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0513 An Overview of Community-Based Corrections in Colorado



An Overview of Community-Based Corrections In Colorado

Colorado Legislative Council

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INTRODUCTION

The purpose of this publication is to provide an overview of community-based corrections in Colorado. The three components of Colorado's community-based correctional system are probation, community corrections, and parole. This report provides background on the components of and the offenders in those programs.

To date, we have published four editions of *An Overview of the Colorado Adult Criminal Justice System*:

- Legislative Council Research Publication No. 399 published in January 1995;
- Legislative Council Research Publication No. 414 published in February 1996;
- Legislative Council Research Publication No. 452 published in December 1998; and
- Legislative Council Research Publication No. 487 published in January 2001.

Those publications contained chapters on Colorado sentencing law and its effect on the Department of Corrections' (DOC) population, and chapters on community-based corrections in Colorado. This report contains an update of the chapters on community-based corrections from our last report. We plan to publish a report on sentencing law and the DOC population in January 2004.

From the late 1970s through the mid-1990s, crime was an issue of great concern to Coloradans. Likewise, crime in Colorado was a major political issue. During these years, Colorado's criminal sentencing laws changed dramatically and often. These statutory changes had profound effects on Colorado's criminal offender population. During these years, there was tremendous growth in offender populations and in corrections budgets.

As offender populations and corrections budgets continued to grow, legislators began, in the early 1990s, to seek ways to curb this growth. Colorado legislators addressed this growth by tinkering with the sentencing scheme to authorize various alternatives to prison for lower-class felony offenders while ensuring that violent repeat offenders are sent to and remain in prison. Legislators began to implement new probation programs for high-need and high-risk offenders, increased the numbers of beds available in community corrections programs, and attempted to increase the chances of success on parole by implementing mandatory parole supervision for all offenders leaving the DOC.

This report provides an overview of the following topics:

Colorado's Adult Offender Population

- the numbers of offenders in prison, on parole, on probation, and in community corrections facilities;

Community-Based Corrections in Colorado

- how probation operates in Colorado;
- a funding history of Colorado's probation system;
- how community corrections programs operate in Colorado;
- a funding history of Colorado's community corrections system;
- how offenders are granted parole and how parolees are supervised in Colorado; and
- a funding history of Colorado's parole supervision system.

A table summarizing Colorado's sentencing laws, and a flow chart with an explanation of each step in Colorado's criminal justice system are appended to this report.

Where possible, FY 2001-02 data were used throughout this report. However, in most cases, the most recent data available were from FY 2000-01. In one case involving data from the federal government, data from December 31, 2000 were the most recent data available.

Chapter 1 — Colorado's Adult Offender Population

This chapter provides a summary and an overview of Colorado's adult offender population as well as a comparison of its adult offender population with that of other states. Colorado's adult offender population includes the prison, parole, probation, and community corrections populations.

This chapter highlights the following:

- there are four major felony adult offender populations under supervision in Colorado: the probation, community corrections, parole, and prison populations. In total, Colorado's adult offender population was 67,053 in FY 2001-02, up 141.1 percent from FY 1988-89;
- since FY 1986-87, the number of adult offenders per 100,000 Colorado residents more than doubled. In FY 2000-01, 1.4 percent of the state's population were adult offenders under supervision versus only 0.7 percent in FY 1986-87;
- nearly two-thirds of adult offenders convicted of a felony in Colorado are on probation, while 24 percent are in prison; and
- as of December 31, 2000, Colorado's rate of correctional supervision per 100,000 state residents was 20.2 percent below the national average.

ADULT OFFENDER POPULATION OVERVIEW

The nearly 70,000 adult offenders being supervised in Colorado, either in prison, on parole, on probation, or in a community corrections facility, are profiled in this chapter. Colorado's adult offender population grew 5.0 percent from FY 2000-01 to FY 2001-02 from 63,832 offenders to 67,053 offenders. Since FY 1988-89, the total adult offender population has grown by 141.1 percent. Table 1.1 summarizes growth trends in the state's adult offender population.

The majority of Colorado's adult offender population (64.7 percent) is serving a probation sentence, followed by those serving a prison sentence (24.3 percent). Community corrections accounted for 4.9 percent and parolees for 6.0 percent of the offender population.

When we published our last report in January 2001, the fastest growing segments of the offender population for the ten years ending in FY 1998-99 were the probation population and the community corrections population, both up about 20 percent over the same period. The prison population ranked third in growth, increasing 108.2 percent. This report, the fastest-growing segment of the offender population since FY 1988-89 was the prison population, up 156.7 percent. The probation population grew 144.8 percent, and the community corrections and parole populations grew approximately 100 percent and 95 percent respectively. The main reason for the increase in the prison population growth during this period is the effect of mandatory parole. In 1993, the General Assembly adopted a law requiring all offenders released from the DOC to serve a period of mandatory parole upon release. The effects of that law have only recently been realized.

While it would seem that mandatory parole for all offenders would mean more offenders on parole, that has not necessarily been the case. While the parole population increased most years, the parole population actually dropped between FY 1998-99 and 1999-00 (1.0 percent) and dropped again between FY 2000-01 and FY 2001-02 (3.7 percent). These decreases perhaps reflect the parole board's reluctance to release certain offenders on parole, particularly violent offenders, before completing their prison sentence. Those offenders are staying in prison longer, to serve their entire sentence before being released to parole, and thus, increasing the prison population. Further, increased numbers of offenders released on parole have resulted in increased numbers of offenders whose parole is revoked to prison, further increasing the prison population.

Other possible reasons for the increase in the growth of the prison and parole populations include indeterminate sentencing for sex offenders. Under a law passed in 1998, sex offenders now serve indeterminate sentences on probation, in prison, or on parole for a period of up to the person's natural life. Increases in the number of offenders sentenced to prison for drug crimes may also account for the increase in the growth in the prison population. Nearly 23 percent of new prison commitments in FY 2000-01 were convicted of a drug offense. The next-largest category of DOC new commitments was for offenders convicted of attempt, conspiracy, or accessory to commit a non-violent crime at 11.3 percent.

Table 1.1 illustrates the change in growth patterns in the probation, community corrections, parole and prison populations.

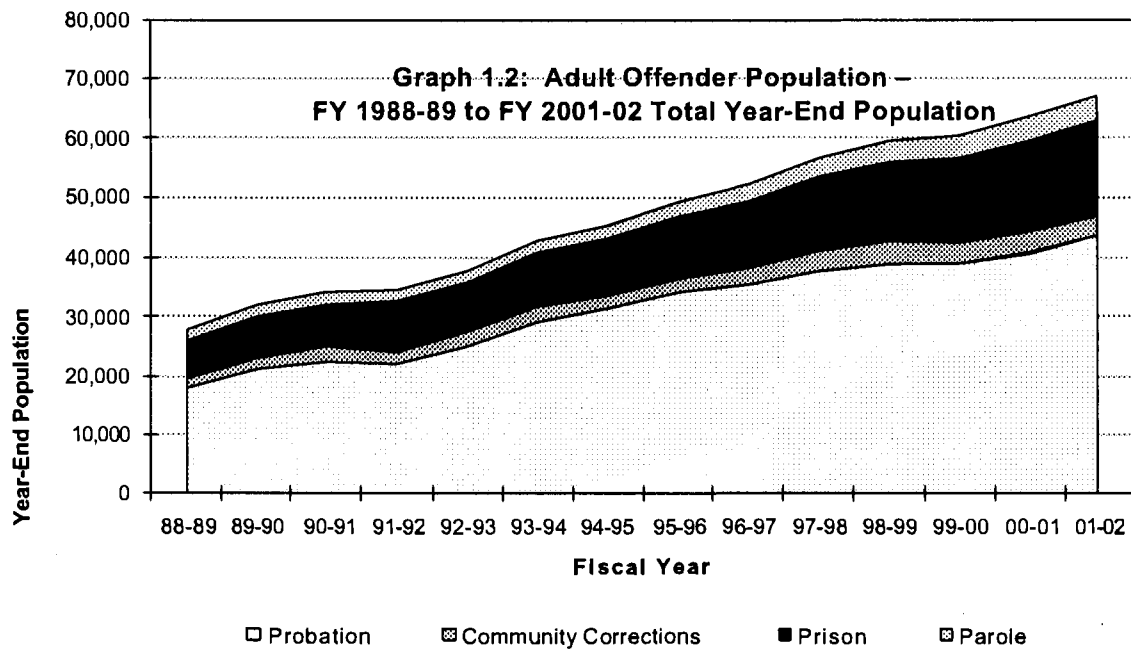
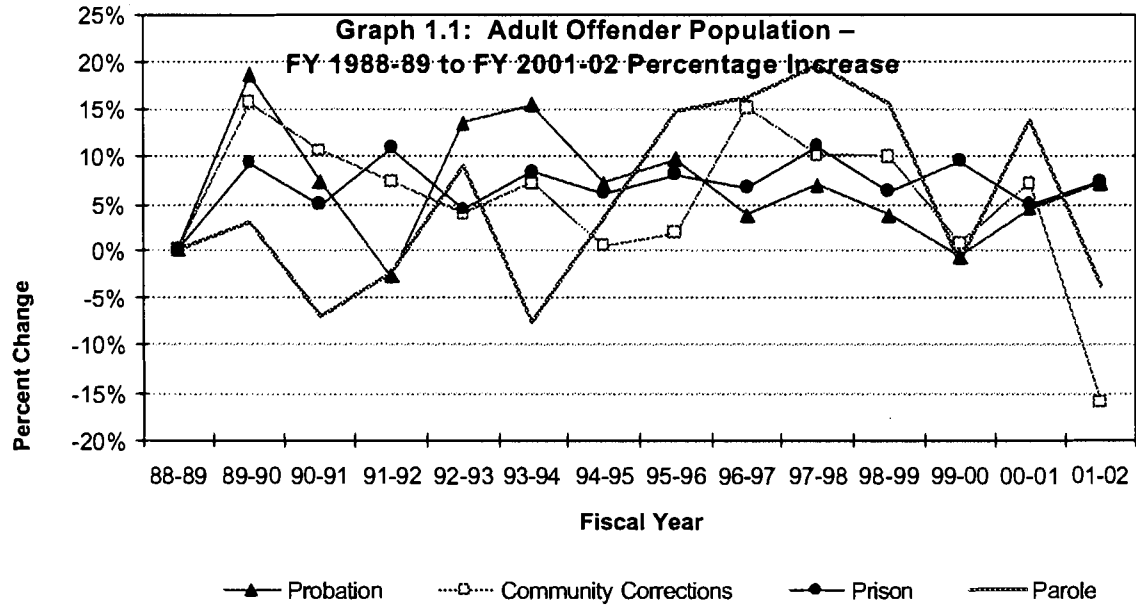
Table 1.1: Adult Offender Population Growth – FY 1988-89 to FY 2001-02

	Probation	Community Corrections	Prison	Parole	Total
FY 1988-89	17,728	1,653	6,360	2,073	27,814
Percent Change	NA	NA	NA	NA	NA
FY 1989-90	21,023	1,913	6,952	2,137	32,025
Percent Change	18.6%	15.7%	9.3%	3.1%	15.1%
FY 1990-91	22,567	2,115	7,299	1,990	33,971
Percent Change	7.34%	10.6%	5.0%	(6.9)%	6.08%
FY 1991-92	21,966	2,271	8,093	1,943	34,273
Percent Change	(2.66)%	7.4%	10.9%	(2.4)%	0.9%
FY 1992-93	24,965	2,363	8,451	2,116	37,895
Percent Change	13.65%	4.1%	4.4%	8.9%	10.57%
FY 1993-94	28,836	2,533	9,164	1,958	42,491
Percent Change	15.5%	7.2%	8.4%	(7.5)%	12.1%
FY 1994-95	30,891	2,547	9,727	2,026	45,191
Percent Change	7.1%	0.6%	6.1%	3.5%	6.4%
FY 1995-96	33,881	2,599	10,511	2,322	49,313
Percent Change	9.7%	2.0%	8.1%	14.6%	9.1%
FY 1996-97	35,163	2,994	11,224	2,695	52,076
Percent Change	3.8%	15.2%	6.8%	16.1%	5.6%
FY 1997-98	37,602	3,301	12,470	3,219	56,592
Percent Change	6.9%	10.3%	11.1%	19.4%	8.7%
FY 1998-99	38,983	3,628	13,243	3,722	59,576
Percent Change	3.7%	9.9%	6.2%	15.6%	5.3%
FY 1999-00	38,785	3,660	14,485	3,685	60,615
Percent Change	(0.5)%	0.9%	9.4%	(1.0)%	1.7%
FY 2000-01	40,510	3,923	15,207	4,192	63,832
Percent Change	4.4%	7.2%	5.0%	13.8%	5.3%
FY 2001-02	43,392	3,301	16,323	4,037	67,053
Percent Change	7.1%	(15.9)%	7.3%	(3.7)%	5.0%
FY 1988-89 to FY 2001-02	25,664	1,648	9,963	1,964	39,239
Cumulative % Change	144.8%	99.7%	156.7%	94.7%	141.1%

NA: Not Applicable.

Source: Division of Criminal Justice.

Graphs 1.1 and 1.2 provide a visual perspective of the growth in the offender population in Colorado. The first graph provides a comparison of the growth trends for each offender group. The second graph reflects the actual population of the offender groups.



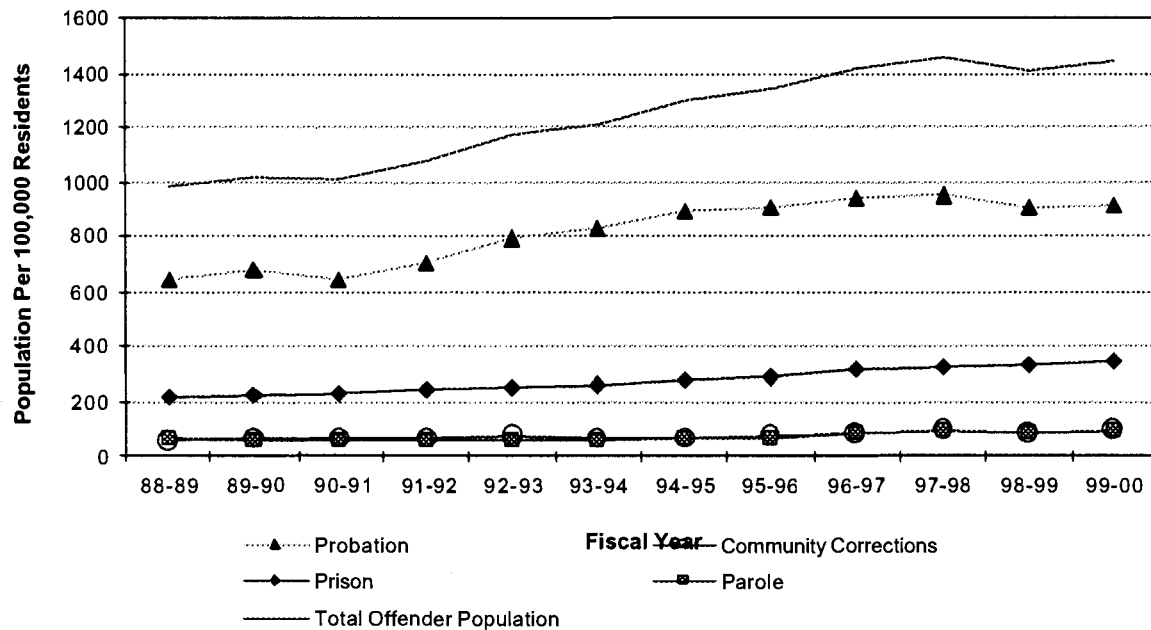
In FY 1986-87, there were 704 adult offenders under the state's supervision per 100,000 Colorado residents. Since that time, the number of adult offenders in Colorado incarcerated, or placed on probation, in a community corrections facility, and on parole more than doubled, to 1,441 adult offenders per 100,000 Colorado residents in FY 2000-01. In effect, 1.4 percent of the state's population were adult offenders under state supervision in FY 2000-01 versus 0.7 percent in FY 1986-87. The strongest growth in the adult offender population occurred between FY 1987-88 and FY 1989-90, when the impact of a 1985 law change that doubled the length of maximum sentences was fully realized. The parole population saw a similar increase in growth between FY 1995-96 and FY 2000-01 when the effects of the 1993 mandatory parole law began to manifest. Table 1.2 provides an overview of the various adult offender populations per 100,000 Colorado residents.

**Table 1.2: Adult Offenders Under State Supervision
per 100,000 Colorado Residents**

	Probation	Community Corrections	Prison	Parole	Total
FY 1986-87	443.0	34.1	135.2	91.6	703.9
FY 1987-88	444.8	39.6	176.2	85.6	746.2
FY 1988-89	540.8	50.4	194.0	63.2	848.4
FY 1989-90	638.2	58.1	211.0	64.9	972.2
FY 1990-91	675.9	63.3	218.6	59.6	1,017.4
FY 1991-92	641.8	66.4	236.5	56.7	1,001.4
FY 1992-93	708.1	67.0	239.7	60.0	1,074.8
FY 1993-94	794.4	69.8	252.5	53.9	1,170.6
FY 1994-95	829.1	68.4	261.1	54.4	1,213.0
FY 1995-96	888.8	68.2	275.7	60.9	1,293.6
FY 1996-97	903.0	76.9	288.3	69.2	1,337.4
FY 1997-98	941.3	82.6	312.2	80.6	1,416.7
FY 1998-99	949.8	88.4	322.7	90.7	1,451.6
FY 1999-00	901.8	85.1	336.8	85.7	1,409.3
FY 2000-01	914.2	88.5	343.2	94.6	1,440.6

Source: Division of Criminal Justice/State Demographer's Office.

Graph 1.3 provides a visual overview of each component of the adult offender population per 100,000 residents. It illustrates how a greater proportion of Colorado residents were under the umbrella of the adult offender system in FY 2000-01 than in FY 1986-87. Since FY 1986-87, the Colorado population grew by 35.7 percent, whereas the adult offender population increased 178.0 percent.

Graph 1.3: Adult Offender Population per 100,000 Colorado Residents

COMPARISON OF RATES OF CORRECTIONAL SUPERVISION ACROSS THE UNITED STATES

Table 1.3 compares adult offender rates per 100,000 residents across the United States for state and federal corrections systems as of December 31, 2000, the most recent information available. The data are presented by state for the three major types of correctional supervision populations: prison, parole, and probation. The total rate of correctional supervision per 100,000 people is also displayed toward the right side of Table 1.3. Please note that this is a somewhat different measure than presented in the previous section, as it includes federal facilities, but excludes offenders in community corrections. We utilize a different measure in this section because it is the only source that provides a state-by-state comparison.

Table 1.3: Adults Under Correctional Supervision Across the United States*
December 31, 2000

State	Number Per 100,000 Residents							
	Prison	Rank	Parole	Rank	Probation	Rank	TOTAL	RANK
Alabama	549	7	165	25	1,222	30	1,936	33
Alaska	341 **	33	116	32	1,091	35	1,548	35
Arizona	515	10	92	37	1,614	21	2,221	23
Arkansas	458	16	474	7	1,523	22	2,455	19
California	474	14	478	6	1,394	26	2,346	21
Colorado	403	21	172	24	1,471	24	2,046	28
Connecticut	398 **	23	73	43	2,148	13	2,619	16
Delaware	513 **	11	98	35	3,404	4	4,015	5
District of Columbia	971 **	1	1,244	1	2,639	8	4,854	2
Florida	462	15	49	46	2,390	10	2,901	12
Georgia	550	6	358	10	5,124	1	6,032	1
Hawaii	302 **	38	273	13	1,695	20	2,270	22
Idaho	430	17	156	27	3,794	2	4,380	4
Illinois	371	27	329	11	1,515	23	2,215	24
Indiana	335	34	109	33	2,390	9	2,834	13
Iowa	276	40	126	31	964	36	1,366	40
Kansas	312	36	194	21	810	41	1,316	42
Kentucky	373	26	161	26	676	46	1,210	44
Louisiana	801	2	704	4	1,103	34	2,608	17
Maine	129	50	3	51	800	43	932	48
Maryland	429	18	359	9	2,128	14	2,916	11
Massachusetts	252	42	76	42	933	38	1,261	43
Michigan	480	13	215	19	2,365	11	3,060	9
Minnesota	128	51	85	39	3,151	5	3,364	7
Mississippi	688	4	77	41	731	45	1,496	38
Missouri	494	12	297	12	1,199	32	1,990	29
Montana	348	31	92	38	899	39	1,339	41
Nebraska	228	44	38	48	1,704	19	1,970	31
Nevada	518	9	173	23	820	40	1,511	37
New Hampshire	185	48	102	34	392	51	679	51
New Jersey	362	28	235	16	2,064	15	2,661	15
New Mexico	279	39	127	30	802	42	1,208	45
New York	383	24	405	8	1,344	28	2,132	26
North Carolina	347	32	55	45	1,741	18	2,143	25
North Dakota	158	49	24	49	579	49	761	49
Ohio	406	20	216	17	2,302	12	2,924	10
Oklahoma	685	5	71	44	1,212	31	1,968	32
Oregon	316	35	693	5	1,794	17	2,803	14
Pennsylvania	307	37	876	2	1,293	29	2,476	18
Rhode Island	197 **	47	44	47	2,869	7	3,110	8
South Carolina	532	8	141	28	1,428	25	2,101	27
South Dakota	353	29	268	14	763	44	1,384	39
Tennessee	399	22	189	22	952	37	1,540	36
Texas	730	3	747	3	2,955	6	4,432	3
Utah	254	41	216	18	649	47	1,119	47
Vermont	218 **	45	196	20	2,017	16	2,431	20
Virginia	422	19	96	36	636	48	1,154	46
Washington	251	43	4	50	3,675	3	3,930	6
West Virginia	211	46	79	40	431	50	721	50
Wisconsin	378	25	236	15	1,359	27	1,973	30
Wyoming	349	30	141	29	1,128	33	1,618	34
Total State	432		312		1,821		2,565	
Federal Correctional Populations	45		35		15		95	
United States Total	477		347		1,836		2,660	

Source: Sourcebook of Criminal Justice Statistics, 2000

* Comprehensive data on adults in community corrections facilities were not available. For some states, this population may be included in other correctional populations.

** Alaska, Connecticut, Delaware, District of Columbia, Hawaii, Rhode Island, and Vermont have integrated jail-prison systems. Jail inmates are included in the prison population in these states.

According to this measure of offenders, Colorado's overall rate of correctional supervision was 2,046 people per 100,000 state residents on December 31, 2000; this was below the national average of 2,565 people per 100,000 Americans. By type of supervision, Colorado's rates of correctional supervision were below national averages. Colorado's prison incarceration rate was 6.7 percent below the national average; its probation supervision rate was 19.2 percent below the national average; and its parole supervision rate was 44.9 percent below the national average.

Colorado's prison incarceration rate was below the national average, ranking 21st among the states in prison incarceration. The national average prison incarceration rate was pushed higher by some large states with high rates of prison incarceration. Colorado ranked 24th among the 50 states and the District of Columbia in its relative probation population, with 1,471 probationers per 100,000 residents. However, this was still below the national average of 1,821 state probationers per 100,000 Americans. Colorado's rank in probation supervision is the result of high rates of probation supervision in states such as Georgia, Idaho, Texas, Minnesota, and Washington, and low rates of supervision in some of the smaller states. Colorado ranked 24th in the relative parole population, up from 34th in the nation in 1995 and 29th in 1997. The increase is primarily due to the enactment of a mandatory period of parole for prison inmates in 1993.

Factors influencing correctional supervision. Correctional supervision rates are influenced by a number of factors, such as crime rates, laws governing sentence length, and decisions made about the appropriate correctional placement for an offender. For example, several areas with high crime rates (Florida, Texas, and the District of Columbia) have some of the highest proportions of their populations under correctional supervision, while some with very low crime rates (North Dakota, New Hampshire, Iowa, West Virginia, and Utah) have low overall rates of correctional supervision. The relative use of correctional placement varies by state as well. For example, Washington and Minnesota rank third and fifth highest in their rates of population under probation supervision, but rank 43rd and 51st, respectively, among the states (including Washington, D.C.) in their rates of prison incarceration. At the other extreme, Mississippi ranks fourth in terms of prison incarceration rates, but has a probation supervision rate 60 percent below the national average. Thus, prison, parole, jail, and probation populations are affected not only by the amount of crime taking place in a state, but also by the way in which a state chooses to handle its offender population.

Several states (Alaska, Connecticut, Delaware, the District of Columbia, Hawaii, Rhode Island, and Vermont) run unified prison/local jail systems. Their prison/jail populations are reported in the prison column, raising their reported prison populations and rankings. Thus, prison incarceration rates for those six states are not directly comparable with rates in other states.

Chapter 2 — Probation

This chapter explores probation services that are administered by the Judicial Branch. There are 22 judicial districts in the state and each judicial district operates a probation department. In addition to the supervision of offenders, the probation departments are also responsible for submitting pre-sentence investigation reports to the courts. Probation services are under the direction of the chief judge and chief probation officer in each judicial district.

Certain non-violent offenders may be sentenced to probation by the court. The level of community supervision is determined according to the results of a risk assessment, a treatment assessment, and statutory and court-ordered conditions of probation.

This chapter highlights the following:

- while only certain offenders are eligible for a sentence to probation, the sentencing court may waive these eligibility restrictions upon recommendation of a district attorney; also, the court may sentence an offender to probation and jail;
- specialized probation programs assist and supervise those offenders needing a higher level of supervision or specialized services while on probation; and
- the probation population (adult and juvenile caseloads) has grown by 124.2 percent since FY 1988-89, while inflation-adjusted expenditures have grown by 149.5 percent.

COLORADO'S JUDICIAL DISTRICTS

The 64 counties in Colorado are apportioned into 22 judicial districts. Each judicial district has a probation department that provides probation services. Table 2.1 is a listing of the counties within each judicial district and Graph 2.1 (page 14) is a map of the 22 judicial districts.

Table 2.1: Judicial Districts and Corresponding Counties

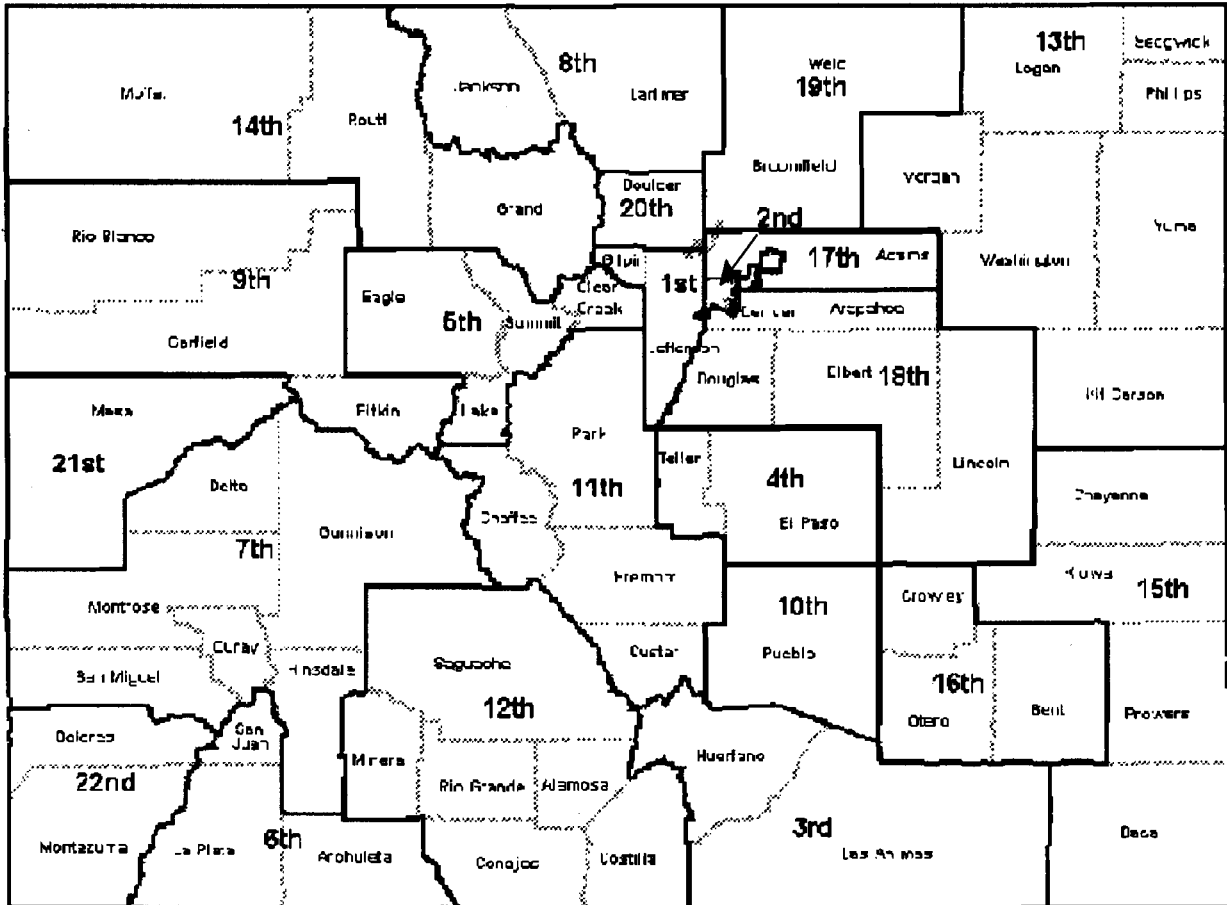
Judicial District	County	Judicial District	County
District 1	Gilpin, Jefferson	District 12	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache
District 2	Denver	District 13	Kit Carson, Logan, Morgan, Phillips, Sedgwick, Washington, Yuma
District 3	Huerfano, Las Animas	District 14	Grand, Moffat, Routt
District 4	El Paso, Teller	District 15	Baca, Cheyenne, Kiowa, Prowers
District 5	Clear Creek, Eagle, Lake, Summit	District 16	Bent, Crowley, Otero
District 6	Archuleta, La Plata, San Juan	District 17	Adams, Broomfield
District 7	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Miguel	District 18	Arapahoe, Douglas, Elbert, Lincoln
District 8	Jackson, Larimer	District 19	Weld
District 9	Garfield, Pitkin, Rio Blanco	District 20	Boulder
District 10	Pueblo	District 21	Mesa
District 11	Chaffee, Custer, Fremont, Park	District 22	Dolores, Montezuma

PROBATION ELIGIBILITY

All offenders are eligible to apply to the court to receive a sentence to probation, with the following exceptions:

- persons convicted of a class 1 felony;
- persons convicted of a class 2 petty offense;
- persons who have been twice previously convicted of a felony under Colorado law or any state or federal law; and
- persons who have been convicted of one or more felonies in this state, any other

state, or under federal law within ten years of a prior class 1, class 2, or class



Note: Upon becoming its own City and County, Broomfield became part of the 17th Judicial District.

3 felony conviction.

Graph 2.1 Judicial Districts of Colorado

The sentencing court may waive the restrictions on probation eligibility upon recommendation of the district attorney. The district attorney must show the court that the defendant is a non-violent offender, as defined in Section 18-1.3-104 (1) (b.5) (II) (B), C.R.S., and has not been convicted of:

- a crime of violence, as defined in Section 18-1.3-406 (2), C.R.S.;
- manslaughter, as defined in Section 18-3-104, C.R.S.;
- second degree burglary, as defined in Section 18-4-203, C.R.S.;
- robbery, as defined in Section 18-4-301, C.R.S.;
- theft if the object of value is more than \$500, as defined in Section 18-4-401 (2) (c), (2) (d), or (5), C.R.S.;

- a felony offense committed against a child, as defined in Articles 3, 6 and 7 of Title 18;
or
- crimes in other states that, if committed in this state, would be a crime of violence, manslaughter, second degree burglary, robbery, theft of property worth \$500 or more, theft from a person by means other than the use of force, threat, or intimidation, or a felony offense committed against a child.

In addition to probation, the sentencing court has the power to commit the defendant to any jail operated by a county or city and county where the offense was committed. The length of the jail term may be for a set time, or for intervals, and is at the discretion of the court. The aggregate length of any jail commitment, continuous or at intervals, is not to exceed 90 days for a felony, 60 days for a misdemeanor, or 10 days for a petty offense. Offenders sentenced to a work release program are not subject to these time lines.

PROBATION GUIDELINES

Section 18-1.3-204, C.R.S., states that the conditions of probation shall be as the court, in its discretion, deems reasonably necessary to ensure that the defendant will lead a law-abiding life. Section 18-1.3-203, C.R.S., stipulates that the court may sentence an offender to probation, unless due to the nature and circumstances of the offense and due to the history and character of the defendant, the court determines that a sentence to the DOC is more appropriate. The statutes outline the factors that favor a prison sentence:

- there is undue risk that during the probation period the defendant will commit another crime;
- the defendant is in need of correctional treatment that is most effectively provided by imprisonment;
- a sentence to probation would unduly depreciate the seriousness of the defendant's crime or undermine respect for the law;
- the defendant's past criminal record indicates that probation would fail to accomplish its intended purposes; or
- the crime, the facts surrounding it, or the defendant's history and character when considered in relation to statewide sentencing practices for persons in circumstances substantially similar to those of the defendant do not justify the granting of probation.

When considering the factors above, the statutes further guide the sentencing court to weigh the following in determining whether to grant probation:

- whether the criminal conduct caused or threatened serious harm to another person or property;
- whether the defendant planned or expected that his/her conduct would cause or threaten serious harm to another person or property;
- whether the defendant acted under strong provocation;
- whether the defendant's conduct was justified by substantial grounds, although they were not sufficient for a legal defense;
- whether the victim induced or facilitated the act committed;
- whether the defendant has a prior criminal history or has been law-abiding for a substantial period of time prior to the offense;
- whether the defendant will or has made restitution to the victim;
- whether the defendant's conduct was the result of circumstances unlikely to recur;
- whether the defendant's character, history, and attitudes indicate he/she is unlikely to reoffend;
- whether the defendant is likely to respond favorably to probationary treatment;
- whether imprisonment would entail undue hardship to the defendant or the defendant's dependents;
- whether the defendant is elderly or in poor health;
- whether the defendant abused a position of public trust or responsibility; or
- whether the defendant cooperated with law enforcement authorities in bringing other offenders to justice.

Once placed on probation, the court may, as a condition of probation, require that the defendant:

- work faithfully at suitable employment, or pursue a course of study or vocational training to equip the defendant for suitable employment;
- undergo available medical or psychiatric treatment;
- attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;
- support the defendant's dependents and meet other family responsibilities, including a payment plan for child support;
- pay reasonable costs of court proceedings or costs of probation supervision (the probation supervision fee is \$45 per month);
- pay any fines or fees imposed by the court;

- repay all or part of any reward paid by a crime stopper organization;
- refrain from possessing a firearm, destructive device, or any other dangerous weapon;
- refrain from excessive use of alcohol or any unlawful use of a controlled substance;
- report to a probation officer at reasonable times, as directed by the court or the probation officer;
- permit the probation officer to visit at reasonable times as directed by the court or probation officer;
- remain within the jurisdiction of the court, unless granted permission to leave;
- answer all reasonable inquiries by the probation officer and justify to the officer any change of address or employment;
- be subject to home detention;
- be restrained from contact with the victim or victim's family members for crimes involving domestic violence; and
- satisfy any other conditions reasonably related to the defendant's rehabilitation.

In addition, offenders convicted of an offense involving unlawful sexual behavior or for which the factual basis included an offense involving unlawful sexual behavior must, as a condition of probation, submit to and pay for a chemical blood test to determine the genetic markers.

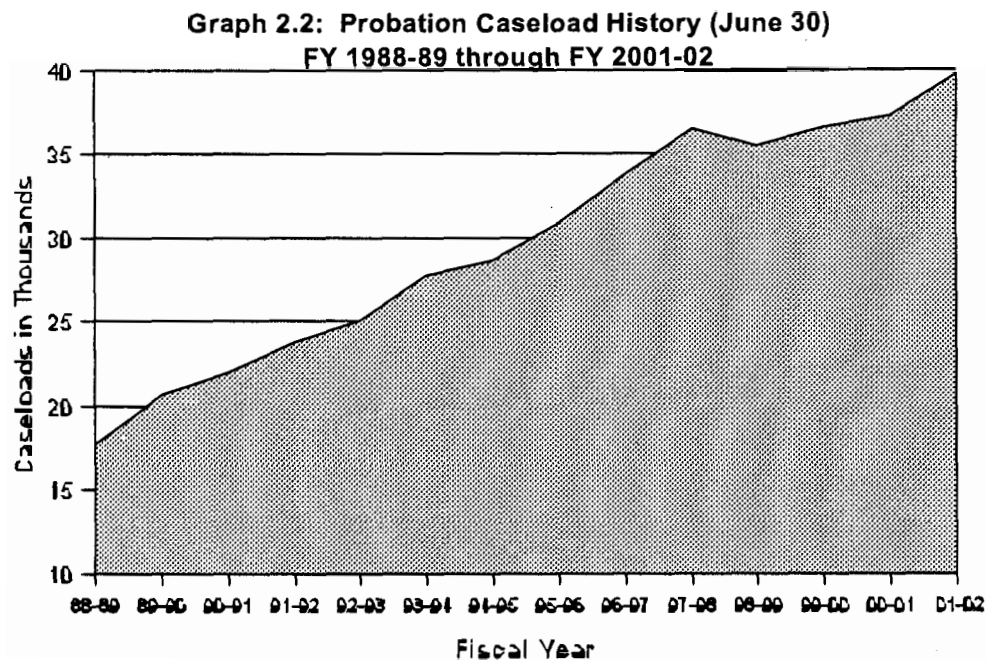
PROBATION POPULATION

The adult probation population more than doubled, growing 124.2 percent from FY 1988-89 to FY 2001-02 (from 17,728 offenders to 39,751 offenders). Much of the increase may be attributed to population growth and increased criminal filings. Meanwhile, not only has the legislature increased funding for prisons during the past several years, but it has also funded more probation slots, particularly intensive supervision probation (ISP) slots. House Bill 95-1352 funded 750 additional ISP slots, to be phased in over three years, doubling the initial capacity. Table 2.2 and Graphs 2.2 and 2.3 provide a 13-year history of the probation caseload and illustrate the growth during the same time period.

Table 2.2: Ten-Year History of Probation Caseload

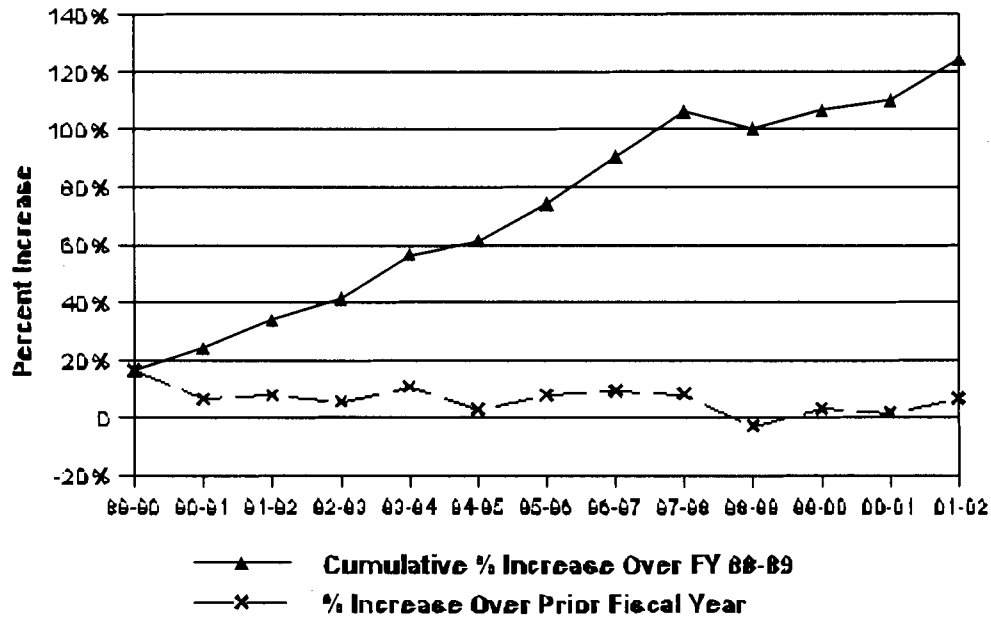
Fiscal Year	Adult Probation Caseload (June 30)	Cumulative Percentage Increase Over FY 1988-89
FY 1988-89	17,728	NA
FY 1989-90	20,645	16.5%
FY 1990-91	22,015	24.2%
FY 1991-92	23,755	34.0%
FY 1992-93	25,077	41.5%
FY 1993-94	27,785	56.7%
FY 1994-95	28,592	61.3%
FY 1995-96	30,856	74.1%
FY 1996-97	33,754	90.4%
FY 1997-98	36,529	106.1%
FY 1998-99	35,513	100.3%
FY 1999-00	36,635	106.7%
FY 2000-01	37,259	110.2%
FY 2001-02	39,751	124.2%

Source: Judicial Department Annual Report.



Source: Judicial Department Annual Report.

**Graph 2.3: Probation Caseload Cumulative Percent Increase
FY 1988-89 through FY 2001-02**



Source: Judicial Department Annual Report.

As a result of legislation passed by the Colorado General Assembly in 1998, it is anticipated that the probation population will continue to increase at an even faster rate in the future. House Bill 98-1156 affects offenders sentenced to probation after conviction of a sexual offense that is a class 2, 3, or 4 felony. The new law requires an offender who is convicted of a felony class 2 or 3 sexual offense to be supervised by the Office of Probation Services for a minimum of 20 years to a maximum of the offender's life. An offender who is convicted of a felony class 4 sexual offense must be supervised for ten years minimum to a maximum of the offender's life. The law applies to offenders who commit the sexual offense on or after November 1, 1998. Although the number of offenders sentenced to probation may not increase as rapidly, the length of time that certain offenders are under the supervision of the department will increase, thus impacting the overall probation population and the average caseload size.

SPECIALIZED PROBATION PROGRAMS

The probation department offers four main specialized probation programs for adult offenders: Adult Intensive Supervision Probation Program (ISP), Specialized Drug Offender Program, the Female Offender Program, and the Sex Offender Intensive Supervision Probation Program. These programs provide the court with sentencing options in the community for high-risk or high-need offenders. The focus of these specialized programs is to assess the offender's criminal risk to the community and to identify appropriate containment strategies, treatment, and resources to increase the chances of success in the community. The data provided below were obtained from the Judicial Branch 2002 Annual Report.

Adult Intensive Supervision Probation. The goal of the ISP program is to protect the community in a cost-effective manner by providing supervision, surveillance, and appropriate services to offenders who may otherwise have been incarcerated. Adult ISP provides more frequent contact with probation officers than those on regular probation. Adult ISP was implemented on a statewide basis in 1988 and has been expanded to become the largest special probation program. On June 30, 2002, the adult ISP caseload was 1,551, up 11.1 percent from 1,396 offenders on adult ISP in FY 1998-99 as reported in our January 2001 report.

Specialized Drug Offender Program. The goal of the Specialized Drug Offender Program is to provide an intensive form of probation supervision to high-risk, substance-abusing offenders whose risk of failure on probation is significant. The program was developed in 1991 as a response to an increased number of severe drug and substance abuse offenders who were placed on ISP. The program integrates the use of a standardized assessment to determine the appropriate level of treatment. The program includes a cognitive-behavioral approach intended to teach offenders to stop and think about potential consequences before acting. Offenders are also subject to random urine screening to monitor compliance with the requirement of abstinence. The program caseload was 302 offenders on June 30, 2002, up 7.1 percent from 282 offenders in the program we reported two years ago.

Female Offender Program. The goal of the Female Offender Program is to provide specialized services and training in five urban judicial districts for female offenders who have failed other programs. This program targets women eligible for commitment to the DOC, either directly or through a probation revocation. The program was initiated in 1991 and operates in the 1st, 2nd, 4th, 17th, and 18th judicial districts which include Gilpin, Jefferson, Denver, El Paso, Teller, Adams, Arapahoe, Douglas, Elbert, and Lincoln counties. These judicial districts account for nearly 65 percent of all females committed to the DOC. The program provides direct short-term intervention, gender-specific treatment referral, and group activities for women facing revocation within other specialized programs. The Office of Probation Services indicates that the profile of the female offender is different than that of the male offender, thus creating the need for a specialized program. According to the Judicial Branch, female offenders are more likely to be victims of sex abuse, to be unemployed at the time of their arrest, and to be the custodial parent of minor children than are male offenders. The caseload of adult female offenders in the program was 201 on June 30, 2002, up 16.2 percent from the 173 offenders in the program during FY 1998-99.

Sex Offender Intensive Supervision Probation Program. The Sex Offender Intensive Supervision Probation (SOISP) Program was developed in 1998 in response to the requirements of the Lifetime Supervision of Sex Offenders Act. The program combines monitoring, treatment, and accountability to supervise sex offenders safely in the community. The Lifetime Supervision of Sex Offenders Act was in response to increased public awareness of sex offenders in the community. The SOISP strives to "contain" sex offenders through consistent communication and collaboration between the probation officer, the treatment provider, and the polygraph examiner who operate within a common set of standards and guidelines. We did not report on this program in our last report. However, the Judicial Branch reports that at the end of FY 1999-00 (when the program was still fairly new), 62 offenders were in the SOISP program. As of June 30, 2002, 430 offenders were in the program, an increase of 593.5 percent.

PROBATION FUNDING HISTORY

The Judicial Branch, Office of Probation Services, receives funding in the Long Bill for probation-related activities. In terms of expenditures, the Office of Probation Services combines both adult and juvenile services. While the total probation population between FY 1988-89 and FY 2001-02 increased by 105.7 percent, the actual expenditures grew by 298 percent, from \$15.1 million to \$60.3 million. The number of FTE employees assigned to probation also grew over the 13-year period. For FY 1988-89, the office was assigned 430.5 FTE employees versus 965.3 for FY 2001-02, an increase of 124.2 percent.

Table 2.3 provides a 13-year history of actual expenditures, adult and juvenile probation caseloads, FTE allocation and average caseload per FTE for probation. The table illustrates that although the number of FTE for probation increased 124 percent over the 13-year period, the average caseload per FTE employee, which was steadily increasing through the mid-1990s, has been steadily decreasing since then. Table 2.4 compares actual expenditures for probation to the expenditures adjusted for inflation. Table 2.4 provides the cumulative percentage increases for the expenditures, probation population, and FTE since FY 1988-89.

Table 2.3: Probation Expenditures and Caseload

Fiscal Year	Adult Probation Population (June 30)	Juvenile Probation Population (June 30)	Expenditure	FTE Employees	Average Caseload Per FTE Employee
FY 1988-89	17,728	5,760	\$15,146,856	430.5	54.6
FY 1989-90	20,645	6,342	\$16,329,337	430.5	62.7
FY 1990-91	22,015	6,873	\$17,798,598	465.0	62.1
FY 1991-92	23,755	7,646	\$23,520,223	479.0	65.6
FY 1992-93	25,077	9,074	\$24,498,890	483.0	70.7
FY 1993-94	27,785	8,611	\$24,946,846	514.6	70.7
FY 1994-95	28,592	9,741	\$27,975,795	537.3	71.3
FY 1995-96	30,856	9,666	\$31,840,746	572.7	70.8
FY 1996-97	33,754	9,933	\$36,182,123	709.2	61.6
FY 1997-98	36,529	9,490	\$38,938,388	741.4	62.1
FY 1998-99	35,513	8,722	\$44,882,305	807.2	54.8
FY 1999-00	36,635	9,041	\$51,761,445	905.7	50.4
FY 2000-01	37,259	8,524	\$54,919,573	924.6	49.5
FY 2001-02	39,751	8,558	\$60,288,481	965.3	50.0

Source: Judicial Department Annual Report, Judicial Department Budget Office.

Table 2.4: Probation Expenditures Adjusted for Inflation and Caseload *

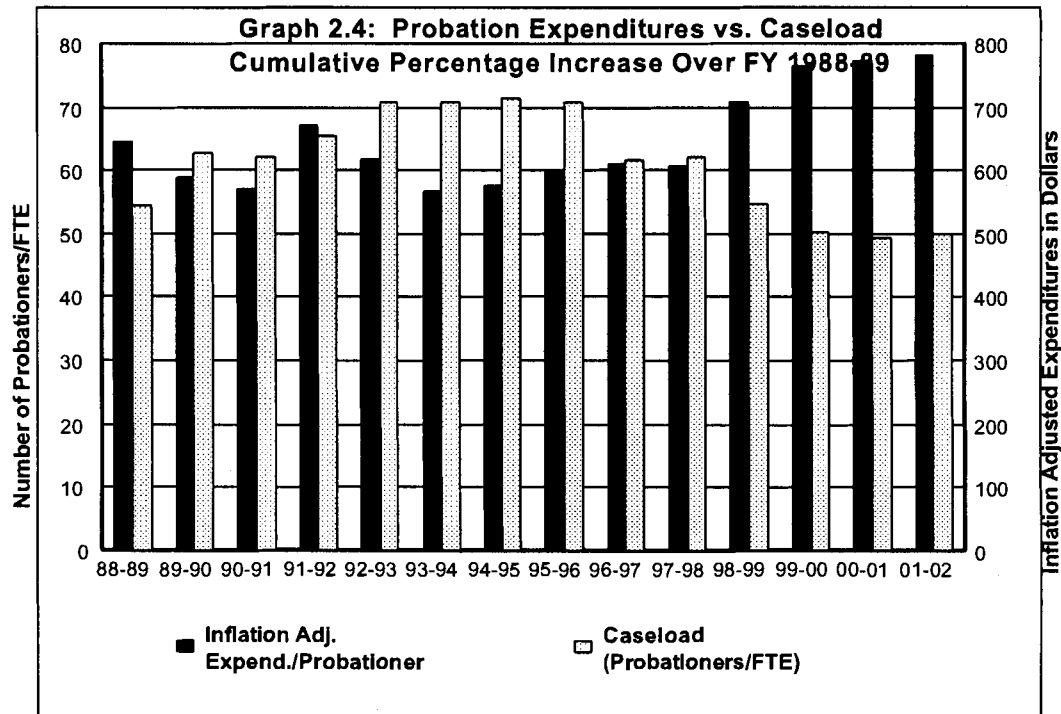
Fiscal Year	Actual Expenditures	Percent Increase Over FY 1988-89	Inflation-Adjusted Expenditures (FY 1988-89 Dollars)	Percent Increase Over FY 1988-89	Probation Population* (June 30)	Percent Increase Over FY 1988-89	FTE	Percent Increase Over FY 1988-89
FY 1988-89	\$15,146,856	NA	\$15,146,856	NA	23,488	NA	430.5	NA
FY 1989-90	16,329,337	7.8%	15,893,427	4.9%	26,987	14.9%	430.5	0.0%
FY 1990-91	17,798,598	17.5%	16,531,896	9.1%	28,888	23.0%	465.0	8.0%
FY 1991-92	23,520,223	55.3%	21,153,466	39.7%	31,401	33.7%	479.0	11.3%
FY 1992-93	24,498,890	61.7%	21,139,726	39.6%	34,151	45.4%	483.0	12.2%
FY 1993-94	24,946,846	64.7%	20,686,969	36.6%	36,396	55.0%	514.6	19.5%
FY 1994-95	27,975,795	84.7%	22,120,620	46.0%	38,333	63.2%	537.3	24.8%
FY 1995-96	31,840,746	110.2%	24,298,403	60.4%	40,522	72.5%	572.7	33.0%
FY 1996-97	36,182,123	138.9%	26,697,827	76.3%	43,687	86.0%	709.2	64.7%
FY 1997-98	38,938,388	157.1%	27,985,443	84.8%	46,019	95.9%	741.4	72.2%
FY 1998-99	44,882,305	196.3%	31,393,013	107.3%	44,235	88.3%	807.2	87.5%
FY 1999-00	51,761,445	241.7%	35,010,612	131.1%	45,676	94.5%	905.7	110.4%
FY 2000-01	54,919,573	262.6%	35,455,385	134.1%	45,783	94.9%	924.6	114.8%
FY 2001-02	60,288,481	298.0%	37,795,481	149.5%	48,309	105.7%	965.3	124.2%

NA = Not Applicable

* Probation population includes adult and juvenile caseloads.

Note: The Denver-Boulder consumer price index was used to adjust for inflation.
 Source: Judicial Department Annual Report, Judicial Department Budget Office.

Graph 2.4 illustrates the relationship between inflation-adjusted expenditures and the number of probationers per probation department FTE. Graph 2.4 illustrates that, generally, lower expenditures result in higher probation caseloads. Since 1998-99, increased expenditures have allowed lower caseloads for probation FTEs. Note that the FTE numbers reported include all probation department personnel and not just probation officers who directly supervise probationers.



Source: Judicial Department Annual Report.

Chapter 3 — Community Corrections

This chapter provides an overview of the state's community corrections programs, that are administered by the Division of Criminal Justice in the Department of Public Safety. The 34 residential community corrections programs/facilities in Colorado house two basic types of offenders: offenders who are *diverted* from prison such as probationers, and offenders who *transition* from prison such as parolees. Offenders in community corrections can either be sentenced by the courts, referred by the Parole Board, or referred by the DOC. All offenders in community corrections facilities must be approved for placement by a local community corrections board. There are 22 community corrections boards in the state, one in each judicial district.

This chapter highlights the following:

- local control of community corrections facilities via community corrections boards allows community corrections programs to accept or reject offenders based on the services offered by the program and, conversely, to offer specialized services based upon the needs of the offenders in that community;
- there are two basic types of offenders in community corrections programs — offenders *diverted* from a sentence to prison and offenders who *transition* from a DOC facility. Because of the complex web of referral sources, these two basic types of offenders can be further broken down into eight distinct offender populations in community corrections facilities;
- the community corrections population increased 67.5 percent from June 1993 to June 2002; and
- diversion clients make up the bulk of community corrections clients.

COMMUNITY CORRECTIONS PROGRAMS

Community corrections programs are community-based or community-oriented programs that provide for the supervision of offenders in a residential semi-secure setting. Community corrections programs provide residential and nonresidential services for offenders, monitoring of offenders' activities, oversight of victim restitution and community service, and day reporting programs. Such programs may also provide the following:

- services to aid offenders in obtaining and holding regular employment;
- services to aid offenders in enrolling in and maintaining academic courses;
- services to aid offenders in participating in vocational training programs;
- services to aid offenders in utilizing the resources of the community;
- services to meet the personal and family needs of offenders;
- services to aid offenders in obtaining appropriate treatment;
- services to aid offenders in participating in whatever specialized programs exist within the community; and
- such other services and programs as may be appropriate to aid in offender rehabilitation and public safety.

COMMUNITY CORRECTIONS PROGRAM OPERATION

A unit of local government, the DOC, or any private individual, partnership, corporation, or association is authorized by law to operate a community corrections program. Of the 34 residential community corrections facilities in Colorado (with about 3,000 available beds), six community corrections facilities offer specialized programs: to treat substance abusers; to deal with offenders who regress from community supervision (nonresidential parolees, for example); or to assist inmates preparing for community placement. For instance, Peer I and The Haven at Peer I (women only) are therapeutic communities for substance abusers. The Residential Treatment Center in Greeley and San Luis Valley Community Corrections in Alamosa are both Community Intensive Residential Treatment (CIRT) facilities. Community Corrections Inc. and Community Alternatives of El Paso County also have intensive drug treatment programs. Community corrections programs contract out for specialized services to treat other offenders such as sex offenders, mental health offenders, and domestic violence offenders.

Table 3.1 is a listing of the community corrections facilities in the state with their location, bed capacity, number of contracted beds, and the operating entity. Some facilities operate at less than capacity because facilities are allowed to use 5 percent of their bed funds for administrative costs and because the General Assembly does not typically fully fund the available beds. Also, the community corrections population is fluid in that the population is not the same from day to day. Inmates are being transported between jail and the community corrections facility, between the DOC and the facility, and are being transferred from residential to non-residential status or from non-residential status back to residential status. Some facilities are able to operate at above capacity because they take clients from judicial districts without facilities and because of the fluidity of the population.

Table 3.1: Community Corrections Facilities in Colorado

Judicial District	Name of Facility — Location	Bed Capacity	Contracted Beds			Operating Entity
			Transition	Diversion	Total	
1st	Community Responsibility Center — Lakewood	154	40	93	133	Community Responsibility Center, Inc.
2nd	Independence House (3 facilities) — Denver	129	388	175	563	RRK Enterprises, Inc.
	Correctional Management, Inc. (3 facilities) — Denver	131				Correctional Management, Inc.
	Mountain Parks Program at Denver County Jail — Denver	263				Denver County
	Peer I (2 facilities) — Denver	126				University of Colorado
	Williams Street — Denver	84				Community Education Centers
	Tooley Hall (a Williams Street facility) — Denver	61				Community Education Centers
3rd	No facility	0	0	4	4	These beds are in other judicial districts.
4th	ComCor, Inc. (2 facilities) — Colorado Springs	514	174	133	307	ComCor, Inc.
	Community Alternatives of El Paso Cty. — Colorado Springs	119				Community Corrections Services, Inc.
	Gateway Through the Rockies — Colorado Springs	12				El Paso County Sheriff's Office
5th	No facility	0	0	22	22	These beds are in other judicial districts.
6th	Hilltop House — Durango	40	15	24	39	Southwest Community Corrections Coalition, Inc.
7th	No facility	0	0	28	28	These beds are in other judicial districts.
8th	Larimer County Community Corrections — Fort Collins	84	35	57	92	Larimer County
9th	No facility	0	0	24	24	These beds are in other judicial districts.
10th	Minnequa Community Corrections Center — Pueblo	70	37	51	88	Minnequa Community Corrections, Inc.
	Community Corrections Services, Inc. — Pueblo	62				Pueblo Community Corrections Services, Inc.
11th	No facility	0	0	9	9	These beds are in other judicial districts.
12th	San Luis Valley Community Corrections/IRT — Alamosa	70	42	12	54	San Luis Valley Mental Health Corp.
13th	No facility	0	0	20	20	
14th	Correctional Alternative Placement Services — Craig	45	19	16	37	Community Corrections Services, Inc.
15th	No facility	0	0	6	6	
18th	No facility	0	0	27	27	

(Continued on next page)

Table 3.1 Continued

Judicial District	Name of Facility -- Location	Bed Capacity	Contracted Beds			Operating Entity
			Transition	Diversion	Total	
17th	Loft House -- Denver (Adams County)	39				Adams County Corrections Program, Inc.
	Phoenix Center -- Henderson	117	73	140	213	Adams County Corrections Program, Inc.
	Time to Change -- Brighton	32				Adams County Jail
18th	Arapahoe Community Treatment Center -- Englewood	120				Arapahoe County Treatment Center, Inc.
	Arapahoe County Residential Center -- Littleton	100	175	128	303	CiviGenics, Inc.
	Centennial Community Transition Center -- Littleton	92				Correctional Management, Inc.
19th	The Restitution Center -- Greeley	146				The Villa
	Residential Treatment Center -- Greeley	85	93	78	171	The Villa
	Transition Women's Center -- Greeley	15				The Villa
20th	Boulder Community Treatment Center -- Boulder	64				Correctional Management, Inc.
	Longmont Community Treatment Center -- Longmont	67	27	56	83	Correctional Management, Inc.
21st	Mesa County Work-Release Center -- Grand Junction	160	46	58	104	Mesa County
22nd	No facility	0	0	6	6	These beds are in other judicial districts.
Total		3,009	1,164	1,163	2,327	

Source: Division of Criminal Justice

COMMUNITY CORRECTIONS BOARDS

A community corrections board may be established by resolution or ordinance of a governing body or by a combination of governing bodies (Section 17-27-103, C.R.S.) In other words, locally-elected officials appoint community corrections board members. Community corrections boards may be advisory to the appointing governing body or may function independently of the governing body. There are 22 community corrections boards in the state, one in each judicial district.

Community corrections boards have the following authority:

- to approve or disapprove the establishment and operation of a community corrections program;
- to enter into contracts with the State of Colorado to provide services and supervision for offenders;
- to accept or reject any offender referred for placement in a community corrections program under the jurisdiction of the board;
- to receive grants from governmental and private sources and to receive court-authorized expense reimbursement related to community corrections programs;
- to establish and enforce standards for the operation of a community corrections program;
- to establish conditions or guidelines for the conduct of offenders placed in a community corrections program; and
- to reject, after acceptance, the placement of any offender in a community corrections program and to provide an administrative review process for any offender who is rejected after acceptance by the board.

Community corrections programs operated by units of local government, state agencies, or non-governmental agencies have similar authority to operate a community corrections program and to accept or reject inmates referred to the program. All community corrections boards and programs have the authority to accept or reject offenders who have been referred for placement.

Local control is considered a hallmark of Colorado's community corrections program. Community corrections boards vary in size, makeup, philosophy, and degree of program control. This variance in boards and programs allows individual community corrections programs to offer specialized services and to accept or reject offenders based on the services offered by the program and the services needed by the offender. For instance, most community corrections facilities will not accept an offender needing intensive specialized drug treatment, but the Residential Treatment Center program in Greeley has an 85-bed drug treatment facility.

ROLE OF THE DIVISION OF CRIMINAL JUSTICE

The Division of Criminal Justice (DCJ) in the Department of Public Safety is responsible for administering and executing all contracts with units of local government, community corrections boards, or nongovernmental agencies for the provision of community corrections programs and services. In addition, the DCJ is responsible for the following:

- establishing standards for community corrections programs which prescribe minimum levels of offender supervision and services, health and safety conditions of facilities, and other measures to ensure quality services;
- auditing community corrections programs to determine levels of compliance with standards;
- allocating state appropriations for community corrections to local community corrections boards and programs; and
- providing technical assistance to community corrections boards, programs, and referring agencies.

OFFENDERS ELIGIBLE FOR COMMUNITY CORRECTIONS PLACEMENT

Offenders are placed in community corrections programs via a complex referral process. There are two basic types of offenders in community corrections programs: those who are *diverted* from a sentence to prison, and those who *transition* from a DOC facility into the community. All offenders in community corrections programs, both diversion and transition offenders, must be approved for acceptance into a facility by the local community corrections program and board.

Both diversion and transition referrals come from three main sources:

- under state law, a **District Court** judge may refer any offender convicted of a felony to a community corrections program unless the offender is required to be sentenced to prison for a violent crime. The District Court sentences offenders directly to a community corrections program as an alternative to a sentence to prison. Occasionally, the District Court sentences an offender directly to community corrections as a condition of probation;

- **Department of Corrections Case Managers** identify eligible DOC inmates for referral to a community corrections program. DOC case managers submit referrals to the Division of Community Corrections in the DOC. Non-violent inmates are referred by DOC case managers for placement in community corrections 19 months prior to the parole eligibility date (PED) and violent offenders are referred nine months prior to the PED. Case managers decide to which community corrections program or board the referral should be submitted. The division places non-violent offenders in a community corrections facility 16 months prior to the PED, and violent offenders are placed six months prior to the PED; and
- the **Colorado Board of Parole** may refer a parolee to a community corrections program for placement in a facility either as a condition of parole, as a modification of the conditions of parole, or upon temporary revocation of parole.

Because of this complex referral system, there are several types of offenders in community corrections facilities or programs:

- **residential diversion** — these offenders are sentenced by the District Court to serve all or a portion of their sentence in a community corrections facility;
- **residential transition** — these offenders are DOC inmates who have been referred by the DOC for a placement in a community corrections facility to serve as a transition period back into the community;
- **nonresidential diversion** — these offenders who were sentenced to community corrections have been transferred from residential status to nonresidential status after completing the residential program (such as drug treatment) to which they were sentenced. While on nonresidential status these offenders typically report to a day-reporting center or a drug testing center;
- **residential parole** — these parolees are either in a community corrections facility as a condition of parole, or have been placed in a community corrections facility by the parole officer for stabilization because they appear to be in danger of having their parole revoked;
- **nonresidential parole** — these parolees have been transferred from residential status to nonresidential status after completing the residential program they were ordered to complete. While on nonresidential status they report to either a day-reporting program or to some other treatment program;
- **residential parole revocation** — these parolees' parole has been revoked and are in a community corrections facility for a short time, in lieu of prison, before going back before the parole board;

- ***DOC nonresidential Intensive Supervision Program (ISP)*** — these are DOC inmates who have no more than 180 days remaining until their parole eligibility date. These inmates are most likely to be released on parole by the parole board and are on intensive supervision such as electronic monitoring and home detention while awaiting an appearance before the board; and
- ***DOC residential Intensive Supervision Program*** — these are former non-residential ISP inmates who were not adjusting well on non-residential status and were in danger of being revoked back to prison. These inmates are put on residential status in order to stabilize them until they can go back on non-residential ISP status.

COMMUNITY CORRECTIONS POPULATION DATA

Overall population. Table 3.2 provides a ten-year history of the community corrections population. These demographic data compare the various community corrections populations from June 1993 through June 2002.

Table 3.2: Community Corrections Population History

Quarter Ending	Residential		Nonres. Diversion	Resident. Parole	Nonres. Parole	Resident. Parole Revocation	DOC Resident. ISP	DOC Nonres. ISP	Total	Percent Increase Over June 1993
	Diversion	Transition*								
June 1993	760	698	729	32	NA	NA	103		2,322	0.0%
% of Total	32.7%	30.1%	31.4%	1.4%			4.4%			
June 1994	820	677	732	54	246	NA	NA		2,468	6.3%
% of Total	33.2%	27.4%	29.7%	2.7%	7.0%					
June 1995	854	659	676	46	304	NA	151		2,443	5.2%
% of Total	35.0%	27.0%	27.7%	2.7%	7.0%		0.6%			
June 1996	856	689	816	39	107	NA	89		2,615	12.6%
% of Total	32.7%	26.3%	31.2%	2.6%	6.6%		0.6%			
June 1997	960	695	966	93	121	NA	154		2,875	23.8%
% of Total	33.4%	24.2%	33.6%	2.3%	6.0%		0.5%			
June 1998	1,071	714	1,042	67	172	4	15	216	3,301	42.2%
% of Total	32.4%	21.6%	31.6%	2.0%	5.2%	0.1%	0.5%	6.5%		
June 1999	1,098	842	1,096	87	135	4	63	303	3,628	56.2%
% of Total	30.3%	23.2%	30.2%	2.4%	3.7%	0.1%	1.7%	8.4%		
June 2000	1,118	888	1,009	95	154	6	79	308	3,657	57.5%
% of Total	30.6%	24.3%	27.6%	2.6%	4.2%	0.2%	2.2%	8.4%		
June 2001	1,188	942	1,129	88	168	4	47	351	3,917	68.7%
% of Total	30.3%	24.0%	28.8%	2.2%	4.3%	0.1%	1.2%	9.0%		
June 2002	1,212	1,023	946	82	163	4	34	425	3,889	67.5%
% of Total	31.2%	26.3%	24.3%	2.1%	4.2%	0.1%	0.9%	10.9%		
Total 10-Year Growth	452	325	217	50	NA	NA	356		1,567	NA
10-Year % Increase	59.5%	46.6%	29.8%	156.3%	NA	NA	345.6%		67.5%	NA

NA: Not available.

Source: Division of Criminal Justice.

Ethnicity. Table 3.3 charts the ethnicity of diversion and transition clients in community corrections facilities from FY 1994-95 through FY 2000-01.

**Table 3.3 Community Corrections Offender Characteristics:
Ethnicity, FY 1994-95 through FY 2000-01**

	Ethnicity				
	Anglo	Black	Hispanic	Other	Total
Diversion					
FY 1994-95	893	439	457	31	1,820
% of Total	49%	24%	25%	2%	100%
FY 1996-97	1,020	486	460	47	2,013
% of Total	51%	24%	23%	2%	100%
FY 1998-99	1,058	434	521	57	2,070
% of Total	51%	21%	25%	3%	100%
FY 2000-01	1,169	449	558	68	2,244
% of Total	52%	20%	25%	3%	100%
Transition					
FY 1994-95	751	345	364	37	1,497
% of Total	50%	23%	24%	2%	100%
FY 1996-97	732	401	348	33	1,514
% of Total	48%	26%	23%	2%	100%
FY 1998-99	788	439	359	33	1,619
% of Total	49%	27%	22%	2%	100%
FY 2000-01	953	473	419	60	1,905
% of Total	50%	25%	22%	3%	100%
Overall					
FY 1994-95	1,644	784	821	68	3,317
% of Total	50%	24%	25%	2%	100%
FY 1996-97	1,752	887	808	80	3,527
% of Total	50%	25%	23%	2%	100%
FY 1998-99	1,846	873	880	90	3,689
% of Total	50%	24%	24%	2%	100%
FY 2000-01	2,122	922	977	128	4,149
% of Total	51%	22%	24%	3%	100%

Source: Division of Criminal Justice.

Gender. Table 3.4 shows the diversion and transition community corrections population and the overall population by gender.

**Table 3.4 Community Corrections Offender Characteristics:
Gender, FY 1994-95 through FY 2000-01**

	Gender		
	Male	Female	Total
Diversion			
FY 1994-95	1,522	300	1,822
% of Total	84%	16%	100%
FY 1996-97	1,655	360	2,015
% of Total	82%	18%	100%
FY 1998-99	1,657	413	2,070
% of Total	80%	20%	100%
FY 2000-01	1,792	455	2,247
% of Total	80%	20%	100%
Transition			
FY 1994-95	1,273	224	1,497
% of Total	85%	15%	100%
FY 1996-97	1,305	210	1,515
% of Total	86%	14%	100%
FY 1998-99	1,337	282	1,619
% of Total	83%	17%	100%
FY 2000-01	1,540	366	1,906
% of Total	81%	19%	100%
Overall			
FY 1994-95	2,795	524	3,319
% of Total	84%	16%	100%
FY 1996-97	2,960	570	3,530
% of Total	84%	16%	100%
FY 1998-99	2,994	695	3,689
% of Total	81%	19%	100%
FY 2000-01	3,332	821	4,153
% of Total	80%	20%	100%

Source: Division of Criminal Justice.

Age. Table 3.5 breaks out diversion and transition offenders by age ranges. The ages listed are age at intake into the community corrections facility.

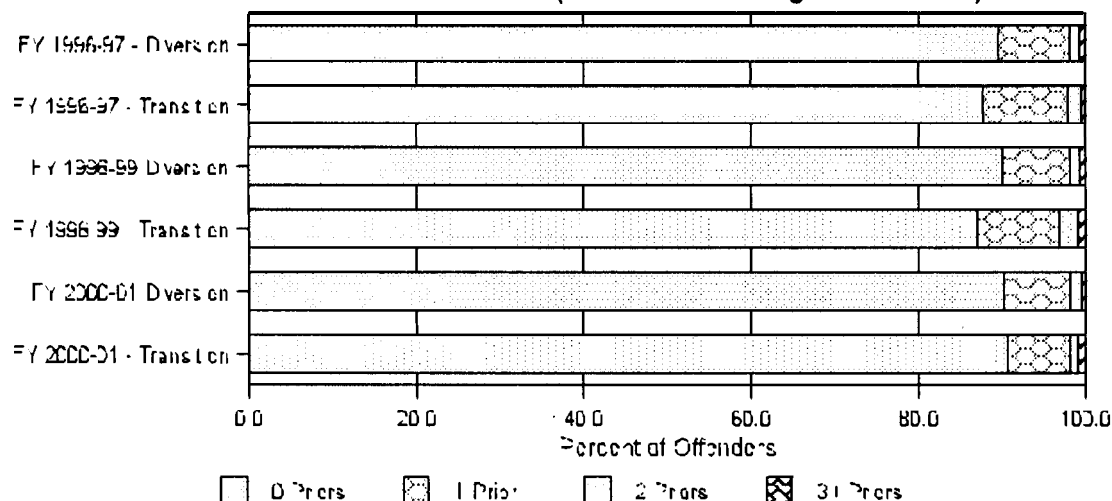
**Table 3.5 Community Corrections Offender Characteristics:
Age Range, FY 1994-95 through FY 2000-01**

	Age						Total
	18-20	21-25	26-30	31-35	36-40	40+	
Diversion							
FY 1994-95	123	488	370	363	260	219	1,823
% of Total	7%	27%	20%	20%	14%	12%	100%
FY 1996-97	154	409	417	460	307	268	2,015
% of Total	8%	20%	21%	23%	15%	13%	100%
FY 1998-99	168	448	401	344	383	326	2,070
% of Total	8%	22%	19%	17%	19%	16%	100%
FY 2000-01	168	512	391	365	362	449	2,247
% of Total	7%	23%	17%	16%	16%	20%	100%
Transition							
FY 1994-95	33	294	347	319	272	231	1,496
% of Total	2%	20%	23%	21%	18%	15%	100%
FY 1996-97	34	261	304	326	297	293	1,515
% of Total	2%	17%	20%	22%	20%	19%	100%
FY 1998-99	46	266	333	364	321	289	1,619
% of Total	3%	16%	21%	22%	20%	18%	100%
FY 2000-01	35	312	326	400	398	435	1,906
% of Total	2%	16%	17%	21%	21%	23%	100%
Overall							
FY 1994-95	156	782	717	682	532	450	3,319
% of Total	5%	24%	22%	21%	16%	14%	100%
FY 1996-97	188	670	721	786	604	561	3,530
% of Total	5%	19%	20%	22%	17%	16%	100%
FY 1998-99	214	714	734	708	704	615	3,689
% of Total	6%	19%	20%	19%	19%	17%	100%
FY 2000-01	203	824	717	765	760	884	4,153
% of Total	5%	20%	17%	18%	18%	21%	100%

Source: Division of Criminal Justice.

Prior and current convictions. Graphs 3.1, 3.2, and 3.3 illustrate the criminal history of offenders in community corrections from FY 1996-97 through FY 2000-01. Graph 3.1 shows that consistently, the bulk of offenders in community corrections have no prior violent convictions. Graph 3.1 illustrates that community corrections boards do not accept many violent offenders for placement in a facility. Graph 3.1 further illustrates that the majority of offenders with no prior violent convictions were diversion offenders. This is not surprising since the purpose of community corrections is to divert first-time and non-violent offenders from prison.

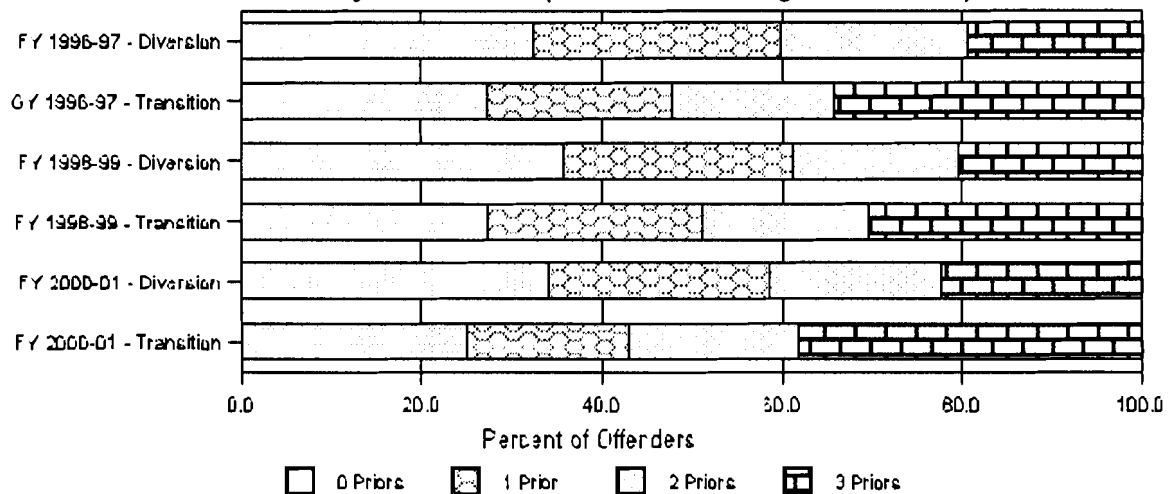
**Graph 3.1: Community Corrections Offender Characteristics
Prior Violent Convictions (FY 1996-97 through FY 2000-01)**



Source: Division of Criminal Justice

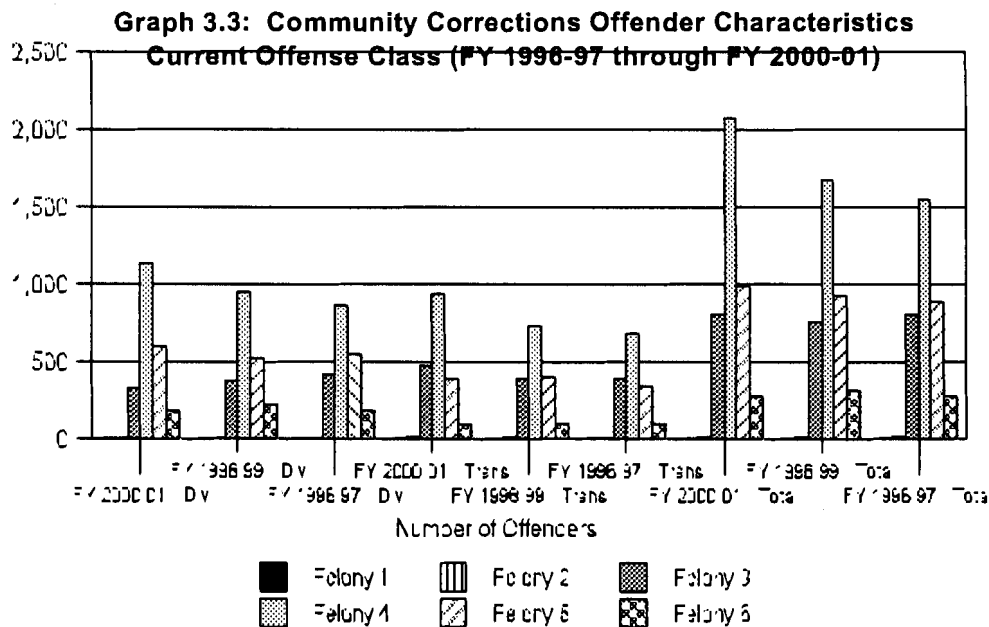
Graph 3.2 shows that while courts have continued to divert greater percentages of offenders with no prior felony convictions from prison to community corrections facilities, increasing numbers of offenders with 3 or more prior felony convictions are being transitioned from prison to community corrections facilities. Inmates with 3 or more prior felony convictions consistently comprise the largest percentage of transition offenders in community corrections facilities. This illustrates the increasing use of these facilities as true "halfway houses" that provide an in-between step between prison and parole.

**Graph 3.2: Community Corrections Offender Characteristics
Prior Felony Convictions (FY 1996-97 through FY 2000-01)**



Source: Division of Criminal Justice.

Graph 3.3 breaks out the felony offense classification for which the person was placed in community corrections. This break-out is listed for both diversion and transition clients. The bulk of offenders in community corrections are diversion clients convicted of a class 4 felony or a class 5 felony.



Source: Division of Criminal Justice.

DIVISION OF CRIMINAL JUSTICE/COMMUNITY CORRECTIONS FUNDING HISTORY

The Division of Criminal Justice receives funding in the annual Long Bill for community corrections programs. The line items receiving funding are as follows:

- transition programs;
- diversion programs;
- standard nonresidential services;
- specialized services;
- day reporting and monitored 3/4 house programs; and
- substance abuse treatment programs.

Table 3.6 provides a twelve-year history of appropriations compared with the community corrections population from FY 1991-92 through FY 2002-03

Table 3.6: Community Corrections Expenditures and Caseload

Fiscal Year	Long Bill Appropriations	% Change Over FY 1991-92	CPI Adjusted Expenditures	% Change Over FY 1991-92	Community Corrections Population (FY End)	% Change Over FY 1991-92
FY 1991-92	\$20,516,658	0.0%	\$20,516,658	0.0%	2,264	0.0%
FY 1992-93	20,356,652	(0.8)%	19,530,762	(4.8)%	2,324	2.7%
FY 1993-94	22,151,971	8.0%	20,424,597	(0.4)%	2,533	11.9%
FY 1994-95	23,393,254	14.0%	20,566,737	0.2%	2,547	12.5%
FY 1995-96	23,689,200	15.5%	20,100,404	(2.0)%	2,599	14.8%
FY 1996-97	25,796,206	25.7%	21,163,993	3.2%	2,994	32.2%
FY 1997-98	28,921,648	41.0%	23,111,980	12.7%	3,301	45.8%
FY 1998-99	29,719,707	44.9%	23,113,317	12.7%	3,628	60.2%
FY 1999-00	34,749,513	69.4%	26,133,762	27.4%	3,660	61.7%
FY 2000-01	38,045,534	85.4%	27,309,807	33.1%	3,398	50.1%
FY 2001-02	39,762,793	93.8%	27,716,750	35.1%	3,301	45.8%
FY 2002-03	39,390,049	92.0%	26,884,603	31.0%	NA	NA

NA: Not applicable or available.

Note: The Denver-Boulder consumer price index was used to adjust for inflation.

Source: Legislative Council Staff

Chapter 4 — Parole

This chapter provides an overview of the parole process which involves three entities: the Department of Corrections, the DOC's Division of Adult Parole Services, and the Parole Board. Once released to parole, parolees remain committed to the custody of the DOC. The Division of Adult Parole Services is responsible for monitoring an offender while in the community on parole and for reporting an offender to the Parole Board if the offender violates a condition of parole. Revoking an offender's parole necessitates interaction between the Division of Adult Parole Services and the Parole Board. The Parole Board is responsible for providing the offender with a hearing and deciding whether the offender should remain on parole.

Specifically, this chapter covers the following topics:

The Parole Process, including:

- parole eligibility;
- pre-parole procedures;
- the Parole Board;
- parole hearings;
- release to parole;
- parole supervision; and
- revocation of parole.

The Parole Population, including:

- parole population profile;
- parole population projections; and
- parole funding history.

PAROLE ELIGIBILITY

Colorado law specifies that any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony, or any unclassified felony, is eligible for parole after serving 50 percent of the imposed sentence, less earned time. Assuming an inmate earns 100 percent of allowable earned time, the earliest possible parole date is after serving 38 percent of the sentence (see Table 4.1 on page 46). Colorado law prohibits inmates from reducing their sentence through earned time by more than 25 percent.

Offenders convicted of more serious violent crimes, however, are not eligible for parole after serving 50 percent of their sentence. Certain violent offenders must serve 75 percent of their sentence, less earned time. These include offenders convicted of:

- second degree murder;
- first degree assault;
- first degree kidnapping unless the first degree kidnapping is a class 1 felony;
- first or second degree sexual assault;
- first degree arson;
- first degree burglary;
- aggravated robbery, and
- a prior crime which is a crime of violence as defined in Section 18-1.3-406, C.R.S.

The following crimes are included in the list of crimes of violence:

- any crime against an at-risk adult or at-risk juvenile;
- murder;
- first or second degree assault;
- kidnapping;
- sex assault;
- aggravated robbery;
- first degree arson;
- first degree burglary;
- escape; or
- criminal extortion.

"Crime of violence" also means any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim. It should be noted that class 1 felony offenders are not eligible for parole.

Any offender (except sex offenders¹) convicted and sentenced for a crime enumerated above who twice previously was convicted for a crime which would have been a crime of violence is eligible for parole after serving 75 percent of the sentence, but no earned time is granted.

Table 4.1 illustrates the earliest possible date, based on the sentence imposed, on which offenders are eligible for parole. The table assumes that offenders earn 100 percent of their earned time, which is ten days per month.

Table 4.1: Overview of Earliest Possible Parole Eligibility Date (PED)

Sentence/ Years	Assumes Offender Eligible after Serving:				Maximum Time Served — Assumes Discretionary Parole Denied and 100% Earned Time	
	50% of Sentence, Less Earned Time		75% of Sentence, Less Earned Time			
	Total Earned Time, Years	Earliest Possible PED, Years	Total Earned Time, Years	Earliest Possible PED, Years	Total Earned Time, Years	Discharge Date, Years
1	0.12	0.38	0.19	0.56	0.25	0.75
5	0.62	1.88	0.93	2.82	1.25	3.75
10	1.24	3.76	1.86	5.64	2.50	7.50
15	1.86	5.64	2.78	8.47	3.75	11.25
20	2.47	7.53	3.71	11.29	5.00	15.00
25	3.09	9.41	4.64	14.11	6.25	18.75
30	3.71	11.29	5.57	16.93	7.50	22.50
35	4.33	13.17	6.49	19.76	8.75	26.25

Source: Legislative Council Staff.

1. As of November 1, 1998, the parole of sex offenders is governed by the "Colorado Sex Offender Lifetime Supervision Act of 1998," codified in Section 18-1.3-1002, C.R.S. Among other things, the legislation set a minimum parole period of 20 years for a sex offender convicted of a class 2 or 3 felony, and a minimum of ten years for a sex offender convicted of a class 4, 5, or 6 felony. A sex offender can be placed on parole for the remainder of his natural life if the Parole Board believes indefinite supervision is necessary to protect public safety.

PRE-PAROLE PROCEDURES

All eligible inmates are scheduled to be seen by the Parole Board at least 90 days prior to their parole eligibility date. Before an inmate can be released from a DOC facility or community corrections program, the inmate must have a parole plan that details where he or she will live and work, and who will be responsible for the inmate upon release. DOC case managers are responsible for preparing an inmate's parole plan. The plan then is submitted to the Division of Adult Parole Services for investigation by a community parole officer (CPO). A CPO in the appropriate regional office is assigned to verify information in the parole plan. Ideally, the CPO visits the inmate's proposed residence, employer, family members, and all other persons identified as potential parole resources. Once the division receives the plan, the investigation should be completed within 15 days for domestic cases and 30 days for interstate cases. At the release hearing (discussed later in this chapter), the board reviews the inmate's file, hears from the inmate's case manager, and makes a determination of whether parole will be granted.

THE PAROLE BOARD

Size and composition of the Parole Board. The Colorado State Board of Parole consists of seven members who are appointed by the Governor and confirmed by the Senate. Parole Board members perform their duties full-time.

The seven-member board is composed of two representatives from law enforcement, one former parole or probation officer, and four citizen representatives. The statutes require that Parole Board members have knowledge of parole, rehabilitation, correctional administration, the functioning of the criminal justice system, and the issues associated with victims of crime. The statutes further require the three designated Parole Board members (law enforcement and probation representatives) each have at least five years education or experience, or a combination thereof, in their respective fields.

Hearings of the Parole Board. The Parole Board's primary responsibility is to conduct inmate release hearings. Parole Board members conduct four types of hearings:

- **parole application interviews** – the board, via a single member, considers an inmate's parole application, interviews the inmate, decides whether the inmate should be released on parole, and determines the conditions of parole. This personal interview maybe a face-to-face interview, a live telecommunication interview, or a live telephonic interview at the board's discretion. Release hearings are held at the institution or in the community where the offender is physically incarcerated. If the board member decides to release the offender, the approval by signature is required by an additional board member;
- **full board reviews** – the board meets as a full board to consider all cases involving a violent crime, cases with a history of violence, and all other matters recommended for

full board review by board members conducting the release hearing. Four board members constitute a quorum and four affirmative votes are necessary to grant parole;

- **rescission hearings** – the board, via a single member, may suspend an established parole release date upon receipt of information not previously considered by the board, or upon receipt of information reflecting improper conduct by the inmate including disciplinary violations. A rescission hearing is then held by a single board member to determine if a decision to parole should be rescinded prior to the inmate actually being released on parole; and
- **revocation hearings** – revocation hearings are held to determine whether parole should be revoked and whether the parolee should be returned to a DOC facility. A revocation hearing is conducted either by a single member of the Parole Board or by an Administrative Hearings Officer (AHO). The single board member or AHO conducting the hearing also makes the decision to revoke or not.

PAROLE RELEASE HEARINGS AND THE DECISION-MAKING PROCESS

The Parole Board considers a number of variables when deciding whether to release an inmate to parole: the inmate's criminal record; the nature and circumstances of the offense for which the inmate was committed to the DOC; the inmate's behavioral history while incarcerated; participation in treatment and programs; and current psychological and medical evaluations. The Parole Board also must consider the inmate's risk assessment score and apply the current parole guidelines, as set out in statute.

The parole guidelines law also sets out nine mitigating factors the board may consider when deciding whether to parole an inmate:

- the offender was a passive or minor participant in the crime;
- the victim precipitated the crime or somehow provoked the incident;
- there was substantial justification for the offense;
- the crime was committed under duress or coercion;
- the offender has no past record or a long crime-free period;
- the offender voluntarily acknowledges wrongdoing;
- the offender has family obligations and further incarceration would cause undue hardship on dependents;

- the rehabilitation of the offender would be enhanced by imposing a shorter period of incarceration; and
- the offender has attempted compensation to the victim.

The parole guidelines legislation lists 15 aggravating factors for the Parole Board to consider:

- the offender inflicted serious bodily injury or a high degree of cruelty;
- the offender was armed with deadly weapons;
- the crime involved multiple victims;
- the crime involved particularly vulnerable victims;
- the victim was a judicial or law enforcement officer;
- the offender displays a pattern of violent conduct;
- the offender was on parole or probation for another felony at commission;
- the offender was in confinement or on escape status at commission;
- the offender induced others in commission of offense;
- the offender took advantage of a position of trust;
- the offender either paid to have the crime committed or was paid to commit the crime;
- the crime was premeditated;
- the crime was drug or contraband related;
- the offender was on bond for a previous felony during commission; and
- the offender has increasingly serious convictions, juvenile or adult.

SUPERVISION ON PAROLE — DIVISION OF ADULT PAROLE

The Division of Adult Parole is responsible for supervising adult parolees who have been released to the community by the Parole Board. The division is organized into four state-wide regions (Denver, Northeast, Southeast, and Western) and operates 17 offices throughout the state. As of June 30, 2002, 62 community parole officers (CPOs) supervised 4,037 parolees in Colorado. CPOs are level Ia peace officers and have arrest powers and may carry firearms.

General statutory duties. The Division of Adult Parole is statutorily responsible for the following:

- establishing and administering appropriate programs of education and treatment to assist in offender rehabilitation; and
- keeping a complete record of all domestic and interstate parolees.

Community parole officers and parole violators. The statutes and administrative regulations outline the responsibilities of CPOs. In some cases, CPO's have discretion to decide how to proceed after a suspected parole violation while in other cases they do not. When discretion is given, administrative regulations require the CPO to meet with a supervisor to decide on a response. Administrative regulations provide a range of actions which may be taken by a CPO:

- take no action;
- increase the level of supervision;
- recommend to the Parole Board to refer to community corrections;
- recommend to the Parole Board to refer to DOC contract beds;
- recommend to the Parole Board to refer to Intensive Supervision Program (ISP);
- issue a summons; or
- arrest the parolee.

The statutes provide that if the CPO makes an arrest rather than issuing a summons, the parolee is to be held in custody. After completing an investigation, the CPO has the following options:

- file a complaint with the Parole Board and continue to hold the parolee in custody;
- order the release of the parolee and request that any warrant be quashed and that any complaint be dismissed and parole restored; or
- order the release of the parolee and issue a summons requiring the parolee to appear before the Parole Board to answer the charges.

The statutes additionally spell out when a CPO may arrest a parolee in order to begin revocation proceedings. A CPO may make an arrest when:

- he or she has a warrant for the parolee's arrest;
- he or she has probable cause to believe that an arrest warrant has been issued for the parolee in this or another state for a crime or for violation of a condition of parole;
- the parolee has committed a crime in the presence of the CPO;
- the CPO has probable cause to believe that the parolee has committed a crime;
- the CPO has probable cause to believe that the parolee has violated a condition of parole, that the parolee is leaving or is about to leave the state, or that the parolee will fail to appear before the board to answer charges of violations of the conditions of parole; or
- the parolee has been tested for illegal controlled substances and the test was positive.

Parolees and drug testing. Colorado law requires that all convicted felons in the criminal justice system be assessed for drug use. Therefore, as a condition of parole, every parolee is required to submit to random drug and alcohol testing.

The statutes spell out specific CPO responsibilities when a parolee tests positive for illegal controlled substances. For the *first* positive test, the CPO may:

- make an immediate warrantless arrest;
- immediately increase the level of supervision including intensive supervision;
- begin random screenings for detecting illegal controlled substance use, which may serve as the basis for any other community placement; or
- refer the parolee to a substance abuse treatment program.

For a *second* or subsequent positive test for illegal controlled substances, in addition to making an immediate arrest, increasing the level of supervision, or referring the parolee to a substance abuse treatment program, the CPO may:

- seek parole revocation; or
- increase the number of drug screenings for the presence of illegal controlled substances.

Parolee supervision classification. A final responsibility of the division is to classify inmates in order to determine the level of parole supervision. The division uses a supervision classification instrument which provides CPOs with a tool to develop an appropriate supervision plan and establish and administer appropriate education and treatment programs and other productive activities to assist in offender rehabilitation. Supervision classification tools also provide CPOs with a prediction as to the risk of reoffending while on parole.

Offenders are generally assessed within the first 30 days of their release from prison and are reassessed every six months. The division classifies inmates in six levels: new, unclassified, maximum, medium, minimum, and administrative. Under the Intensive Supervision Program, parolees have one personal contact with the CPO per week, daily phone contact, and weekly urinalysis tests. Under maximum supervision, parolees must have two personal contacts per month. Under medium supervision, parolees have one personal contact per month. Under minimum supervision, parolees have no personal contacts per month. CPOs are required to prepare one written report per month on each parolee classified at the maximum, medium and minimum supervision levels. Parolees classified at the maximum, medium, and minimum supervision levels are also required to undergo periodic random testing for drugs and alcohol. The frequency of such tests is according to the results of an initial assessment of drug and alcohol use.

THE REVOCATION PROCESS

Revoking an inmate's parole necessitates interaction between the Division of Adult Parole Services and the Parole Board. The Division of Adult Parole Services is responsible for monitoring the inmate while in the community on parole and for reporting that inmate to the Parole Board when the inmate violates a condition of parole. The Parole Board is responsible for providing the inmate with a hearing and deciding whether the inmate should remain on parole.

CPOs and the revocation process. CPOs are generally the starting point for the revocation process. Statutes dictate that a CPO may arrest a parolee for specific reasons (see page 51).

Pursuant to administrative regulations of the DOC, revocation complaints filed by CPOs are either mandatory or discretionary. When a parolee commits certain offenses, the CPO is required to file a complaint in order to begin revocation proceedings (this does not mean the offender's parole is required to be revoked). For other offenses, the CPO uses discretion in deciding whether to begin revocation proceedings.

Mandatory complaint offenses. Mandatory complaint offenses include the following:

- possession or use of a firearm or deadly weapon;
- an arrest and charge for any felony;

- an arrest and charge for a crime of violence as defined in 16-1-104 (8.5), C.R.S.;
- an arrest and charge for a misdemeanor assault involving a deadly weapon or resulting in bodily injury to the victim;
- an arrest and charge for third degree sexual assault;
- refusal to submit to urinalysis to determine the presence of drugs or alcohol;
- an arrest for a criminal offense for which the parolee is being held in a county jail;
- an arrest and charge or conviction for any municipal offense against the person;
- failure to make an initial report to a CPO upon release to parole supervision;
- refusal to allow a search of his or her person, residence, or premises or vehicle under his or her control;
- leaving the state without lawful permission;
- being found within the boundaries of a county which is not the parolee's residence of record, and where a correctional facility is located;
- being found within the boundaries of a county which is not the parolee's residence of record, and within the boundaries of state property; and
- absconding from parole supervision.

Discretionary complaint offenses. CPOs have the discretion to file or not to file a complaint for a parole violation, based on the circumstances, that does not require mandatory action. Administrative regulations provide that discretionary decisions are determined on a case-by-case basis. Such decisions are made for offenses including but not limited to the following:

- failure to make restitution payments in accordance with DOC policy and conditions of parole ordered by the Parole Board;
- technical parole violations such as failure to file a change of address, refusing to allow a search, or refusing to comply with a special condition of supervision; and
- a positive test for the presence of drugs or alcohol.

In making a decision to file or not to file a complaint for a parole violation, CPOs are required to consult with a supervisor and to consider several factors:

- public safety;
- the current offense;
- prior arrest or technical parole violations during the current period of parole supervision;

- history of prior parole/probation failures;
- pattern of repetitive criminal behavior;
- history of alcohol/drug use and dependency;
- likelihood of a positive response to counseling/treatment for the observed behavior problems;
- availability of appropriate community treatment resources; and
- the use and/or availability of intermediate sanctions.

Table 4.2 contains the DOC's "Detention/Complaint Grid" for mandatory and discretionary complaint offenses.

Table 4.2: DOC's Detention/Complaint Grid

Current Offense/Charge*	DOC Order Apprehend and/or Detain	Parole Complaint	Type of Complaint
"Crime of Violence," Section 18-1.3-406, C.R.S., or Offenses Against the Person, Title 18, Article 3, C.R.S.	Mandatory	Mandatory	Arrest/Hold
Other Felony Charges, Section 18-1-105, C.R.S.	Mandatory	Mandatory	Arrest/Hold
Possession or Use of Firearm or Deadly Weapon	Mandatory	Mandatory	Arrest/Hold
Refuses Urinalysis, Section 17-2-201 (5.5) (a), C.R.S.	Mandatory	Mandatory	Arrest/Hold
Alcohol- and Drug-Related Traffic Offenses	Mandatory	Mandatory	Arrest/Hold
Other Misdemeanors, Municipal Code Violations, Class I or II Traffic Offenses	Discretionary	Discretionary	Discretionary
Technical Parole Violations	Discretionary	Discretionary	Discretionary

* Includes the charge of commission, attempt, conspiracy and solicitation to commit any of the listed crimes.

Source: DOC.

The Parole Board and revocation hearings. Statutes and administrative regulations provide that revocation hearings are to be conducted by a single Parole Board member or by an Administrative Hearings Officer (AHO). In general, if the board member or AHO determines that the parolee violated a condition of parole, he or she may either revoke the parole, continue the parole in effect, or continue the

parole with modified parole conditions. If parole is revoked, the board member or AHO is required to provide the parolee with a written statement of the evidence relied on and the reasons for revoking parole. Specifically, the board member or AHO may make a decision as follows:

- if the board member or AHO determines that the parolee has violated parole by committing a crime, the board member or AHO may revoke parole and have the parolee transported to a place of confinement designated by the DOC Executive Director;
- if the board member or AHO determines the parolee violated any condition of parole, other than a new crime, he or she may:
 - order that the offender continue on parole or extend the period of parole, either subject to the same or modified conditions of parole, if the offender fails to pay restitution;
 - revoke parole and have the parolee confined in a place designated by the executive director for a period of time up to the time remaining on the person's mandatory period of parole;
 - revoke parole for a period of up to 180 days and place the offender in a community corrections program, a DOC facility, or any private facility under contract to the DOC; or
 - revoke parole for up to 90 days and confine the parolee in a county jail or in a private facility under contract to the DOC; or
- when the board member or AHO finds the parolee guilty of the mandatory complaint charge but decides not to revoke parole, the decision is reviewed by two other members of the board within 15 days of the original decision. The two other members may overturn the original decision and order the parole revoked.

THE PAROLE POPULATION

After a period of decline in the late 1980s and early 1990s, the parole population is increasing and is expected to continue to increase significantly. From 1988 through 1994, the parole population decreased 30 percent. This decrease was primarily due to legislation adopted in 1990 which awarded earned time to offenders while on parole. However, this legislation was amended since that time as reflected by variations in the parole population. Currently, only non-violent offenders may receive earned time while on parole.

Based on parole population projections by Legislative Council Staff, populations are expected to steadily increase. This increase will primarily be due to legislation adopted in 1993 which mandates that all offenders serve a period of parole. Table 4.3 illustrates this point.

**Table 4.3: History of Adult Parole Population
and Five-Year Projections**

Date	Population of Parolees Supervised in Colorado	Cumulative Percent Change Over June 1988	Annual Percentage Growth
June 30, 1988 (actual)	2,796	NA	NA
June 30, 1989 (actual)	2,073	(25.9)%	(25.9)%
June 30, 1990 (actual)	2,137	(23.6)%	3.1%
June 30, 1991 (actual)	1,990	(28.8)%	(6.9)%
June 30, 1992 (actual)	1,943	(30.5)%	(2.4)%
June 30, 1993 (actual)	2,116	(24.3)%	8.9%
June 30, 1994 (actual)	1,958	(30.0)%	(7.5)%
June 30, 1995 (actual)	2,026	(27.5)%	3.5%
June 30, 1996 (actual)	2,322	(17.0)%	14.6%
June 30, 1997 (actual)	2,695	(3.6)%	16.1%
June 30, 1998 (actual)	3,219	15.1%	19.4%
June 30, 1999 (actual)	3,722	33.1%	15.6%
June 30, 2000 (actual)	3,685	31.8%	(1.0)%
June 30, 2001 (actual)	4,192	49.9%	13.8%
June 30, 2002 (actual)	4,037	44.4%	(3.7)%
June 30, 2003 (projected)	4,287	53.3%	6.2%
June 30, 2004 (projected)	4,347	55.5%	1.4%
June 30, 2005 (projected)	4,676	67.2%	7.6%
June 30, 2006 (projected)	5,059	80.9%	8.2%
June 30, 2007 (projected)	5,483	96.1%	8.4%
June 30, 2008 (projected)	5,890	110.7%	7.4%

NA: Not Applicable.

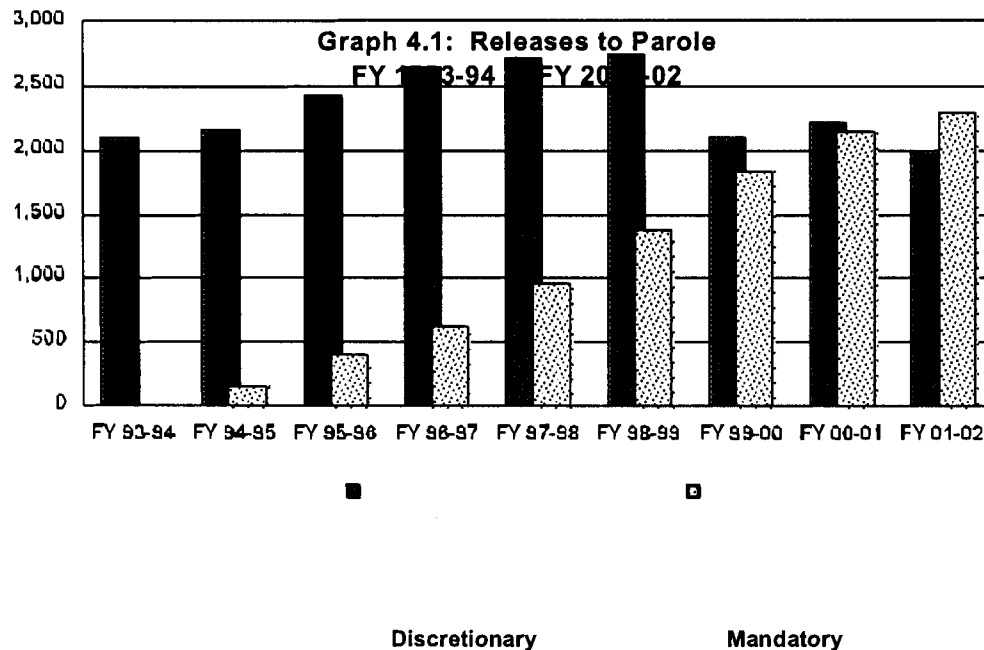
Source: Legislative Council Staff August 2002 Prison Population Forecast

Factors Driving the Parole Population. Two factors drive the growth in the parole population: the number of releases to parole and the length of stay on parole. Both of these components have been significantly influenced by the implementation of mandatory parole. House Bill 93-1302 created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Beginning in FY 1995-96, the parole population began to grow due to the flow of inmates with mandatory parole sentences that were completing their prison sentences. As a result of mandatory parole, the parole population almost doubled from June 1995 to June 2002.

Before mandatory parole, the Parole Board tended to grant parole for those near the end of their sentences in order to provide some period of supervision in a community placement. Otherwise, inmates could discharge their sentence in prison and avoid a supervised transition to the general public. Therefore, some inmates were placed on parole before their sentences were discharged in prison and other inmates discharged their sentences in prison and re-entered the general public. With mandatory parole, every inmate receives an additional supervision period after the prison sentence. In the late 1990s, as the number

of "mandatory parole" inmates approached the end of their prison sentence, the number of discretionary parolees (or "early" releases) decreased and mandatory parolees increased.

Graph 4.1 illustrates the changes in prison releases to parole over the last eight years. In FY 2001-02, 53.3 percent of prison releases to parole were due to mandatory parole, compared with 19.1 percent in FY 1996-97. This share of releases is expected to continue increasing until mandatory parole represents all parole intakes.



Source: Department of Corrections

Mandatory parole also had the consequence of increasing the length of stay on parole. Before mandatory parole, the Parole Board could discharge a parolee once it determined that the parolee could no longer benefit from supervision. With mandatory parole, there is a minimum period for parolees to serve. As of June 2002, the estimated average length of stay on parole was 14.1 months, a 15.9 percent increase from June 1998.

Population profile. Table 4.4 is a profile of the parole population by region as of June 30, 2001. The data reveal the following with regard to the parole population:

- the Denver region accounts for the greatest number of parolees with 1,503 offenders. This represents 39 percent of the entire parole population;
- males comprise 86 percent of the entire parole population. For comparison, males comprise 92 percent of the entire prison population in Colorado;
- parolees aged 20 to 39 comprise 67 percent of the entire parole population. Parolees aged 20 to 29 comprise 30 percent of the parole population and parolees aged 30 to 39 comprise 37 percent of the parole population. Parolees aged 40 to 49 comprise 25 percent of the parole population (up from 18 percent four years ago, further evidence of the aging corrections population);
- the bulk of parolees, 84 percent, were new commitments to the DOC (as opposed to parole returns) when they were released to parole;
- the bulk of parolees were convicted of class 4 felonies (47 percent), class 5 felonies (25 percent), and class 3 felonies (21 percent) for a total of 93 percent of the parole population; and
- the majority, 29 percent, of parolees were convicted of drug offenses (up from 16 percent four years ago).

Table 4.4: Parole Population Profile by Region as of June 30, 2001

CATEGORY	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of State
TOTAL OFFENDERS*	1,503	38.7%	1,168	30.1%	819	21.1%	395	10.2%	3,885	100.0%
Average Age	36 years		35 years		35 years		35 years		35 years	
Percent of Total										
GENDER										
Male	1,259	83.8%	1,033	88.4%	718	87.7%	343	86.8%	3,353	86.3%
Female	244	16.2%	135	11.6%	101	12.3%	52	13.2%	532	13.7%
AGE GROUP										
18-19	0	0.0%	2	0.2%	2	0.2%	6	1.5%	10	0.3%
20-29	403	26.8%	381	32.6%	257	31.4%	117	29.6%	1,158	29.8%
30-39	575	38.3%	417	35.7%	313	38.2%	138	34.9%	1,443	37.1%
40-49	391	26.0%	283	24.2%	192	23.4%	103	26.1%	969	24.9%
50-59	113	7.5%	71	6.1%	46	5.6%	28	7.1%	258	6.6%
60 +	21	1.4%	14	1.2%	9	1.1%	3	0.8%	47	1.2%
PRISON STATUS TYPE										
New Commitments	1,238	82.4%	1,007	86.2%	676	82.5%	332	84.1%	3,253	83.7%
Parole Returns	132	8.8%	72	6.2%	43	5.3%	15	3.8%	262	6.7%
Parole Returns/New Crime	82	5.5%	49	4.2%	60	7.3%	35	8.9%	226	5.8%
Other	51	3.4%	40	3.4%	40	4.9%	13	3.3%	144	3.7%
FELONY CLASS										
Class 1	1	0.1%	0	0.0%	0	0.0%	0	0.0%	1	0.0%
Class 2	15	1.0%	7	0.6%	13	1.6%	3	0.8%	38	1.0%
Class 3	342	22.8%	228	19.5%	161	19.7%	64	16.2%	795	20.5%
Class 4	719	47.8%	525	44.9%	411	50.2%	171	43.3%	1,826	47.0%
Class 5	347	23.1%	310	26.5%	179	21.9%	114	28.9%	950	24.5%
Class 6	76	5.1%	95	8.1%	53	6.5%	41	10.4%	265	6.8%
Habitual	3	0.2%	3	0.3%	2	0.2%	2	0.5%	10	0.3%
OFFENSE TYPE										
Homicide	39	2.6%	32	2.7%	22	2.7%	7	1.8%	100	2.6%
Robbery	75	5.0%	40	3.4%	44	5.4%	9	2.3%	168	4.3%
Kidnapping	15	1.0%	3	0.3%	10	1.2%	2	0.5%	30	0.8%
Assault	104	6.9%	86	7.4%	68	8.3%	34	8.6%	292	7.5%
Sex Assault	26	1.7%	30	2.6%	20	2.4%	8	2.0%	84	2.2%
Sex Assault/Child	26	1.7%	32	2.7%	35	4.3%	10	2.5%	103	2.7%
Drug Offenses	556	37.0%	279	23.9%	206	25.2%	96	24.3%	1,137	29.3%
Burglary	115	7.7%	130	11.1%	68	8.3%	41	10.4%	354	9.1%
Theft	198	13.2%	165	14.1%	92	11.2%	44	11.1%	499	12.8%
Forgery	35	2.3%	37	3.2%	16	2.0%	11	2.8%	99	2.5%
Fraud	11	0.7%	10	0.9%	6	0.7%	6	1.5%	33	0.8%
Traffic	13	0.9%	49	4.2%	27	3.3%	26	6.6%	115	3.0%
Escape	121	8.1%	104	8.9%	80	9.8%	16	4.1%	321	8.3%
Habitual	3	0.2%	3	0.3%	2	0.2%	2	0.5%	10	0.3%
Other	166	11.0%	168	14.4%	123	15.0%	83	21.0%	540	13.9%

* Profile number includes absconders not normally reported in parole caseload and excludes most interstate parolees supervised in Colorado.
Source: DOCs' Annual Statistical Report, Fiscal Year 98-1999.

PAROLE AND DOC COMMUNITY CORRECTIONS FUNDING HISTORY

This section compares appropriations, FTE, and populations for parolees. As pointed out in the prior section outlining offenders in community corrections, certain offenders in community corrections facilities are under the jurisdiction of the Division of Adult Parole Supervision. This population is broken out into: parolees being supervised under "regular" parole; and parolees housed in community transition programs. These community transition parolees include residential transition parolees, parolees in community corrections as a condition of parole, parolees in the DOC's intensive supervision program, and nonresidential transition parolees (see prior section on community corrections for definitions of these populations). Table 4.5 is a history of the funding and caseload for parole and community transition services. Table 4.6 adjusts long bill appropriations for inflation.

**Table 4.5: Overview of Parole and Community
Corrections Transition Appropriations and Caseload**

	Parole Population (June 30)	Long Bill Appropriation	FTE	Community Transition Population (June 30)	Community Transition Appropriations	FTE	Total Population (June 30)	Total Appropriations	Total FTE	Average Caseload Per FTE Employee
FY 1989-90	2,137	\$2,576,758	66.0	690	NA	NA	2,827	\$2,576,758	66.0	42.8
FY 1990-91	1,990	3,847,619	85.0	756	NA	NA	2,746	3,847,619	85.0	32.3
FY 1991-92	1,943	4,519,841	83.5	778	NA	NA	2,721	4,519,841	83.5	32.6
FY 1992-93	2,116	4,327,393	80.0	730	NA	NA	2,846	4,327,393	80.0	35.6
FY 1993-94	1,958	5,270,549	93.8	977	\$1,211,931	29.5	2,935	6,482,480	123.3	23.8
FY 1994-95	2,026	5,258,118	93.8	1,009	1,361,442	31.5	3,035	6,619,560	125.3	24.2
FY 1995-96	2,322	5,620,340	93.8	924	1,958,164	39.1	3,246	7,578,504	132.9	24.4
FY 1996-97	2,695	5,777,844	95.8	1,063	2,725,624	42.7	3,758	8,503,468	138.5	27.1
FY 1997-98	3,219	6,720,987	104.5	1,170	4,868,663	47.7	4,389	11,589,650	152.2	28.8
FY 1998-99	3,722	7,589,987	114.2	1,433	7,667,267	64.8	5,155	15,257,254	179.0	28.8
FY 1999-00	3,685	9,798,584	149.3	1,496	5,708,166	60.5	5,181	15,506,750	209.8	24.7
FY 2000-01	4,192	9,522,666	145.4	1,618	7,164,250	73.0	5,810	16,686,916	218.4	26.6
FY 2001-02	4,037	9,569,565	143.6	1,714	7,865,415	79.0	5,751	17,434,980	222.6	25.8
FY 2002-03	NA	11,142,823	160.2	NA	7,956,462	79.0	NA	19,099,285	239.2	NA

NA: Not Available.

Note: Until FY 1993-94, Parole and Community Transition appropriations and employees were combined.

Source: Legislative Council Staff.

**Table 4.6: Parole and Community Corrections Transition Appropriations,
Adjusted for Inflation, vs. Caseload**

Fiscal Year	Long Bill Appropriations	Percent Change Over FY 1991-92	CPI-Adjusted Appropriations (FY 1991-92 Dollars)	Percent Change Over FY 1991-92	Parole and Community Transition Population (June 30)	Percent Increase Over FY 1991-92
FY 1991-92	\$4,519,841	0.0%	\$ 4,519,841	0.0%	2,721	0.0%
FY 1992-93	4,327,393	(4.3)%	4,151,826	(8.1)%	2,846	4.6%
FY 1993-94	6,482,480	43.4%	5,976,987	32.2%	2,935	7.9%
FY 1994-95	6,619,560	46.5%	5,819,744	28.8%	3,035	11.5%
FY 1995-96	7,578,504	67.7%	6,430,398	42.3%	3,246	19.3%
FY 1996-97	8,503,468	88.1%	6,976,504	54.4%	3,758	38.1%
FY 1997-98	11,589,650	156.4%	9,261,566	104.9%	4,389	61.3%
FY 1998-99	15,257,254	237.6%	11,865,721	162.5%	5,155	89.5%
FY 1999-00	15,506,750	243.1%	11,662,026	158.0%	5,181	90.4%
FY 2000-01	16,686,916	269.2%	11,978,185	165.0%	5,810	113.5%
FY 2001-02	17,434,980	285.7%	12,153,095	168.9%	5,751	111.4%
FY 2002-03	19,099,285	322.6%	13,035,696	188.4%	NA	NA

NA: Not applicable.

Note: The Denver-Boulder consumer price index was used to adjust for inflation.

Source: Legislative Council Staff.

Appendix A — Table of Colorado's Sentencing Law

This appendix provides a table of adult sentencing law Colorado. The table lists the basic sentencing scheme for Class 1 through Class 6 felonies. The table also lists the numerous aggravating and enhanced sentencing factors that increase a sentence to prison.

COLORADO SENTENCING LAW AS OF JANUARY 2003

Class of Crime	Normal Presumptive Range 18-1.3-401 (1) (a) (V) (A)	Extraordinary Mitigating Circumstances 18-1.3-401 (6)	Sentence Enhancing Circumstances 18-1.3-401 (9)	Extraordinary Aggravating Circumstances 18-1.3-401 (8)/ Crime of Violence (18-1.3-406)	Extraordinary Aggravating Circumstances 18-1.3-401 (6)	Little Habitual 18-1.3-801 (1.5)	Big Habitual 18-1.3-801 (2)	Mandatory Parole 18-1.3-401 (1) (a) (V) (A)
Class 2	8-24	4-8	8-48	16-48	24-48	72	96	5
Class 3 (Extraordinary Risk of Harm 18-1.3-401 (10))	4-16	2-4	4-32	10-32	16-32	48	64	5
Class 3	4-12	2-4	4-24	8-24	12-24	36	48	5
Class 4 (Extraordinary Risk of Harm 18-1.3-401 (10))	2-8	1-2	2-16	5-16	8-16	24	32	3
Class 4	2-6	1-2	2-12	4-12	6-12	18	24	3
Class 5 (Extraordinary Risk of Harm 18-1.3-401 (10))	1-4	6 mos - 1 yr	1-8	30 mos - 8 yrs	4-8	12	16	2
Class 5	1-3	6 mos - 1 yr	1-6	2-6	3-6	9	12	2
Class 6 (Extraordinary Risk of Harm 18-1.3-401 (10))	1-2	6 mos - 1 yr	1-4	18 mos - 4 yrs	2-4	NA	8	1
Class 6	1 yr - 18 mos	6 mos - 1 yr	1-3	15 mos - 3 yrs	18 mos - 3 yrs	NA	6	1

Source: Colorado District Attorneys Council, Legislative Council Staff

Appendix B — Flow Chart of Colorado's Adult Correctional System

This appendix provides a flow chart of the adult correctional system in Colorado. The chart illustrates the numerous steps required by the court to sentence adult offenders and depicts the discretion the law gives courts in sentencing criminal offenders. The chart is followed by a table which contains an explanation of each step of the flowchart.

Insert **Flowchart**: s:\lcs\prison\#98study\graphs\AdultFlow.wpg (Presentations 8.0)

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
1	Society		
	Offense Committed		
	Report to Law Enforcement		
4	Arrest	16-3-101 and 16-3-102	A peace officer may arrest a person when: there is a warrant commanding that the person be arrested; any crime has been or is being committed by such person in the peace officer's presence; or the peace officer has probable cause to believe that the offense was committed by the person to be arrested.
5	Pre-trial Alternatives/ Pre-trial Investigation	16-4-105 (3)	Pre-trial service programs in the district attorney's office establish procedures for screening arrested persons. The programs provide information to the judge to assist in making an appropriate bond decision. The programs may also include different methods and levels of community-based supervision as a condition of pretrial release. It is at this stage that the judge decides what, if any, pretrial release is appropriate.
5a	Jail	17-26-101	Lawfully committed persons and prisoners are housed in a county jail for detention, safekeeping, and confinement. Each county in the state is required to maintain a jail except counties with populations of less than 2,000.

**Explanation for
Adult Correctional System Flow Chart**

Chart Level	Item	Colorado Statutory Citation	Description
5b	Bond/Bail	16-4-101 through 16-4-112	<p>All persons are eligible for bond except:</p> <ul style="list-style-type: none"> (a) for capital offenses when proof is evident or presumption is great; (b) when, after a hearing held within 96 hours of arrest, the court finds reasonable proof that a crime was committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases: <ul style="list-style-type: none"> (I) a crime of violence while on probation or parole resulting from the conviction of a crime of violence; (II) a crime of violence while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found; (III) a crime of violence after two previous felony convictions, or one previous felony conviction if the conviction was for a crime of violence in Colorado or any other state when the crime would have been a felony if committed in Colorado which, if committed in this state, would be a felony; or (IV) a crime of possession of a weapon by a previous offender; or (c) when a person has been convicted of a crime of violence at the trial court level and such person is appealing the conviction or awaiting sentencing for the conviction and the court finds that the public would be placed in significant peril if the convicted person were released on bail.
5c	Release on Recognizance	16-4-101 16-4-104 16-4-105	<p>A defendant may be released from custody upon execution of a personal recognizance bond which is secured only by the personal obligation of the defendant. A defendant is not eligible for a personal recognizance bond if he or she:</p> <ul style="list-style-type: none"> (a) is on another bond of any kind for a felony or class 1 misdemeanor; (b) has a class 1 misdemeanor conviction within two years or a felony conviction within 5 years of the bond hearing; (c) is a juvenile being charged as an adult by direct file or transfer and has failed to appear on bond in a felony or class 1 misdemeanor within the past 5 years; (d) is presently on release under a surety bond for a felony or class 1 misdemeanor, unless the surety is notified and given the opportunity to exonerate him or herself from bond liability; or (e) failed to appear while free on bond in conjunction with a class 1 misdemeanor or a felony and is subsequently arrested. The defendant becomes ineligible for a personal recognizance bond in the case for which the defendant failed to appear.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
6	Advisement (or First Appearance)	16-7-207	At the first appearance of the defendant in court, the court informs the defendant of the following: (a) no statement need be made, and any statement made can and may be used against the defendant; (b) the right to counsel; (c) the right to the appointment of counsel or to consult with the public defender; (d) any plea must be voluntary and not the result of influence or coercion; (e) the right to bail; (f) the right to a jury trial; and (g) the nature of the charges.
7a	Grand Jury Indictment	13-72-101, et seq. 13-73-101, et seq. 16-5-101, et seq. 16-5-201, et seq.	The court or a district attorney may convene a grand jury to investigate a crime and to return an indictment. Colorado statutes allow county grand juries, judicial district grand juries, and statewide grand juries to be impaneled.
7b	District Attorney Information Filing	16-5-208	In all cases where an accused is in county court concerning the commission of a felony and is bound over and committed to jail or is granted bail, the district attorney is responsible for filing an information in the district court alleging the accused committed the criminal offense described in the information. If the district attorney decides not to file charges, he is to file in district court a written statement containing the reasons for not doing so.
8	Preliminary Hearing	16-5-301	Every person charged with a class 1, 2, or 3 felony and every person accused of a class 4, 5, or 6 felony which requires mandatory sentencing or is a crime of violence or is a sexual offense has the right to demand and receive a preliminary hearing in order to determine whether probable cause exists to believe that the defendant committed the charged offense.
9	Dispositional Hearing	16-5-301	Persons charged with a class 4, 5, or 6 felony, except those requiring mandatory sentencing or which are crimes of violence or sexual offenses, must participate in a dispositional hearing for the purposes of case evaluation and potential resolution.
10	Arraignment	16-7-201 through 16-7-207	At the time of arraignment the defendant may enter one of the following pleas: guilty; not guilty; nolo contendere (no contest) with the consent of the court; or not guilty by reason of insanity, in which event a not guilty plea may also be entered.
11a	Not Guilty Plea >>> Proceed to Trial	16-7-205	See chart level 12a.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
11b	Guilty Plea >>> Proceed to Sentencing	16-7-205	See chart level 12c.
11c	Deferred Sentencing or Deferred Judgment	18-1.3-102	After a defendant has pled guilty and the court and DA have agreed, the court may defer sentencing or judgment by continuing the case for up to four years from the date the felony plea was entered (two years from the date the misdemeanor plea was entered). The period may be extended for up to 180 days if failure to pay restitution is the sole condition of supervision which has not been fulfilled and the defendant has shown a future ability to pay. During the period of deferred sentencing, the court may place the defendant under the supervision of the probation department. Upon full compliance with conditions of probation and stipulations agreed to by the defendant and the DA, the plea of guilty previously entered into is withdrawn and the charges dismissed with prejudice. Upon a violation of a condition of probation or a breach of the stipulation, the court must enter judgment and impose a sentence on the guilty plea.
12a	Trial	16-10-101 through 16-10-401, 18-1-405 and 18-1-406	<p>Trial: The right of a person who is accused of an offense other than a non-criminal traffic infraction or a municipal or county ordinance violation to have a trial by jury is inviolate and a matter of substantive due process of law. If the defendant is not brought to trial within six months from the date of the not guilty plea, he or she is to be discharged from custody if he/she has not been admitted to bail, and the pending charges are to be dismissed. The defendant may not be indicted again, informed against, or committed for the same offense. If a continuance has been granted for the defense, the period is extended for an additional six months. If the prosecuting attorney is granted a continuance, the trial can be delayed up to six months only if certain circumstances are met which are noted in Section 18-1-405 (6), C.R.S.</p> <p>Every person accused of a felony has the right to be tried by a jury of 12 whose verdict must be unanimous. A person may waive the right to a jury trial except in the case of class 1 felonies.</p>

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
12a	Plea Bargain (Continued)	16-7-301 through 16-7-304	Plea Bargain: The DA may engage in plea discussions to reach a plea agreement in those instances where it appears that the effective administration of criminal justice will be served. The DA should only engage in plea discussions in the presence of the defense attorney. When a plea has been reached, the prosecutor informs the court of the terms of the plea agreement and the recommended penalty. The court then advises the defendant that the court exercises independent judgment in deciding whether to grant charge and sentence concessions made in the plea agreement and that the court may sentence the defendant in a manner that is different than that discussed in the plea discussions. The court may then concur or not concur with the proposed plea agreement.
12b	Pre-sentence Investigation	16-11-102	Following each felony (other than a class 1) conviction, or upon court order in a misdemeanor conviction, the probation officer conducts an investigation and makes a written report to the court before sentencing. Pre-sentence reports include a substance abuse assessment or evaluation. The report also includes, but is not limited to, the following information: family background, educational history, employment record, past criminal record including any past juvenile delinquency record involving unlawful sexual behavior, an evaluation of alternative dispositions available, a victim impact statement, and such other information that the court may require. Copies of the report, including any recommendations, are given to the prosecutor and the defense attorney no less than 72 hours prior to the sentencing hearing.
12c	Sentencing	18-1.3-104	The trial court has the following alternatives in imposing a sentence: grant probation; imprisonment for a definite period of time; death; the payment of a fine or to a term of imprisonment or to both a term of imprisonment and the payment of a fine; any other court order authorized by law; or payment of costs. Non-violent offenders may be sentenced to probation, community corrections, home detention, or a specialized restitution and community service program.
13a	Fines, Restitution, Community Service	18-1.3-701 18-1.3-601 18-1.3-302, et seq.	Offenders may be sentenced to community service as an alternative to prison if the defendant is eligible for placement in the program. Offenders are not eligible for community service if they have been convicted of a crime of violence (Section 18-1.3-406, C.R.S.) or any felony offense against a child.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
13b	County Jail	18-1.3-501	Offenders convicted of a misdemeanor offense are punishable by fine or imprisonment. A term of imprisonment for a misdemeanor is not served in a state correctional facility unless the sentence is served concurrently with a term of conviction for a felony. The court may also sentence an offender to a term of jail and probation (Section 18-1.3-202, C.R.S.), to a term of jail and work release (Section 18-1.3-207, C.R.S.), or to a term of jail and a fine (Section 18-1.3-505, C.R.S.).
13c	Probation	18-1.3-201 et seq.	Probation: Offenders are eligible for probation with the following exceptions: (1) those convicted of a class 1 felony or class 2 petty offense; (2) those who have been convicted of two prior felonies in Colorado or any other state; and (3) those convicted of a class 1, 2 or 3 felony within the last ten years in Colorado or any other state. Eligibility restrictions may be waived by the sentencing court upon the recommendation of the DA. In considering whether to grant probation, the court may determine that prison is a more appropriate placement for the following reasons: (1) there is an undue risk that the defendant will commit another crime while on probation; (2) the defendant is in need of correctional treatment; (3) a sentence to probation will unduly depreciate the seriousness of the defendant's crime or undermine respect for law; (4) past criminal record indicates that probation would fail to accomplish its intended purpose; or (5) the crime and the surrounding factors do not justify probation.
13d	Intensive Supervision Probation (ISP)	18-1.3-208 (4)	The court may sentence an offender who is otherwise eligible for probation and who would otherwise be sentenced to the DOC to ISP if the court determines that the offender is not a threat to society. Offenders in ISPs receive the highest level of supervision provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, and drug and alcohol screening.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
13e	Home Detention	18-1.3-105	Home detention is an alternative correctional sentence in which a defendant convicted of a felony (except a class 1 felony) is allowed to serve the sentence or term of probation at home or another approved residence. Home detention programs require the offender to stay at the residence at all times except for approved employment, court-ordered activities, and medical appointments. A sentencing judge may sentence an offender to a home detention program after considering several factors such as the safety of the victims and witnesses and the public at large, the seriousness of the offense, the offender's prior criminal record, and the ability of the offender to pay for the costs of home detention and provide restitution to the victims.
13f	Community Corrections	18-1.3-301	Any district court judge may refer an offender convicted of a felony to a community corrections program unless the offender is required to be sentenced as a violent offender. The court may also refer an offender to community corrections as a condition of probation. Any offender sentenced by the court to community corrections must be approved by the local community corrections board for acceptance into the program.
13g	Prison	18-1.3-401 (1) (a) (V) (A)	Persons convicted of felony offenses are subject to a penalty of imprisonment for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.
13h	Youthful Offender System	18-1.3-407	Certain juveniles tried and sentenced as adults may be sentenced to the YOS as an alternative to a sentence to prison. In order to sentence a juvenile to the YOS, the court must first impose a sentence to the DOC which is then suspended on the condition that the youthful offender complete a sentence to the YOS, including a period of community supervision. A sentence to the YOS is a determinate sentence of not less than two years nor more than six years. The DOC may also place the youth under community supervision for a period of not less than six months and up to 12 months any time after the date on which the youth has 12 months remaining to complete the determinate sentence.
14a	Unsuccessful Completion		Back to sentencing.
14b	Successful Completion		Back into society.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
14c	Parole Board	17-2-201 et seq.	The Parole Board consists of seven members appointed by the Governor and confirmed by the Senate. The board considers all applications for parole and conducts parole revocation hearings. If the board refuses parole, the board must reconsider parole every year thereafter until parole is granted or the offender is discharged. For class 1 or class 2 crimes of violence, class 3 sexual assault, habitual offenders, and sex offenders, the board only has to review parole once every three years.
14d	Local Community Corrections Board	17-27-103 (7)	Local community corrections boards are the governing bodies of community corrections programs. Locally-elected officials appoint community corrections boards. These boards' authority includes the following: to approve or disapprove the establishment and operation of a community corrections program; to enter into contracts to provide services and supervision for offenders; to accept or reject any offender referred for placement in a community corrections facility; to establish and enforce standards for the operation of a community corrections program; and to establish conditions for the conduct of offenders placed in community corrections programs.
15a	Parole/Intensive Supervision Programs	17-22.5-403 17-27.5-101	Offenders sentenced for class 2, 3, 4, 5, or 6 felonies are eligible for parole after serving 50 percent of their sentence, less earned time. Offenders convicted for more serious crimes, as defined by statute, are required to serve 75 percent of their sentence less earned time before being eligible for parole. DOC inmates who have no more than 180 days until their PED are eligible for placement in ISP. In addition, offenders in a community corrections facility who have met residential program requirements and who have no more than 180 days until their PED are eligible for ISP.
15b	Community Corrections	18-1.3-301(2)	The executive director of the DOC may transfer any inmate who has displayed acceptable institutional behavior, other than one serving a sentence for a crime of violence, to a community corrections program subject to approval by the community corrections board. Non-violent inmates are referred to community corrections by the DOC 19 months prior to the offender's PED and moved to a community corrections facility 16 months prior to the PED. The DOC may refer violent offenders to a community corrections facility 9 months prior to the PED and may move the offender 180 days prior to the PED.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
15c	Community Corrections as Condition of Parole	18-1.3-301(3)	The State Board of Parole may refer any parolee for placement in a community corrections program, subject to acceptance by the local community corrections board. Such placement may be made a condition of release on parole or as a modification to the conditions of parole after release or upon temporary revocation of parole.
15d	YOS Phase II & III Community Supervision	18-1.3-407(3.3) (c) (I) and (II)	After a youthful offender has completed the core programs, supplementary activities, and educational and prevocational programs in phase I of the YOS, the DOC is authorized to transfer the youthful offender to a Phase II 24-hour custody residential program. Phase III is to be administered for the period of community supervision remaining after completion of phase II. During phase III, the youthful offender is to be monitored as he reintegrates into society.
16a	Revocation	17-2-103	A parolee who violates the conditions of parole may have that privilege revoked. These conditions include any parolee who is found in possession of a deadly weapon or who is arrested and charged with a felony, a crime of violence, a misdemeanor assault involving a deadly weapon or resulting in bodily injury to the victim, or sexual assault in the third degree.
16b	Successful Discharge		The offender successfully completes the conditions of parole or community corrections and is free to reintegrate into society.
17	Return to Parole Board.		See chart level 14a.