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0538 An Overview of the Colorado Adult Criminal Justice System: Sentencing, Crime & Criminal Histories, and DOC Facilities, Population, & Funding



An Overview of the Colorado Adult Criminal Justice System

**Sentencing, Crime & Criminal Histories, and
DOC Facilities, Population, & Funding**

**Report to the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 538
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INTRODUCTION

The purpose of this publication is to provide an overview of portions of the criminal justice system in Colorado. The three components of this report are Colorado's adult sentencing laws, crime and criminal history characteristics of offenders in Colorado's prisons, and a ten-year history of correctional facilities, population, and funding.

To date, we have published five 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;
- Legislative Council Research Publication No. 487 published in January 2001; and
- Legislative Council Research Publication No. 513 published in January 2003.

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. (Research Publication No. 513 contains chapters on community-based corrections only.) This report contains an update of the chapters on sentencing, crime and criminal history characteristics, and DOC facilities, population & funding from our January 2001 report.

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 also sought ways to address specific crimes and specific circumstances surrounding crimes by adopting special sentencing categories to increase and decrease sentencing ranges based on those circumstances.

This report provides an overview of the following topics:

Colorado's Sentencing Laws

- a history of Colorado's sentencing scheme including a history of the basic sentencing scheme, special sentencing categories, and habitual offender sentences;

Crime and Criminal History Characteristics

- ten-year histories of new commitments to the DOC, the DOC "stock" population, and crimes for which offenders are committed to the DOC, and a comparison of the difference in crimes committed by males and females; and

Ten-year History of State Correctional Facilities, Population, & Funding

- a review of DOC facilities including custody and security levels, a ten-year history of facility capacity and population, DOC facility operating costs, and ten-year histories of DOC operating costs and capital construction costs.

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

The Data

Ten-year histories. In some cases, the report compares the data from FY 1992-93 to the data from FY 2002-03. In other cases, the report compares the data from FY 1992-93 to the data for each fiscal year from FY 1992-93 through FY 2002-03. Though this period from FY 1992-93 through FY 2002-03 is an eleven-year period, the comparison from year-to-year is a ten-year comparison.

Inmate population differences. The total inmate (or "stock") population reported in Chapter 2 — 18,641, is different from the total inmate population reported in Chapter 3 — 18,846. The information reported in Chapter 2 is the number of inmates in DOC facilities. The information reported in Chapter 3 includes 205 escapees and walkaways.

FELONY & MISDEMEANOR PENALTIES

Felony Sentencing Presumptive Ranges for Crimes Committed on or after July 1, 1993

Felony Class	Minimum Sentence	Maximum Sentence	Mandatory Parole
1	Life \$0	Death \$0	None
2	8 years \$5,000	24 years \$1,000,000	5 years
3	4 years \$3,000	12 years \$750,000	5 years
4	2 years \$2,000	6 years \$500,000	3 years
5	1 year \$1,000	3 years \$100,000	2 years
6	1 year \$1,000	1.5 years \$100,000	1 year

Misdemeanor Sentencing Presumptive Ranges

Misdemeanor Class	Minimum Sentence	Maximum Sentence
1	6 months \$500	18 months \$5,000
2	3 months \$250	12 months \$1,000
3	No minimum \$50	6 months \$750

Chapter 1 — Colorado's Adult Sentencing Laws

This chapter provides an overview of sentencing law since 1979 in Colorado, and outlines what sentencing laws require of judges. The sentencing of offenders is at the discretion of the judge (within statutory parameters) after conviction. Colorado's sentencing laws are complex and have varying levels of application for various types of offenses.

This chapter focuses on the variables which affect the sentence handed down by a judge. Once an offender has entered prison, the sentence may subsequently be reduced by earned time. However, earned time is applied post-sentence only for the purpose of determining a parole eligibility date. Further, earned time does not change or reduce the *sentence* handed down by the sentencing court, it reduces the *time served in prison*. Earned time is described in greater detail in the Legislative Council Staff research publication number 513, *An Overview of Community-based Corrections in Colorado*, January 2003.

This chapter highlights the following:

- sentencing ranges;
- special sentencing categories; and
- habitual offender sentences.

SENTENCING RANGES

From the late 1970s through the early 1990s, Colorado's sentencing laws changed frequently and sometimes dramatically. The sentencing scheme underwent the most drastic changes in 1979 and then again in 1985. These changes appear to have had the greatest impact on the prison population. Other important changes to the sentencing scheme occurred in 1989 and 1993.

Figure 1.1 is a side-by-side comparison of the various sentencing schemes from 1979 through current law.

Figure 1.1: Felony Class Presumptive Ranges

Felony Class		Pre-1979	1979	1985	1989	1993 (current law in 2005)
1	Minimum	Life	Life	Life	Life	Life
	Maximum	Death	Death	Death	Death	Death
2	Minimum	10 years	8 years	8 years	8 years	8 years
	Maximum	50 years	12 years	24 years	24 years	24 years
3	Minimum	5 years	4 years	4 years	4 years	4 years
	Maximum	40 years	8 years	16 years	16 years	12 years
4	Minimum	1 day	2 years	2 years	2 years	2 years
	Maximum	10 years	4 years	8 years	8 years	6 years
5	Minimum	1 day	1 year	1 year	1 year	1 year
	Maximum	5 years	2 years	4 years	4 years	3 years
6	Minimum	NA	NA	NA	1 year	1 year
	Maximum	NA	NA	NA	2 years	18 months

NA: Not applicable.

Note: The class 6 felony did not exist until 1989.

The following sections summarize Colorado's sentencing law prior to 1979, and major changes to sentencing laws in 1979, 1985, 1989, and 1993.

Sentencing prior to July 1, 1979. Convicted offenders sentenced for a crime committed prior to July 1, 1979, were sentenced under an "indeterminate" sentencing scheme. Under indeterminate sentencing, judges had discretion in sentencing an offender within a broad range set forth in law, depending on that offender's criminal history and the circumstances of the particular crime for which the offender was convicted. This judicial discretion resulted in widely divergent sentences handed down to offenders convicted of similar crimes.

House Bill 79-1589. In 1979, the General Assembly went to a presumptive or "determinate" sentencing scheme by adopting H.B. 79-1589 (Representative Gorsuch). Under this determinate sentencing schedule, presumptive ranges for each felony class were more narrowly defined. The new determinate sentencing ranges under H.B. 79-1589 resulted in less divergent sentences handed down for similar offenses. More narrowly defined presumptive ranges also resulted in longer minimum sentences and shorter maximum sentences.

House Bill 85-1320. By 1985, “tough on crime” sensibilities focused nationwide attention on crime. Because of the perception that shorter sentences under Colorado's relatively new determinate sentencing scheme were to blame for an increase in crime in Colorado, the General Assembly adopted H.B. 85-1320 (Representative Mielke). Under H.B. 85-1320, the maximum sentence in the presumptive range was doubled for all felony classes. This doubling of the maximum sentence was the first step towards restoring the broad sentencing ranges of indeterminate sentencing in Colorado.

Senate Bill 89-246. Doubling the maximum sentence in the presumptive range for all felony classes resulted in increased prison populations and prison overcrowding. One strategy upon which the General Assembly agreed to deal with this problem was to adopt S.B. 89-246 (Senator Wells) which added a new felony class, the class 6 felony. The addition of the new class 6 felony, with shorter sentences in the presumptive range, was intended to result in shorter prison sentences for certain crimes which would, in turn, alleviate prison overcrowding. In order to accommodate the new class 6 felony, some class 4 felonies were reduced to class 5 felonies and in turn, some class 5 felonies became class 6 felonies.

House Bill 93-1302. The most recent major change to the sentencing structure in Colorado was in 1993. Continually increasing prison populations resulted in unprecedented growth in prison construction. In an effort to deal with both the prison population and the prison construction issues, the General Assembly adopted H.B. 93-1302 (Representative Tucker). House Bill 93-1302 reduced by 25 percent the maximum sentence in the presumptive range for class 3, 4, 5, and 6 felonies. House Bill 93-1302 also created a special sentencing category of crimes presenting an extraordinary risk of harm to society. *The maximum sentence in the presumptive range for class 3 through 6 felonies was not reduced for these crimes which are discussed later in this chapter.*

SPECIAL SENTENCING CATEGORIES

The presumptive ranges specified in the previous section are the base from which judges calculate sentences. However, since 1979, the General Assembly has adopted several special sentencing categories which require longer sentences for offenders convicted of certain more serious crimes. Sentences in these special sentencing categories are intended to provide for longer sentences outside of the presumptive range, for particularly violent crimes or when certain circumstances are present for the crime or the offender. Sentences in these special sentencing categories have, in some instances, the effect of bringing sentencing in Colorado full circle from indeterminate sentencing to determinate sentencing and back to indeterminate sentencing again. There are five special sentencing categories as follows:

- crimes with extraordinary mitigating or aggravating circumstances;
- crimes of violence;
- crimes with extraordinary aggravating circumstances;
- crimes with sentence-enhancing circumstances; and
- crimes presenting an extraordinary risk of harm to society.

Figure 1.2 is a history of sentencing ranges for special sentencing categories. This table illustrates the year each special sentencing category was adopted by the General Assembly. This table also illustrates how the presumptive sentencing ranges have changed over the years.

Figure 1.2: History of Sentencing Ranges for Special Sentencing Categories

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1979 Normal Presumptive Ranges	8 to 12 years	4 to 8 years	2 to 4 years	1 to 2 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 24 years	2 to 16 years	1 to 8 years	6 months to 4 years	NA
Crime of Violence	8-year min. for violent crimes	4-year min. for violent crimes	2-year min. for violent crimes	1-year min. for violent crimes	NA
1981 Normal Presumptive Ranges	8 to 12 years	4 to 8 years	2 to 4 years	1 to 2 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 24 years	2 to 16 years	1 to 8 years	6 months to 4 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	12 to 24 years	8 to 16 years	4 to 8 years	2 to 4 years	NA
1985 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	24 to 48 years	16 to 32 years	8 to 16 years	4 to 8 years	NA
1988 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	NA
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	NA
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	NA
1989 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	18 months to 4 years
1990 Normal Presumptive Ranges	8 to 24 years	4 to 16 years	2 to 8 years	1 to 4 years	1 to 2 years
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	10 to 32 years	5 to 16 years	2.5 to 8 years	18 months to 4 years
Sentence-Enhancing Circumstances	8 to 48 years	4 to 32 years	2 to 16 years	1 to 8 years	1 to 4 years
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Extraordinary Mitigating or Extraordinary Aggravating Circumstances	4 to 48 years	2 to 24 years	1 to 12 years	6 months to 6 years	6 months to 3 years
Extraordinary Risk of Harm to Society	NA	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 4 years
Extraordinary Risk of Harm to Society	NA	10 to 32 years	5 to 16 years	30 months to 8 years	18 months to 4 years
Sentence-Enhancing Circumstances	NA	4 to 24 years	2 to 12 years	1 to 8 years	1 to 4 years
Extraordinary Risk of Harm to Society	NA	4 to 32 years	2 to 16 years	1 to 8 years	1 to 4 years

Source: Legislative Council Staff

NA: Not applicable.

Note: The class 6 felony classification did not exist until 1989, and the Extraordinary Risk of Harm to Society category does not apply to class 2 felonies.

Extraordinary Mitigating or Aggravating Circumstances (18-1.3-401 (6), C.R.S.)

The court may impose a sentence that is lesser or greater than those in the presumptive range when the court finds that extraordinary mitigating or aggravating circumstances are present. Aggravating or mitigating factors may be determined by the court based on evidence in the record at the sentencing hearing and information contained in the presentence investigation report. The court may not impose a sentence which is less than one-half of the minimum sentence in the presumptive range, and may not impose a sentence that is not more than twice the maximum in the presumptive range. The minimum and maximum sentencing ranges allowed after applying extraordinary mitigating or aggravating circumstances are in Figure 1.3.

Figure 1.3 — Sentences for Extraordinary Mitigating or Aggravating Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Extraordinary Mitigating or Aggravating Circumstances	4 to 48 years	2 to 24 years	1 to 12 years	6 months to 6 years	6 months to 3 years

Crimes of Violence (18-1.3-406, C.R.S.)

Any offender convicted of a crime of violence must be sentenced to a prison term which is at least at the midpoint in the presumptive range but not more than twice the maximum term. The following offenses which are committed, conspired to be committed, or attempted to be committed are specified in statute as crimes of violence when a person: a) used, or possessed and threatened the use of, a deadly weapon; or b) caused serious bodily injury or death. *These crimes of violence are contained within the following special sentencing categories: crimes with extraordinary aggravating circumstances and crimes presenting an extraordinary risk of harm to society:*

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

The sentencing ranges for an offender convicted of a crime of violence are in Figure 1.4.

Figure 1.4 — Sentences for Crimes of Violence

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years

Extraordinary Aggravating Circumstances (18-1.3-401 (8), C.R.S.)

An offender convicted of a crime with extraordinary aggravating circumstances must be sentenced to a term of at least the midpoint in the presumptive range but not more than twice the maximum term. Offenders committing offenses under the following scenarios are charged with a crime which has extraordinary aggravating circumstances:

- the defendant is convicted of a Section 18-1.3-406, C.R.S., crime of violence (*see page 6 for a listing of these crimes*);
- the defendant was on parole for another felony at the time he or she committed the felony offense;
- the defendant was on probation or was on bond while awaiting sentencing following revocation of probation for another felony when he or she committed the felony offense;
- the defendant was under confinement, in prison, or in any correctional institution as a convicted felon, or an escapee from any correctional institution for another felony when he or she committed the felony offense;
- the defendant was on appeal bond when he or she committed the felony offense following a conviction for a previous felony; or
- the defendant is less than 18 years of age and, at the time he or she committed the offense, was on probation for or on bond while awaiting sentencing following revocation of probation for another offense that would have been a felony if committed by an adult.

The sentencing ranges for an offender convicted of a crime with extraordinary aggravating circumstances are in Figure 1.5.

Figure 1.5 — Sentences for Extraordinary Aggravating Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 8 years	1 to 3 years	1 year to 18 months
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years

Sentence-Enhancing Circumstances (18-1.3-401 (9), C.R.S.)

Offenders convicted of a crime with sentence-enhancing circumstances are required to serve a sentence which is at least the minimum in the presumptive range but not more than twice the maximum in the presumptive range. Following are sentence-enhancing circumstances:

- the defendant was charged with or was on bond for a previous felony (or for a delinquent act that would have constituted a felony if committed by an adult) when he or she committed the felony (or delinquent act) and the defendant was subsequently convicted of the felony (or delinquent act);
- when the defendant committed the felony, he or she was on bond for having pled guilty to a lesser offense when the original offense charged was a felony;
- the defendant was under a deferred judgement and sentence for another felony when he or she committed the felony;
- the defendant is less than 18 years of age and, at the time he or she committed the felony, was on bond for having pled guilty to a lesser offense when the original offense charged was an offense that would have constituted a felony if committed by an adult;
- the defendant is less than 18 years of age and, when he or she committed the felony, was under a deferred judgement and sentence for another offense that would have constituted a felony if committed by an adult; or
- when the defendant committed the felony, he or she was on parole for having been adjudicated a delinquent child for an offense which would constitute a felony if committed by an adult.

Sentence ranges for offenders convicted of crimes with sentence-enhancing circumstances are in Figure 1.6.

Figure 1.6 — Sentences for Sentence-Enhancing Circumstances

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 8 years	1 to 3 years	1 year to 18 months
Sentence-Enhancing Circumstances	8 to 48 years	4 to 24 years	2 to 12 years	1 to 6 years	1 to 3 years

Crimes Presenting an Extraordinary Risk of Harm to Society (18-1.3-401 (10), C.R.S.)

Sentences for offenders convicted of crimes presenting an extraordinary risk of harm to society are increased as follows:

- the maximum sentence in the presumptive range is increased by four years for class 3 felonies;
- the maximum sentence in the presumptive range is increased by two years for class 4 felonies;
- the maximum sentence in the presumptive range is increased by one year for class 5 felonies;
- the maximum sentence in the presumptive range is increased by six months for class 6 felonies; and
- the maximum sentence for misdemeanors is increased by six months.

Misdemeanor crimes which present an extraordinary risk of harm to society include the following:

- class 1 misdemeanor sexual assault where the victim is at least 15 years old but less than 17 years old and the actor is at least ten years older than the victim and not the victim's spouse;
- class 1 misdemeanor unlawful sexual contact; and
- class 1 misdemeanor failure to register as a sex offender.

Felony offenses which present an extraordinary risk of harm to society include the following:

- aggravated robbery;
- child abuse;
- violation of a protection order (second and subsequent offenses);
- unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense;
- any Section 18-1.3-406, C.R.S., crime of violence (*see page 6 for a listing of these crimes*);
- stalking; and
- sale or distribution of materials to manufacture controlled substances.

Presumptive sentence ranges for crimes presenting an extraordinary risk of harm to society apply to all class 2 through class 6 special sentencing categories and are listed in Figure 1.7.

Figure 1.7 — Sentences for Crimes Presenting an Extraordinary Risk of Harm to Society

	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1993 Normal Presumptive Ranges (current law in 2005)	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
Extraordinary Mitigating or Extraordinary Aggravating Circumstances	4 to 48 years	2 to 24 years	1 to 12 years	6 months to 6 years	6 months to 3 years
Extraordinary Risk of Harm to Society	NA	2 to 32 years	1 to 16 years	6 months to 8 years	6 months to 4 years
Extraordinary Aggravating Circumstances/Crime of Violence	16 to 48 years	8 to 24 years	4 to 12 years	2 to 6 years	15 months to 3 years
Extraordinary Risk of Harm to Society	NA	10 to 32 years	5 to 16 years	30 months to 8 years	18 months to 4 years
Sentence-Enhancing Circumstances	8 to 48 years	4 to 24 years	2 to 12 years	1 to 6 years	1 to 3 years
Extraordinary Risk of Harm to Society	NA	4 to 32 years	2 to 16 years	1 to 8 years	1 to 4 years

HABITUAL OFFENDER STATUTES

Sentencing for habitual offenders bypasses the presumptive sentencing ranges and requires judges to sentence habitual offenders to a determinate sentence that is significantly higher than the maximum in the felony class presumptive ranges.

Since 1979, the habitual offender statute has evolved from two levels of habitual offenders — the "little habitual" and the "big habitual" — to four levels of habitual offenders today: the "little habitual," the "big habitual," the "bigger habitual," and the "three strikes you're out" habitual.

Figure 1.8 summarizes the major changes in the habitual offender statutes since 1979. The habitual offender statutes have not been amended since 1994.

Figure 1.8: Habitual Offender Sentencing Ranges

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1979 Normal Presumptive Ranges						
	<i>Life to Death 8 to 12 years 4 to 8 years 2 to 4 years 1 to 2 years NA</i>					
Little Habitual (3rd conviction)	25 to 50 years	25 to 50 years	25 to 50 years	NA	NA	NA
Big Habitual (4th conviction)	Life	Life	Life	Life	Life	NA
1985 Normal Presumptive Ranges						
	<i>Life to Death 8 to 24 years 4 to 18 years 2 to 8 years 1 to 4 years NA</i>					
Little Habitual (3rd conviction)	25 to 50 years	25 to 50 years	25 to 50 years	25 to 50 years	NA	NA
Big Habitual (4th conviction)	Life	Life	Life	Life	Life	NA
1993 Normal Presumptive Ranges						
	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 8 years 1 to 7 years 1 year to 18 months</i>					
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years
Bigger Habitual (5th conviction)	Life	Life	Life	Life	Life	Life
1994 Normal Presumptive Ranges (current law in 2005)						
	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 8 years 1 to 3 years 1 year to 18 months</i>					
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years
Bigger Habitual (violent 5 th conviction)	Life	Life	Life	Life	Life	Life
"Three Strikes You're Out" Habitual (3rd conviction of class 1, 2, or 3/violent felonies)	Life	Life	Life (only class 3 felonies which are crimes of violence)	NA	NA	NA

NA: Not Applicable.

Following is a brief explanation of when and how each of these habitual sentences applies.

The "little habitual." Offenders convicted of a class 1, 2, 3, 4, or 5 felony who, within ten years of the date of the commission of the offense, have twice previously been convicted of a felony in Colorado, another state, or in federal court are adjudicated habitual offenders under the little habitual statute. The sentencing court is required to sentence such offenders to a term of imprisonment which is three times the maximum of the presumptive range for the felony class for which the person is convicted. The General Assembly chose not to apply the little habitual to class 6 felonies. Sentencing under the little habitual statute is in Figure 1.9.

Figure 1.9 — Sentencing Under the Little Habitual Statute

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1994 Normal Presumptive Ranges (current law in 2005)	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 6 years 1 to 3 years 1 year to 18 months</i>					
Little Habitual (3rd conviction)	Life	72 years	36 years	18 years	9 years	NA

The "big habitual." Offenders convicted of a fourth felony, regardless of the felony class, in Colorado, another state, or in federal court are adjudicated habitual offenders under the big habitual statute. The sentencing court is required to sentence such offenders to a term of imprisonment which is four times the maximum in the presumptive range for the class of felony for which the person is convicted. Sentencing under the big habitual statute is in Figure 1.10.

Figure 1.10 — Sentencing Under the Big Habitual Statute

	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 6 Felony
1994 Normal Presumptive Ranges (current law in 2005)	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 6 years 1 to 3 years 1 year to 18 months</i>					
Big Habitual (4th conviction)	Life	96 years	48 years	24 years	12 years	6 years

The "bigger habitual." Any offender convicted and sentenced under the big habitual statute, who is subsequently convicted of a felony which is a crime of violence as defined by Section 18-1.3-406, C.R.S., is adjudicated an habitual offender under the bigger habitual statute. Offenders convicted of the bigger habitual are to be sentenced to a term of life imprisonment. Offenders sentenced to life imprisonment under this provision are ineligible for parole until serving at least 40 calendar years.

The "three strikes you're out" habitual. This level of habitual offender applies to offenders convicted of a third class 1, 2, or 3 felony which is a crime of violence as defined in Section 18-1.3-406, C.R.S. Such offenders are to be adjudicated an habitual offender and are to be sentenced to a term of life imprisonment. Offenders sentenced under the three strikes provisions are ineligible for parole until serving at least 40 calendar years.

Chapter 2 — Crime and Criminal History Characteristics

This chapter analyzes the nature of and the changes in the types of crimes for which Colorado's prison inmate and new commitment populations were convicted over the last ten years. This chapter also discusses the criminal history profiles of inmates sentenced to the DOC for violent and non-violent offenses between FY 1992-93 and FY 2002-03. Finally, this chapter examines the differences in the types of crimes committed by gender.

This chapter's highlights include the following:

- new commitments to the DOC grew at a 5.0 percent average annual rate between FY 1992-93 and FY 2002-03;
- between FY 1992-93 and FY 2002-03, the inmate population grew at a 7.1 percent average annual rate. The number of inmates incarcerated for non-violent offenses increased at a slightly faster rate (7.4 percent) than those incarcerated for violent offenses; and
- while 45.2 percent of the male prison population was incarcerated for violent offenses, only 27.1 percent of the female prison population was incarcerated for violent offenses in FY 2002-03.

INMATE POPULATION AND NEW COMMITMENTS – OVERVIEW

This chapter compares the DOC's new commitment population with the DOC's inmate population. The distinction between new commitments and the inmate is an important one. The data on new commitments shows trends in the population being sentenced to the DOC while data on the inmate population reveals trends in the DOC's stock population.

New commitments grew at a 5.0 percent average annual rate from FY 1992-93 to FY 2002-03. The annual increase in admissions for non-violent offenses was 5.0 percent versus the 5.1 percent annual increase in admissions for violent crimes. The *inmate (or "stock") population* in the DOC grew at a 7.1 percent average annual rate between FY 1992-93 and FY 2002-03.

There was a slightly larger increase in the growth rate of inmates in prison for non-violent offenses than for violent offenses (7.4 percent compared with 6.8 percent). Figure 2.1 shows that inmates in prison for non-violent crimes grew from 55 percent of the inmate population in FY 1992-93 to 56.4 percent of the population in FY 2002-03. However, new commitments for violent offenses are virtually the same at 28.5 percent of the admissions in FY 1992-93 and 28.8 percent in FY 2002-03. The inmate population has more violent offenders than the new commitment population because violent offenders have longer lengths of stay and, therefore, skew the inmate population. In the past few years, the percent of new commitments for violent offenses has increased as more non-violent offenders were sentenced to probation, intensive supervision probation, and community corrections. However, in recent years, the number of new commitments for violent offenses has fluctuated somewhat (see Figure 2.3).

Figure 2.1: New Commitments and Stock Population Violent vs. Non-violent

	New Commitments				
	FY 1992-93		FY 2002-03		Growth
	Number	Percent	Number	Percent	Percent
Violent	954	28.5%	1,656	28.8%	73.6%
Non-violent	2,395	71.5%	4,089	71.2%	70.7%
Total	3,349	100.0%	5,745	100.0%	71.5%
	Stock Population				
	FY 1992-93		FY 2002-03		Growth
	Number	Percent	Number	Percent	Percent
Violent	3,943	45.0%	8,133	43.6%	106.3%
Non-violent	4,811	55.0%	10,508	56.4%	118.4%
Total	8,754	100.0%	18,641	100.0%	112.9%

Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Figure 2.2 illustrates the tremendous growth in the female prison population from FY 1992-93 to FY 2002-03. When combining violent and non-violent *new commitments*, the average annual growth rate for females nearly doubled that of males, 4.7 percent for males to 8.6 percent for females. While the percent of new commitments for combined violent and non-violent offenses grew 65 percent for males, new commitments for combined violent and non-violent offenses grew 146.6 percent for females between FY 1992-93 and FY 2002-03. New commitments for males convicted of violent offenses grew 69.7 percent; new commitments for females convicted of violent offenses grew 168.4 percent.

With regards to the combined violent and non-violent stock population, the average annual growth rate for females again grew at a much faster pace than males, 6.8 percent compared to 11.6 percent between FY 1992-93 and FY 2002-03. The combined violent and non-violent stock population for males grew 106.0 percent; the combined violent and non-violent stock population for females grew 233.3 percent. In FY 1992-93, there were 352 women in prison for non-violent offenses; in FY 2002-03, there were 1,161 women in prison for non-violent offenses, a 229.8 percent increase. The non-violent male population grew 109.6 percent during that time period. In FY 1992-93, there were 126 women in prison for violent crimes; in FY 2002-03, there were 432 women in prison for violent crimes, a 242.9 percent increase (keep in mind that during this period, there were 17 times more males than females in prison). The specific kinds of crimes for which males and females are incarcerated, and a comparison of the specific crimes each gender commits more than the other appears later in this chapter.

Figure 2.2: New Commitments and Stock Population, Violent vs. Non-violent, Males and Females

	Male					Female				
	New Commitments									
	FY 1992-93		FY 2002-03		Growth	FY 1992-93		FY 2002-03		Growth
	Number	Percent	Number	Percent		Percent	Number	Percent	Number	
Violent	916	29.7%	1,554	30.6%	69.7%	38	14.2%	102	15.4%	168.4%
Non-violent	2,165	70.3%	3,530	69.4%	63.0%	230	85.8%	559	84.6%	143.0%
Total	3,081	100.0%	5,084	100.0%	65.0%	268	100.0%	661	100.0%	146.6%
	Stock Population									
	FY 1992-93		FY 2002-03		Growth	FY 1992-93		FY 2002-03		Growth
	Number	Percent	Number	Percent		Percent	Number	Percent	Number	
	Violent	3,817	46.1%	7,701	45.2%	101.8%	126	26.4%	432	27.1%
Non-violent	4,459	53.9%	9,347	54.8%	109.6%	352	73.6%	1,161	72.9%	229.8%
Total	8,276	100.0%	17,048	100.0%	106.0%	478	100.0%	1,593	100.0%	233.3%

Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Figures 2.3 and 2.4 detail the growth in the violent and non-violent new commitment and stock prison populations. Both figures illustrate the change in the growth in the new commitment and stock populations. With regards to new commitments, there has been growth each year with the exception of FY 1998-99 to FY 1999-2000 when there was a 3.1 percent decrease. With regards to the stock population, the number of inmates has grown each year between FY 1992-93 and FY 2002-03; however, the percent increase has fluctuated from year to year. While it is easier to make determinations about the reasons for long term trends in these populations, year-to-year fluctuations are more difficult to attribute. However, these fluctuations in the growth in new commitments and the stock population can be attributed to a number of factors including the creation of new crimes, changes in the felony classification of existing crimes, and as discussed later in this chapter, the degree to which society is focused on certain kinds of crimes and how law enforcement and district attorneys respond.

Figure 2.3: Ten-year Growth in New Commitments Violent vs. Non-violent

New Commitments						
	Violent	Change	Non-violent	Change	Total	Change
1992-93	954	n/a	2,395	n/a	3,349	n/a
1993-94	1,107	16.0%	2,436	1.7%	3,543	5.8%
1994-95	1,217	9.9%	2,629	7.9%	3,846	8.6%
1995-96	1,276	4.8%	3,143	19.6%	4,419	14.9%
1996-97	1,366	7.1%	3,312	5.4%	4,678	5.9%
1997-98	1,235	-9.6%	3,585	8.2%	4,820	3.0%
1998-99	1,332	7.9%	3,501	-2.3%	4,833	0.3%
1999-2000	1,352	1.5%	3,333	-4.8%	4,685	-3.1%
2000-01	1,386	2.5%	3,543	6.3%	4,929	5.2%
2001-02	1,544	11.4%	3,987	12.5%	5,531	12.2%
2002-03	1,656	7.3%	4,089	2.6%	5,745	3.9%

Source: Department of Corrections, Statistical Reports.

Figure 2.4: Ten-year Growth in Stock Population Violent vs. Non-violent

Stock Population						
	Violent	Change	Non-violent	Change	Total	Change
1992-93	3,943	n/a	4,811	n/a	8,754	n/a
1993-94	4,271	8.3%	4,966	3.2%	9,237	5.5%
1994-95	4,769	11.7%	5,031	1.3%	9,800	6.1%
1995-96	5,327	11.7%	5,933	17.9%	11,260	14.9%
1996-97	5,672	6.5%	6,645	12.0%	12,317	9.4%
1997-98	6,097	7.5%	7,594	14.3%	13,691	11.2%
1998-99	6,430	5.5%	8,155	7.4%	14,585	6.5%
1999-2000	6,937	7.9%	8,909	9.2%	15,846	8.6%
2000-01	7,384	6.4%	9,270	4.1%	16,654	5.1%
2001-02	7,733	4.7%	10,134	9.3%	17,867	7.3%
2002-03	8,133	5.2%	10,508	3.7%	18,641	4.3%

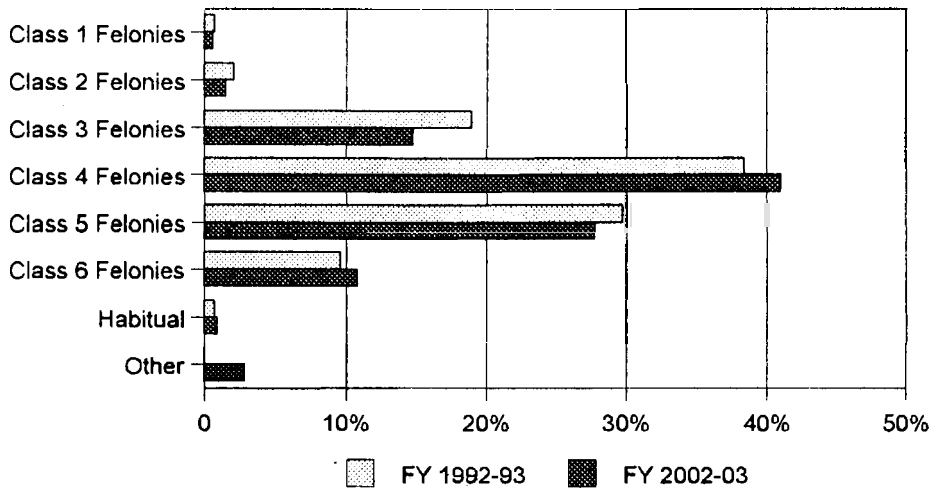
Source: Department of Corrections, Statistical Reports.

In terms of felony classification:

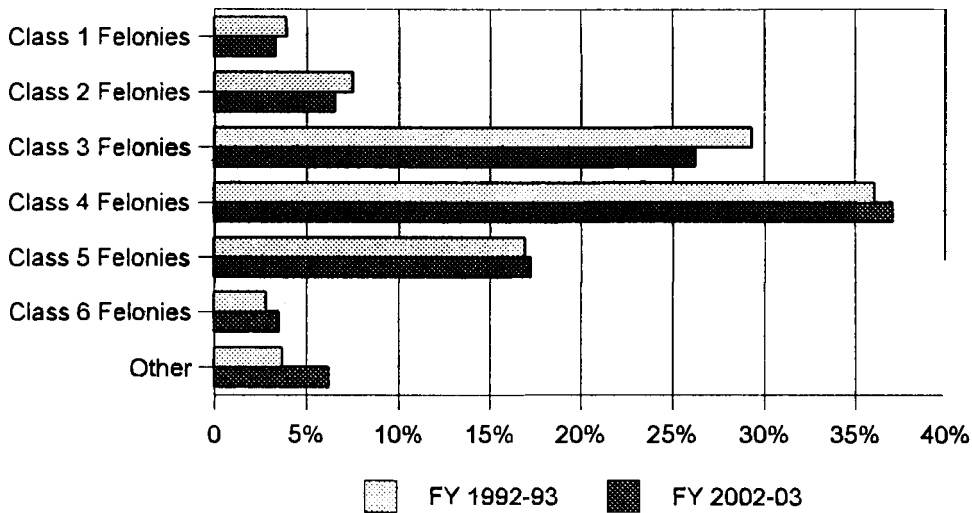
- class 4 felons accounted for the largest share of *new commitments* in FY 2002-03, 41.0 percent, followed by class 5 felony crimes, 27.7 percent (Figure 2.5). Felons convicted of class 4 crimes increased slightly, accounting for 37.1 percent of the *stock population* in FY 2002-03, versus 36.1 percent in FY 1992-93 (Figure 2.6);
- class 3 felons decreased slightly as a proportion of the *stock population* since FY 1992-93, accounting for 26.2 percent of inmates in FY 2002-03, compared with 29.3 percent in FY 1992-93. During this period, class 3 *new commitments* decreased as well from 18.9 percent in 1992-93 to 14.7 percent in 2002-03; and
- class 2 felons slightly decreased as a share of the *stock population* from 7.5 percent of inmates in 1992-93 to 6.5 percent of inmates in 2002-03.

There were increases for class 1, 2, and 3 shares of the inmate population during the period FY 1986-87 through FY 1996-97, the result of the longer sentences instituted in 1985 filtering through the inmate population. These longer sentences had the largest effect on more serious felonies. In 1993, sentences were shortened for non-violent, non-drug crimes, thus accounting for the reduced proportions of class 5 and 6 felons in the inmate population. It should be noted that during this period examined, some class 4 felony crimes were reclassified as class 5 felony crimes and some class 5 felony crimes were reclassified as class 6 felonies when the new class 6 felony was created in 1989.

**Figure 2.5: New Commitment Felony Class Distribution
FY 1992-93 and FY 2002-03**



**Figure 2.6: Stock Population Felony Class Distribution
FY 1992-93 and FY 2002-03**



Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

NEW COMMITMENTS

This section discusses trends for both violent and non-violent new commitments. New commitments for violent offenses grew at a 5.1 percent average annual rate between FY 1992-93 and FY 2002-03, while new commitments for non-violent offenses grew at a 5.0 percent average annual rate.

New commitments for violent offenses. Figure 2.7 and Figure 2.8 illustrate the changes in the types of offenders committed to the DOC for violent offenses between FY 1992-93 and FY 2002-03. The overall number of new commitments for violent offenses grew 73.6 percent between FY 1992-93 and FY 2002-03. Among violent crimes, the number of commitments for menacing showed the greatest increase, growing at a 7.5 percent annualized pace. Following menacing, homicide showed the next greatest annual growth rate at 6.5 percent. In past years, the number of new commitments for sexual assault showed the greatest increase, but in 2002-03, the annualized growth was only at 3.7 percent. In FY 2002-03, assaults accounted for 21.9 percent of new commitments for violent offenses versus 19.3 percent in FY 1992-93. Meanwhile, prison commitments for manslaughter declined between FY 1992-93 and FY 2002-03, with manslaughter declining the most among violent crimes.

Figure 2.7: Violent New Commitments, FY 1992-93 and FY 2002-03

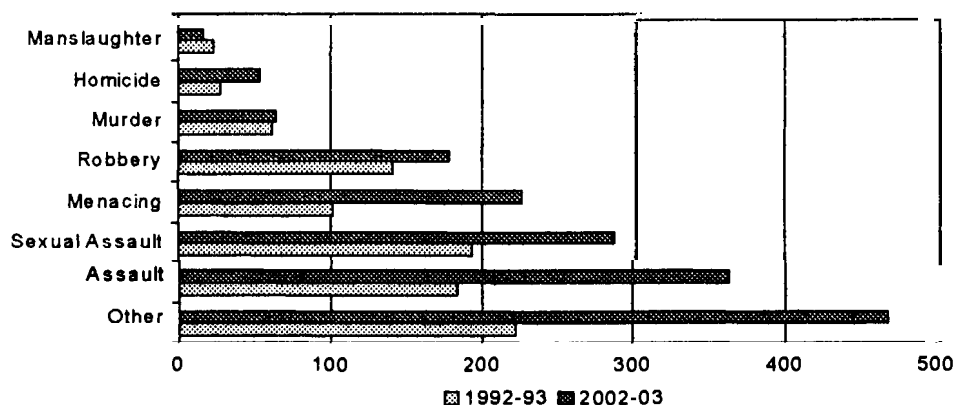
	FY 1992-93		FY 2002-03		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Murder	62	6.5%	65	3.9%	3	4.8%
Manslaughter	23	2.4%	16	1.0%	-7	-30.4%
Homicide	27	2.8%	54	3.3%	27	100.0%
Sexual assault	193	20.2%	287	17.3%	94	48.7%
Assault	184	19.3%	362	21.9%	178	96.7%
Menacing	102	10.7%	226	13.6%	124	121.6%
Robbery	141	14.8%	178	10.7%	37	26.2%
Other	222	23.3%	468	28.3%	246	110.8%
Total	954	100.0%	1,656	100.0%	702	73.6%

Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Other includes: kidnapping; attempt, conspiracy, and accessory to crimes; arson; weapons/explosives; and child abuse.

Figure 2.8: Number of New Commitments for Violent Offenses

FY 1992-93 and FY 2002-03



Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Other includes: kidnapping; attempt, conspiracy, and accessory to crimes; arson; weapons/explosives; and child abuse.

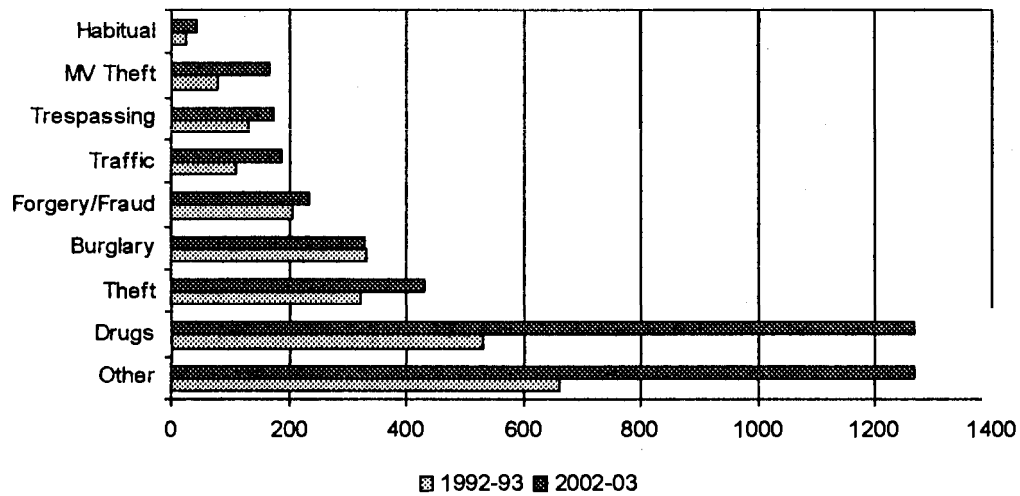
New commitments for non-violent offenses. Prison commitments for non-violent crimes rose 70.7 percent during the ten-year period analyzed. This represents a 5.0 percent annual growth rate. Offenders sentenced to prison for non-violent crimes accounted for 71.2 percent of new commitments during FY 2002-03, but comprised a smaller share (56.4 percent) of the inmate population because of their relatively shorter sentences. Figure 2.9 and 2.10 depict the types of non-violent crimes for which new felons were sentenced to prison between FY 1992-93 and FY 2002-03. Drug offenses experienced the strongest growth in new, non-violent prison commitments between FY 1992-93 and 2002-03 growing at an 8.2 percent annualized pace. Accordingly, drug offenses now account for 30.9 percent of new, non-violent-crime commitments, compared with 22.2 percent in FY 1992-93. Drug offenders represent the largest segment of non-violent commitments to prison. In prior years, traffic offenses showed the strongest growth in new commitments for non-violent offenses. However, in recent years, that growth has been reduced (18.1 percent in FY 1998-99 to 5.1 percent in 2002-03) perhaps because of a change in the law reducing the offense from a class 6 felony to a class 1 misdemeanor. Most traffic offenders sentenced to prison are habitual traffic offenders and drunk drivers who have been convicted of driving after their drivers' licenses have been revoked.

New commitments to prison for the offense of motor vehicle theft grew 115 percent over the last ten years showing a stronger than usual growth rate of 7.0 percent. This could be due to changes made to the motor vehicle theft law that took effect in 2000. These changes, in effect, created new class 5 and class 6 felonies for motor vehicle theft. Prison commitments for drug crimes continue to grow rapidly. It should be noted that, to some degree, the number of commitments to prison for particular crimes is influenced by society's stance toward those crimes, as well as by their prevalence. Increases in prison commitments may be as reflective of an increased desire to "crack down" on certain crimes as an increase in the number of such crimes taking place.

Figure 2.9: Non-Violent Commitments, FY 1992-93 and FY 2002-03

	FY 1992-93		FY 2002-03		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Drugs	531	22.2%	1,264	30.9%	733	138.0%
Burglary	334	13.9%	328	8.0%	-6	-1.8%
Theft	321	13.4%	433	10.6%	112	34.9%
MV Theft	78	3.3%	165	4.0%	87	111.5%
Forgery/Fraud	206	8.6%	233	5.7%	27	13.1%
Trespassing	132	5.5%	174	4.3%	42	31.8%
Traffic	108	4.5%	187	4.6%	79	73.1%
Habitual	23	1.0%	41	1.0%	18	78.3%
Other	662	27.6%	1,264	30.9%	602	90.9%
Total	2,395	100.0%	4,089	100.0%	1,694	70.7%

Figure 2.10: Number of New Commitments for Non-violent Offenses FY 1992-93 and FY 2002-03



Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Other includes: Attempt, conspiracy, and accessory to non-violent crimes; escape/contraband; family crimes; criminal mischief, court/corrections; and miscellaneous.

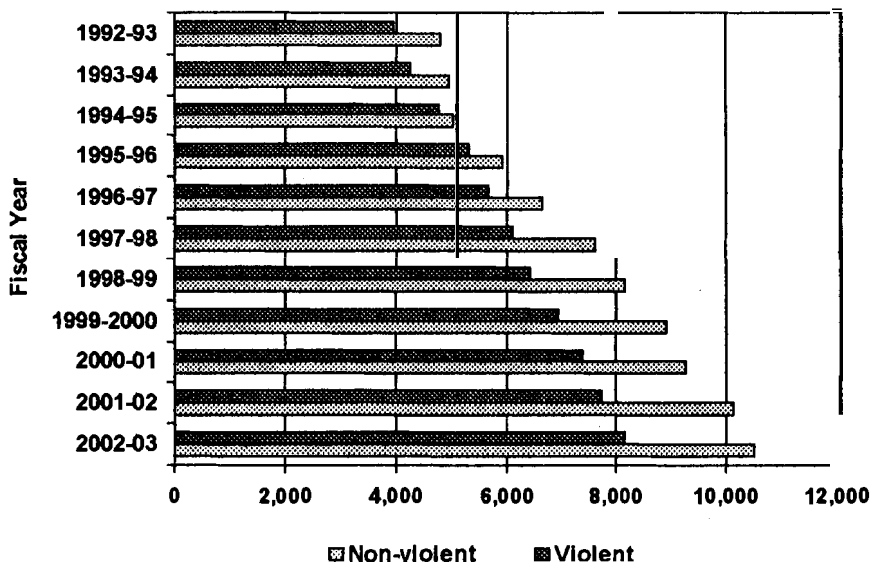
INMATE POPULATION

This section discusses trends in the types of offenders in Colorado’s inmate population. First, the population admitted for violent offenses is discussed, followed by an analysis of the population admitted for non-violent offenses.

Population of inmates imprisoned for violent crimes. The number of inmates in prison for violent offenses increased at an 6.8 percent average annual rate between June 30, 1993, and June 30, 2003 (Figure 2.11). This represents a greater rate of increase than the advance in *new commitments* (5.1 percent) for violent offenses because of longer sentences imposed for violent offenses during the time period examined.

Figure 2.12 depicts the population imprisoned for violent offenses by type of crime. At the end of FY 2002-03, prisoners sentenced for sexual assault comprised 26.0 percent of population of inmates with violent offenses, followed by assault (18.9 percent) and murder (18.6 percent). Prisoners sentenced for robbery were next at 14.6 percent of the prison population. The number of inmates in prison for menacing convictions grew more rapidly than any other violent crime type except murder, increasing at a 12.1 percent annual rate between June 30, 1993, and June 30, 2003. Assault increased at a 9.0 percent annualized pace and murder grew at an 8.5 annualized rate during the same period.

**Figure 2.11: Violent vs Non-violent Stock Population
FY 1992-93 through FY 2002-03**



Source: Department of Corrections, Statistical Reports.

Figure 2.12: Violent Stock Population, FY 1992-93 and FY 2002-03

	FY 1992-93		FY 2002-03		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Murder	617	15.6%	1,512	18.6%	895	145.1%
Manslaughter	91	2.3%	98	1.2%	7	7.7%
Homicide	86	2.2%	175	2.2%	89	103.5%
Sexual Assault	1,019	25.8%	2,116	26.0%	1,097	107.7%
Assault	593	15.0%	1,534	18.9%	941	158.7%
Menacing	175	4.4%	616	7.6%	441	252.0%
Robbery	736	18.7%	1,186	14.6%	450	61.1%
Other	626	15.9%	896	11.0%	270	43.1%
Total	3,943	100.0%	8,133	100.0%	4,190	106.3%

Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Other includes: kidnapping, incest, arson, weapons/explosives, child abuse, and sex offenders under lifetime supervision.

Population of inmates in prison for non-violent crimes. The number of inmates in prison for non-violent crimes increased at a 7.4 percent annualized pace between June 30, 1993, and June 30, 2003 (Figure 2.13). This rate of growth is somewhat faster than the growth in the number of new commitments for non-violent offenses (5.0 percent). Again, the relatively stronger growth in the number of inmates in prison for non-violent offenses compared with the number of new commitments reflects longer prison sentences.

Among the non-violent crimes, inmates in prison for drug offenses and motor vehicle theft showed the strongest growth during this period. The population of convicted drug offenders grew faster at a 13.1 percent annualized rate, more than any other category, and they comprised more than any other category of non-violent prison inmates, 35.9 percent, as of June 30, 2003. Following drug offenses, the crimes for which more inmates are in prison for non-violent offenses are burglary and theft. However, there is a wide range of crimes that are categorized as non-violent, many of which result in relatively few annual prison admissions. While such crimes individually do not account for a large part of the inmate population, inmates imprisoned for these miscellaneous crimes, including attempts and conspiracies to commit non-violent crimes, together make up 17.6 percent of the inmates in prison for non-violent offenses. Miscellaneous crimes also include family crimes, escape and contraband offenses, and accessory to crime, as well as other miscellaneous offenses.

As mentioned previously in the section on non-violent new commitments, habitual traffic offenders had previously showed the strongest growth in the non-violent prison population (though offenders convicted of motor vehicle theft were a comparatively smaller portion of the non-violent

prison population). However, recent changes in the laws regarding those offenses seem to have decreased the habitual traffic offender population and increased the motor vehicle theft population.

Figure 2.13: Number of Inmates in Prison for Non-Violent Offenses

	FY 1992-93		FY 2002-03		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Drugs	974	20.2%	3,771	35.9%	2,797	287.2%
Burglary	1,054	21.9%	1,436	13.7%	382	36.2%
Theft	684	14.2%	1,392	13.2%	708	103.5%
MV Theft	175	3.6%	455	4.3%	280	160.0%
Forgery/Fraud	247	5.1%	355	3.4%	108	43.7%
Trespassing	264	5.5%	500	4.8%	236	89.4%
Traffic	106	2.2%	191	1.8%	85	80.2%
Habitual	269	5.6%	562	5.3%	293	108.9%
Other	1,038	21.6%	1,846	17.6%	808	77.8%
Total	4,811	100.0%	10,508	100.0%	5,697	118.4%

Source: Department of Corrections, Statistical Reports, FY 1993 and FY 2003.

Other includes: escape/contraband and miscellaneous.

Trespass includes mischief.

CRIMES OF MALE AND FEMALE DOC INMATES

The types of crimes for which male and female offenders are sentenced to prison differ significantly. Figure 2.14 shows the percentage of male and female inmates in prison for different types of offenses. Generally, males are convicted of more violent crimes than females. As shown in Figure 2.14, among the male DOC inmate population, nearly half (45.2 percent) were in prison for violent offenses, but just over one quarter (27.1 percent) of the female inmates were in prison for violent crimes.

Certain violent crimes for which there are more male inmates in prison are rare among the population of female inmates. Most prominent among these are sex-related offenses such as sexual assaults and child exploitation. While 12.2 percent of male inmates are imprisoned for sex offenses, only 1.8 percent of female inmates are in prison for such crimes. Robbery and assault crimes together account for 15.1 percent of male inmates, but only 9.4 percent of female inmates.

More than half of female prison inmates (63.1 percent) have been imprisoned for four non-violent categories of offenses — controlled substance abuse offenses, escape and contraband offenses, theft, and forgery and fraud. These same four offenses comprise only 34.0 percent, of the male inmate population. The relatively higher proportion of women in prison for escape and contraband-related offenses reflects the fact that many female offenders are sentenced to community corrections programs for the crimes they commit. Many inmates who enter prison on escape offenses are offenders who have been sentenced to community corrections programs and have "escaped" by not returning to the program when required. In such cases, when the offender is located, the judge will often sentence the offender to prison for the escape-related offense.

The difference in the crime types of male and female inmates, however, is not only reflected among violent crimes. Male inmates greatly exceed female inmates as a percentage of their respective populations for one type of non-violent crime as well — burglary. In addition, males have a greater share of habitual offender convictions than females. Habitual offenders may be convicted of any offense, but are sentenced as habitual offenders for their criminal histories with repeated felony convictions.

Female inmates accounted for 8.5 percent of the DOC population as of June 30, 2004. Thus, when considering the information presented in the table on the following page, keep in mind that the percentages shown are relative to the total prison population of each gender and, for every type of crime, there are far more males in prison than females. So, for crimes for which the female percentage shown is significantly greater than the male percentage, such as controlled substance abuse offenses and forgery and fraud, there are far more male inmates imprisoned for those crimes than females.

Figure 2.14: Inmate Population by Gender and Crime
June 30, 2003

Most Serious Crime of Conviction <i>Violent crimes are designated in regular type. Non-violent crimes are designated in italic type.</i>	Male Inmates	Percent of Male Inmates	Female Inmates	Percent of Female Inmates
Crimes for Which Males and Females are Incarcerated in Similar Proportions				
Murder/Manslaughter/Homicide	1,651	9.7%	134	8.4%
Menacing	582	3.4%	34	2.1%
<i>Motor Vehicle Theft</i>	431	2.5%	24	1.5%
<i>Other Non-Violent Offenses</i>	683	4.0%	59	3.7%
Crimes for Which Males are Incarcerated in Larger Proportions				
Sexual Assault/Exploit Child	2,088	12.2%	28	1.8%
Assault/Vehicular Assault	1,443	8.5%	91	5.7%
Robbery	1,127	6.6%	59	3.7%
Other Violent Crimes	507	3.0%	21	1.3%
<i>Burglary</i>	1,392	8.2%	44	2.8%
<i>Habitual Offenders</i>	552	3.2%	10	0.6%
<i>Trespassing/Mischief</i>	482	2.8%	18	1.1%
Crimes for Which Females are Incarcerated in Larger Proportions				
Child Abuse	303	1.8%	65	4.1%
<i>Controlled Substance Abuse Offenses</i>	3,264	19.1%	507	31.8%
<i>Theft</i>	1,145	6.7%	247	15.5%
<i>Escape/Contraband Offenses</i>	1,118	6.6%	177	11.1%
<i>Forgery/Fraud</i>	280	1.6%	75	4.7%
Total	17,048	100.0%	1,593	100.0%
Total Violent	7,701	45.2%	432	27.1%
Total Non-violent	9,347	54.8%	1,161	72.9%

Source: Department of Corrections, Statistical Report, FY 2003.

Chapter 3 — Ten-Year History of State Correctional Facilities, Population, & Funding

This chapter focuses on the DOC population, as well as operating and capital construction appropriations to the DOC. In FY 2002-03, the DOC operated 22 separate facilities along with the Colorado Correctional Alternatives Program (boot camp) and the Youthful Offender System (YOS). In addition, adult male inmates were housed in four private contract prisons in Colorado that are operated by the Corrections Corporation of America. In all, the DOC oversaw a jurisdictional population of 18,846 adult offenders, up 9.4 percent from the previous year (18,045 offenders). The DOC also has jurisdiction over 241 juvenile offenders at YOS. As of June 30, 2003, the adult offender population was comprised of the populations listed below:

- 13,750 offenders in state facilities (73.0 percent);
- 2,421 offenders in private prisons, including some out-of-state offenders (12.9 percent);
- 1,761 offenders in community corrections and intensive supervision programs (9.3 percent);
- 518 offenders in county jails (2.7 percent); and
- 396 offenders off-grounds, including escapees (2.1 percent).

This chapter highlights the following:

- the jurisdictional population of the DOC has doubled in the last ten years, from 9,492 offenders in FY 1992-93 to 18,846 offenders in FY 2002-03 (this includes ISP, community supervision, and jail backlog).
- the operating budget of the DOC increases every year but, when adjusted for inflation, has maintained pace with the increasing inmate population. From FY 1992-93 to FY 2002-03, inflation-adjusted appropriations increased by 104.1 percent while the jurisdictional population increased by 103.9 percent; and
- From FY 1998-99 to FY 1999-00, the capital construction appropriation to the DOC experienced a sharp decline, from \$134.3 million to \$7.6 million. Since FY 1999-00, annual DOC capital appropriations have constituted less than 5 percent of all state capital construction appropriations during that year.

CORRECTIONAL FACILITIES IN COLORADO

The courts may only sentence to the DOC offenders who have been convicted of a felony offense. Individuals convicted of misdemeanors may not be sentenced to the DOC. This chapter focuses on the DOC's state and private prisons and the operating and capital construction appropriations for these correctional facilities.

Custody Classification Levels

All offenders are admitted to the DOC through the Denver Reception and Diagnostic Center, a secure facility that handles inmates of all custody levels. During intake, offenders are given an assessment that is used to determine their custody classification. The classification instrument measures factors such as history of violence, severity of current and prior convictions, substance abuse, stability, and parole eligibility date. Depending on the score in each of these areas, an inmate may be classified according to one of the five custody levels listed below in Figure 3.1.

Figure 3.1: Inmate Custody Classification Levels

Administrative Segregation	For offenders who require maximum security because they: <ul style="list-style-type: none"> • have behaved in ways that demonstrate they cannot function appropriately in a less secure general population setting; and/or • are extremely difficult to manage in a general population setting.
Close	For offenders convicted of serious violent crimes and who: <ul style="list-style-type: none"> • require close supervision; • exhibit a high degree of institutional adjustment problems; • are a high escape risk; and/or • need close supervision based on their parole eligibility date.
Medium	For offenders convicted of violent and non-violent offenses and who: <ul style="list-style-type: none"> • need a moderate level of supervision; • exhibit moderate institutional adjustment problems; • are a low to moderate escape risk; and/or • have high medical or mental health needs.
Restrictive-Minimum	For offenders convicted of non-violent offenses and who: <ul style="list-style-type: none"> • exhibit very low to no institutional adjustment problems; • are a low escape risk; • have a parole eligibility date of less than five years; and • have low to moderate medical and mental health needs.
Minimum	For offenders convicted of non-violent offenses and who: <ul style="list-style-type: none"> • exhibit no institutional adjustment problems; • are not an escape risk; • have a parole eligibility date of less than three years; and • have minimal or no medical or mental health needs.

Facility Security Levels

An offender's custody classification determines his or her facility placement. The DOC places inmates according to their assessed custody level in an appropriate facility based on its security level. Prior to May 24, 2000, an inmate was placed in a facility according to his or her assessed classification level, which matched the facility's custody classification level. After May 24, 2000, each facility was designated a security level that was defined in statute. Figure 3.2 describes the main external and internal measures differentiating the five security levels of prison facilities in Colorado, from the highest to lowest levels.

Figure 3.2: Correctional Facility Security Levels

	<i>External Measures</i>	<i>Internal Measures</i>
Level V	<ul style="list-style-type: none"> • Double perimeter fencing with razor wire and detection devices • Towers or stun-lethal fencing • Continuous patrol of perimeter • Sally ports (double gates to closely monitor the movement to and from a restricted area) 	<ul style="list-style-type: none"> • Housing in cells with bars on all openings and with sally-port doors to outside operated by a control center • Remote controlled sliding and lockable cell doors
Level IV	<ul style="list-style-type: none"> • Double perimeter fencing and/or razor wire with detection devices • Towers • Continuous patrol of perimeter 	<ul style="list-style-type: none"> • Housing in cells with bars on all openings • Remote controlled hinged or sliding cell doors that are lockable from the control area
Level III	<ul style="list-style-type: none"> • Wall and/or double perimeter fencing with razor wire and detection devices • Towers • Continuous patrol of perimeter 	<ul style="list-style-type: none"> • Housing in cells, rooms, or dormitories with bars on window openings • Hinged lockable cell doors
Level II	<ul style="list-style-type: none"> • Designated boundaries with single or double perimeter fencing • Periodic patrol of perimeter 	<ul style="list-style-type: none"> • Housing in modular units, cells, or dormitories • Hinged cell doors with lockable exterior doors
Level I	<ul style="list-style-type: none"> • Designated boundaries 	<ul style="list-style-type: none"> • Housing in individual rooms or dormitories • Non-security cell doors with lockable exterior doors

Figure 3.3 below shows the permitted inmate custody classification levels by facility security level.

Figure 3.3: Permitted Inmate Custody Classification Levels by Facility Security Level

	Minimum	Minimum - Restrictive	Medium	Close	Administrative Segregation
Level I	✓				
Level II	✓	✓			
Level III	✓	✓	✓	✓	
Level IV	✓	✓	✓	✓	
Level V	✓	✓	✓	✓	✓
Private	✓	✓	✓		

Source: DOC Administrative Regulation 600-01.

Operating Capacity

Colorado's adult offenders are housed in state and private prison facilities. Juvenile offenders who are convicted and sentenced as adults may be incarcerated in a state facility or admitted to the Youthful Offender System (YOS).

State prisons for adults. On June 30, 2003, Colorado had a total capacity of 13,973 state beds, excluding community corrections and the jail backlog. On this date, the state was operating at 103.5 percent of its capacity. In addition, there were 1,761 offenders in community corrections, 2,421 offenders in private facilities, and a jail backlog of 455 offenders.

Youthful Offender System. Juveniles sentenced to YOS are housed in facilities that are separate from the DOC's adult facilities. The YOS includes juvenile offenders who were charged as adults according to Section 19-2-517, C.R.S. Built to house 480 juvenile offenders, the YOS had an average daily population of 237 offenders in FY 2002-03, including 10 female offenders and 30 adult male offenders who were committed to YOS as juveniles. This population represented less than half of the YOS operating capacity. To address ongoing underutilization since the inception of YOS in 1993, Senate Bill 04-123 capped the program's capacity at 256 beds.

Figure 3.4 on the following page lists the state's correctional facilities, the year the facility opened, custody levels, current capacities for adult offenders, and a planned expansion.

**Figure 3.4: Current and Projected Capacity of DOC State Prison Facilities
(By Year Opened)**

Facility	Year Opened	Security Level	Current Capacity
Colorado Territorial Correctional Facility	1871	Level III	770
Buena Vista Correctional Complex	1892	Level III	1,136
Fremont Correctional Facility	1962	Level III	1,471
Delta Correctional Center	1964	Level I	484
Skyline Correctional Center	1964	Level I	249
Colorado Women's Correctional Facility	1968	Level V	224
Colorado Correctional Center	1969	Level I	150
Rifle Correctional Center	1979	Level I	192
Centennial Correctional Facility	1980	Level IV	336
Four Mile Correctional Center	1983	Level II	499
Arkansas Valley Correctional Facility	1987	Level III	1,007
Arrowhead Correctional Center	1990	Level II	494
Colorado Correctional Alternative Program	1991	Level I	100
Limon Correctional Facility	1991	Level IV	953
Denver Reception and Diagnostic Center	1991	Level V	480
Colorado State Penitentiary	1993	Level V	756
Pueblo Minimum Center	1994	Level II	256
Youthful Offender System - Adult Males	1994	Level II	30
San Carlos Correctional Facility	1995	Level V	250
Denver Women's Correctional Facility	1998	Level V	707
Sterling Correctional Facility	1998	Level V	2,445
Ft. Lyon Correctional Facility	2002	Level III	500
Trinidad Correctional Facility	2002	Level II	484
TOTAL CAPACITY ON JULY 1, 2003			13,973
New Facility Planned as of June 30, 2003			
Colorado State Penitentiary II*	2007	Level V	948
PROJECTED CAPACITY BY JULY 1, 2007			14,921

Source: DOC FY 2003 Annual Statistical Report.

* Although the General Assembly approved funding for the CSP II facility, a lawsuit challenging the constitutionality of the COPs authorized by the legislation (House Bill 03-1256) is pending. Until the case is settled, the project is on hold. It is anticipated that the court case will be settled some time in FY 2004-05.

Private prisons for adults. The DOC began contracting with private prisons in the early 1990s in order to reduce the backlog of adult inmates in county jails while new state facilities were being constructed. All of Colorado's private correctional facilities are built to level III security specifications, allowing the incarceration of inmates who are classified as custody levels close and below. However, state law limits private prisons to permanently housing inmates classified as medium custody level and below. Each private prison has punitive segregation cells to hold inmates reclassified above medium custody due to an offense committed within the private prison. Private prisons mainly house adult males, including out-of-state offenders. Figure 3.5 lists the private prisons in Colorado in existence through FY 2002-03, all of which are operated by the Corrections Corporation of America.

Figure 3.5: Private Prisons Operating in Colorado

Facility	Location	Year Opened	Current Capacity	FY 02-03 Population
Bent County Correctional Facility	Las Animas	1993	724	568
Huerfano County Correctional Facility	Walsenburg	1997	778	747
Crowley County Correctional Facility	Olney Springs	1998	1,185	552
Kit Carson County Correctional Facility	Burlington	1998	820	554
TOTAL ON JUNE 30, 2003			3,507	2,421

Source: DOC Monthly Population Report, June 30, 2003.

Notes: The Brush Correctional Facility, operated by GRW Corporation, opened in 2004 and currently holds 24 female offenders from Colorado. The Brush facility has a capacity of 290 and is seeking to add female offenders from the states of Wyoming and Hawaii.

Jurisdictional Population

Over the last ten years, the DOC's jurisdictional population has doubled from 9,492 offenders in FY 1993-94 to 18,846 offenders in FY 2002-03. Figure 3.6 on the following page provides a ten-year history of the DOC jurisdictional population by facility. It also summarizes the placement of offenders in community corrections, the intensive supervision program for parolees, and the county jail backlog. The "other" category includes contracts with in-state and out-of-state private facilities, escapes and walkaways, revocations in local jails, and offenders who are off-grounds for facility transfer, medical services, and so forth.

Figure 3.6: History of DOC Jurisdictional Population — by Facility and Security Level
Reflects Fiscal Year-End Population (June 30)

FACILITY/ PROGRAM	FY 92-93		FY 93-94		FY 94-95		FY 95-96		FY 96-97		FY 97-98		FY 98-99		FY 99-00		FY 00-01		FY 01-02		FY 02-03	
	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.	Sec.	Pop.
CO Women's CF	Mixed	296	Mixed	282	Mixed	224	Mixed	239	Mixed	267	Mixed	287	Mixed	273	V	289	V	270	V	215	V	215
Den. Rec./Diag. Ctr.	Mixed	506	Mixed	414	Mixed	381	Mixed	369	Mixed	394	Mixed	389	Mixed	459	V	469	V	485	V	485	V	490
Den. Women's CF	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	Mixed	231	V	303	V	423	V	612	V	699
San Carlos CF	NA	NA	NA	NA	NA	Mixed	239	Mixed	247	Mixed	247	Mixed	247	V	244	V	244	V	248	V	239	
Sterling CF	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	V	2,064	V	2,398	V	2,339	V	2,404	
CO State Pen. (CSP)	NA	AdSeg	489	AdSeg	498	AdSeg	501	AdSeg	504	AdSeg	752	AdSeg	741	V	744	V	734	V	739	V	752	
Centennial CF	Max	332	Close	332	Close	329	Close	331	Close	330	Close	231	Close	336	IV	335	IV	334	IV	331	IV	308
Limon CF	Med	922	Med	943	Med	866	Med	947	Med	944	Med	938	Med	950	IV	952	IV	940	IV	942	IV	942
Arkan. Valley CF	Med	980	Med	998	Med	920	Med	995	Med	1,002	Med	995	Med	959	III	890	III	996	III	1,026	III	997
Buena Vista CF	Med	821	Med	704	Med	635	Med	733	Med	731	Med	756	Med	818	III	855	III	820	III	846	III	837
Buen. Vist. Min. Ctr.	Min-R	212	Min-R	248	Min-R	194	Min-R	206	Min-R	212	Min-R	199	Min-R	287	III	288	III	288	III	286	III	287
CO Territorial CF	Med	603	Med	594	Med	605	Med	693	Med	688	Med	689	Med	710	III	753	III	709	III	729	III	774
Fort Lyon CF	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	III	183	III	494	
Fremont CF	Med	1,043	Med	1,073	Med	1,067	Med	1,168	Med	1,170	Med	1,160	Med	1,221	III	1,434	III	1,433	III	1,458	III	1,457
Arrowhead CC	Mi-R	360	Min-R	357	Min-R	305	Min-R	383	Min-R	481	Min-R	478	Min-R	479	II	478	II	478	II	479	II	492
Four Mile CC	Mi-R	300	Min-R	300	Min-R	272	Min-R	300	Min-R	300	Min-R	585	Min-R	482	II	477	II	479	II	479	II	493
Pueblo Min. Ctr.	NA	Min	56	Min	169	Min	202	Min	205	Min	236	Min	222	II	243	II	246	II	254	II	252	
Trinidad CF	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	II	187	II	479	
YOS Adults /1	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	51	II	NA	NA	96	II	21	
CO Corr. Alt. Prgm.	Min	118	Min	88	Min	89	Min	88	Min	95	Min	103	Min	101	I	112	I	121	I	93	I	118
Colorado CC	Min	149	Min	149	Min	144	Min	147	Min	150	Min	149	Min	142	I	141	I	148	I	148	I	138
Delta CC	Min	297	Min	296	Min	277	Min	297	Min	387	Min	474	Min	467	I	461	I	474	I	468	I	435
Rifle CC	Min	150	Min	150	Min	140	Min	150	Min	147	Min	192	Min	192	I	189	I	190	I	188	I	189
Skyline CC	Min	200	Min	199	Min	193	Min	199	Min	200	Min	201	Min	206	I	209	I	249	I	247	I	238
Pre-Release CC	Min-R	164	Min-R	164	Min-R	130	Min-R	156	Min-R	164	Min-R	164	Min-R	164	II	84	II	112	NA	NA	NA	NA
SUBTOTAL		7,453		7,836		7,438		8,343		8,618		9,225		9,899		12,065		12,571		13,078		13,750
Community		702		677		644		653		648		710		927		996		1,027		1,093		1,047
ISP		89		164		178		206		240		329		506		500		591		621		714
Jail Backlog		427		749		658		573		623		212		271		363		70		394		455
Other /2		571		579		1,751		1,802		2,461		3,187		3,123		2,075		2,574		2,859		2,880
TOTAL		9,242		10,005		10,669		11,577		12,590		13,663		14,726		15,999		16,833		18,045		18,846
FACILITY POPULATION CATEGORIZED BY SECURITY LEVEL																						
MIXED / V	10.8%	802	8.9%	696	8.1%	605	10.2%	847	10.5%	908	10.0%	923	12.2%	1,210	27.9%	3,369	30.4%	3,820	29.8%	3,899	29.4%	4,047
AD-SEG / V - CSP	0.0%	NA	6.2%	489	6.7%	498	6.0%	501	5.8%	504	8.2%	752	7.5%	741	6.2%	744	5.8%	734	5.7%	739	5.5%	752
MAXIMUM	4.5%	332	0.0%	NA	0.0%	NA	0.0%	NA	0.0%	NA	0.0%	NA	0.0%	NA	0.0%	NA	NA	NA	NA	NA	NA	NA
CLOSE / IV	0.0%	NA	4.2%	332	4.4%	329	4.0%	331	3.8%	330	2.5%	231	3.4%	336	10.7%	1,287	10.1%	1,274	9.7%	1,273	9.1%	1,250
MEDIUM / III	58.6%	4,369	55.0%	4,312	55.0%	4,093	54.4%	4,536	52.6%	4,535	49.0%	4,523	49.2%	4,870	35.0%	4,220	33.8%	4,246	34.6%	4,528	35.2%	4,846
MINIMUM -R/ II	13.9%	1,036	13.6%	1,069	12.1%	901	12.5%	1,045	13.4%	1,157	15.6%	1,441	14.3%	1,412	11.0%	1,333	10.5%	1,315	11.4%	1,495	12.6%	1,737
MINIMUM / I	12.3%	914	12.0%	938	13.6%	1,012	13.0%	1,083	13.7%	1,184	14.7%	1,355	13.4%	1,330	9.2%	1,112	9.4%	1,182	8.7%	1,144	8.1%	1,118
		7,453		7,836		7,438		8,343		8,618		9,225		9,899		12,065		12,571		13,078		13,750

Sources: DOC Annual Statistical Reports Starting in FY 1999-00, HB 00-1133 changed the security level descriptors to the Roman numeral categories discussed on page 100.

1/ FY 1999-00 figure is for adult females. The figures for FY 2001-02 and FY 2002-03 are for adult males.

NA: Not applicable because facility not open.

2/ Other includes off-grounds, escapes, in-state and out-of-state contracts.

CC, CF: Correctional Center, Correctional Facility.

APPROPRIATIONS FOR OPERATING & CAPITAL CONSTRUCTION COSTS

Facility Operations

Facility operating costs among Colorado's state prisons vary according to many factors, particularly the security level of the facility and the gender of offenders who are housed there. The DOC tracks operating costs either by gender or by security level.

Security level. Generally speaking, the higher the security level, the more costly it is to house the offender. Figure 3.7 below shows the average daily and annual costs by facility security level for the combined male and female population in FY 2002-03.

Figure 3.7: DOC Operating Costs in FY 2002-03 By Facility Security Level

	Level V	Level IV	Level III	Level II	Level I	DOC Overall
Average Daily Cost	\$87.43	\$79.01	\$71.21	\$67.75	\$61.73	\$76.23
Average Annual Cost	\$31,911	\$28,837	\$25,990	\$24,729	\$22,532	\$27,825

Gender of offenders. The cost of incarcerating female offenders is higher than the cost of incarcerating male offenders. In FY 2002-03, the average daily cost of incarcerating a female offender (\$80.37) was 5.9 percent higher than the average daily cost of incarcerating a male offender during that year (\$75.86). Figures 3.8 and 3.9, which follow below and on the following page, list adult female and adult male facilities operated by the DOC during FY 2002-03 and their operating expenditures. The information is categorized by facility security levels and provides information about bed capacity, daily and annual "per inmate" operating costs, and total facility expenditures.

Figure 3.8: DOC Operating Costs in FY 2002-03 for Adult Female Inmates

	Operational Capacity as of June 30, 2003	Percent of Total DOC Capacity	FY 02-03 Aver. Daily Cost Per Inmate	FY 02-03 Aver. Annual Cost Per Inmate
LEVEL V				
Denver Women's Correctional Facility	707	5.1%	\$80.49	\$29,379
LEVEL IV				
Colorado Women's Correctional Facility	224	1.6%	\$94.49	\$34,488
LEVEL II				
Pueblo Minimum Center	256	1.8%	\$67.63	\$24,686
TOTAL – ADULT FEMALES	1,187	8.5%	\$80.37	\$29,334
TOTAL – DOC OVERALL	13,873	NA	\$76.23	\$27,825

Source: Department of Corrections FY 2003 Annual Statistical Report.

NA: Not Applicable.

There are no security level III or level I facilities for female inmates.

Figure 3.9: DOC Operating Costs in FY 2002-03 for Adult Male Inmates

	Operational Capacity June 30, 2003	Percent of Total DOC Capacity	FY 02-03 Aver. Daily Cost Per Inmate*	FY 02-03 Aver. Annual Cost Per Inmate*
LEVEL V				
Colorado State Penitentiary	756	5.4%	\$103.58	\$37,806
Denver Reception Diagnostic Center	480	3.4%	133.80	48,836
San Carlos Correctional Facility	250	1.8%	179.69	65,587
Sterling Correctional Facility	2,445	17.5%	65.57	23,935
Subtotal	3,931	28.1%	\$88.47	\$32,292
LEVEL IV				
Centennial Correctional Facility	336	2.4%	\$100.32	\$36,617
Limon Correctional Facility	953	6.8%	68.16	24,877
Subtotal	1,289	9.2%	\$76.54	\$27,937
LEVEL III				
Arkansas Valley Correctional Facility	1,007	7.2%	\$66.02	\$24,099
Buena Vista Correctional Complex	1,136	8.1%	62.66	22,872
Colorado Territorial Correctional Facility	770	5.5%	83.46	30,462
Fort Lyon Correctional Facility	500	3.6%	88.18	32,184
Fremont Correctional Facility	1,471	10.5%	70.17	25,613
Subtotal	4,884	35.0%	\$71.51	\$26,100
LEVEL II				
Arrowhead Correctional Facility	494	3.5%	\$72.26	\$26,374
Four Mile Correctional Center	499	3.6%	62.04	22,644
Trinidad Correctional Facility	484	3.5%	69.62	25,411
Youthful Offender System - Adult Males	30	0.2%	62.97	22,985
Subtotal	1,507	10.8%	\$67.84	\$24,762
LEVEL I				
Skyline Correctional Center	249	1.8%	\$58.19	\$21,238
Col. Corr. Alternative Prog. (Boot Camp)	100	0.7%	71.45	26,078
Colorado Correctional Center	150	1.1%	55.55	20,277
Delta Correctional Center	484	3.5%	61.81	22,562
Rifle Correctional Center	192	1.4%	65.15	23,779
Subtotal	1,175	8.4%	\$61.61	\$22,488
TOTAL – ADULT MALES	12,786	91.5%	\$76.86	\$27,688
TOTAL – DOC OVERALL	13,973	NA	\$76.23	\$27,826

Source: Department of Corrections FY 2003 Annual Statistical Report.

NA: Not Applicable.

* Average costs by security level are calculated based only upon the male population in the facilities listed in this table.

Total appropriations. General Fund appropriations to the DOC, when adjusted for inflation, have basically kept pace with growth in the inmate population over the past ten years. From FY 1992-93 to FY 2002-03, the jurisdictional population increased by 103.9 percent, doubling from 9,492 offenders to 18,846 offenders. Meanwhile, appropriations for the DOC's operating costs grew from \$158.2 million in FY 1992-93 to \$452.1 million in FY 2002-03, or 185.9 percent. When adjusted for inflation, however, the DOC's operating budget only grew by 104.1 percent during this ten-year period.

Most of the inmate growth since FY 1992-93 is attributable to the changes in sentencing policies outlined in Chapter 1 of this report. Doubling the presumptive sentencing ranges, as was done in 1985, does not in itself dictate that *more* individuals will be sentenced to prison. However, it does translate into *longer lengths* of stay in prison. The longer lengths of stay were a crucial contributing factor in the growth of incarcerated inmates.

General Fund appropriations have increased along with the DOC's growing offender population. Figure 3.10 below compares growth in the operating budget to the increase in the jurisdictional population over the last ten fiscal years. The slight drop in inflation-adjusted appropriations in FY 2002-03 is attributable to an overall state revenue shortfall that resulted in significant budget cuts.

Figure 3.10: DOC General Fund Appropriations and Jurisdictional Population

Fiscal Year	Total DOC General Fund Appropriations	Percent Increase Over FY 1992-93	Inflation- Adj. DOC General Fund Approps. (FY 1992-93 \$)	Percent Increase Over FY 1992-93	DOC Jurisdictional Population (June 30)	Percent Increase Over FY 1992-93
FY 1992-93	\$158,154,997	NA	\$158,154,997	NA	9,242	NA
FY 1993-94	179,764,849	13.7%	172,784,797	9.3%	10,005	8.3%
FY 1994-95	204,513,046	29.3%	187,405,759	18.5%	10,669	15.4%
FY 1995-96	234,119,810	48.0%	207,052,138	30.9%	11,577	25.3%
FY 1996-97	256,783,968	62.4%	219,582,050	38.8%	12,590	36.2%
FY 1997-98	296,952,037	87.8%	246,336,146	55.8%	13,663	47.8%
FY 1998-99	339,125,488	114.4%	274,894,047	73.8%	14,726	59.3%
FY 1999-00	381,636,624	141.3%	299,150,970	89.2%	15,999	73.1%
FY 2000-01	417,132,087	163.7%	312,087,020	97.3%	16,833	82.1%
FY 2001-02	449,096,900	184.0%	326,281,645	106.3%	18,045	95.3%
FY 2002-03	452,142,967	185.9%	322,768,726	104.1%	18,846	103.9%

NA: Not Applicable.

Source: Joint Budget Committee; Annual Appropriations Reports.

Figures 3.11 and 3.12 on the following page provide a visual depiction of the cumulative growth in DOC General Fund appropriations and jurisdictional population that is detailed in Figure 3.10. Figure 3.11 compares growth in the operating budget to the increase in the jurisdictional population. The appropriations in this figure have not been adjusted for inflation. Figure 3.12 adjusts the ten-year appropriations for inflation.

Figure 3.11: Growth of DOC General Fund Appropriations and Jurisdictional Population (FY 1992-93 to FY 2002-03)

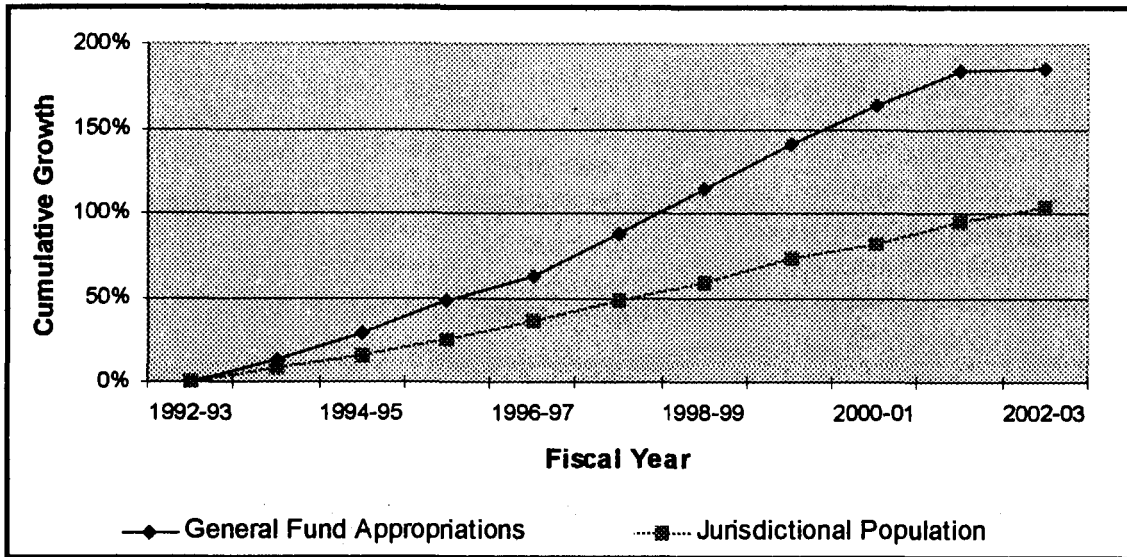
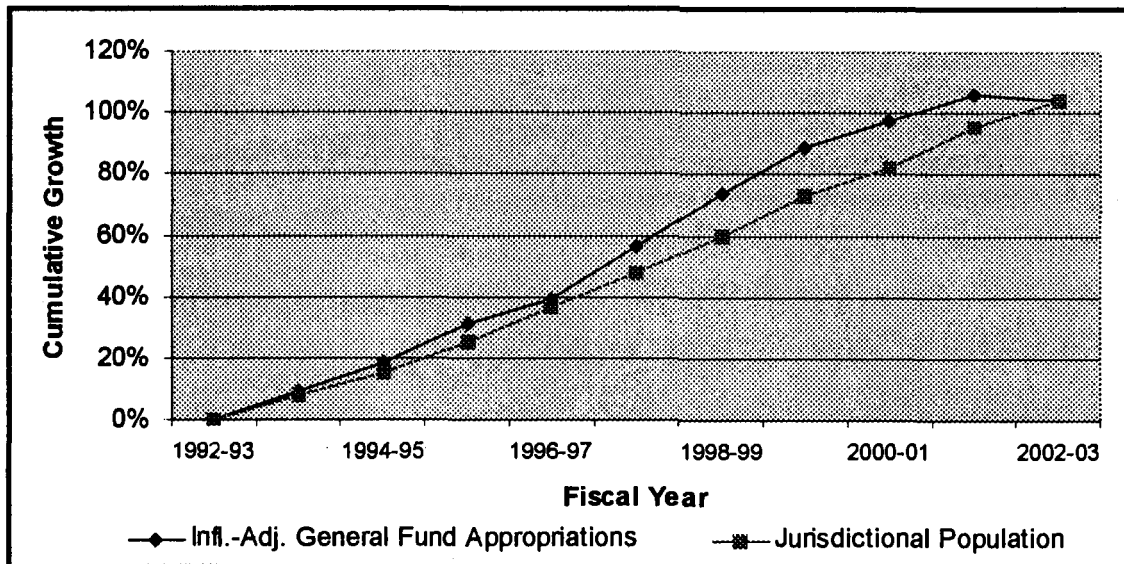


Figure 3.12: Growth of DOC General Fund Appropriations and Jurisdictional Population Adjusted for Inflation (FY 1992-93 to FY 2002-03)



Capital Construction

Capital construction allows state agencies to improve or alter their ability to provide a certain program, or to repair or replace systems at the end of their useful life. Capital projects can be divided into two categories: construction and controlled maintenance.

Construction. Capital construction is driven by the needs of a particular program and includes land or property acquisitions; purchases of fixed and movable equipment for building operation or purchases of instructional or scientific equipment that exceed \$50,000; and renovation, site development, or demolition of a physical facility. Examples of capital construction projects include building a new state prison and installing remote-controlled cell doors in a cell block.

Controlled maintenance. By contrast, controlled maintenance is system driven and involves corrective repairs or replacement of equipment and site improvements at existing state-owned, state-funded physical facilities. Replacing deteriorated mechanical equipment and upgrading fire alarm systems are examples of controlled maintenance projects.

Figure 3.13 below provides a ten-year history of the DOC capital construction appropriations in comparison to the state's total capital construction appropriations. Capital appropriations to the DOC over the last ten years totaled \$493.2 million, accounting for 19.7 percent of total state appropriations for capital construction. In FY 2001-02 and FY 2002-03, the General Assembly enacted five supplemental bills to reduce capital funding for construction and controlled maintenance projects. The appropriations were reduced or eliminated to help balance the state's budget, which had an estimated overall revenue shortfall of about \$1.1 billion in both years. The bills primarily affected projects funded from FY 1998-99 through FY 2001-02, and this is what accounts for the sudden drop in capital appropriations beginning in FY 1999-00 as seen in Figure 3.13.

Figure 3.13: Ten-Year Capital Construction Appropriations History

Fiscal Year	DOC Controlled Maintenance	DOC Capital Construction*	DOC Total	Total State Capital Appropriations**	DOC Percent of Total
FY 1992-93	\$138,000	\$569,500	\$707,500	\$83,155,533	0.9%
FY 1993-94	1,342,340	70,690,743	72,033,083	195,471,209	36.9%
FY 1994-95	803,140	80,197,584	81,000,724	246,130,711	32.9%
FY 1995-96	1,437,276	66,018,991	67,456,267	311,151,157	21.7%
FY 1996-97	1,517,217	33,562,000	35,079,217	338,113,374	10.4%
FY 1997-98	1,912,391	79,087,583	80,999,974	272,086,437	29.8%
FY 1998-99	3,484,921	130,888,818	134,373,739	523,442,013	25.7%
FY 1999-00	3,557,030	4,068,837	7,625,867	248,946,556	3.1%
FY 2000-01	6,216,625	7,709,497	13,926,122	290,394,251	4.8%
FY 2001-02	558,198	4,860,401	5,418,599	122,396,181	4.4%
FY 2002-03	0	191,715	191,715	22,385,134	0.9%
Total	\$20,967,138	\$472,793,553	\$493,202,493	\$2,508,891,241	19.7%

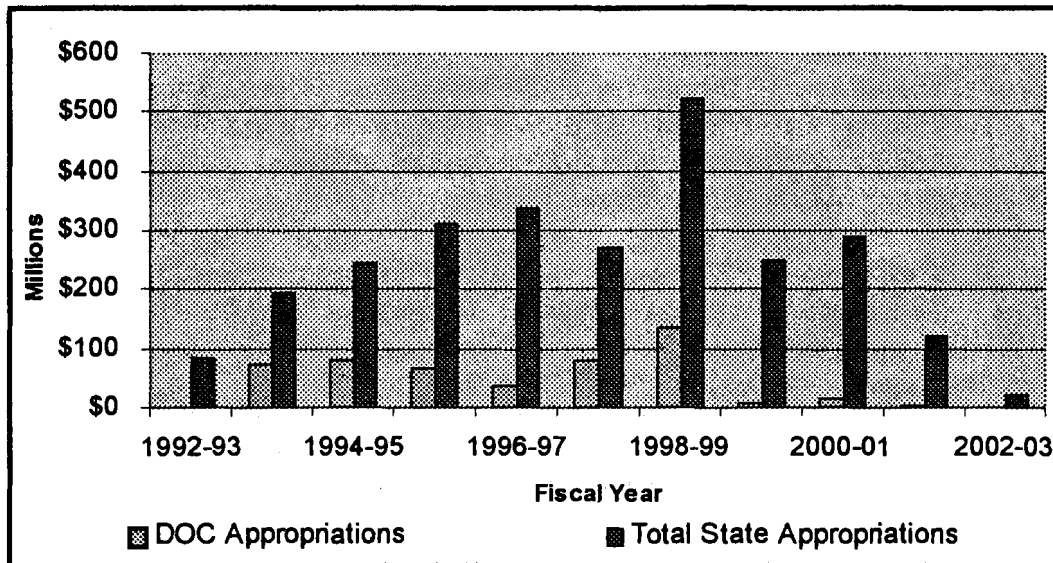
Source: Legislative Council Staff.

* Includes moneys from the Corrections Expansion Reserve Fund, and excludes moneys from cash sources.

** Includes moneys from the Controlled Maintenance Trust Fund.

Figure 3.14 below depicts DOC capital construction funding as a proportion of the state's total capital construction appropriations. The DOC appropriations have ranged from a low of 1 percent of the total in FY 1992-93 and FY 2002-03 to a high of 36.9 percent in FY 1993-94. Since FY 1999-00, the DOC's share of capital appropriations has constituted less than 5 percent of the state's total.

Figure 5.14: DOC vs. Total State Capital Construction Appropriations (FY 1992-93 to FY 2002-03)

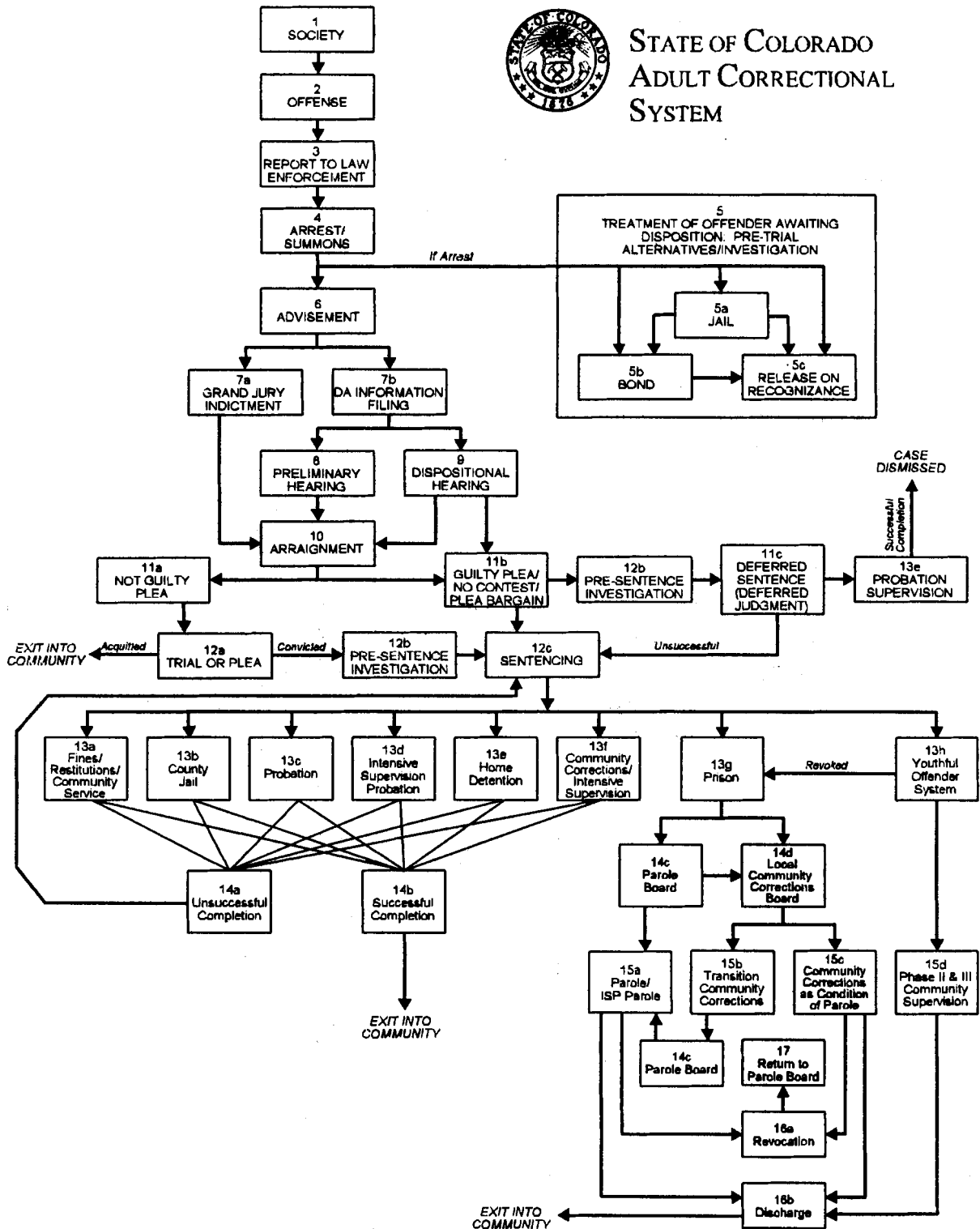


Appendix A — Flow Chart of Colorado's Adult Correctional System

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.



STATE OF COLORADO ADULT CORRECTIONAL SYSTEM



Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
1	Society		
2	Offense Committed		
3	Report to Law Enforcement		
4	Arrest	16-3-101 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.
5b	Bond/Bail	16-4-101 through 16-4-112	All persons are eligible for bond except: (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: (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.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
5c	Release on Recognizance	16-4-101 16-4-104 16-4-105	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: (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.
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.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
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.
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.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
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>
12a	Plea Bargain	16-7-301 through 16-7-304	<p>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.</p>
12b	Pre-sentence Investigation	16-11-102	<p>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.</p>

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
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.
	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.
	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.

**Explanation for
Adult Correctional System Flow Chart**

Chart Level	Item	Colorado Statutory Citation	Description
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.
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.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
14b	Successful Completion		Back into society.
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 the board is only required to review parole once every five years. For class 3 sexual assault, habitual offenders, and sex offenders subject to lifetime supervision, 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 of certain violent class 2 or class 3 felony offenses for the first time (second degree murder, first degree assault, first degree kidnapping, first degree arson, first degree burglary, or aggravated robbery), or who have been convicted of one of these crimes that is a class 4 or 5 felony after previously being convicted of a crime of violence (defined in Section 18-1.3-406, C.R.S.) are ineligible for parole until they have served 75 percent of the sentence less earned time. Offenders convicted of one of these crimes that is a class 2 or class 3 felony after having been previously convicted of a crime of violence, or a class 4 or 5 felony after having been twice previously convicted of a crime of violence, are ineligible for parole until they serve 75 percent of the sentence regardless of any earned time. 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.

Explanation for Adult Correctional System Flow Chart			
Chart Level	Item	Colorado Statutory Citation	Description
15b	Community Corrections	18-1.3-301(2)	The DOC executive director 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.
15c	Community Corrections as Condition of Parole	18-1.3-301(3)	The Parole Board 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.

Appendix B — 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. Class 1 felonies are not listed in the table since, in all cases, the maximum sentence is death and the minimum sentence is life imprisonment.

COLORADO SENTENCING LAW AS OF JANUARY 2005

Felony 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: Legislative Council Staff