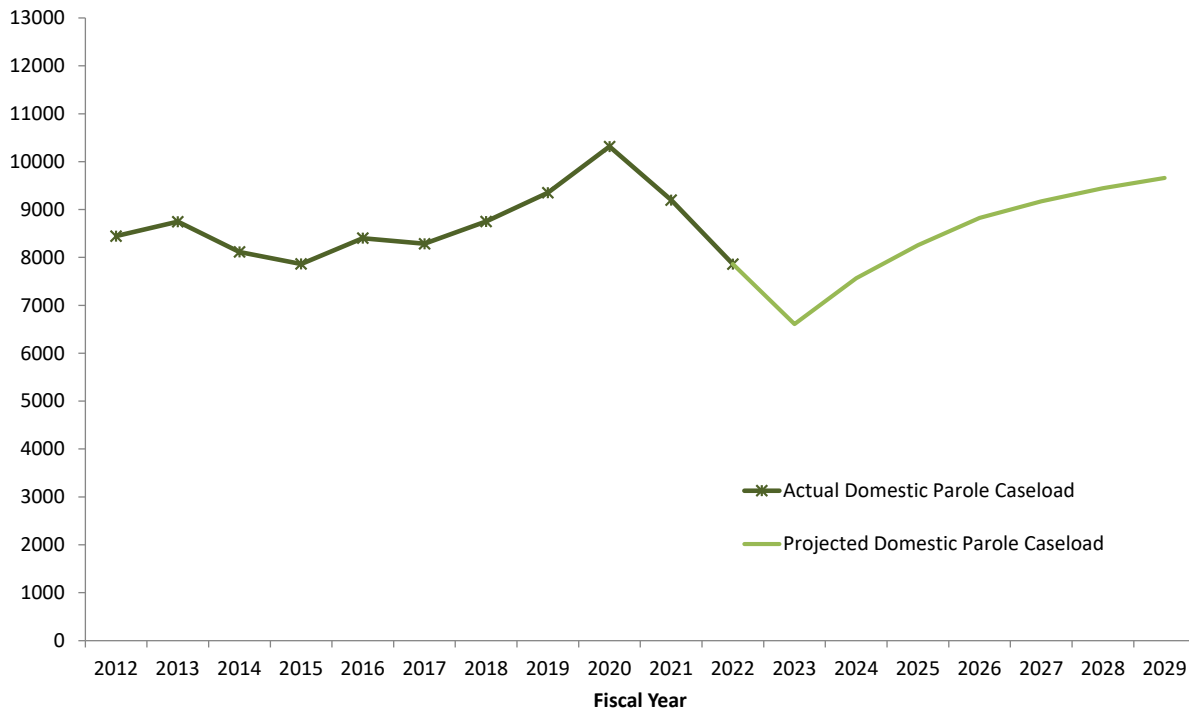
The parole caseload is expected to continue to decline, falling 15.9% by the end of FY 2023, from 7,862 to 6,610 parolees. However, strong growth is expected throughout FY 2024, with a 14.5% increase in the caseload. Strong growth is expected through fiscal years 2025 and 2026, followed by continuing but slowing growth through FY 2029. An overall 22.96% increase is expected by the end of FY 2029, with the caseload reaching 9,659.

**Table 5. DCJ December 2022 adult domestic parole caseload projection FY 2022 through FY 2029**

Fiscal Year End	Domestic Parole Caseload	Annual Growth
2022*	7,862	-14.52%
2023	6,610	-15.93%
2024	7,568	14.50%
2025	8,257	9.11%
2026	8,826	6.89%
2027	9,170	3.90%
2028	9,446	3.01%
2029	9,659	2.25%

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

**Figure 7. Historical and projected end of fiscal year domestic parole caseload FY 2012 through FY 2029**



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

## ***Trends and factors influencing the DCJ December 2022 prison population and parole caseload forecasts***

Growth in the inmate population has slowed greatly, after experiencing a period of very strong growth during March thru August of 2022, increasing by an average of 150 inmates per month. The rate of growth slowed in mid-September, which has continued through November 2022. Based on this trend and the factors discussed below, the current forecast moderates that expected at the time of the November 2021 and June 2022 population forecasts.

The total prison population is expected to increase by 6.9% between the end of FY 2022 and the end of FY 2023, and by 33.1% by the end of FY 2029. The parole caseload is expected to decline by 15.9% by the end of FY 2023, but to realize an overall increase of 22.9% by the end of FY 2029.

### ***Declining admissions***

**New commitments.** The moderation in the growth rate is mainly due to a decline in new court commitments during recent months. New commitments declined beginning in February 2020. This decline accelerated through May of 2020 due to the systemic responses to the COVID-19 pandemic along with the simultaneous implementation of legislation reducing criminal charges for certain drug crimes and for certain escape crimes.<sup>7</sup> Subsequently, new commitments remained stable throughout FY 2021, with growth returning throughout FY 2022. However, some decline has been observed in early FY 2023.

Criminal court filings, which have historically correlated with new commitments to prison, have continued to go down though more slowly than in prior years. Felony filings fell 13% between April and June of 2020 alone, and continued to decline by an additional 13% across FY 2021. The rate of decline slowed to 3% in FY 2022, though trends in early FY 2023 are indicative of a continued decline. These reductions are to a large extent due to the diversion of many drug filings, and to a lesser degree escape filings from criminal to county courts due to House Bills 2019-1263 and 2020-1019. As shown in Figure 10, the reduction in total criminal filings is directly correlated with the reduction in filings for these two crimes. The numbers of filings for all other crimes has remained very consistent.

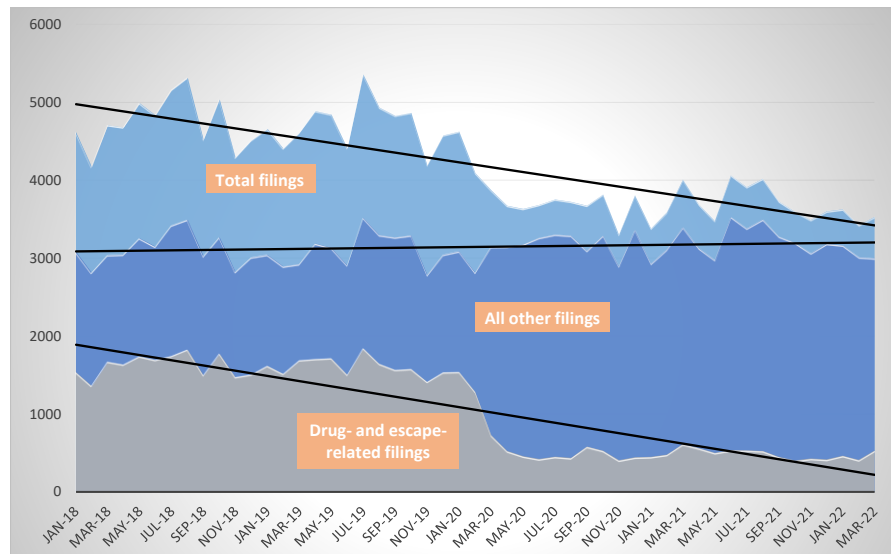
These trends, along with delays in court operations and case dispositions resulting from the impact of the COVID-19 pandemic has led to a reduction in the reliability of the correlation between court filings and new sentences to prison. This is aggravated by the fact that the preponderance of this reduction applies to defendants who were unlikely to receive a sentence to prison, regardless of the legislative changes. Nonetheless, new commitments for low-level felony drug crimes fell 76.1% over the past 3

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<sup>7</sup> See House Bills 2019-1263 and 2020-1019, both enacted March 2020.

years, from making up 6.6% of all new commitments in FY 2019 to 2.2% in FY 2022. Likewise, admissions for escape crimes have fallen 86.5% in the same time frame, from making up 9.0% of total admissions to 1.7%. In comparison, admissions for all other crime types combined fell only 16.7%.

**Figure 8. Trends in criminal filings: comparing drug- and escape-related cases to all other case types.**



Data Source: Data provided by the Office of Planning and Analysis, Colorado Department of Corrections.

While probation revocations, which are also a source of new commitments to prison, increased in the past year, the proportion of revocations resulting in a prison sentence declined from 7.9% in FY 2020 to 4.3% in FY 2021. However, this reduction is likely an artifact of the continued delays in court operations resulting from the COVID-19 pandemic. As a result, approximately two-thirds to three-fourths of all cases terminated from probation for technical violations, new crimes, or absconding did not have a new sentence entered at the time of reporting.<sup>8</sup> Therefore, future trends in revocations to prison remain to be seen.

The passage of House Bill 2022-1326, regarding fentanyl accountability, will have some minor impact on increasing admissions. While some misdemeanor possession offenses are escalated to a level 4 drug felony, defendants convicted of these crimes are not subject to prison sentences. However, certain other charges are escalated to level 1 and level 2 drug felonies. It is estimated approximately 32 offenders per year will be sentenced to prison beginning in FY 2024.

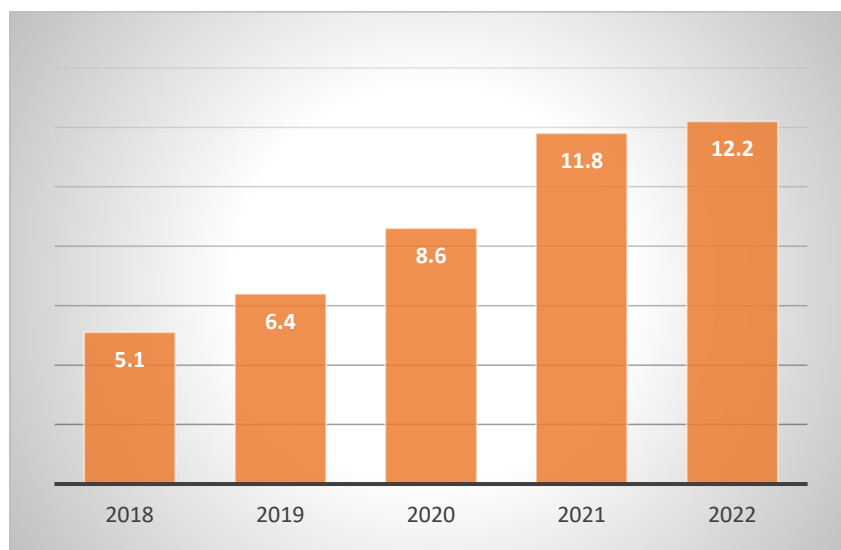
<sup>8</sup> Colorado Judicial Branch Annual Recidivism Reports. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

**Parole revocations.** The ratio of parole revocations to the parole caseload fell by 88.0% between March 2020 and May 2020. This was initially due to the extreme growth in the caseload resulting from accelerated releases to parole as well as reductions in revocations in response to the COVID-19 pandemic. This decline leveled thereafter, but has remained substantially below that observed prior to 2020.

Prior to 2020, admissions for parole technical violations consistently exceeded 2,000 per year. Revocations began to fall in January of 2020, prior to the onset of the COVID-19 pandemic. This was greatly accelerated in April 2020, when strategies to reduce the spread of COVID-19 in DOC facilities were implemented. Revocations rose slightly by August 2020, but have remained far below the numbers previously observed with well under 800 admissions in both FY 2021 and FY 2022. Admissions during early FY 2023 indicate a continuation of this pattern, exerting some downward pressure on the population in the future.

A contributing factor in the reduction of parole returns lies with the passage of SB 19-143, which severely limited the circumstances under which a parolee may be revoked for a technical parole violation. This legislation also eliminated the determinate periods of time a parolee could be returned to prison. Consequently, while the numbers of revocations dropped, the length of stay in prison for these revocations increased steadily from 6.4 months in FY 2018 to 12.2 months in FY 2022, a 90.6% increase (see Figure 11). Thus, the impact of reducing parole revocations on reducing the overall prison population is moderated.

**Figure 9. Length of stay of parole technical violation returns by year of release.**



*Data Source: Data provided by the Office of Planning and Analysis, Colorado Department of Corrections.*

In addition, the proportion of admissions due to parole returns with a new crime has risen in correspondence with the decline in revocations for technical violations, such that they each represent equal proportions of prison admissions. As parole returns with a new crime will remain in prison for a

longer time than those returned for a technical violation, the impact of reducing parole revocations on reducing the overall prison population is further moderated.

Overall parole returns are expected to increase in FY 2025, due to the growth expected in the parole caseload beginning in mid-FY 2024 which is discussed in further detail below.

### ***Release trends***

Reductions in prison admissions are somewhat offset by reductions in releases. As previously mentioned, responses to the COVID-19 pandemic resulted in accelerating releases to parole. However, this merely accelerated a trend that was already underway to discretionarily release low risk offenders. In addition to orders from the governor's office, changes in the staffing and behavior of the parole board also increased such releases. The numbers of discretionary parole releases have surpassed the numbers of mandatory releases since March of 2019, a reversal of the pattern seen over the prior decade when mandatory releases far outpaced discretionary releases.

However, overall releases to parole continued to decline throughout FY 2022, as fewer of the inmates remaining in prison were eligible for parole. To date in FY 2023, releases have remained very stable at this lowered level. As a large proportion of the current inmate population is comprised of more recent new commitments, releases are expected to remain somewhat low thru the current year, accelerating in mid-FY 2024.

### ***Length of stay***

The average length of stay in prison has steadily increased for releases between FY 2018 and FY 2022, from 27.6 months to 33.0 months, a 16.4% increase. If this trend continues, further upward pressure on the population can be expected.

Increases in the length of stay were most notable for those in prison due to escape and felony 2, felony 3, and drug felony 1 drug crimes. The average length of stay for those serving sentences for escape crimes have increased from 29.4 months in FY 2018 to 35.0 months in FY2022, a 16.0% increase.

The average length of stay for those convicted of high-level drug crimes increased from 53.4 months in FY 2018 to 71.1 months in FY 2021, but dropped slightly to 63.2 in FY 2022. Nonetheless, this is a 15.5% increase since FY 2018. Governing sentences for those serving sentences for drug crimes have also steadily increased over the past seven years. This will drive up the length of time these inmates remain in prison prior to being released to parole.

### ***Women in prison***

While overall growth in the population has been moderated from that expected in the November 2021 forecast, the current projected growth rate for the female population has been curbed to a greater degree over than that of the male prison population. The proportion of the prison population made up of women began to decline slightly in FY2020. This decline was much accelerated in April 2020, falling



from 9.9% to 7.9% by the end of FY 2021. Some steep growth appeared in early FY 2022 and at the time of the prior forecasts was expected to continue. However the proportion of the population comprised of women stabilized and has remained static at approximately 8.2% since.

The decline observed in 2020 may have been due to responses to the COVID-19 pandemic, as well as to legislation impacting female offenders more than male. Legislation concerning escape and low-level drug crimes has affected admissions of women to a greater degree than male admissions, as these two crimes were formerly major drivers of the female prison population. Prior to the end of FY 2020, escape crimes accounted for approximately 13% of all female admissions, and approximately 8% of all male admissions. These proportions began to fall in late FY 2020, coinciding with the effective date of House Bill 20-1019 which limited conditions under which one could be charged with felony escape. Currently under 2% of all admissions, both male and female, are for escape.

House Bill 19-1263 reduced a number of level 4 drug felonies to misdemeanors. Low-level drug crimes accounted for approximately 10% of female admissions prior to FY 2020. However, such crimes now account for only 3.7% of all female admissions. In comparison, the proportion of male admissions for these crime fell from 5.8% to 1.9%. These two categories of crimes were formerly major drivers of the female prison population.

The proportion of criminal filings involving female defendants remained very consistent, averaging 23.9% over the five years prior to FY 2021, but fell to 20.4% in FY 2021 and FY 2022. However, trends during the last quarter of FY 2022 and early FY 2023 may indicate a slight increase in this proportion. It remains to be seen whether this will have any impact on the numbers of women sentenced to prison.

### ***Parole caseload***

The parole caseload experienced rapid growth beginning in January 2020, which accelerated in April and May of 2020 when the pandemic amplified a trend that was already underway to release low risk offenders. In addition to the response to the governor's orders to increase releases, decisions of the part of parole board also boosted discretionary releases. As a result, the parole caseload reached an all-time high at the end of FY 2020.

After reaching the highest caseload recorded to date as of October 2020, it has dwindled to the lowest figure observed in the past decade. This decline is due to increases in early releases from parole, a very large absconder population, and declines in releases to parole as is expected with a reduced prison population. With a large proportion of the inmate population made up of newer court commitments, the parole population is expected to continue to decline as these new commitments will not be eligible for parole for at least a year. Growth is expected to resume in mid-FY 2024, corresponding with the growth of the prison population and the arrival of parole eligibility for newer commitments. Growth is expected through FY 2029 in concert with the growth in inmate population.

Additionally, the passage of House Bill 2022-1326, regarding fentanyl accountability, will provide some upward pressure on the caseload beginning in FY 2026. Senate Bill 19-143 made various changes to

prison population management options, including reductions in parole revocations which contributes to increasing the length of stay on parole status. The average length of stay on parole has indeed increased greatly. Whereas the length of stay on parole remained fairly consistent at 15.0 months during the 5 years between FY 2016 and FY 2020, it began to increase in FY 2021, and continued to increase to 19.1 months for those released from parole in FY 2022.

Future growth is moderated by the passage of House Bill 18-1029, which lowered parole terms from 5 years to 3 years for those convicted of felony 3 and for certain felony 2 crimes. This legislation is expected to begin to impact the parole caseload in May of 2027, when those convicted under this legislation will begin to be released from parole.

## ***Accuracy of Prison Population Forecasts and Post-Pandemic Impacts***

Forecasting future prison populations is not an exact science, as factors which affect growth are often unpredictable and somewhat speculative. The projection figures for the Colorado Department of Corrections' incarcerated population are 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 forecast model.
- ❑ Admission, release, and sentencing patterns will not change dramatically from the prior year through the upcoming 7 years, except in circumstances that are accounted for in the current year's forecast model.

The DCJ regularly prepares and publishes forecasts of the prison and parole populations for the upcoming 7 years. Any and all of the above factors are likely to occur at some point during this time frame. Indeed, it is the forecasts themselves that often prompt these changes. Thus, during each advancing year into the forecast horizon, the potential for error increases, necessitating continual adjustments to the forecast. The unprecedented and unforeseen onset of the COVID-19 pandemic in 2020 dramatically highlights this effect.

Table 6 displays the years projected in the forecasts published during the prior 12 years. These are the data points used to calculate the average percent error for each year in the figures presented below. The projection years highlighted in blue are those impacted by the events of late FY 2020. Those highlighted in yellow are not included in any calculations, as their error rate is yet unknown. However, many of these points are expected to show a high degree of error in the future, as they were produced prior to 2020 and information concerning those years will vary wildly from that available at the time. Note the forecasts published in 2020 and 2021 are not included among those explicitly impacted by the pandemic, as patterns of legislative impact and policy changes were more clearly evident at that time.

Figure 10 displays the average percent error for the forecasts produced between FY 2010 and FY 2021, EXCLUDING all data points impacted by the events of FY 2020 and highlighted in blue in Table 6. Note the degree of error increases each year between the first and the 5<sup>th</sup> year projected, then stabilizes at approximately 5.5% between the 5<sup>th</sup> and 7<sup>th</sup> years. This error is due to the additive effect of shifts in legislation, policy and behavior as described above.

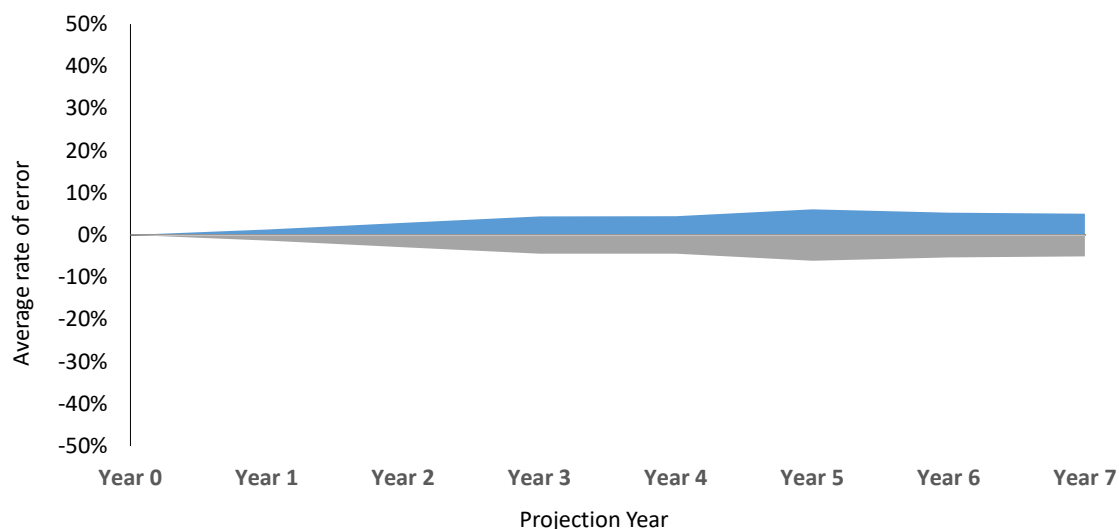
However, if the years affected by the onset of the pandemic are included, this margin of error increases exponentially as shown in Figure 11. These figures demonstrate the uncertainty inherent in long-term forecasts, particularly in the face of unexpected extreme events.

**Table 6. Prison population projection years included in all DCJ prison population forecasts published 2010 through 2021.**

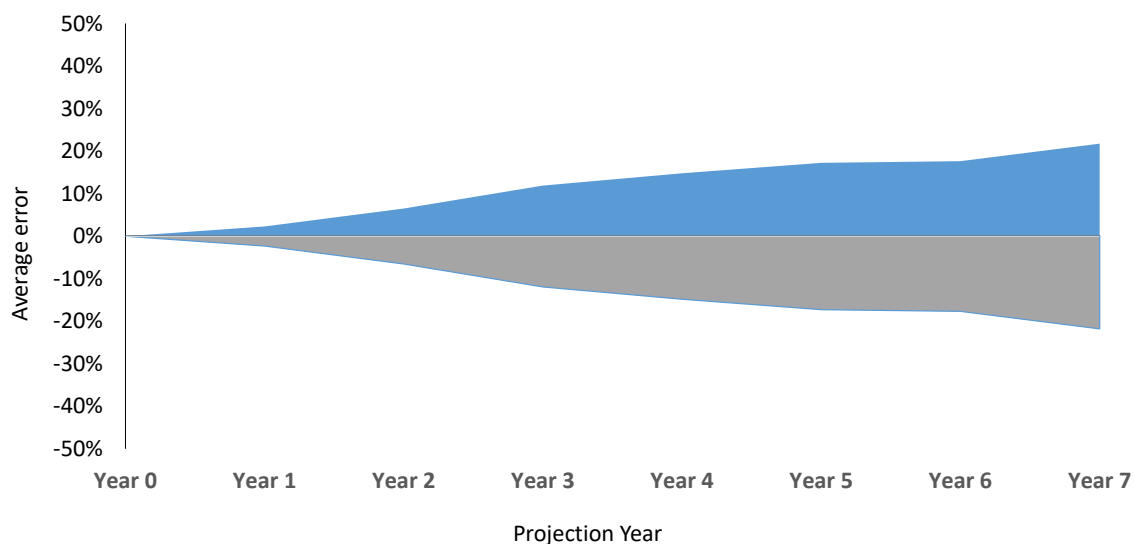
Forecast publication year	Projection year						
	1	2	3	4	5	6	7
2010	2011	2012	2013	2014	2015	2016	2017
2011	2012	2013	2014	2015	2016	2017	2018
2012	2013	2014	2015	2016	2017	2018	2019
2013	2014	2015	2016	2017	2018	2019	2020
2014	2015	2016	2017	2018	2019	2020	2021
2015	2016	2017	2018	2019	2020	2021	2022
2016	2017	2018	2019	2020	2021	2022	2023
2017	2018	2019	2020	2021	2022	2023	2024
2018	2019	2020	2021	2022	2023	2024	2025
2019	2020	2021	2022	2023	2024	2025	2026
2020	2021	2022	2023	2024	2025	2026	2027
2021	2022	2023	2024	2025	2026	2027	2028

*Note: The projections for the years highlighted in blue are impacted by the events of late FY 2020. Error rates for those highlighted in yellow are yet unknown.*

**Figure 10. Average absolute percentage error by projection year *excluding* years impacted by FY 2020.**

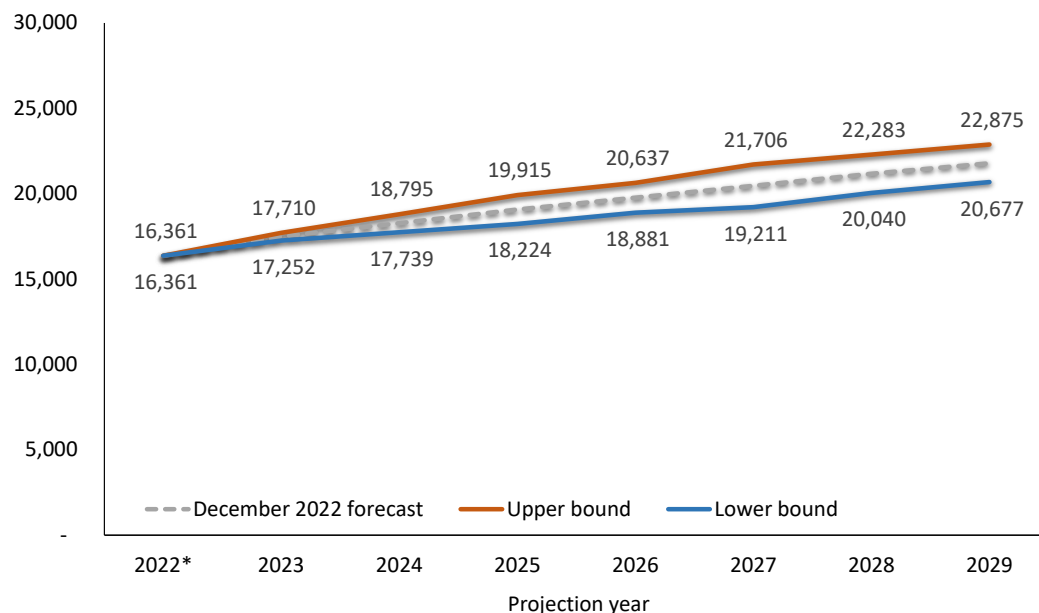


**Figure 11. Average absolute percentage error by projection year *including* years impacted by FY 2020.**



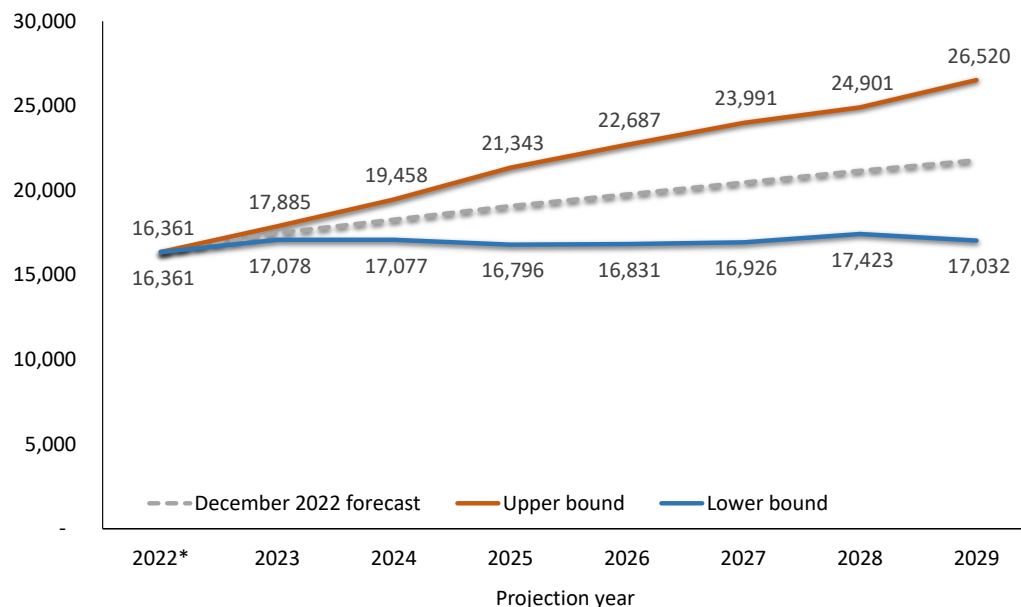
The current forecast is displayed in Figure 12, along with the degree of error that may be expected in future years, barring any extreme events in upcoming years, such as those experienced in 2020.

**Figure 12. DCJ December 2022 prison population forecast incorporating average percentage error by projection year: *excluding* data points impacted by FY 2020.**



However, were an extraordinary event to occur that impacts the criminal justice system to the degree the COVID-19 pandemic did, Figure 13 provides an example of the potential degree of uncertainty expected in the future.

**Figure 13. DCJ December 2022 prison population forecast incorporating average percentage error by projection year: *including* data points impacted by FY 2020.**



As previously mentioned, a degree of uncertainty induced by the pandemic still remains for these and potentially future forecasts. The criminal justice system as a whole remains in a time of flux following the immediate wake of the pandemic and the resultant dramatic decline in the inmate population. One ongoing source of uncertainty stems from the staffing shortages affecting operations throughout the criminal justice system which may drive longer term changes in practices throughout the system. Thus, risks to the forecast remain elevated.

## ***Length of Stay Estimates for FY 2022 Prison and Parole Admissions***

Tables 7 through 13 display the estimated average length of stay (ALOS) for admissions to prison during FY 2022. 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, for men and for women, and for these populations combined. Totals by admission type, gender and overall are presented in Tables 14 and 15.

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 or, in cases with inadequate numbers of releases, prior years.

Estimates for the length of stay on parole are presented in Table 15. These figures include only new admissions to parole, and exclude any parolees who have had their parole revoked and were returned to prison with a new felony conviction. Length of stay on parole is defined as the number of months between initial release to parole and sentence discharge. Thus, time spent in prison following revocation due to technical parole violations is included.

Note the estimates provided regarding the 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 2,693 individuals under CDOC supervision sentenced under the Lifetime Supervision Act at the end of FY 2022, 1,066 were on parole. Since the inception of the Act, a total of 1,721 inmates have been released to parole. However, only 40 have been approved for discharge as of June 30, 2022.<sup>9</sup> A total of 119 of these individuals have discharged their sentence, the majority having died while on parole. A few have also received a court-ordered discharge or died in prison after a parole revocation.

Approximately half of those subject to the Act and released to parole in FY 2022, and over two-thirds of these currently in prison, were convicted of felony class 2 and 3 sexual offenses. While the Act was implemented almost 30 years ago, with a 10-year average stay in prison and a 20-year minimum parole term, the pool of these parolees eligible for discharge will remain very small for many years to come. This significantly impairs the ability to make a reliable estimate of how long these offenders will remain on parole. The length of stay estimate provided here was calculated assuming 100% of statutory minimums will be served. It is probable this percentage will be larger, but to what degree is impossible to estimate at this time.

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<sup>9</sup>Colorado Department of Corrections, Colorado Department of Public Safety, State Judicial Department (2022). Lifetime Supervision of Sex Offenders Annual Report.

**Table 7. Estimated average length of stay for FY 2022 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	51	0.95%	4.55
F2 Ext <sup>3</sup>	182.34	132	2.45%	4.47
F2 Sex <sup>4</sup>	142.57	1	0.02%	0.03
F2 Other <sup>5</sup>	63.02	19	0.35%	0.22
Total Felony 2 <sup>6</sup>	167.17	152	2.89%	4.83
F3 Ext	95.21	195	3.62%	3.45
F3 Sex	91.44	51	0.95%	0.87
F3 Other	45.66	137	2.55%	1.16
Total Felony 3 <sup>7</sup>	76.98	383	7.28%	5.60
F4 Ext	36.58	572	10.63%	3.89
F4 Sex	36.33	32	0.59%	0.22
F4 Other	23.14	733	13.62%	3.15
Total Felony 4 <sup>8</sup>	29.20	1337	25.41%	7.42
F5 Ext	18.46	193	3.59%	0.66
F5 Sex	22.05	75	1.39%	0.31
F5 Other	14.99	1085	20.16%	3.02
Total Felony 5 <sup>9</sup>	15.88	1351	25.68%	4.08
F6 Ext	9.61	180	3.34%	0.32
F6 Sex	7.31	26	0.48%	0.04
F6 Other	8.08	474	8.81%	0.71
Total Felony 6 <sup>10</sup>	8.47	682	12.96%	1.10
Drug Felony (DF) Level 1 <sup>11,12</sup>	60.67	20	0.37%	0.23
DF Level 2 <sup>12</sup>	29.22	2	0.04%	0.01
DF Level 3 <sup>12</sup>	8.49	5	0.09%	0.01
DF Level 4	5.79	93	1.73%	0.10
Ext DF Level 1 <sup>12,13</sup>	47.20	74	1.37%	0.65
Ext DF Level 2	25.93	206	3.83%	0.99
Ext DF Level 3	13.97	125	2.32%	0.32
Ext DF Level 4	5.57	22	0.41%	0.02
Total Drug Felony <sup>14</sup>	22.95	547	10.40%	2.39
Total excluding Habitual and Sex Offender Act categories	35.13	4503	85.59%	30.07
Habitual <sup>15</sup>	132.07	11	0.20%	0.27
Sex Offender Act <sup>16</sup>	196.82	98	1.82%	3.58
Total including Habitual and Sex Offender Act categories	38.80	4612	85.69%	33.25

Note: Refer to the footnotes following Table 15.



**Table 8. Estimated average length of stay for FY 2022 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	48	0.89%	4.28
F2 Ext <sup>3</sup>	184.97	117	2.17%	4.02
F2 Sex <sup>4</sup>	142.57	1	0.02%	0.03
F2 Other <sup>5</sup>	62.34	14	0.26%	0.16
Total Felony 2 <sup>6</sup>	171.65	132	2.51%	4.31
F3 Ext	98.31	176	3.27%	3.22
F3 Sex	89.54	49	0.91%	0.82
F3 Other	47.90	114	2.12%	1.01
Total Felony 3 <sup>7</sup>	80.09	339	6.44%	5.16
F4 Ext	37.61	508	9.44%	3.55
F4 Sex	36.33	32	0.59%	0.22
F4 Other	24.61	591	10.98%	2.70
Total Felony 4 <sup>8</sup>	30.78	1131	21.50%	6.62
F5 Ext	18.89	173	3.21%	0.61
F5 Sex	22.05	75	1.39%	0.31
F5 Other	15.37	915	17.00%	2.61
Total Felony 5 <sup>9</sup>	16.33	1161	22.07%	3.60
F6 Ext	9.61	168	3.12%	0.30
F6 Sex	7.31	26	0.48%	0.04
F6 Other	8.21	362	6.73%	0.55
Total Felony 6 <sup>10</sup>	8.60	558	10.61%	0.91
Drug Felony (DF) Level 1 <sup>11,12</sup>	58.35	18	0.33%	0.20
DF Level 2 <sup>12</sup>	29.22	2	0.04%	0.01
DF Level 3 <sup>12</sup>	6.94	3	0.06%	0.00
DF Level 4	6.59	71	1.32%	0.09
Ext DF Level 1 <sup>12,13</sup>	46.58	66	1.23%	0.57
Ext DF Level 2	26.02	175	3.25%	0.85
Ext DF Level 3	13.64	101	1.88%	0.26
Ext DF Level 4	5.56	17	0.32%	0.02
Total Drug Felony <sup>14</sup>	23.62	453	8.61%	2.03
Total excluding Habitual and Sex Offender Act categories	37.19	3822	72.65%	27.01
Habitual <sup>15</sup>	132.07	11	0.20%	0.27
Sex Offender Act <sup>16</sup>	196.82	98	1.82%	3.58
Total including Habitual and Sex Offender Act categories	41.43	3931	73.04%	30.26

Note: Refer to the footnotes following Table 15.

**Table 9. Estimated average length of stay for FY 2022 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	3	0.06%	0.27
F2 Ext <sup>3</sup>	161.82	15	0.28%	0.45
F2 Sex <sup>4</sup>	-	-	-	-
F2 Other <sup>5</sup>	64.93	5	0.09%	0.06
Total Felony 2 <sup>6</sup>	137.60	20	0.38%	0.52
F3 Ext	66.51	19	0.35%	0.23
F3 Sex	138.00	2	0.04%	0.05
F3 Other	34.53	23	0.43%	0.15
Total Felony 3 <sup>7</sup>	53.04	44	0.84%	0.44
F4 Ext	28.39	64	1.19%	0.34
F4 Sex	-	-	-	-
F4 Other	16.99	142	2.64%	0.45
Total Felony 4 <sup>8</sup>	20.53	206	3.92%	0.80
F5 Ext	14.72	20	0.37%	0.05
F5 Sex	-	-	-	-
F5 Other	12.95	170	3.16%	0.41
Total Felony 5 <sup>9</sup>	13.14	190	3.61%	0.47
F6 Ext	9.67	12	0.22%	0.02
F6 Sex	-	-	-	-
F6 Other	7.68	112	2.08%	0.16
Total Felony 6 <sup>10</sup>	7.87	124	2.36%	0.19
Drug Felony (DF) Level 1 <sup>11,12</sup>	81.60	2	0.04%	0.03
DF Level 2 <sup>12</sup>	-	-	-	-
DF Level 3 <sup>12</sup>	10.80	2	0.04%	0.00
DF Level 4	3.23	22	0.41%	0.01
Ext DF Level 1 <sup>12,13</sup>	52.26	8	0.15%	0.08
Ext DF Level 2	25.41	31	0.58%	0.15
Ext DF Level 3	15.36	24	0.45%	0.07
Ext DF Level 4	5.59	5	0.09%	0.01
Total Drug Felony <sup>14</sup>	19.77	94	1.79%	0.35
Total excluding Habitual and Sex Offender Act categories	23.62	681	12.94%	3.06
Habitual <sup>15</sup>	-	-	-	-
Sex Offender Act <sup>16</sup>	-	-	-	-
Total including Habitual and Sex Offender Act categories	23.62	681	12.65%	2.99

Note: Refer to the footnotes following Table 15.

**Table 10. Estimated average length of stay for FY 2022 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%	0.09
F2 Ext <sup>3</sup>	29.97	11	0.20%	0.06
F2 Sex <sup>4</sup>	-	-	-	-
F2 Other <sup>5</sup>	34.44	3	0.06%	0.02
Total Felony 2 <sup>6</sup>	30.93	14	0.27%	0.08
F3 Ext	43.00	50	0.93%	0.40
F3 Sex	26.70	5	0.09%	0.02
F3 Other	30.08	79	1.47%	0.44
Total Felony 3 <sup>7</sup>	34.77	134	2.55%	0.89
F4 Ext	24.13	95	1.77%	0.43
F4 Sex	29.49	3	0.06%	0.02
F4 Other	22.24	246	4.57%	1.02
Total Felony 4 <sup>8</sup>	22.83	344	6.54%	1.49
F5 Ext	20.17	24	0.45%	0.09
F5 Sex	17.16	10	0.19%	0.03
F5 Other	15.63	178	3.31%	0.52
Total Felony 5 <sup>9</sup>	16.21	212	4.03%	0.65
F6 Ext	7.54	6	0.11%	0.01
F6 Sex	-	-	-	-
F6 Other	7.63	16	0.30%	0.02
Total Felony 6 <sup>10</sup>	7.60	22	0.42%	0.03
Drug Felony (DF) Level 1 <sup>11,12</sup>	52.20	4	0.07%	0.04
DF Level 2 <sup>12</sup>	-	-	-	-
DF Level 3 <sup>12</sup>	-	-	-	-
DF Level 4	-	-	-	-
Ext DF Level 1 <sup>12,13</sup>	12.97	1	0.02%	-
Ext DF Level 2	21.80	20	0.37%	0.08
Ext DF Level 3	7.71	5	0.09%	0.01
Ext DF Level 4	9.23	1	0.02%	0.00
Total Drug Felony <sup>14</sup>	22.76	31	0.59%	0.13
Total excluding Habitual and Sex Offender Act categories	23.40	758	14.41%	3.37
Habitual <sup>15</sup>	18.48	3	0.06%	0.01
Sex Offender Act <sup>16</sup>	76.16	9	0.17%	0.13
Total including Habitual and Sex Offender Act categories	23.99	770	14.31%	3.43

Note: Refer to the footnotes following Table 15.

**Table 11. Estimated average length of stay for FY 2022 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%	0.09
F2 Ext <sup>3</sup>	29.97	11	0.20%	0.06
F2 Sex <sup>4</sup>	-	-	-	-
F2 Other <sup>5</sup>	34.44	3	0.06%	0.02
Total Felony 2 <sup>6</sup>	30.93	14	0.27%	0.08
F3 Ext	42.31	48	0.89%	0.38
F3 Sex	26.70	5	0.09%	0.02
F3 Other	29.22	75	1.39%	0.41
Total Felony 3 <sup>7</sup>	34.03	128	2.43%	0.83
F4 Ext	24.12	86	1.60%	0.39
F4 Sex	29.49	3	0.06%	0.02
F4 Other	22.41	218	4.05%	0.91
Total Felony 4 <sup>8</sup>	22.95	307	5.84%	1.34
F5 Ext	20.57	22	0.41%	0.08
F5 Sex	17.16	10	0.19%	0.03
F5 Other	15.67	162	3.01%	0.47
Total Felony 5 <sup>9</sup>	16.30	194	3.69%	0.60
F6 Ext	7.47	4	0.07%	0.01
F6 Sex	-	-	-	-
F6 Other	7.28	15	0.28%	0.02
Total Felony 6 <sup>10</sup>	7.32	19	0.36%	0.03
Drug Felony (DF) Level 1 <sup>11,12</sup>	52.20	4	0.07%	0.04
DF Level 2 <sup>12</sup>	-	-	-	-
DF Level 3 <sup>12</sup>	-	-	-	-
DF Level 4	-	-	-	-
Ext DF Level 1 <sup>12,13</sup>	12.97	1	0.02%	0.00
Ext DF Level 2	22.25	19	0.35%	0.08
Ext DF Level 3	6.88	4	0.07%	0.01
Ext DF Level 4	9.23	1	0.02%	0.00
Total Drug Felony <sup>14</sup>	23.49	29	0.55%	0.13
Total excluding Habitual and Sex Offender Act categories	23.55	692	13.15%	3.10
Habitual <sup>15</sup>	18.48	3	0.06%	0.01
Sex Offender Act <sup>16</sup>	80.00	8	0.15%	0.12
Total including Habitual and Sex Offender Act categories	24.17	703	13.06%	3.16

Note: Refer to the footnotes following Table 15.

**Table 12. Estimated average length of stay for FY 2022 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	-	-	-	-
F2 Ext <sup>3</sup>	-	-	-	-
F2 Sex <sup>4</sup>	-	-	-	-
F2 Other <sup>5</sup>	-	-	-	-
Total Felony 2 <sup>6</sup>	-	-	-	-
F3 Ext	59.33	2	0.04%	0.02
F3 Sex	-	-	-	-
F3 Other	46.19	4	0.07%	0.03
Total Felony 3 <sup>7</sup>	50.57	6	0.11%	0.06
F4 Ext	24.23	9	0.17%	0.04
F4 Sex	-	-	-	-
F4 Other	20.95	28	0.52%	0.11
Total Felony 4 <sup>8</sup>	21.75	37	0.70%	0.15
F5 Ext	15.83	2	0.04%	0.01
F5 Sex	-	-	-	-
F5 Other	15.25	16	0.30%	0.05
Total Felony 5 <sup>9</sup>	15.32	18	0.34%	0.05
F6 Ext	7.70	2	0.04%	0.00
F6 Sex	-	-	-	-
F6 Other	12.77	1	0.02%	0.00
Total Felony 6 <sup>10</sup>	9.39	3	0.06%	0.01
Drug Felony (DF) Level 1 <sup>11,12</sup>	-	-	-	-
DF Level 2 <sup>12</sup>	-	-	-	-
DF Level 3 <sup>12</sup>	-	-	-	-
DF Level 4	-	-	-	-
Ext DF Level 1 <sup>12,13</sup>	-	-	-	-
Ext DF Level 2	13.20	1	0.02%	0.00
Ext DF Level 3	11.03	1	0.02%	0.00
Ext DF Level 4	-	-	-	-
Total Drug Felony <sup>14</sup>	12.12	2	0.04%	0.00
Total excluding Habitual and Sex Offender Act categories	21.76	66	1.25%	0.27
Habitual <sup>15</sup>	-	-	-	-
Sex Offender Act <sup>16</sup>	45.43	1	0.02%	0.01
Total including Habitual and Sex Offender Act categories	22.12	67	1.24%	0.28

Note: Refer to the footnotes following Table 15.

**Table 13. Estimated average length of stay for FY 2022 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	52	0.97%	4.64
F2 Ext <sup>3</sup>	170.62	143	2.66%	4.53
F2 Sex <sup>4</sup>	142.57	1	0.02%	0.03
F2 Other <sup>5</sup>	59.13	22	0.41%	0.24
Total Felony 2 <sup>6</sup>	155.68	166	3.16%	4.91
F3 Ext	84.56	245	4.55%	3.85
F3 Sex	85.66	56	1.04%	0.89
F3 Other	39.96	216	4.01%	1.60
Total Felony 3 <sup>7</sup>	66.04	517	9.83%	6.49
F4 Ext	34.81	667	12.39%	4.31
F4 Sex	35.74	35	0.65%	0.23
F4 Other	22.91	979	18.19%	4.17
Total Felony 4 <sup>8</sup>	27.90	1681	31.95%	8.91
F5 Ext	18.65	217	4.03%	0.75
F5 Sex	21.47	85	1.58%	0.34
F5 Other	15.08	1263	23.47%	3.54
Total Felony 5 <sup>9</sup>	15.93	1563	29.71%	4.73
F6 Ext	9.55	186	3.46%	0.33
F6 Sex	7.31	26	0.48%	0.04
F6 Other	8.07	490	9.10%	0.73
Total Felony 6 <sup>10</sup>	8.44	704	13.38%	1.13
Drug Felony (DF) Level 1 <sup>11,12</sup>	59.26	24	0.45%	0.26
DF Level 2 <sup>12</sup>	29.22	2	0.04%	0.01
DF Level 3 <sup>12</sup>	8.49	5	0.09%	0.01
DF Level 4	5.79	93	1.73%	0.10
Ext DF Level 1 <sup>12,13</sup>	46.74	75	1.39%	0.65
Ext DF Level 2	25.57	226	4.20%	1.07
Ext DF Level 3	13.73	130	2.42%	0.33
Ext DF Level 4	5.73	23	0.43%	0.02
Total Drug Felony <sup>14</sup>	22.94	578	10.99%	2.52
Total excluding Habitual and Sex Offender Act categories	33.44	5261	100.00%	33.44
Habitual <sup>15</sup>	107.73	14	0.26%	0.28
Sex Offender Act <sup>16</sup>	186.67	107	1.99%	3.71
Total including Habitual and Sex Offender Act categories	36.68	5382	100%	36.68

Note: Refer to the footnotes following Table 15.

**Table 14. Estimated average length of stay for FY 2022 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	35.13	4503	85.59%	30.07
Total Parole Returns	23.40	758	14.41%	3.37
Total Male Admissions	35.10	4514	85.80%	30.11
Total Female Admissions	23.46	747	14.20%	3.33
Grand Total	33.44	5261	100%	33.44

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

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

**Table 15. Estimated average length of stay for FY 2022 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	38.80	4612	85.69%	33.25
Total Parole Returns	23.99	770	14.31%	3.43
Total Male Admissions	38.81	4634	86.10%	33.42
Total Female Admissions	23.49	748	13.90%	3.26
Grand Total	36.68	5382	100%	36.68

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

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

<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 those of 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 per C.R.S. 16-13-101, C.R.S. 18-3-412, and C.R.S. 18-3-401.2. 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 offenders act per C.R.S. 18-1.3-904, or the Colorado Sex Offender Lifetime Supervision Act of 1998 per C.R.S. 18-1.3-1004. These cases are subject to indeterminate sentences, and are excluded from the other sex crime categories as well as from the data for each of the overall felony classes.



**Table 16. Estimated average length of stay for new parole intakes during FY 2022<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>	29.20	56	1.48%	0.43
F2 Sex <sup>4</sup>	-	-	-	-
F2 Other <sup>5</sup>	30.90	30	0.79%	0.24
Total Felony 2 <sup>6</sup>	29.79	86	2.31%	0.69
F3 Ext	30.07	205	5.40%	1.62
F3 Sex	34.93	29	0.76%	0.27
F3 Other	34.97	167	4.40%	1.54
Total Felony 3 <sup>7</sup>	32.46	401	10.78%	3.50
F4 Ext	24.13	467	12.31%	2.97
F4 Sex	26.03	33	0.87%	0.23
F4 Other	24.07	728	19.18%	4.62
Total Felony 4 <sup>8</sup>	24.14	1228	33.02%	7.97
F5 Ext	17.97	166	4.37%	0.79
F5 Sex	18.47	66	1.74%	0.32
F5 Other	18.70	888	23.40%	4.38
Total Felony 5 <sup>9</sup>	18.58	1120	30.12%	5.59
F6 Ext	9.87	117	3.08%	0.30
F6 Sex	9.90	16	0.42%	0.04
F6 Other	9.90	363	9.57%	0.95
Total Felony 6 <sup>10</sup>	9.89	496	13.34%	1.32
Drug Felony (DF) Level 1 <sup>11,12</sup>	21.23	13	0.34%	0.07
DF Level 2 <sup>13</sup>	15.27	11	0.29%	0.04
DF Level 3	8.77	5	0.13%	0.01
DF Level 4	9.93	76	2.00%	0.20
Ext DF Level 1 <sup>14,15</sup>	16.63	41	1.08%	0.18
Ext DF Level 2	16.63	120	3.16%	0.53
Ext DF Level 3	9.43	109	2.87%	0.27
Ext DF Level 4	11.90	13	0.34%	0.04
Total Drug Felony <sup>16</sup>	13.15	388	10.43%	1.37
Total excluding Habitual and Sex Offender Act categories	20.45	3719	100%	20.45
Habitual <sup>17</sup>	-	-	-	-
Sex Offender Act <sup>18</sup>	181.58	76	2.00%	3.64
Total including Habitual and Sex Offender Act categories	23.67	3795	100%	23.67

Note: Refer to the footnotes on the following page.

<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 following revocation due to technical parole violations is included. However, returns to prison due to a parole revocation 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. *Note: This figure is missing because no felony 2 sex offenders were paroled during the year. Very few of these offenders are paroled, as most fall into the lifetime supervision category. Of those that do not, a disproportionate number have been released from prison as sentence discharges, martin/cooper releases, and discharges to charges or detainers rather than being paroled. If an estimate is to be applied, it is recommended to apply the figure provided for the felony 3 sex offender category as this group has same statutory parole term.*

<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 few 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 parolees previously sentenced as felony 4 drug offenders was applied.

<sup>13</sup> As few 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 parolees previously sentenced as felony 4 drug offenders was applied.

<sup>14</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>15</sup> As few 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 previously convicted of felony 3 extraordinary risk drug crimes was applied.

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

<sup>17</sup> Includes all parole intakes subject to habitual criminal sentence enhancers per C.R.S. 16-13-101, C.R.S. 18-3-412, and C.R.S. 18-3-401.2. 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 offenders act per C.R.S. 18-1.3-904, or the Colorado Sex Offender Lifetime Supervision Act of 1998 per C.R.S. 18-1.3-1004. These cases are excluded from the other sex crime categories as well as the data for each of the overall felony classes. Note the parole terms for sex offenders subject to the Sex Offender Lifetime Supervision Act range from a minimum of 10 to 20 years (dependent on felony class), up to the remainder of the offender's life. The estimate provided is based on the assumption that 100% of statutory minimums will be served.

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

## 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 year-end average daily caseload (ADC) forecasts for the statewide juvenile parole population, as well as the annual and quarterly detention ADP forecasts. Finally, a brief discussion regarding factors influencing the overall DYS population is included.

## Juvenile Commitment, Detention and Parole Forecasting Methodology

The forecasts are developed utilizing data examining 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>10</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, probation revocations, and population forecasts prepared by the Colorado State Demography Office.

### IN BRIEF:

***The current forecast indicates a decline of 3% in the number of new commitments across FY 2023, leading to an 8% decline in the average daily population (ADP) of committed juveniles. Smaller declines are expected in subsequent years. The commitment ADP is forecast to fall by 22% by the end of FY 2027, from 283.0 as of the end of FY 2022 to 221.6.***

***The juvenile parole average daily caseload (ADC) is expected to fall only 0.5% by the end of FY 2022, followed by somewhat larger declines over the next four years. Overall, the ADC is expected to reach 93.4 by the end of FY 2027, a 16% decline from the caseload as of end of FY 2022.***

***The detention ADP is expected to increase 15%, reaching 181.8 by the end of FY 2023, followed by a 9% increase across FY 2024 to reach 191.6. The ADP is then expected to remain very stable across the following 2 years, followed by a return to the downward trend observed in previous years in FY 2027. Overall, the detention ADP is expected to reach 186.2 by the end of FY 2027, a 17% increase between the ends of FY 2022 and FY 2027.***

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<sup>10</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 and Parole Caseload Forecasts***

The commitment population consists of juveniles adjudicated for a crime and committed to the custody of the Division of Youth Services. Such juveniles may receive a sentence to the DYS for a period ranging between one and seven years, during which they are placed in long-term commitment facilities. These placements provide a variety of services, including education, vocational training, treatment, and transition services. Treatment services may include individual, group and family treatment, substance abuse, and offense-specific treatment.

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. After a decade of declines in the number of youth committed to the DYS, followed by declines in the ADP, this decline stabilized in FY 2017, and reversed slightly in FY 2018 with a 3.9% increase in admissions across the year. However, between fiscal years 2019 and 2021, both the numbers of new commitments and the length of stay declined dramatically. These factors resulted in a 45.1% drop in the year-end ADP by the end of FY 2021.

The decline in admissions slowed somewhat in 2022 (though still demonstrating a 10.8% reduction over the prior year), while simultaneously the length of stay increased across the year. Consequently, the decline in the ADP slowed somewhat. Early indications in FY 2023 point to a continuing decline, but at a slowing rate. Additionally, the length of stay has continued to increase.<sup>11</sup> These factors lead to an expectation of a continuing decline in the committed population, but at a much slower pace than seen in recent years.

While the January 2022 forecast indicated growth in late FY 2022, the opposite occurred. Rather, the ADP continued to decline sharply. However, a period of growth did occur in the following quarter of FY 2023. While the forecast as of the end of FY 2022 was higher than the actual ADP by 0.8%, an unexpected influx of new commits occurred between May and August of 2022, such that this error increased to 3.0% by the end of September. Based on this event and the trends discussed above, the current forecast has been revised slightly upward from that produced in January 2022.

The annual number of new commitments is expected to fall 3.0% across FY 2023, substantially less than the declines seen across in the prior 4 years. Likewise, the commitment ADP is anticipated to fall by 7.7%, compared to the average decline of 18.5% over the prior 4 years. By the end of FY 2027, the ADP is expected to fall by 21.6%, from 283.0 as of the end of FY 2022 to 221.6.

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<sup>11</sup> Colorado Department of Human Services. *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>

Table 17 summarizes the actual year-end ADP and new commitment figures for fiscal years 2018 through 2022, and the current forecasts through FY 2027. Table 18 presents the projected YTD ADP for the end of each quarter between the ends of FY 2022 and FY 2027. The historical ADP from FY 2018 through FY 2022 and the projected ADP through FY 2027 are depicted in Figure 14. Figure 15 displays historical new commitments to DYS since FY 2018, and projected new commitments through FY 2027.

**Table 17. DCJ January 2023 Forecast: Actual and projected juvenile commitment fiscal year-end average daily population and new admissions, FY 2018 through FY 2027**

Fiscal Year End	YTD ADP <sup>1</sup> Forecast	Annual Growth	Annual New Commitments	Annual Growth
<b>2018*</b>	<b>646.8</b>	<b>-0.7%</b>	<b>396</b>	<b>3.9%</b>
<b>2019*</b>	<b>577.6</b>	<b>-10.7%</b>	<b>291</b>	<b>-26.5%</b>
<b>2020*</b>	<b>454.8</b>	<b>-21.3%</b>	<b>259</b>	<b>-11.0%</b>
<b>2021*</b>	<b>341.2</b>	<b>-25.0%</b>	<b>185</b>	<b>-28.6%</b>
<b>2022*</b>	<b>283.0</b>	<b>-17.1%</b>	<b>165</b>	<b>-10.8%</b>
2023	261.1	-7.7%	160	-3.0%
2024	250.6	-4.0%	152	-5.0%
2025	240.0	-4.2%	139	-8.6%
2026	230.7	-3.9%	134	-3.6%
2027	221.6	-3.9%	126	-6.0%

<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>

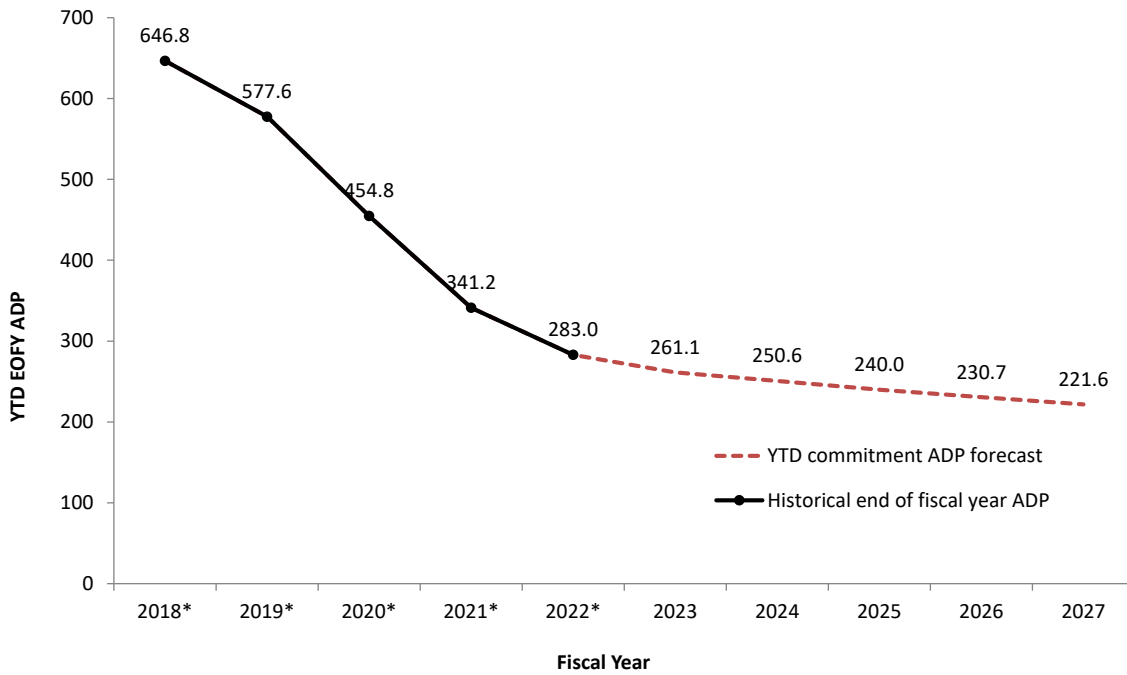
**Table 18. DCJ January 2023 quarterly juvenile commitment average daily population forecast, FY 2022 through FY 2027**

Fiscal Year	Quarter Ending	YTD ADP <sup>1</sup> Forecast	Quarterly Growth
<b>2022*</b>	<b>June, 2022*</b>	<b>283.0</b>	<b>-0.1%</b>
2023	<b>September, 2022*</b>	<b>267.8</b>	<b>-5.4%</b>
	December, 2022	261.3	-2.4%
	March, 2023	258.7	-1.0%
	June, 2023	261.1	1.0%
2024	September, 2023	258.2	-1.1%
	December, 2023	252.3	-2.3%
	March, 2024	250.9	-0.6%
	June, 2024	250.6	-0.1%
2025	September, 2024	248.8	-0.7%
	December, 2024	243.5	-2.1%
	March, 2025	240.3	-1.3%
	June, 2025	240.0	-0.1%
2026	September, 2025	239.0	-0.4%
	December, 2025	234.6	-1.8%
	March, 2026	231.9	-1.2%
	June, 2026	230.7	-0.5%
2027	September, 2026	228.5	-0.9%
	December, 2026	225.1	-1.5%
	March, 2027	222.7	-1.1%
	June, 2027	221.6	-0.5%

<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>

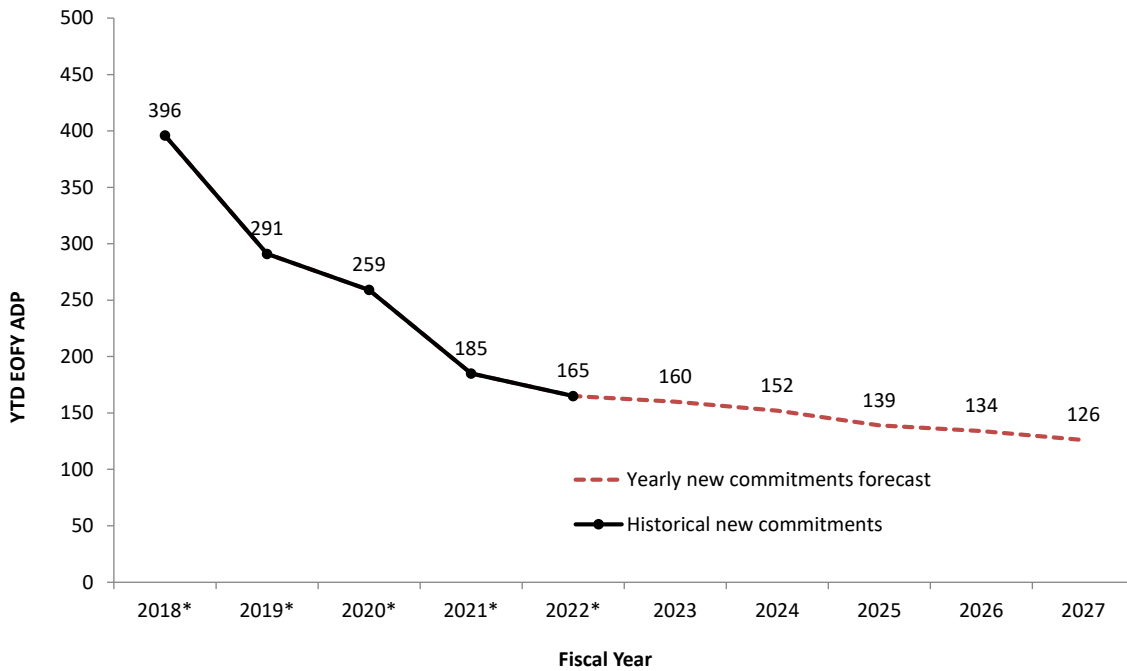
**Figure 14. Historical and projected year-end juvenile commitment year to date average daily population FY 2018 through FY 2027**



Note: FY 2018-2022 data points reflect actual year-end average daily population figures.

Data Source: 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 15. Historical and projected annual new juvenile commitments FY 2018 through FY 2027**



Note: FY 2018-2022 data points reflect actual year-end average daily population figures.

Data Source: 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>

In concert with the commitment population, the parole average daily caseload (ADC) consistently declined between fiscal years 2011 and 2018. This was followed by a small increase (1.8%) in FY 2019, driven by the increase in new commitments seen in the prior year and in late FY 2017.<sup>12</sup>

The parole ADC returned to a downward trend the following year until April of 2020, when the Division responded to orders issued by the Governor on April 11, 2020 which gave DYS the authority to place youth on juvenile parole without approval from the Juvenile Parole Board. An unprecedented number of youth were subsequently released from residential placement to parole, resulting in a very short-lived spike in the monthly ADC.

After peaking in May of 2020, the ADC began to decline. This decline accelerated in FY 2021 with a 21.0% drop in the ADC, followed by a 32.4% decline in FY 2022 due to increases in the numbers of youth discharging from parole and decreases in the number of commitment releases. However, early indications show the caseload remaining very stable, an indication that the number of commitment releases may be increasing, exerting some downward pressure on the commitment ADP.

The parole ADC is expected to decrease by only half a percentage point by the end of FY 2023, reaching 110.0. Larger though consistent declines are expected over the following 4 years. Overall, the caseload is expected to reach 93.4 by the end of FY 2027, a 15.5% reduction from the figure seen at the end of FY 2022.

Table 19 summarizes the historical ADC since 2018 and the projected ADC through FY 2027. These figures are also graphically displayed in Figure 16.

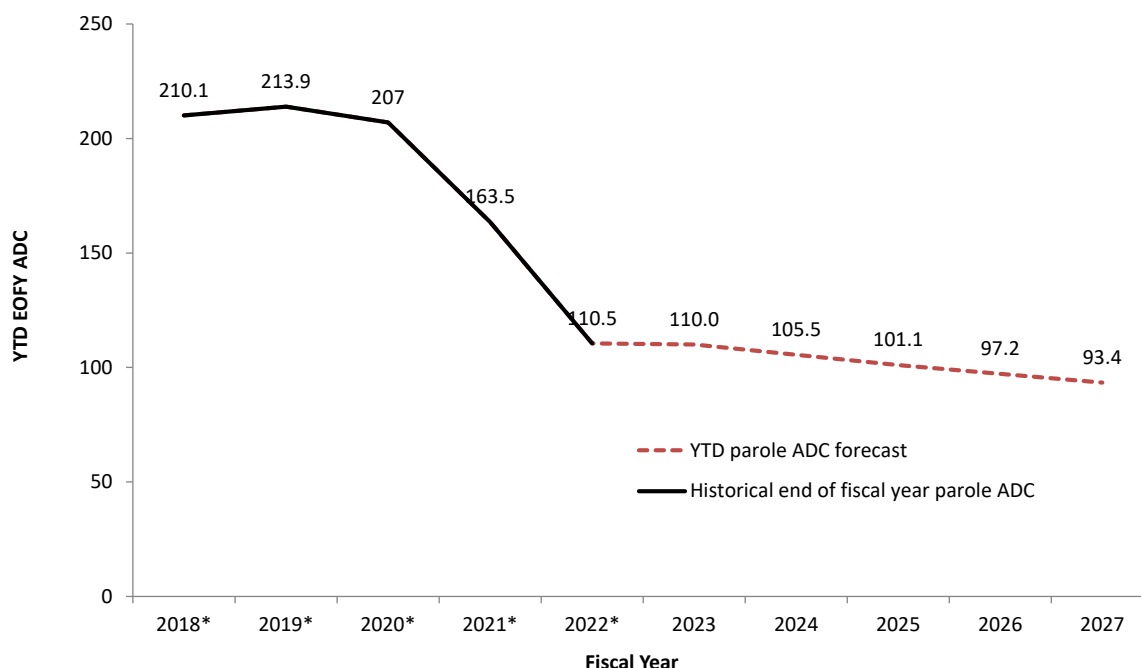
**Table 19. DCJ January 2023 Forecast: Actual and projected juvenile parole fiscal year-end average daily caseload, FY 2018 through 2027**

Fiscal Year End	YTD ADC <sup>1</sup> Forecast	Annual Growth
<b>2018*</b>	<b>210.1</b>	<b>-4.7%</b>
<b>2019*</b>	<b>213.9</b>	<b>1.8%</b>
<b>2020*</b>	<b>207</b>	<b>-3.2%</b>
<b>2021*</b>	<b>163.5</b>	<b>-21.0%</b>
<b>2022*</b>	<b>110.5</b>	<b>-32.4%</b>
2023	110.0	-0.5%
2024	105.5	-4.0%
2025	101.1	-4.2%
2026	97.2	-3.9%
2027	93.4	-3.9%

<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>

<sup>12</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 16. Historical and projected juvenile parole year-end average daily caseload fiscal years 2018 through 2027**



Note: FY 2018-FY 2022 data points represent actual average daily caseload figures.

Data Source: 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

DYS is responsible for the operation of Colorado's juvenile detention system, which consists of screening to determine needs, community supervision strategies, and secure detention in youth centers operated by or contracting with DYC. In Colorado, detention serves to ensure that a youth accused of a delinquent act appears for court-ordered hearings, and to house adjudicated youth for a period of up to 45 days as a sanction by the court.

As shown in Figure 17, the juvenile detention ADP declined consistently over the decade prior to FY 2020, with the exception of a small 2.2% increase in FY 2018. This decline accelerated to 12.0% in FY 2020 and further to 34.6% in FY 2021. However these declines occurred between April and August of 2020, driven by the COVID-19 pandemic and subsequent system responses. Data from the first 9 months of FY 2020 indicated a small decline of approximately 3.2%. However, the monthly ADP fell by 34.8% in the final quarter of the year alone.

Executive Orders initially issued by the Governor in April 2020 authorized DYS to temporarily reduce the detention cap to 200, then further to 188 in October 2020. Temporarily reducing the statewide detention cap from the 327 set in 2019 to 188, along with temporarily halting virtual bed borrowing practices were major contributors to the significant decline in the detention population during the last quarter of FY 2020 and the first quarter of FY 2021.



The population remained stable throughout the remainder of the year, with growth returning in early FY 2022. This trend has continued to date.

**Figure 17. Monthly detention year-to date average daily population, FY 2012 through December 2022**



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

In upcoming years, strong growth is expected to continue through early FY 2024, with the ADP reaching 181.8 by the end of FY 2023 (a 14.5% increase). The ADP is expected to increase an additional 8.6%, reaching 191.6 by the end of FY 2024. However, this growth is expected to stabilize in mid-FY 2024, with the detention ADP remaining very stable through FY 2025. Across the following 2 years, the ADP is expected to return to the declining pattern observed prior to March of 2020, reaching 186.2 by the end of FY 2027. Note that even with the growth expected in the upcoming 2 years, the projected population remains well below pre-pandemic figures.

Table 20 summarizes the actual year-end detention ADP for fiscal years 2018 through 2022 and the projected ADP through FY 2027, while Table 21 presents the projected quarterly detention YTD ADP throughout fiscal years 2022 to 2027. The historical detention year-end ADP from FY 2018 through FY 2022 and the projected ADP through 2027 are graphically depicted in Figure 18.

**Table 20. DCJ January 2023 Forecast: Actual and projected juvenile detention fiscal year-end average daily population, FY 2018 through FY 2027**

Fiscal Year End	YTD ADP <sup>1</sup> Forecast	Annual Growth
<b>2018*</b>	<b>262.8</b>	<b>2.2%</b>
<b>2019*</b>	<b>253.9</b>	<b>-3.4%</b>
<b>2020*</b>	<b>223.5</b>	<b>-12.0%</b>
<b>2021*</b>	<b>146.2</b>	<b>-34.6%</b>
<b>2022*</b>	<b>158.8</b>	<b>8.6%</b>
2023	181.8	14.5%
2024	191.6	5.4%
2025	192.7	0.5%
2026	191.1	-0.8%
2027	186.2	-2.5%

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

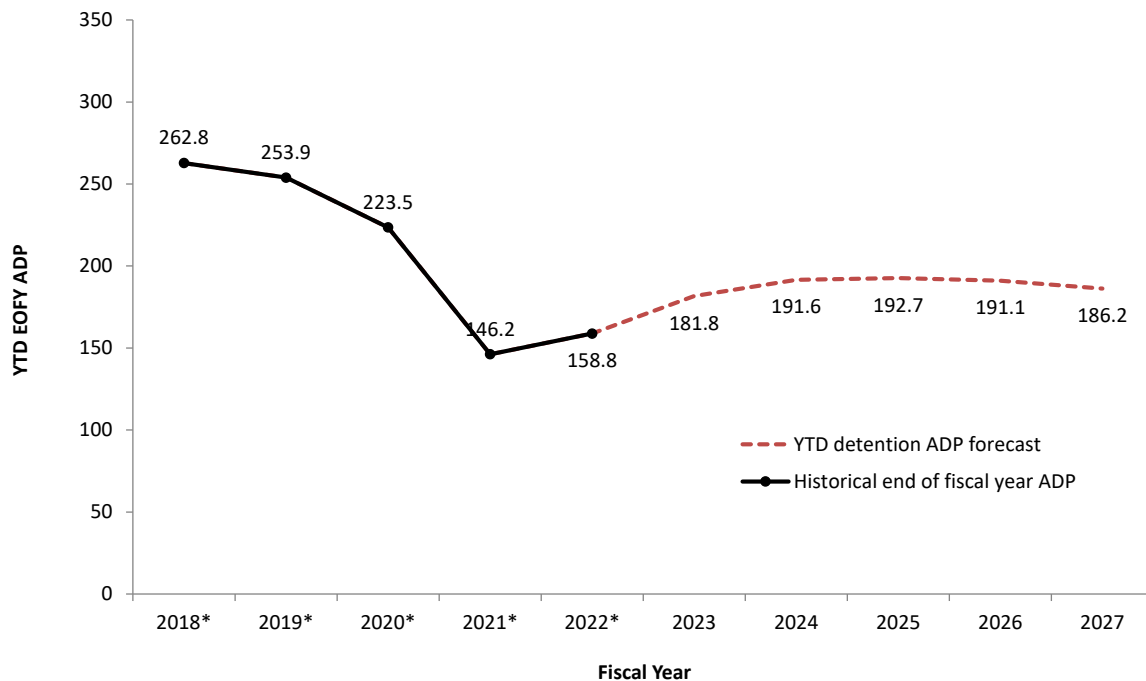
\*Actual ADP figures. Data source: Colorado Department of Human Services Division of Youth Services Monthly Population Report. Available at: <https://www.colorado.gov/pacific/cdhs/publications-reports>

**Table 21. DCJ January 2023 quarterly juvenile detention average daily population forecast, FY 2022 through FY 2027**

Fiscal Year	Quarter Ending	YTD ADP <sup>1</sup> Forecast	Quarterly Growth
<b>2022*</b>	<b>June, 2022*</b>	<b>158.8</b>	<b>8.6%</b>
2023	<b>September, 2022*</b>	<b>165.3</b>	<b>4.1%</b>
	December, 2022	174.5	5.5%
	March, 2023	177.6	1.8%
	June, 2023	181.8	2.3%
2024	September, 2023	190.1	4.6%
	December, 2023	191.2	0.6%
	March, 2024	190.4	-0.4%
	June, 2024	191.6	0.7%
2025	September, 2024	192.9	0.6%
	December, 2024	191.4	-0.7%
	March, 2025	191.3	-0.1%
	June, 2025	192.7	0.7%
2026	September, 2025	191.6	-0.6%
	December, 2025	191.3	-0.2%
	March, 2026	190.9	-0.2%
	June, 2026	191.1	0.1%
2027	September, 2026	187.8	-1.7%
	December, 2026	187.1	-0.3%
	March, 2027	185.6	-0.8%
	June, 2027	186.2	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>

**Figure 18. Historical and projected juvenile detention year-end average daily population fiscal years 2018 through 2027**



*Note: FY 2018-2022 data points reflect actual year-end average daily population figures.*

*Data Source: 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>*

Trends in early FY 2023 show some stabilization of the recent declines in the detention population, followed by some growth. This may be attributable to the resumption of juvenile court and policing operations. However, this growth is expected to quickly stabilize and remain well under the detention cap of 215 newly established by SB 21-071.

An additional and significant factor in the decline of the detention population lies with the passage of Senate Bill 19-108, which limits the use of detention to only those children who either pose a substantial risk of serious harm to others, or that are a flight risk from prosecution.

## ***Factors Influencing Juvenile Commitment, Parole, and Detention Populations***

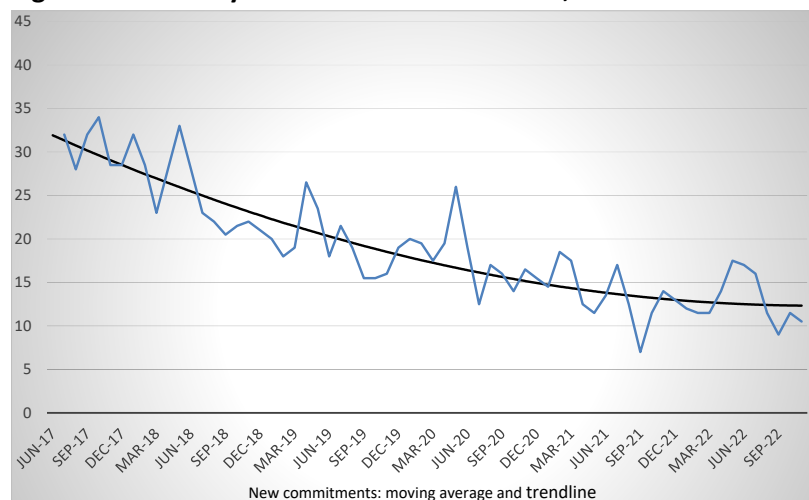
Continuing the trends observed over the past decade, the Division of Youth Services continues to experience declines in all populations served, including detained, committed, and paroled youth. The reduction in juvenile justice and juvenile corrections populations is a national phenomenon and is in no way restricted to Colorado. While there have been a myriad of theories put forth to explain this reduction, a definitive, causal relationship between potential factors and the reduction has not been established. The shrinking juvenile justice population involves all aspects of the system, including but not limited to declining arrests, juvenile delinquency court filings, new probation intakes, as well as detention admissions and new commitments. The COVID-19 pandemic further accelerated the reduction in the use of the juvenile justice system.

On April 11, 2020, Governor Polis issued Executive Orders to suspend the seclusion policies at juvenile facilities to allow for compliance with CDC guidelines for isolation and quarantine to contain COVID-19 infections. The order also directed the Colorado Department of Human Services (CDHS) to assess each youth for risk to public safety and to release to parole those deemed fit, and suspended CDHS's obligation to provide detention or to accept committed juveniles into custody.

While it is unlikely this directive resulted in the Division's rejection of youth committed to or sentenced to DYS, the number of detained and committed youth was reduced to comply with social distancing requirements. Additionally, court operations, and subsequently commitments to DYS, slowed greatly.

However, while the COVID-19 pandemic exerted significant influence throughout the criminal and juvenile justice systems beginning in March of 2020, it had little impact on the number of youth committed to DYS during late FY 2020, as new admissions continued to decline consistently at the rate observed across prior years (see Figure 19). The ADP, on the other hand, fell 21.3% across FY 2020. This decline was most evident in April and May of 2020, and was due to striking increases in numbers of youth released from residential placement to parole.

**Figure 19. Monthly new commitments to DYS, June 2019-December 2022**



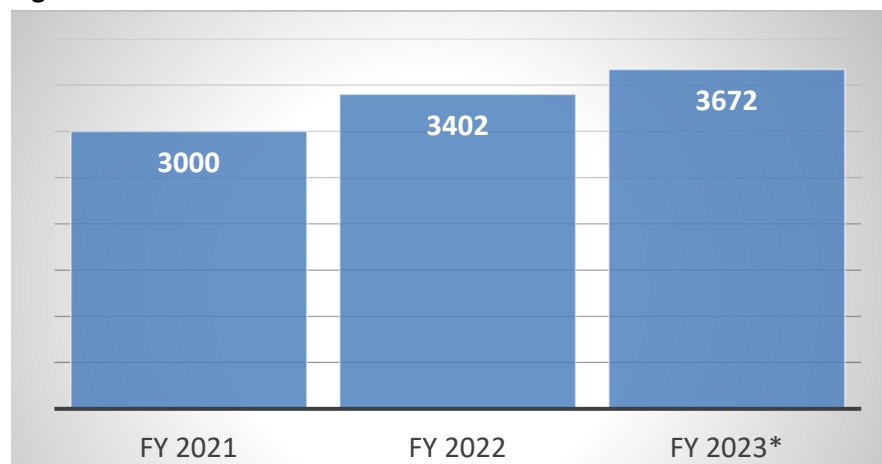
Source: Data provided by The Department of Human Services Division of Youth Services.

While a continuing decline is expected in upcoming years, the rate of decline is expected to slow greatly. As shown in Figure 19, the downward trend in new commitments has flattened somewhat in mid-FY 2022 and early FY 2023. Additionally, while the length of stay in a commitment placement fell from approximately 20 months to 17.7 months in FY 2021, it climbed to 18.5 by the end of FY 2022, and has increased further in FY 2023 and is expected to return to pre-pandemic levels. Both of these factors will serve to slow future declines in the committed population.

Additional factors contributing to the expectation of a slowing in the declines of both the committed population and the parole caseload include trends in policing and court filings. Juvenile delinquency court filings increased 15.4% in FY 2022 over FY 2021, and indications in early FY 2023 point to a continued increase. However, numbers remain much below those seen in FY2020 and prior years. Note delinquency filings have consistently fallen for past 20 years, and the current increase may be a correction to the 35.6% decline seen in FY 2021, on the heels of the pandemic. Additionally, juvenile arrests increased approximately 11% in FY 2022 over the prior year.

These factors are also influential on the detention population. As shown in Figure 20, detention screens are up, with a projected 8% increase by the end of FY 2023. New detention admissions have shown a consistent upward trajectory since mid-FY 2022, and are projected to increase 20% by the end of FY 2023. Overall detention clients served to date have increased by 13% over those served by mid-year FY 2022.

**Figure 20. Annual detention screens FY 2021-FY 2023**



*\* Estimate based on mid-year counts*

*Source: Data provided by The Department of Human Services Division of Youth Service.*

While the factors discussed above point toward a slowing in the decline in the DYS populations, additional factors exerting downward pressure on the populations include probation outcomes and demographics.

Senate Bill 19-108, signed in FY 2020, created the Juvenile Justice Reform Committee, which was tasked with developing assessment and screening tools for criminogenic risk and needs, mental health needs, and diversion program eligibility. It also required the adoption of an actuarial risk assessment and the implementation of a length of stay matrix and release guidelines for those under the custody of the DYS.

All of these, along with shifts toward the use of diversion programs and alternative sentencing options, will likely have some impact on reducing the detention and commitment average daily populations.

Colorado's population is expected to continue to grow but at a slowing rate. However, the population between the ages of 13 and 17, the primary clientele of DYS services, is predicted to steadily DECLINE between 2022 and 2027. While this decline was expected, the onset has been more rapid and immediate than previously expected.<sup>13</sup> While demographic shifts have proven to have little correlation with incarceration rates, one can expect a lower need for beds with a smaller population. However, note that very strong growth has occurred in this population over the past decade, while the commitment and detention populations simultaneously declined, an indication that policy and practice outweigh population size.

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<sup>13</sup> Colorado Department of Local Affairs, State Demography Office, accessed 12/28/2022, <https://demography.dola.colorado.gov/population/data/>

## **Appendix A**

### **Legislation Affecting Prison Population Management**

## ***Legislation Affecting Prison Population Management***

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>14</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 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.

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<sup>14</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.



- ❑ 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>15</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.
- ❑ 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:

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<sup>15</sup> Affects convictions for crimes of violence defined by CRS § 18-1.3-406.

- o 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.
  - o 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.
  - o 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:
- o For certain crimes,<sup>16</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.
  - o For crimes of violence,<sup>17</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.
  - 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.

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<sup>16</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>17</sup> Defined by CRS § 18-1.3-406.

- ❑ 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>18</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.
- ❑ 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

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

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.
- ❑ House Bill 18-1029 lowers mandatory parole periods from five years to three years for class 3 felony crimes committed on and after July 1, 2018, and for class 2 felony crimes that are not crimes of violence. This will affect the size of the parole caseload, but not for approximately 8 years from implementation.
- ❑ House Bill 18-1109 expands the existing eligibility requirements for special needs parole, and adds a third eligibility category for special needs parole consideration. The bill lowers the age requirement for one of the existing special needs offender categories from 60 to 55 years and older, and adds a category of special needs offenders to include those determined to be incompetent to complete any sentence and not likely to pose a risk to public safety.
- ❑ House Bill 18-1410 requires that DOC track the prison bed vacancy rate at in DOC facilities and funded private prisons. If the vacancy rate falls below 2 percent for 30 consecutive days, DOC is required to notify other state government agencies and may request that other agencies take action to increase the vacancy rate.
- ❑ Senate Bill 19-143, signed into law May 28, 2019, makes various changes to prison population management options, reentry services, parole, and facility security level designations. Most relevantly, parole revocations to DOC for determinate periods are eliminated, and the circumstances under which a parolee may be revoked for a technical parole violation are

severely limited. In addition, the Bill attempts to accelerate releases of low and medium risk parole-eligible inmates by allowing the DOC to submit to the board a list of low and medium risk parole-eligible inmates with an approved parole plan for board review within 30 days. Further, the bill requires a majority vote by the full board to deny parole for an inmate assessed as low or very low risk with an approved parole plan and a recommended release.

- ❑ House Bill 20-1019, signed March 10, 2020, was drafted for the express purpose of prison population reduction and management. This bill, among other provisions, requires the Department of Local Affairs (DOLA) to convene an advisory group to study future prison bed needs in Colorado, including strategies to safely reduce the prison population, a utilization analysis of all facilities that can be used to house inmates, a program analysis to align with best practices, an analysis of the best practices and programs that are necessary for successful reintegration, alternatives to incarceration, and recidivism reduction strategies. Additionally, the bill creates a new crime of an unauthorized absence, and eliminates the requirement that earned time be awarded in accordance with certain statutory categories, allowing earned time to be awarded when there is positive progress.
- ❑ Senate Bill 21-146 modified the eligibility criteria for parole for senior and special needs inmates and requires the DOC and the Parole Board to develop policies and procedures to improve the special needs parole process.

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.