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0563 An Overview of the Colorado Adult Criminal Justice System: Sentencing, Adult Offender Population, Crime & Criminal Histories, DOC Facilities, Population, & Funding, and Parole



An Overview of the Colorado Adult Criminal Justice System

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

**Report to the
COLORADO
GENERAL ASSEMBLY**

**Colorado Legislative Council
Research Publication No. 563
March 2007**

ACKNOWLEDGMENTS

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Thank you to Debbie Grunlien
for report formatting.

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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 five components of this report are Colorado's adult sentencing laws, an overview of Colorado's adult offender populations, crime and criminal history characteristics of offenders in Colorado's prisons, a ten-year history of correctional facilities, population, and funding, and an overview of parole policies and populations in Colorado.

To date, we have published six 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;
- Legislative Council Research Publication No. 513 published in January 2003; and
- Legislative Council Research Publication No. 538 published in January 2005.

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, Colorado's adult offender populations, crime and criminal history characteristics, DOC facilities, population & funding, and parole from our January 2003 and January 2005 reports.

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.

Today, the prison population is again realizing significant growth. This is due to several factors including new laws to address new criminal activity such as computer- and technology-related crimes, and the effects of increased supervision of sex offenders.

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;

Colorado's Adult Offender Population Overview

- ten year-histories of Colorado's probation, community corrections, prison, and parole populations and a comparison of Colorado's prison, parole, and probation populations with the other 49 states;

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;

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; and

Parole

- a review of the parole process in Colorado and a ten-year history of the parole population and of parole funding.

The Data

Multi-year histories. The data in this report comes from various sources. None of the sources have a uniform protocol for reporting the data. Most of the data in the report is reported by fiscal year. However, in Chapter 3, the data is a measure of the prison population on the last day of the fiscal year, June 30.

The data in the multi-year comparison tables in Chapters 1, 2, 4, and 5 start at different fiscal years depending upon the accessibility and reliability of the data, and end with data from the most recent fiscal year for which it was available. Because of the nature of the comparisons being made in Chapter 3, ten-year histories compare the data from June 30, 1996 to the data from June 30, 2006.

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 2006)
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 (a listing of the elements of each of these special sentencing categories follows Figure 1.2):

- 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 2006)	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

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. Minimum and maximum sentences for Class 1 felonies, life and death, respectively, are not included in figures 1.2 through 1.7 since those sentences have not changed during the time period covered.

Extraordinary Mitigating or Aggravating Circumstances (Section 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 2006)	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

Crime of Violence (Section 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 2006)	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 (Section 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 2006)	8 to 24 years	4 to 12 years	2 to 6 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 (Section 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 2006)	8 to 24 years	4 to 12 years	2 to 6 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 (Section 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.

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

- aggravated robbery;
- child abuse;
- 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.

Misdemeanor crimes which present an extraordinary risk of harm to society include the following (Section 18-1.3-501 (3), C.R.S.):

- third degree assault;
- 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;
- knowing or reckless child abuse resulting in injury other than serious bodily injury;
- violation of a protection order (second and subsequent offenses);
- class 1 misdemeanor failure to register as a sex offender.

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 2006)	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 <i>with</i> Extraordinary Mitigating or Extraordinary Aggravating Circumstances	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 <i>with</i> Extraordinary Aggravating Circumstances/Crime of Violence	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 <i>with</i> Sentence-Enhancing Circumstances	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. Sentencing under the habitual offender statutes has 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)	Life	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 16 years 2 to 8 years 1 to 4 years NA</i>					
Little Habitual (3rd conviction)	Life	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 6 years 1 1/2 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 2006)						
	<i>Life to Death 8 to 24 years 4 to 12 years 2 to 6 years 1 1/2 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 2006)	Life to Death	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
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 2006)	Life to Death	8 to 24 years	4 to 12 years	2 to 6 years	1 to 3 years	1 year to 18 months
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.

Figure 1.4 lists all of the ranges for normal presumptive sentencing, special sentencing categories, habitual offender sentencing, and for parole.

Figure 1.11: Colorado Sentencing Law in 2006

Felony Class of Crime	Normal Presumptive Range 18-1.3-401 (1) (a) (V) (A)	Extraordinary Aggravating or 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	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 yrs	4 - 48 yrs	8 - 48 yrs	16 - 48 yrs	72 yrs	96 yrs	5 yrs
Class 3	4 - 12	2 - 24	4 - 24	8 - 24	36	48	5
Class 3 (Extraordinary Risk of Harm 18-1.3-401 (10))	4 - 16	2 - 32	4 - 32	10 - 32	48	64	5
Class 4	2 - 6	1 - 12	2 - 12	4 - 12	18	24	3
Class 4 (Extraordinary Risk of Harm)	2 - 8	1 - 16	2 - 16	5 - 16	24	32	3
Class 5	1 - 3	6 mos - 6 yrs	1 - 6	2 - 6	9	12	2
Class 5 (Extraordinary Risk of Harm)	1 - 4	6 mos - 8 yrs	1 - 8	2.5 - 8 yrs	12	16	2
Class 6	1 yr - 18 mos	6 mos - 3 yrs	1 - 3	15 mos - 3 yrs	NA	6	1
Class 6 (Extraordinary Risk of Harm)	1 - 2	6 mos - 4 yrs	1-4	18 mos - 4 yrs	NA	8	1

Source: Legislative Council Staff

Chapter 2 — Colorado's Adult Offender Population

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

This chapter highlights the following:

- there are four major felony adult offender populations under supervision in Colorado: the probation, community corrections, parole, and prison populations. In total, Colorado's adult offender population was 85,650 in FY 2005-06, up 211.1 percent from FY 1988-89;
- since FY 1986-87, the number of adult offenders per 100,000 Colorado residents more than doubled. In FY 2003-04, 1.6 percent of the state's population were adult offenders under supervision versus only 0.7 percent in FY 1986-87;
- as of December 31, 2004, Colorado's rate of correctional supervision per 100,000 state residents was only 9.8 percent below the national average (Colorado's rate of correctional supervision per 100,000 state residents was 20.2 percent below the national average in 2000); and
- nearly two-thirds of adult offenders convicted of a felony in Colorado are on probation, while nearly 25 percent are in prison.

ADULT OFFENDER POPULATION OVERVIEW

The nearly 86,000 adult offenders being supervised in Colorado, either in prison, on parole, on probation, or in a community corrections facility, are profiled in this chapter. Colorado's adult offender population grew 74.3 percent from FY 1995-96 to FY 2005-06 from 49,146 offenders to 85,650 offenders. Since FY 1988-89, the total adult offender population has grown by 211.1 percent. Figure 2.1 summarizes growth trends in the state's adult offender population.

The majority of Colorado's adult offender population (62.3 percent) is serving a probation sentence, followed by those serving a prison sentence (25.4 percent). Parolees accounted for 7.6 percent and offenders in community corrections facilities accounted for 4.6 percent of the offender population.

In our January 2001 report, the fastest growing segments of the offender population for the ten years between FY 1988-89 and FY 1998-99 were the probation population and the community corrections population, both up about 120 percent over the same period. The prison population ranked third in growth, increasing 108.2 percent. This report, the fastest-growing segment of the offender population since FY 1988-89 is the prison population, up 258.2 percent between FY 1988-89 and FY 2005-06. The parole population grew 216.0 percent, and the probation and community corrections populations grew approximately 201 percent and 139 percent respectively. One of the main reasons for the increase in the prison population growth during this period is the effect of mandatory parole. In 1993, the General Assembly adopted a law requiring all offenders released from the DOC to serve a period of mandatory parole upon release.

While it would seem that mandatory parole for all offenders would mean more offenders on parole, that has not necessarily been the case. While the parole population increased most years, the parole population actually dropped between FY 1998-99 and 1999-00 (1.0 percent) and dropped again between FY 2000-01 and FY 2001-02 (3.7 percent). These decreases perhaps reflect the parole board's reluctance to release certain offenders on parole, particularly violent offenders, before completing their prison sentence. Those offenders are staying in prison longer, to serve their entire sentence before being released to parole, and thus, increasing the prison population. Further, increased numbers of offenders required to serve parole have resulted in increased numbers of offenders whose parole is revoked to prison (967 offenders in FY 1998-99 and 2,948 offenders in FY 2005-06).

Other possible reasons for the increase in the growth of the prison and parole populations include indeterminate sentencing for sex offenders. Under a law passed in 1998, sex offenders now serve indeterminate sentences on probation, in prison, or on parole for a period of up to the person's natural life. Increases in the number of offenders sentenced to prison for drug crimes may also account for the increase in the growth in the prison population. Nearly one-third (30.4 percent) of all new non-violent prison commitments in FY 2005-06 were for drug offenses (22.5 percent of all violent and non-violent new commitments). The next-largest category of DOC new non-violent commitments was for offenders convicted of attempt, conspiracy, or accessory to commit a non-violent crime at 15.0 percent (11.8 percent of all violent and non-violent new commitments).

Figure 2.1 illustrates the change in growth patterns in the probation, community corrections, parole and prison populations.

Figure 2.1: ^Adult Offender Population Growth – FY 1988-89 to FY 2005-06

	Probation	Community Corrections	*Prison	**Parole	Total
FY 1988-89	17,728	1,653	6,074	2,073	27,528
Prior Year Percent Change	NA	NA	NA	NA	NA
FY 1989-90	21,023	1,913	6,585	2,137	31,658
Prior Year Percent Change	18.6%	15.7%	8.4%	3.1%	15.0%
FY 1990-91	22,567	2,115	7,115	1,990	33,787
Prior Year Percent Change	7.3%	10.6%	8.0%	-6.9%	6.7%
FY 1991-92	21,966	2,271	7,832	1,943	34,012
Prior Year Percent Change	-2.7%	7.4%	10.1%	-2.4%	0.7%
FY 1992-93	24,965	2,363	8,451	2,116	37,895
Prior Year Percent Change	13.7%	4.1%	7.9%	8.9%	11.4%
FY 1993-94	28,836	2,533	8,993	1,958	42,320
Prior Year Percent Change	15.5%	7.2%	6.4%	-7.5%	11.7%
FY 1994-95	30,891	2,547	9,578	2,026	45,042
Prior Year Percent Change	7.1%	0.6%	6.5%	3.5%	6.4%
FY 1995-96	33,881	2,599	10,344	2,322	49,146
Prior Year Percent Change	9.7%	2.0%	8.0%	14.6%	9.1%
FY 1996-97	35,163	2,994	11,392	2,695	52,244
Prior Year Percent Change	3.8%	15.2%	10.1%	16.1%	6.3%
FY 1997-98	37,602	3,301	13,523	3,219	57,645
Prior Year Percent Change	6.9%	10.3%	18.7%	19.4%	10.3%
FY 1998-99	38,983	3,628	14,582	3,722	60,915
Prior Year Percent Change	3.7%	9.9%	7.8%	15.6%	5.7%
FY 1999-00	38,785	3,660	15,845	3,685	61,975
Prior Year Percent Change	-0.5%	0.9%	8.7%	-1.0%	1.7%
FY 2000-01	40,510	3,923	16,654	4,192	65,279
Prior Year Percent Change	4.4%	7.2%	5.1%	13.8%	5.3%
FY 2001-02	43,392	3,301	17,869	4,037	68,599
Prior Year Percent Change	7.1%	-15.9%	7.3%	-3.7%	5.1%
FY 2002-03	42,102	3,326	18,641	4,858	68,927
Prior Year Percent Change	-3.0%	0.8%	4.3%	20.3%	0.5%
FY 2003-04	43,352	3,717	19,347	5,244	71,660
Prior Year Percent Change	3.0%	11.8%	3.8%	7.9%	4.0%
FY 2004-05	48,249	3,659	20,445	5,714	78,067
Prior Year Percent Change	11.3%	-1.6%	5.7%	9.0%	8.9%
FY 2005-06	53,390	3,952	21,757	6,551	85,650
Prior Year Percent Change	10.7%	8.0%	6.4%	14.6%	9.7%
FY 1988-89 to FY 2005-06	35,662	2,299	15,683	4,478	58,122
Cumulative % Change	201.2%	139.1%	258.2%	216.0%	211.1%

NA: Not Applicable.

Source: Division of Criminal Justice Correctional Population Reports, Division of Probation Services Annual Statistical Reports.

^Population as of the last day of the fiscal year (June 30).

*DOC Jurisdictional Population minus fugitives.

**Does not include Colorado inmates being supervised on parole in other states or absconders.

In FY 1986-87, there were 704 adult offenders under the state’s supervision per 100,000 Colorado residents. Since that time, the number of adult offenders in Colorado incarcerated, or placed on probation, in a community corrections facility, and on parole more than doubled, to 1,653 adult offenders per 100,000 Colorado residents in FY 2004-05. In effect, 1.6 percent of the state’s population were adult offenders under state supervision in FY 2004-05 versus 0.7 percent in FY 1986-87. The strongest growth in the adult offender population occurred between FY 1987-88 and FY 1989-90, when the impact of a 1985 law change that doubled the length of maximum sentences was fully realized. The parole population saw a similar increase in growth between FY 1995-96 and FY 2000-01 when the effects of the 1993 mandatory parole law began to manifest. Figure 2.2 provides an overview of the various adult offender populations per 100,000 Colorado residents.

Figure 2.2: Adult Offenders Under State Supervision per 100,000 Colorado Residents

	Probation	Community Corrections	Prison	Parole	Total
FY 1986-87	443.0	34.1	135.2	91.6	703.9
FY 1987-88	444.8	39.6	176.2	85.6	746.2
FY 1988-89	540.8	50.4	194.0	63.2	848.4
FY 1989-90	638.2	58.1	211.0	64.9	972.2
FY 1990-91	675.9	63.3	218.6	59.6	1,017.4
FY 1991-92	641.8	66.4	236.5	56.7	1,001.4
FY 1992-93	708.1	67.0	239.7	60.0	1,074.8
FY 1993-94	794.4	69.8	252.5	53.9	1,170.6
FY 1994-95	829.1	68.4	261.1	54.4	1,213.0
FY 1995-96	888.8	68.2	275.7	60.9	1,293.6
FY 1996-97	903.0	76.9	288.3	69.2	1,337.4
FY 1997-98	941.3	82.6	312.2	80.6	1,416.7
FY 1998-99	949.8	88.4	322.7	90.7	1,451.6
FY 1999-00	901.8	85.1	336.8	85.7	1,409.3
FY 2000-01	911.0	88.2	342.0	94.3	1,435.4
FY 2001-02	959.6	73.0	395.2	89.3	1,517.1
FY 2002-03	917.9	72.5	406.4	105.9	1,502.7
FY 2003-04	931.7	79.9	415.8	112.7	1,540.0
FY 2004-05	1,021.6	77.5	432.9	121.0	1,653.0

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

COMPARISON OF RATES OF CORRECTIONAL SUPERVISION ACROSS THE UNITED STATES

Figure 2.3 compares adult offender rates per 100,000 residents across the United States for state and federal corrections systems as of December 31, 2004, the most recent information available. The data are presented by state for the three major types of correctional supervision populations: prison, parole, and probation. The total rate of correctional supervision per 100,000 people is also displayed toward the right side of Figure 2.3. Please note that this is a somewhat different measure than presented in the previous section, as it includes federal facilities, but excludes offenders in community corrections. We utilize a different measure in this section because it provides a state-by-state comparison.

Figure 2.3: Adults Under Correctional Supervision Across the United States*
December 31, 2004

Number Per 100,000 Residents								
State	Prison	Rank	Parole	Rank	Probation	Rank	TOTAL	RANK
Texas	694	2	629	5	2,643	6	3,966	1
Massachusetts	232	44	78	42	3,301	1	3,611	2
Delaware	488 **	11	85	41	2,940	4	3,513	3
Rhode Island	175 **	48	44	47	3,117	2	3,336	4
Ohio	391	25	218	20	2,626	7	3,235	5
Minnesota	171	49	100	37	2,959	3	3,230	6
Michigan	483	13	276	14	2,323	9	3,082	7
Indiana	383	28	162	30	2,511	8	3,056	8
Washington	264	41	3	50	2,654	5	2,921	9
Pennsylvania	329	35	806	1	1,747	16	2,882	10
Hawaii	329 **	34	238	16	2,224	10	2,791	11
Oregon	365	30	761	2	1,620	20	2,746	12
New Jersey	306	38	217	21	2,190	11	2,713	13
Louisiana	816	1	728	3	1,148	30	2,692	14
Florida	486	12	36	48	2,099	12	2,621	15
Arkansas	495	10	715	4	1,403	23	2,613	16
Maryland	406	22	345	12	1,842	15	2,593	17
Connecticut	377 **	29	96	38	1,955	14	2,428	18
Vermont	233 **	43	190	27	2,000	13	2,423	19
Colorado	438	18	216	22	1,698	18	2,352	20
California	456	16	419	6	1,463	22	2,338	21
Arizona	534	9	135	33	1,652	19	2,321	22
Illinois	346	32	362	10	1,518	21	2,226	23
Missouri	538	8	398	7	1,232	27	2,168	24
North Carolina	357	31	45	46	1,737	17	2,139	25
New York	331	33	372	9	833	41	1,536	26
Wisconsin	390	26	330	13	1,308	25	2,028	27
Oklahoma	649	4	163	29	1,068	33	1,880	28
South Carolina	539	7	104	36	1,224	28	1,867	29
Alabama	556	6	225	18	1,071	32	1,852	30
Alaska	398 **	24	204	24	1,187	29	1,789	31
New Mexico	318	37	190	26	1,256	26	1,764	32
Mississippi	669	3	92	39	990	38	1,751	33
Kentucky	412	21	253	15	1,051	35	1,716	34
South Dakota	399	23	382	8	926	39	1,707	35
Tennessee	437	19	186	28	1,051	34	1,674	36
Wyoming	389	27	145	32	1,134	31	1,668	37
Nebraska	230	45	61	44	1,371	24	1,662	38
Montana	416	20	113	35	1,005	36	1,534	39
Iowa	288	39	146	31	1,004	37	1,438	40
Nevada	474	14	209	23	723	44	1,406	41
Virginia	473	15	78	43	769	42	1,320	42
Kansas	327	36	221	19	697	45	1,245	43
Utah	246	42	201	25	621	46	1,068	44
Maine	148	50	3	49	901	40	1,052	45
North Dakota	195	46	48	45	744	43	987	46
Georgia	574	5	359	11	na	na	933	47
West Virginia	277	40	85	40	488	47	850	48
New Hampshire	187	47	122	34	431	48	740	49
Idaho	454	17	232	17	na	na	686	50
Total State	432		307		1,871		2,610	
Federal Correctional Populations	54		41		13		108	
United States Total	486		348		1,884		2,718	

Source: Sourcebook of Criminal Justice Statistics, 2004

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

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

According to this measure of offenders, Colorado's overall rate of correctional supervision was 2,352 people per 100,000 state residents on December 31, 2004; this was below the national average of 2,610 people per 100,000 Americans. By type of supervision, Colorado's rates of correctional supervision for probationers and parolees were below national averages. Colorado's probation supervision rate was 10.2 percent below the national average; and its parole supervision rate was 29.6 percent below the national average. However, Colorado's prison incarceration rate was 1.4 percent higher than the national average.

Colorado ranked 18th among the 50 states in its relative probation population, with 1,698 probationers per 100,000 residents. However, this was still below the national average of 1,871 state probationers per 100,000 Americans. Colorado's rank in probation supervision is the result of high rates of probation supervision in states such as Texas, Minnesota, and Washington, and low rates of supervision in some of the smaller states. In 2004, Colorado ranked 22nd in the relative parole population, up from 24th in the nation in 2000, 34th in 1995, and 29th in 1997. The increase is primarily due to the enactment of a mandatory period of parole for prison inmates in 1993.

Factors influencing correctional supervision. Correctional supervision rates are influenced by a number of factors, such as crime rates, laws governing sentence length, and decisions made about the appropriate correctional placement for an offender. The relative use of correctional placement varies by state as well. For example, Washington and Minnesota rank 3rd and 5th highest in their rates of population under probation supervision, but rank 41st and 49th, respectively, among the states (including Washington, D.C.) in their rates of prison incarceration. At the other extreme, Mississippi ranks 3rd in terms of prison incarceration rates, but has a probation supervision rate 47.1 percent below the national average. Thus, prison, parole, jail, and probation populations are affected not only by the amount of crime taking place in a state, but also by the way in which a state chooses to handle its offender population.

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

Chapter 3 — 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 June 30, 1996 and June 30, 2006. 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 5.1 percent average annual rate between June 30, 1996 and June 30, 2006;
- between June 30, 1996 and June 30, 2006, the inmate population grew at a 6.8 percent average annual rate. The number of inmates incarcerated for non-violent offenses increased at a somewhat faster rate (7.8 percent) than those incarcerated for violent offenses (5.6 percent); and
- while 44.0 percent of the male prison population was incarcerated for violent offenses, only 24.0 percent of the female prison population was incarcerated for violent offenses on June 30, 2006.

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 population 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 (see Figures. 3.1 and 3.2).

- New commitments for violent offenses were 28.9 percent on June 30, 1996, while the percentage decreased to 25.8 percent on June 30, 2006.
- Inmates in prison for non-violent crimes grew from 52.7 percent of the inmate population on June 30, 1996 to 57.9 percent of the population on June 30, 2006.
- 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.
- While there were 9 times as many men than women in prison, and 6.5 times more men than women were admitted to prison, the percent of new commitments for combined violent and non-violent offenses grew 56.9 percent for men, while new commitments for combined violent and non-violent offenses grew 142.2 percent for women between June 30, 1996 and June 30, 2006.
- The combined violent and non-violent male stock population grew 86.0 percent between June 30, 1996 and June 30, 2006. The combined violent and non-violent female stock population grew 195.8 percent during this same time.
- There were 210 women in prison for violent crimes on June 30, 1996, while on June 30, 2006, there were 531 women in prison for violent crimes, a 152.9 percent increase.
- The non-violent female inmate population increased from 530 female inmates on June 30, 1996, to 1,658 inmates on June 30, 2006, a 212.8 percent increase. This is due, in part, to changes in drug laws in Colorado during this period.

Figure 3.1: New Commitments and Stock Population Violent vs. Non-violent

	New Commitments				
	June 30, 1996		June 30, 2006		Growth
	Number	Percent	Number	Percent	Percent
Violent	1,276	28.9%	1,880	25.8%	47.3%
Non-violent	3,143	71.1%	5,397	74.2%	71.7%
Total	4,419	100.0%	7,277	100.0%	64.7%
	Stock Population				
	June 30, 1996		June 30, 2006		Growth
	Number	Percent	Number	Percent	Percent
Violent	5,327	47.3%	9,154	42.1%	71.8%
Non-violent	5,933	52.7%	12,603	57.9%	112.4%
Total	11,260	100.0%	21,757	100.0%	93.2%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

Figure 3.2: New Commitments and Stock Population, Violent vs. Non-violent, Males and Females

	Male					Female				
	New Commitments									
	June 30, 1996		June 30, 2006		Growth	June 30, 1996		June 30, 2006		Growth
	Number	Percent	Number	Percent	Percent	Number	Percent	Number	Percent	Percent
Violent	1,212	30.2%	1,751	27.8%	44.5%	64	15.9%	129	13.2%	101.6%
Non-violent	2,804	69.8%	4,550	72.2%	62.3%	339	84.1%	847	86.8%	149.9%
Total	4,016	100.0%	6,301	100.0%	56.9%	403	100.0%	976	100.0%	142.2%
	Stock Population									
	June 30, 1996		June 30, 2006		Growth	June 30, 1996		June 30, 2006		Growth
	Number	Percent	Number	Percent	Percent	Number	Percent	Number	Percent	Percent
Violent	5,117	48.6%	8,623	44.1%	68.5%	210	28.4%	531	24.3%	152.9%
Non-violent	5,403	51.4%	10,945	55.9%	102.6%	530	71.6%	1,658	75.7%	212.8%
Total	10,520	100.0%	19,568	100.0%	86.0%	740	100.0%	2,189	100.0%	195.8%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

Figures 3.3 and 3.4 detail the change in the growth in the new commitment and stock populations. Both figures also illustrate the growth in the violent and non-violent new commitment and stock prison populations.

- New commitments grew, on average, 5.1 percent per year from June 30, 1996 to June 30, 2006.
- The inmate stock population in the DOC grew at a 6.8 percent average annual rate between June 30, 1996 and June 30, 2006.
- There was a slightly larger increase in the growth rate of inmates in prison for non-violent offenses than for violent offenses (7.8 percent compared with 5.6 percent).
- With regards to new commitments, there has been growth each year with the exception of June 30, 1999 to June 30, 2000 when there was a 3.1 percent decrease. The greatest increase was between June 30, 2004 and June 30, 2005 when there was a 15.2 percent increase in new commitments.
- While the number of non-violent new commitments on June 30, 2006 was nearly three times greater than the number of violent new commitments (5,397 to 1,880), the ratio of non-violent inmates to violent inmates is significantly smaller for the stock population (12,603 to 9,154) or 1.4 times greater, as violent prisoners have a greater average length of stay.
- With regards to the stock population, the number of inmates has grown each year between June 30, 1996 and June 30, 2006; however, the percent increase has fluctuated from year to year.
- The overall 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, the degree to which society is focused on certain kinds of crimes, and how law enforcement, district attorneys, and courts respond.
- 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.

Figure 3.3: Ten-year Growth in New Commitments Violent vs. Non-violent

New Commitments						
Year	Violent	Change*	Non-violent	Change*	Total	Change*
June 30, 1996	1,276	n/a	3,143	n/a	4,419	n/a
June 30, 1997	1,366	7.1%	3,312	5.4%	4,678	5.9%
June 30, 1998	1,235	-9.6%	3,585	8.2%	4,820	3.0%
June 30, 1999	1,332	7.9%	3,501	-2.3%	4,833	0.3%
June 30, 2000	1,352	1.5%	3,333	-4.8%	4,685	-3.1%
June 30, 2001	1,386	2.5%	3,543	6.3%	4,929	5.2%
June 30, 2002	1,544	11.4%	3,987	12.5%	5,531	12.2%
June 30, 2003	1,656	7.3%	4,089	2.6%	5,745	3.9%
June 30, 2004	1,616	-2.4%	4,192	2.5%	5,808	1.1%
June 30, 2005	1,685	4.3%	5,007	19.4%	6,692	15.2%
June 30, 2006	1,880	11.6%	5,397	7.8%	7,277	8.7%

Source: Department of Corrections, Statistical Reports.

**Change" is the percent change over the prior year.

Figure 3.4: Ten-year Growth in Stock Population Violent vs. Non-violent

Stock Population						
Year	Violent	Change*	Non-violent	Change*	Total	Change*
June 30, 1996	5,327	n/a	5,933	n/a	11,260	n/a
June 30, 1997	5,672	6.5%	6,645	12.0%	12,317	9.4%
June 30, 1998	6,097	7.5%	7,594	14.3%	13,691	11.2%
June 30, 1999	6,430	5.5%	8,155	7.4%	14,585	6.5%
June 30, 2000	6,937	7.9%	8,909	9.2%	15,846	8.6%
June 30, 2001	7,384	6.4%	9,270	4.1%	16,654	5.1%
June 30, 2002	7,733	4.7%	10,134	9.3%	17,867	7.3%
June 30, 2003	8,133	5.2%	10,508	3.7%	18,641	4.3%
June 30, 2004	8,490	4.4%	10,857	3.3%	19,347	3.8%
June 30, 2005*	NA	NA	NA	NA	NA	NA
June 30, 2006	9,154	7.8%	12,603	16.1%	21,757	12.5%

Source: Department of Corrections, Statistical Reports.

NA = not available.

*Data not available for June 30, 2005. Change shown on June 30, 2006 is the change from 2004 to 2006.

**Change" is the percent change over the prior year.

NEW COMMITMENTS

This section discusses trends for both violent and non-violent new commitments. Figure 3.5 and Figure 3.6 illustrate the changes in the types of offenders committed to the DOC for violent and non-violent offenses between June 30, 1996 and June 30, 2006. 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.

- New commitments for violent offenses grew at a 4.0 percent average annual rate between June 30, 1996 and June 30, 2006, while new commitments for non-violent offenses grew at a 5.6 percent average annual rate.
- The number of new commitments for violent offenses grew 47.3 percent between June 30, 1996 and June 30, 2006.
- Among violent crimes, the number of commitments for menacing showed the greatest increase, a 105.9 percent increase from June 30, 1996 to June 30, 2006. Assaults grew by 37.3 percent. Homicide grew by 34.2 percent, and manslaughter *decreased* by 32.0 percent.
- On June 30, 2006, the crimes of murder, manslaughter, homicide, sexual assault, assault, and robbery comprised a smaller percentage of all violent crime when compared to from their June 30, 1996 totals (65.3 percent of all violent crimes on June 30, 1996 compared to 51.7 percent of all violent crimes on June 30, 2006).
- The crimes of murder and manslaughter saw decreases in actual occurrences from June 30, 1996 to June 30, 2006, with murders decreasing from 80 to 77 and manslaughter decreasing from 25 occurrences to 17.
- Prison commitments for non-violent crimes increased 71.7 percent during the 10-year period analyzed. Offenders sentenced to prison for non-violent crimes accounted for 74.2 percent of all new commitments on June 30, 2006, but offenders in prison for non-violent crimes comprised a smaller share (57.9 percent) of the inmate population because of their relatively shorter sentences.
- Drug offenses now account for 30.4 percent of new, non-violent-crime commitments, compared with 31.8 percent on June 30, 1996. This could partially be due to the effects of SB03-318 which reduced the felony offense level for possession of small amounts of certain controlled substances. However, drug offenders continue to represent the largest segment of non-violent commitments to prison.
- New commitments to prison for motor vehicle theft grew 160.2 percent over the last ten years. This could be due to changes made to the motor vehicle theft law that took effect in 2000 to add new felony and misdemeanor levels of this offense.

Figure 3.5: Violent New Commitments, June 30, 1996 and June 30, 2006

	June 30, 1996		June 30, 2006		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Murder	80	6.3%	77	4.1%	-3	-3.8%
Manslaughter	25	2.0%	17	0.9%	-8	-32.0%
Homicide	38	3.0%	51	2.7%	13	34.2%
Sexual assault	245	19.2%	271	14.4%	26	10.6%
Assault	276	21.6%	379	20.2%	103	37.3%
Menacing	152	11.9%	313	16.6%	161	105.9%
Robbery	169	13.2%	177	9.4%	8	4.7%
Other	291	22.8%	595	31.6%	304	104.5%
Total	1,276	100.0%	1,880	100.0%	604	47.3%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

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

Figure 3.6: Non-Violent Commitments, June 30, 1996 and June 30, 2006

	June 30, 1996		June 30, 2006		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Drugs	998	31.8%	1,638	30.4%	640	64.1%
Burglary	322	10.2%	366	6.8%	44	13.7%
Theft	333	10.6%	591	11.0%	258	77.5%
MV Theft	83	2.6%	216	4.0%	133	160.2%
Forgery/Fraud	210	6.7%	317	5.9%	107	51.0%
Trespassing	160	5.1%	214	4.0%	54	33.8%
Traffic	168	5.3%	155	2.9%	-13	-7.7%
Habitual	25	0.8%	26	0.5%	1	4.0%
Other	844	26.9%	1,874	34.7%	1,030	122.0%
Total	3,143	100.0%	5,397	100.0%	2,254	71.7%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

Other includes: attempt, conspiracy, and accessory to crimes; escape/contraband; criminal mischief; family crimes, court/corrections; and miscellaneous

INMATE POPULATION

This section discusses trends in the types of offenders in Colorado's inmate population. Figure 3.7 depicts the population imprisoned for violent offenses by type of crime, while Figure 3.8 depicts the population imprisoned for non-violent offenses.

- The number of inmates in prison for violent offenses increased at a 5.6 percent average annual rate between June 30, 1996, and June 30, 2006. This represents a greater rate of increase than new commitments for violent offenses (4.0 percent) because of longer sentences imposed for violent offenses during the time period examined.
- At the end of FY 2005-06, prisoners sentenced for assault comprised 19.0 percent of the violent stock population, followed by those sentenced for murder (18.8 percent), robbery (15.0 percent), and sex assault (14.5 percent).
- The number of inmates in prison for menacing convictions grew more rapidly than any other violent crime type, increasing at an 9.8 percent annual rate between June 30, 1996, and June 30, 2006.
- The number of inmates in prison for non-violent crimes increased at a 7.8 percent annualized pace between June 30, 1996, and June 30, 2006. This rate of growth is moderately faster than the growth in the number of new commitments for non-violent offenses (5.6 percent).
- Among the non-violent crimes, inmates in prison for motor vehicle theft, drug offenses, and theft showed the strongest growth during this period.
- Offenders convicted of motor vehicle theft grew at a faster average annual rate, 12.1 percent, than any other crime, displacing drug offenders as the fastest growing population during the 10-year period surveyed for the first time in recent reports. However, while the population of convicted drug offenders grew at a 11.0 percent annualized rate, they continue to comprise more than any other category of non-violent prison inmates, 33.0 percent, as of June 30, 2006.
- Following drug offenses, the crimes for which more inmates are in prison for non-violent offenses are theft and burglary, 13.9 and 12.1 percent respectively. However, there is a wide range of other 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 22.6 percent of the inmates in prison for non-violent offenses.

Figure 3.7: Violent Stock Population, June 30, 1996 and June 30, 2006

	June 30, 1996		June 30, 2006		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Murder	803	15.1%	1,721	18.8%	918	114.3%
Manslaughter	111	2.1%	87	1.0%	-24	-21.6%
Homicide	101	1.9%	209	2.3%	108	106.9%
Sexual Assault	1,224	23.0%	1,328	14.5%	104	8.5%
Assault	867	16.3%	1,737	19.0%	870	100.3%
Menacing	259	4.9%	658	7.2%	399	154.1%
Robbery	827	15.5%	1,374	15.0%	547	66.1%
Other	1,135	21.3%	2,040	22.3%	905	79.7%
Total	5,327	100.0%	9,154	100.0%	3,827	71.8%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

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

Figure 3.8: Non-Violent Stock Population, June 30, 1996 and June 30, 2006

	June 30, 1996		June 30, 2006		10-year change	
	Number	Percent	Number	Percent	Number	Percent
Drugs	1,463	24.7%	4,165	33.0%	2,702	184.7%
Burglary	1,041	17.5%	1,519	12.1%	478	45.9%
Theft	701	11.8%	1,754	13.9%	1,053	150.2%
MV Theft	181	3.1%	565	4.5%	384	212.2%
Forgery/Fraud	254	4.3%	477	3.8%	223	87.8%
Trespassing	263	4.4%	524	4.2%	261	99.2%
Traffic	154	2.6%	172	1.4%	18	11.7%
Habitual	334	5.6%	574	4.6%	240	71.9%
Other	1,542	26.0%	2,853	22.6%	1,311	85.0%
Total	5,933	100.0%	12,603	100.0%	6,670	112.4%

Source: Department of Corrections, Statistical Reports, FY 1996 and FY 2006.

Other includes: attempt, conspiracy, and accessory to crimes; vandalism; escape/contraband; family crimes, and miscellaneous

CRIMES OF MALE AND FEMALE DOC INMATES

The types of crimes for which male and female offenders are sentenced to prison differ significantly. Figure 3.9 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 3.9, among the male DOC inmate population, nearly half (44.1 percent) were in prison for violent offenses, but less than one quarter (24.3 percent) of the female inmates were in prison for violent crimes. There are certain violent crimes committed by male inmates in prison that are rare among female inmates, such as sex offenses and robbery.

- While 6.7 percent of male inmates are imprisoned for sex offenses, only 1.0 percent of female inmates are in prison for such crimes.
- Robbery and assault crimes together account for 14.9 percent of male inmates, but only 8.7 percent of female inmates.
- More than half of female prison inmates (66.3 percent) have been imprisoned for four non-violent categories of offenses; controlled substance abuse offenses, escape and contraband offenses, theft, and forgery/fraud. These same four offenses comprise only 35.8 percent of the male inmate population.
- The difference in crimes between male and female inmates is generally only reflected among violent crimes. The only non-violent crime for which male inmates greatly exceed female inmates as a percentage of their respective populations is burglary.
- In past reports, males have shown a greater share of habitual offender convictions than females. However, in this report, the gap has narrowed. 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 10.1 percent of the DOC population as of June 30, 2006. 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.
- For example, for crimes which the female percentage is significantly greater than the male percentage, such as controlled substance abuse offenses and forgery/fraud, there are far more male inmates imprisoned for those crimes than females.

Figure 3.9: Inmate Population by Gender and Crime
June 30, 2006

Most Serious Crime of Conviction Violent crimes are designated in regular type. Non-violent crimes are designated in italic type.	Male Inmates	Percent of Male Inmates	Female Inmates	Percent of Female Inmates
Crimes for Which Males and Females are Incarcerated in Similar Proportions				
Menacing	614	3.1%	44	2.0%
<i>Motor Vehicle Theft</i>	503	2.6%	62	2.8%
<i>Habitual Offenders</i>	556	2.8%	18	0.8%
<i>Trespassing/Mischief</i>	496	2.5%	28	1.3%
<i>Other Non-Violent Offenses</i>	932	4.8%	72	3.3%
<i>Subtotal</i>	3,101	15.8%	224	10.2%
Crimes for Which Males are Incarcerated in Larger Proportions				
Murder/Manslaughter/Homicide	1,874	9.6%	143	6.5%
Sexual Assault/Exploit Child	1,304	6.7%	24	1.1%
Assault/Vehicular Assault	1,619	8.3%	118	5.4%
Robbery	1,295	6.6%	79	3.6%
Other Violent Crimes	1,511	7.7%	33	1.5%
<i>Burglary</i>	1,458	7.5%	61	2.8%
<i>Subtotal</i>	9,061	46.3%	458	20.9%
Crimes for Which Females are Incarcerated in Larger Proportions				
Child Abuse	406	2.1%	90	4.1%
<i>Controlled Substance Abuse Offenses</i>	3,561	18.2%	604	27.6%
<i>Theft</i>	1,384	7.1%	370	16.9%
<i>Escape/Contraband Offenses</i>	1,708	8.7%	313	14.3%
<i>Forgery/Fraud</i>	347	1.8%	130	5.9%
<i>Subtotal</i>	7,406	37.8%	1,507	68.8%
Total	19,568	100.0%	2,189	100.0%
Total Violent	8,623	44.1%	531	24.3%
Total Non-violent	10,945	55.9%	1,658	75.7%

Source: Department of Corrections, Statistical Report, FY 2006.

Violent other includes: kidnapping, incest, arson, weapons/explosives, and sex offenders sentenced under lifetime supervision laws.

Non-violent other includes: traffic and miscellaneous.

Chapter 4 — 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 2005-06, the DOC operated 24 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 five private contract prisons in Colorado that are operated by the Corrections Corporation of America. In all, the DOC oversaw a jurisdictional population of 22,012 adult offenders, up 6.3 percent from the previous year (20,704 offenders). The DOC also has jurisdiction over 219 juvenile offenders at YOS. As of June 30, 2006, the adult offender population was comprised of the populations listed below:

- 14,048 offenders in state facilities (63.8 percent);
- 4,299 offenders in private prisons, including some out-of-state offenders (19.5 percent);
- 2,558 offenders in community corrections and intensive supervision programs (11.6 percent);
- 62 offenders in county jails (0.3 percent);
- 582 in jail backlog (2.6 percent); and
- 463 offenders off-grounds, including escapees (2.1 percent).

This chapter highlights the following:

- the jurisdictional population of the DOC has more than doubled in the last 14-years, from 9,242 offenders in FY 1992-93 to 22,012 offenders in FY 2005-06 (this includes the Intensive Supervision Program, 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 2005-06, inflation-adjusted appropriations increased by 131.9 percent while the jurisdictional population increased by 138.2 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. From FY 1999-00 through FY 2005-06, 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 offenders to the DOC who have been convicted of a felony offense. Individuals convicted of misdemeanors may not be sentenced to the DOC, but if sentenced to incarceration are housed in county jails. 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 4.1.

Figure 4.1: 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. However, after May 24, 2000, each facility was designated a security level that was defined in statute. Figure 4.2 describes the main external and internal measures differentiating the five security levels of prison facilities in Colorado, from the highest to lowest levels. Figure 4.3 shows the permitted inmate custody classification levels by facility security level. For instance, an inmate classified as medium custody could be housed in a Level III, Level IV, Level V, or private facility.

Figure 4.2: 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 4.3: 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 charged, 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, 2006, Colorado had a total capacity of 14,169 state beds, excluding community corrections and the jail backlog. On this date, the state was operating at 99.1 percent of its capacity. In addition, there were 2,558 offenders in community corrections, 3,554 offenders in private facilities, and a jail backlog of 582 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. The YOS had 58 total admissions in FY 2005-06, and a total of 219 offenders in the YOS program. To address ongoing underutilization since the inception of YOS in 1993, Senate Bill 04-123 capped the program's capacity at 256 beds.

Figure 4.4 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 4.4: 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	786
Buena Vista Correctional Complex	1892	Level III	1,118
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 IV	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 III	184
Southern Transportation Unit***	1994	Level V	30
San Carlos Correctional Facility	1995	Level V	255
Denver Women's Correctional Facility	1998	Level V	900
Sterling Correctional Facility	1998	Level V	2,445
Ft. Lyon Correctional Facility	2002	Level III	500
Trinidad Correctional Facility	2002	Level II	484
La Vista Correctional Facility**	2006	Level III	72
TOTAL CAPACITY ON JUNE 30, 2006			14,169
New Facilities Planned			
La Vista Correctional Facility**	2007	Level III	564
Colorado State Penitentiary II	2009	Level V	948
PROJECTED CAPACITY BY JUNE 30, 2009			15,681

Source: DOC June 2006 Monthly Population and Capacity Report.

*Pueblo Minimum Center was retrofitted from a Level II facility to a Level III facility and was renamed to "La Vista Correctional Facility" effective August 10, 2005, by SB05-104. June 30, 2006 capacity was 184.

**La Vista Correctional Facility was partially opened April 2006, and will be at full capacity of 564 by March 30, 2007. June 30, 2006 capacity was 72.

***Adult males awaiting transportation for medical treatment

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 4.5 lists the private prisons currently operating in Colorado, all of which are operated by the Corrections Corporation of America.

Figure 4.5: Private Prisons Operating in Colorado

Facility	Location	Year Opened	Current Capacity	June 30, 2006 Population
Bent County Correctional Facility	Las Animas	1993	724	722
Huerfano County Correctional Facility	Walsenburg	1997	774	755
Crowley County Correctional Facility	Olney Springs	1998	1754	1276
Kit Carson County Correctional Facility	Burlington	1998	824	801
Brush Correctional Facility*	Brush	2004	270	247
Cheyenne Mountain Reentry Center	Colorado Springs	2005	500	498
TOTAL ON JUNE 30, 2006			4,846	4,299

Source: DOC Monthly Population Report, June 30, 2006.

*The Brush Correctional Facility currently houses female offenders from the states of Colorado and Wyoming.

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 4.6 shows the average daily and annual costs by facility security level for the combined male and female population in FY 2005-06.

Figure 4.6: DOC Operating Costs in FY 2005-06 by Facility Security Level

	Level V	Level IV	Level III	Level II	Level I	DOC Overall
Average Daily Cost	\$87.48	\$77.86	\$71.44	\$63.00	\$59.58	\$75.58
Average Annual Cost	\$31,930	\$28,419	\$26,076	\$22,995	\$21,747	\$27,588

Source: DOC FY 2007-08 Budget Requests

Gender of offenders. The cost of incarcerating female offenders is higher than the cost of incarcerating male offenders. Because women generally commit different types of crimes than men, their programming needs while incarcerated are different. Also, women have different medical needs than men. In FY 2005-06, the average daily cost of incarcerating a female offender (\$83.17) was 11.1 percent higher than the average daily cost of incarcerating a male offender during that year (\$74.89). Figures 4.7 and 4.8, which follow below and on the following page, list adult female and adult male facilities operated by the DOC during FY 2005-06 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 4.7: DOC Operating Costs in FY 2005-06 for Adult Female Inmates

	Average Daily Attendance in FY 2005-06	Percent of Aver. Daily Attendance	FY 2005-06 Aver. Daily Cost Per Inmate	FY 2005-06 Aver. Annual Cost Per Inmate
LEVEL V				
Denver Women's Correctional Facility	878	6.3%	\$83.10	\$30,332
LEVEL IV				
Colorado Women's Correctional Facility	220	1.6%	\$87.80	\$32,047
LEVEL III				
La Vista Correctional Facility	72	0.5%	\$69.84	\$25,492
TOTAL – ADULT FEMALES	1,170	8.4%	\$83.17	\$30,357
TOTAL – DOC OVERALL	13,971	NA	\$75.58	\$27,588

Source: Department of Corrections June 2006 Monthly Population and Capacity Report and DOC FY 2007-08 Budget Requests.
NA: Not Applicable.

There are no security level I or level II facilities for female inmates for FY 2005-06.

Figure 4.8: DOC Operating Costs in FY 2005-06 for Adult Male Inmates

	Average Daily Attendance in FY 2005-06	Percent of Aver. Daily Attendance	FY 2005-06 Aver. Daily Cost Per Inmate*	FY 2005-06 Aver. Annual Cost Per Inmate*
LEVEL V				
Colorado State Penitentiary	749	5.4%	\$104.19	\$38,029
Denver Reception Diagnostic Center	484	3.5%	136.61	49,863
San Carlos Correctional Facility	249	1.8%	171.25	62,506
Sterling Correctional Facility	2,392	17.1%	65.42	23,878
Southern Transportation Unit - Adult Males	26	0.2%	66.00	24,090
Subtotal	3,900	27.9%	\$88.46	\$32,288
LEVEL IV				
Centennial Correctional Facility	316	2.3%	\$99.82	\$36,434
Limon Correctional Facility	944	6.8%	68.19	24,889
Subtotal	1,260	9.0%	\$76.12	\$27,785
LEVEL III				
Arkansas Valley Correctional Facility	1,002	7.2%	\$65.19	\$23,794
Buena Vista Correctional Complex	1,106	7.9%	63.40	23,141
Colorado Territorial Correctional Facility	789	5.6%	83.03	30,306
Fort Lyon Correctional Facility	484	3.5%	91.97	33,569
Fremont Correctional Facility	1,460	10.5%	68.75	25,094
Pueblo Minimum Center	177	1.3%	69.84	25,492
Subtotal	5,018	35.9%	\$71.38	\$26,055
LEVEL II				
Arrowhead Correctional Facility	490	3.5%	\$67.18	\$24,521
Four Mile Correctional Center	493	3.5%	55.69	20,327
Trinidad Correctional Facility	475	3.4%	62.68	22,878
Subtotal	1,458	10.4%	\$61.83	\$22,568
LEVEL I				
Skyline Correctional Center	245	1.8%	\$55.86	\$20,389
Co. Corr. Alternative Prog. (Boot Camp)	116	0.8%	61.43	22,422
Colorado Correctional Center	145	1.0%	54.62	19,936
Delta Correctional Center	473	3.4%	59.93	21,874
Rifle Correctional Center	186	1.3%	66.28	24,192
Subtotal	1,165	8.3%	\$59.58	\$21,745
TOTAL – ADULT MALES	12,801	91.6%	\$74.89	\$27,335
TOTAL – DOC OVERALL	13,971	NA	\$75.58	\$27,588

Source: Department of Corrections June 2006 Monthly Population and Capacity Report and DOC FY 2007-08 Budget Requests.

NA: Not Applicable.

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

APPROPRIATIONS FOR OPERATING AND CAPITAL CONSTRUCTION COSTS

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 14-years. From FY 1992-93 to FY 2005-06, the jurisdictional population increased by 138.2 percent, more than doubling from 9,492 offenders to 22,012 offenders. Meanwhile, appropriations for the DOC's

operating budget grew from \$158.2 million in FY 1992-93 to \$535.8 million in FY 2005-06, or an increase of 238.8 percent. However, the DOC's operating budget only grew by 131.9 percent during this 14-year period when adjusted for inflation.

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 4.9 below compares growth in the operating budget to the increase in the jurisdictional population over the last 14-fiscal years.

Figure 4.9: 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%
FY 2003-04	468,896,060**	196.5%	335,404,907	112.1%	19,569	111.7%
FY 2004-05	496,830,470**	214.1%	351,116,940	122.0%	20,704	124.0%
FY 2005-06	535,840,416**	238.8%	366,762,776	131.9%	22,012	138.2%
FY 2006-07	584,997,496**	269.9%	387,672,297	145.1%	NA	NA

NA: Not Applicable.

Source: Joint Budget Committee; Annual Appropriations Reports.

*Actual amount allocated from FY 1992-93 to FY 2002-03

**Appropriation amount allocated from FY 2003-04 to FY 2006-07

Capital Construction

Capital construction can be divided into two main categories: construction, capital renewal, and controlled maintenance.

Capital construction projects are program-driven, allowing an agency to improve or alter its ability to provide a certain program or service. Examples of capital construction projects include constructing a new state prison, renovating a biology building at a state university, and developing an automated fingerprinting identification system.

Controlled maintenance projects are system driven, addressing facility component systems at the end of their useful life and involving corrective repairs or replacement of utilities, equipment, and site improvements at state-owned and -funded facilities. Examples of controlled maintenance projects include replacing deteriorated mechanical equipment and upgrading fire alarm systems.

Figure 4.10 provides a ten-year history of capital construction appropriations to the DOC in comparison to capital construction appropriations to the state. Capital appropriations to the DOC over the last ten years totaled \$239.5 million, accounting for 15.3 percent of total state appropriations for capital construction. In FY 2001-02, the state experienced a revenue shortfall and reduced capital construction appropriations to help balance the state’s budget. This is what accounts for the sudden drop in capital appropriations between FY 2001-02 and FY 2005-06, as seen in Figure 4.10.

Figure 4.10: 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 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	4,646,675	8,203,705	248,946,556	3.3%
FY 2000-01	6,216,625	7,709,497	13,926,122	289,936,201	4.8%
FY 2001-02	558,198	4,820,401	5,378,599	100,944,704	5.3%
FY 2002-03	0	191,715	191,715	22,385,134	0.9%
FY 2003-04	0	69,467	69,467	9,484,556	0.7%
FY 2004-05	0	152,800	152,800	7,997,453	1.9%
FY 2005-06	3,312,530	122,222	3,434,752	99,147,435	3.5%
FY 2006-07	4,810,401	11,880,562	16,690,963	143,430,819	11.6%
Total	\$23,852,096	\$239,569,740	\$263,421,836	\$1,717,801,308	15.3%

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.

Chapter 5 — Parole

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

Specifically, this chapter covers the following topics:

The parole process, including:

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

The parole population, including:

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

PAROLE ELIGIBILITY

Colorado law specifies that any person sentenced for a class 2, class 3, class 4, class 5, or class 6 felony, or any unclassified felony, is eligible for parole after serving 50 percent of the imposed sentence, less earned time (up to ten days per month). Assuming an inmate earns 100 percent of allowable earned time, the earliest possible parole date is after serving 38 percent of the sentence (see Figure 5.1 on page 40). Colorado law prohibits inmates from reducing their sentence through earned time by more than 25 percent.

Offenders convicted of more serious violent crimes, however, are not eligible for parole after serving 50 percent of their sentence. Certain violent offenders must serve 75 percent of their sentence, less earned time. These include offenders convicted of the following offenses committed on or after July 1, 2004:

- second degree murder;
- first degree assault;
- first degree kidnapping unless the first degree kidnapping is a class 1 felony;
- first degree arson;
- first degree burglary; and
- aggravated robbery.

The above provisions only apply to offenders convicted of the above-listed crimes that are class 2 or class 3 felonies, and offenders convicted of the above-listed crimes that are class 4 or 5 felonies when the offender has previously been convicted of a crime of violence. The following crimes are included in the list of crimes of violence:

- any crime against an at-risk adult or at-risk juvenile;
- murder;
- first or second degree assault;
- kidnapping;
- a sexual offense pursuant to part 4 or article 3 of title 18;
- aggravated robbery;
- first degree arson;
- first degree burglary;
- escape; or
- criminal extortion.

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

Any offender (except sex offenders ¹) convicted and sentenced for a crime enumerated above who twice previously was convicted for a crime which would have been a crime of violence and who has been convicted if a class 2 or class 3 felony listed above, or a class 4 or 5 felony listed above after two prior convictions of a crime of violence, is eligible for parole after serving 75 percent of the sentence, but no earned time is granted.

Figure 5.1 illustrates the earliest possible date, based on the sentence imposed, on which offenders are eligible for parole. The table assumes that offenders earn 100 percent of their earned time, which is ten days per month.

Figure 5.1: Overview of Earliest Possible Parole Eligibility Date (PED)

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

Source: Legislative Council Staff.

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

PRE-PAROLE PROCEDURES

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

THE PAROLE BOARD

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

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

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

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

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

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

PAROLE RELEASE HEARINGS AND THE DECISION-MAKING PROCESS

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

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

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

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

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

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

Figure 5.2 compares the number of parole applications and releases for FY 2001-02 through FY 2005-06.

Figure 5.2 — Parole Applications and Releases, FY 2001-02 through FY 2005-06

Fiscal Year	Total Applications	Number of Releases	Percent Released
FY 2001-02	16,294	4,784	29.4%
FY 2002-03	16,784	5,303	31.6%
FY 2003-04	16,695	6,195	37.1%
FY 2004-05	16,412	6,443	39.3%
FY 2005-06	18,094	7,680	42.4%

Source: Colorado Parole Board

SUPERVISION ON PAROLE — DIVISION OF ADULT PAROLE

The Division of Adult Parole is responsible for supervising adult parolees who have been released to the community by the Parole Board. The division is organized into four state-wide regions (Denver, Northeast, Southeast, and Western) and operates 19 offices throughout the state. As of June 30, 2006, community parole officers (CPOs) supervised 6,551 parolees in Colorado. Caseload ratios for CPOs with regular parole cases is 73:1. Officers with a strict Intensive Supervision Program - Parole (ISP-P) caseload have a ratio of 26:1. CPOs are peace officers and have arrest powers and may carry firearms.

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

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

Community parole officers and parole violators. The statutes and administrative regulations outline the responsibilities of CPOs. In some cases, CPO's have discretion to decide how to proceed after a suspected parole violation while in other cases they do not. When discretion is given, administrative regulations require the CPO to meet with a supervisor to decide on a response. See page 47 for more detail on the provisions regarding parole revocation and discretionary offenses.

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

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

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

- he or she has a warrant for the parolee's arrest;
- he or she has probable cause to believe that an arrest warrant has been issued for the parolee in this or another state for a crime or for violation of a condition of parole;

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

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

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

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

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

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

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

Offenders are generally assessed within the first 30 days of their release from prison and are reassessed every six months. The division classifies inmates in seven levels: new, unclassified, intensive supervision, maximum, medium, minimum, and administrative.

- Under the *Intensive Supervision Program*, parolees have one personal contact with the CPO or program staff per week at any location, one personal home visit within the first 30 days of release and upon each change of residence, employment visitation and monitoring at least twice per month, monthly contact with program staff at any location to verify participation in treatment, and daily phone contact.
- Under *maximum* supervision, parolees must have two personal contacts per month, one personal home visit within the first 30 days of release and upon each change of residence, bi-monthly employment visits, and monthly contact with program staff to verify participation in treatment.
- Under *medium* supervision, parolees have one personal contact per month, one personal home visit within the first 30 days of release and upon each change of residence, quarterly employment visits, and monthly contact with program staff to verify participation in treatment.
- Under *minimum* supervision, parolees have no quarterly personal contacts with the CPO, one personal home visit within the first 30 days of release and upon each change of residence, quarterly employment visits, and monthly contact with program staff to verify participation in treatment.

THE REVOCATION PROCESS

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

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

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

Mandatory complaint offenses. Mandatory complaint offenses include the following:

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

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

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

- technical parole violations such as failure to file a change of address, refusing to allow a search, or refusing to comply with a special condition of supervision; and
- a positive test for the presence of drugs or alcohol (see page 55).

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

- public safety;
- the current offense;
- prior arrest or technical parole violations during the current period of parole supervision;
- history of prior parole/probation failures;
- pattern of repetitive criminal behavior;
- history of alcohol/drug use and dependency;

- likelihood of a positive response to counseling/treatment for the observed behavior problems;
- availability of appropriate community treatment resources; and
- the use and/or availability of intermediate sanctions.

Figure 5.3 contains the DOC's "Detention/Complaint Grid" for mandatory and discretionary complaint offenses.

Figure 5.3 DOC's Detention/Complaint Grid

Offense*	Arrest	Hold/House Arrest	Complaint	Revocation Sought
Possession of a deadly weapon	Mandatory	Mandatory	Mandatory	Mandatory
Arrested and charged with a felony, crime of violence, misdemeanor assault involving a deadly weapon or resulting in serious bodily injury, unlawful sexual behavior, or any municipal violation involving assaultive behavior	Mandatory	Mandatory	Mandatory	Mandatory
All other misdemeanors, municipal code violations, and traffic offenses	Discretionary	Discretionary	Discretionary	Discretionary
Refusal to provide a laboratory specimen for DNA testing	Mandatory	Mandatory	Mandatory	Mandatory
Technical Violations	Arrest	Hold/House Arrest	Complaint	Revocation Sought
Refusal to submit to random chemical testing	Mandatory	Mandatory	Mandatory	Discretionary
Refusal to allow a search of person, residence, premises, or vehicle	Mandatory	Mandatory	Mandatory	Discretionary
Leave the state without permission	Mandatory	Mandatory	Mandatory	Discretionary
Presence within the boundaries of a county which is not the residence of record and where a correctional facility is located or within the boundaries of state property	Mandatory	Discretionary	Discretionary	Discretionary
Absconding from supervision (warrant issued)	Mandatory	Mandatory	Mandatory	Discretionary
Absconding from supervision (no warrant issued)	Mandatory	Mandatory	Discretionary	Discretionary
Failure to make an initial report to a CPO upon release to parole	Mandatory	Mandatory	Mandatory	Discretionary
Positive urinalysis test	Discretionary	Discretionary	Discretionary	Discretionary
Other technical violations	Discretionary	Discretionary	Discretionary	Discretionary

* Includes commission, attempt, conspiracy and solicitation to commit any of the listed crimes.
 Source: Department of Corrections.

The Parole Board and revocation hearings. Statutes and administrative regulations provide that revocation hearings are to be conducted by a single Parole Board member or by an Administrative Hearings Officer (AHO). In general, if the board member or AHO determines that the parolee violated a condition of parole, he or she may either revoke the parole, continue the parole in effect, or continue the parole with modified parole conditions. If parole is revoked, the board member or AHO is required to provide the parolee with a written statement of the evidence relied on and the reasons for revoking parole. Specifically, the board member or AHO may make a decision as follows:

- if the board determines that the parolee has violated parole by committing a crime, the board may revoke parole and have the parolee transported to a place of confinement designated by the DOC executive director;
- if the board determines that the parolee has violated a condition of parole other than a new crime, the board may:
 - revoke parole and place the parolee in a place of confinement determined by the DOC executive director;
 - revoke parole for up to 180 days and place the offender in a community corrections facility, a place of confinement within the DOC, or any private facility under contract to the DOC;
 - revoke parole for up to 90 days and place the offender in any private facility under contract to the DOC; or
 - revoke parole for up to 180 days and place the offender in a return-to-custody facility;
- if the board determines that the parolee has violated any condition of parole, other than a new crime, and the parolee was on parole for a class 5 or class 6 non-violent felony except for menacing or unlawful sexual behavior or an offense against an at-risk adult or juvenile or a domestic violence offense, the board may revoke parole for up to 180 days;
- if the board determines the parolee violated any condition of parole, other than a new crime, and the parolee was not on parole for a crime of violence, the board may:
 - revoke parole for up to 180 days in a place of confinement determined by the DOC executive director;
 - revoke parole for up to 180 days and place the offender in a community corrections program; or
 - revoke parole for up to 180 days and place the parolee in a return-to-custody facility.

THE PAROLE POPULATION

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

Based on parole population projections by Legislative Council Staff, populations are expected to steadily increase. This increase will primarily be due to legislation adopted in 1993 which mandates that all offenders serve a period of parole. Figure 5.4 illustrates this point.

Figure 5.4: History of Adult Parole Population and Five-Year Projections

Date	Population of Parolees Supervised in Colorado	Cumulative Percent Change Over June 1988	Annual Percentage Growth
June 30, 1988 (actual)	2,796	NA	NA
June 30, 1989 (actual)	2,073	(25.9)%	(25.9)%
June 30, 1990 (actual)	2,137	(23.6)%	3.1%
June 30, 1991 (actual)	1,990	(28.8)%	(6.9)%
June 30, 1992 (actual)	1,943	(30.5)%	(2.4)%
June 30, 1993 (actual)	2,116	(24.3)%	8.9%
June 30, 1994 (actual)	1,958	(30.0)%	(7.5)%
June 30, 1995 (actual)	2,026	(27.5)%	3.5%
June 30, 1996 (actual)	2,322	(17.0)%	14.6%
June 30, 1997 (actual)	2,695	(3.6)%	16.1%
June 30, 1998 (actual)	3,219	15.1%	19.4%
June 30, 1999 (actual)	3,722	33.1%	15.6%
June 30, 2000 (actual)	3,685	31.8%	(1.0)%
June 30, 2001 (actual)	4,192	49.9%	13.8%
June 30, 2002 (actual)	4,037	44.4%	(3.7)%
June 30, 2003 (actual)	4,858	73.7%	20.3%
June 30, 2004 (actual)	5,244	87.6%	7.9%
June 30, 2005 (actual)	5,714	104.4%	9.0%
June 30, 2006 (actual)	6,551	134.3%	14.6%
June 30, 2007 (projected)	7,527	169.2%	14.9%
June 30, 2008 (projected)	8,501	204.0%	12.9%
June 30, 2009 (projected)	9,455	238.2%	11.2%
June 30, 2010 (projected)	10,349	270.1%	9.5%
June 30, 2011 (projected)	11,229	301.6%	8.5%

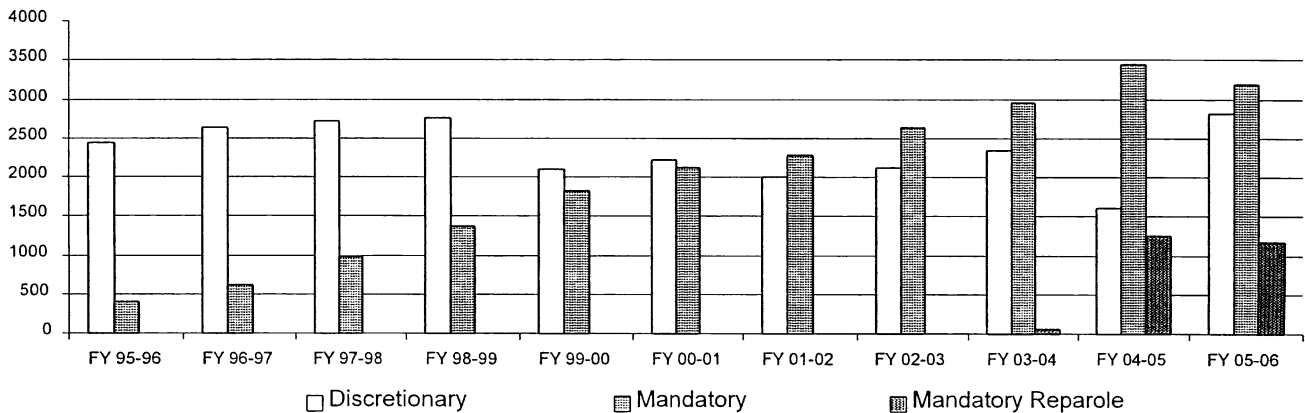
NA: Not Applicable.
 Source: Legislative Council Staff December 2006 Prison Population Forecast

Factors Driving the Parole Population. Two factors drive the growth in the parole population: the number of releases to parole and the length of stay on parole. Both of these components have been significantly influenced by the implementation of mandatory parole. House Bill 93-1302 created mandatory parole for all inmates released from prison who committed a crime on or after July 1, 1993. Beginning in FY 1995-96, the parole population began to grow due to the flow of inmates with mandatory parole sentences that were completing their prison sentences. As a result of mandatory parole, the parole population more than tripled from June 1995 to June 2006.

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

Figure 5.5 illustrates the changes in prison releases to parole over the last eight years. In FY 2005-06, 44.4 percent of prison releases to parole were due to mandatory parole, compared with 19.1 percent in FY 1996-97. This share of releases is expected to continue increasing until mandatory parole represents all parole intakes.

**Figure 5.5: Releases to Parole
FY 1995-96 to FY 2005-06**



Source: Department of Corrections
 *Offenders revoked by the Parole Board are reparaoled on a set date established by the Parole Board—previously reported in discretionary parole.

Mandatory parole also had the consequence of increasing the length of stay on parole. Before mandatory parole, the Parole Board could discharge a parolee once it determined that the parolee could no longer benefit from supervision. With mandatory parole, there is a minimum period for parolees to serve. While mandatory parole initially increased the average length of stay on parole, from a low of 9.5 months in 1991 to a high of 15.8 months in 2003, the average length of stay on parole has steadily dropped since then to 14.4 months in 2006.

Population profile. Figure 5.6 is a profile of the parole population by region as of June 30, 2006. The data reveal the following with regard to the parole population:

- the Denver region accounts for the greatest number of parolees with 2,808 offenders. This represents 41 percent of the parole population;
- males comprise 84 percent of the parole population. For comparison, males comprise 91 percent of the entire prison population in Colorado;
- parolees aged 20 to 39 comprise 64 percent of the entire parole population. Parolees aged 20 to 29 comprise 32 percent of the parole population and parolees aged 30 to 39 comprise 32 percent of the parole population. Parolees aged 40 to 49 comprise 27 percent of the parole population (up from 18 percent seven years ago, further evidence of the aging corrections population);
- the bulk of parolees, 76 percent, were new commitments to the DOC (as opposed to parole returns) when they were released to parole;
- the bulk of parolees were convicted of class 4 felonies (44 percent), class 5 felonies (27 percent), and class 3 felonies (19 percent) for a total of 90 percent of the parole population; and
- the majority, 29 percent, of parolees were convicted of drug offenses (up from 17 percent in FY 1993-94).

Figure 5.6: Parole Population Profile by Region as of June 30, 2006

CATEGORY	DENVER		NORTHEAST		SOUTHEAST		WESTERN		TOTAL	
	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of Reg.	No.	% of State
TOTAL OFFENDERS*	2,808		1,785		1,558		703		6,854	
Percent of Total		41.0%		26.0%		22.7%		10.3%		100.0%
Average Age	37 years		35 years		36 years		36 years		36 years	
GENDER										
Male	2,323	82.7%	1,515	84.9%	1,315	84.4%	580	82.5%	5,733	83.6%
Female	485	17.3%	270	15.1%	243	15.6%	123	17.5%	1,121	16.4%
AGE GROUP										
17-19	2	0.1%	2	0.1%	1	0.1%	1	0.1%	6	0.1%
20-29	730	26.0%	669	37.5%	511	32.8%	256	36.4%	2,166	31.6%
30-39	978	34.8%	572	32.0%	477	30.6%	202	28.7%	2,229	32.5%
40-49	821	29.2%	399	22.4%	422	27.1%	172	24.5%	1,814	26.5%
50-59	232	8.3%	123	6.9%	129	8.3%	61	8.7%	545	8.0%
60 +	45	1.6%	20	1.1%	18	1.2%	11	1.6%	94	1.4%
PRISON STATUS TYPE										
New Commitments	2,023	72.0%	1,383	77.5%	1,200	77.0%	570	81.1%	5,176	75.5%
Parole Returns	459	16.3%	212	11.9%	228	14.6%	95	13.5%	994	14.5%
Parole Returns/New Crime	259	9.2%	142	8.0%	95	6.1%	29	4.1%	525	7.7%
Other	67	2.4%	48	2.7%	35	2.2%	9	1.3%	159	2.3%
FELONY CLASS										
Class 1	2	0.1%	0	0.0%	0	0.0%	0	0.0%	2	0.0%
Class 2	25	0.9%	13	0.7%	13	0.8%	8	1.1%	59	0.9%
Class 3	529	18.8%	328	18.4%	276	17.7%	146	20.8%	1,279	18.7%
Class 4	1,242	44.2%	747	41.8%	760	48.8%	283	40.3%	3,032	44.2%
Class 5	758	27.0%	512	28.7%	373	23.9%	172	24.5%	1,815	26.5%
Class 6	237	8.4%	182	10.2%	135	8.7%	85	12.1%	639	9.3%
Habitual	15	0.5%	3	0.2%	1	0.1%	9	1.3%	28	0.4%
OFFENSE TYPE										
Homicide	50	1.8%	31	1.7%	24	1.5%	11	1.6%	116	1.7%
Robbery	146	5.2%	62	3.5%	81	5.2%	13	1.8%	302	4.4%
Kidnapping	34	1.2%	10	0.6%	9	0.6%	6	0.9%	59	0.9%
Assault	208	7.4%	122	6.8%	105	6.7%	57	8.1%	492	7.2%
Sex Assault	29	1.0%	22	1.2%	17	1.1%	4	0.6%	72	1.1%
Sex Assault/Child	40	1.4%	11	0.6%	16	1.0%	11	1.6%	78	1.1%
Drug Offenses	880	31.3%	451	25.3%	474	30.4%	212	30.2%	2,017	29.4%
Burglary	248	8.8%	153	8.6%	131	8.4%	64	9.1%	596	8.7%
Theft	389	13.9%	307	17.2%	205	13.2%	93	13.2%	994	14.5%
Forgery	82	2.9%	71	4.0%	49	3.1%	22	3.1%	224	3.3%
Fraud	20	0.7%	15	0.8%	15	1.0%	2	0.3%	52	0.8%
Traffic	40	1.4%	44	2.5%	32	2.1%	21	3.0%	137	2.0%
Escape	252	9.0%	181	10.1%	158	10.1%	35	5.0%	626	9.1%
Habitual	14	0.5%	2	0.1%	1	0.1%	9	1.3%	26	0.4%
Other	376	13.4%	303	17.0%	241	15.5%	143	20.3%	1,063	15.5%

* Profile number includes absconders not normally reported in parole caseload and excludes Colorado parolees under supervision outside of Colorado.
 Source: DOC's Annual Statistical Report, Fiscal Year 2005-06.

PAROLE AND DOC COMMUNITY CORRECTIONS FUNDING HISTORY

This section compares appropriations, FTE, and populations for parolees. Certain offenders in community corrections facilities are under the jurisdiction of the Division of Adult Parole Supervision. This population is broken out into: parolees being supervised under "regular" parole; and parolees housed in community transition programs. These community transition parolees include residential transition parolees, parolees in community corrections as a condition of parole, parolees in the DOC's intensive supervision program, and nonresidential transition parolees. Figure 5.7 is a history of the funding and caseload for parole and community transition services. Figure 5.8 adjusts long bill appropriations for inflation.

Figure 5.7: Overview of Parole and Community Corrections Transition Appropriations and Caseload

	Parole Population (June 30)*	Long Bill Appropriation	FTE	Community Transition Population (June 30)	Community Transition Appropriations	FTE	Total Population (June 30)	Total Appropriations	Total FTE	Average Caseload Per FTE Employee
FY 1989-90	2,137	\$2,576,758	66.0	690	NA	NA	2,827	\$2,576,758	66.0	42.8
FY 1990-91	1,990	3,847,619	85.0	756	NA	NA	2,746	3,847,619	85.0	32.3
FY 1991-92	1,943	4,519,841	83.5	778	NA	NA	2,721	4,519,841	83.5	32.6
FY 1992-93	2,116	4,327,393	80.0	730	NA	NA	2,846	4,327,393	80.0	35.6
FY 1993-94	1,958	5,270,549	93.8	977	\$1,211,931	29.5	2,935	6,482,480	123.3	23.8
FY 1994-95	2,026	5,258,118	93.8	1,009	1,361,442	31.5	3,035	6,619,560	125.3	24.2
FY 1995-96	2,322	5,620,340	93.8	924	1,958,164	39.1	3,246	7,578,504	132.9	24.4
FY 1996-97	2,695	5,777,844	95.8	1,063	2,725,624	42.7	3,758	8,503,468	138.5	27.1
FY 1997-98	3,219	6,720,987	104.5	1,170	4,868,663	47.7	4,389	11,589,650	152.2	28.8
FY 1998-99	3,722	7,589,987	114.2	1,433	7,667,267	64.8	5,155	15,257,254	179.0	28.8
FY 1999-00	3,685	9,798,584	149.3	1,496	5,708,166	60.5	5,181	15,506,750	209.8	24.7
FY 2000-01	4,192	9,522,666	145.4	1,618	7,164,250	73.0	5,810	16,686,916	218.4	26.6
FY 2001-02	4,037	9,569,565	143.6	1,714	7,865,415	76.5	5,751	17,434,980	220.1	26.1
FY 2002-03	4,858	11,142,823	160.2	1,761	7,956,462	79.0	6,619	19,099,285	239.2	27.7
FY 2003-04	5,244	10,314,646	144.1	2,049	7,493,250	69.8	7,293	17,807,896	213.9	34.1
FY 2004-05	5,714	10,762,745	144.5	2,347	8,675,125	84.0	8,061	19,437,870	228.5	35.3
FY 2005-06	6,551	12,161,809	157.8	2,558	9,472,972	89.3	9,109	21,634,781	247.1	36.9

NA: Not Available.

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

Source: Legislative Council Staff.

*Does not include Colorado parolees being supervised out of state, or absconders.